



CIVIL
SOCIETY
& PARLIAMENT

Parliament and civil society both work in the same sphere, which is independent from the government and perform the same tasks relating to the oversight and critique of the government. Additionally, civil society and parliaments share common goal in that; 'both elevate the public or collective good over private or individual gain'. Hence, there are in-built complementarities between parliament and civil society.

Civil Society:

The historical genealogy of the idea of the civil society is subdividing into two categories. The mainstream approach, which derives its argument from the discussion of individual, state and society and the alternative approach, which is centered on value system in which inequality, class and social conflict is contested in the arena of the civil society (Howell and Pearce 2001)

The mainstream approach centers on the idea of a free and rational individual born with certain natural rights and the state is considered an expression of social needs. From the beginning, the dire need to guard the society against authoritarianism has spawned independent civil societies (Adam Ferguson). The inclusion of economy in state/society interplay leads to a completely new dimension and becomes very imperative in discussing this idea in modern world (Adam Smith). However, Paine's anti-Statist position arguing expansion of state to provide order and reduce conflict can lead to threat to civil liberties. Therefore, it was argued civil society can only flourish when individuals freely exercise their natural rights; therefore, it is the market not state which can provide this opportunity to civil society (Hyden 1997). In nineteenth century, Tocqueville supported civil society associations as they were instrumental in educating citizenry, scrutinzing state action, helping to distribute power among different groups and nullifying the threat of revolution through unmediated popular will.

Critics of the capitalism advocate alternate approach that derives from social class stratification, conflict and power' (Howell and Pearce 2001). This approach places civil society in a zone between state and individual (Hegel). Later on, Marx equated civil society with bourgeoisie and called it an arena where bourgeoisie express its social, economic and political power against the proletariat. However, celebrated work by Antonio Gramsci placed the civil society at the center stage and concluded that civil society is a mechanism of control over society and it can be over-turned through the 'counter-

hegemonic associations' (Gramsci 1971). This explanation of civil society as arena of inequalities, injustices and exploitation has tremendous effect on the concept of civil society itself and its usage in 1970s and 80s. Anheier et al (2001 ,p. 14)

Parliament:

“Parliament is the central institution through which the will of the people is expressed, laws are passed and government is held accountable”

Speakers of Parliaments at United Nations Headquarters
(September 2005)

Parliament is the center of political equilibrium in any liberal democracy; central institution of democracy. The parliament symbolizes the expression of the will of the people. In short, parliament represents the people in negotiating with different branches of government at national and international level. Parliaments play the most crucial role in stabilizing democracies, especially in consolidating democracies.

Broadly, there might be difference of opinion on the precise list of the functions of the parliament in different democracies, but Inter-Parliamentary Union (IPU) has built a broad consensus that at least the minimum tasks undertaken by the parliament are as follows (Beetham 2006);

- Law making
- Approval of national budget (taxation and expenditure)
- Oversight of executive, policy and personnel
- Ratification of treaties and monitoring of treaty bodies
- Debating national and international issues
- Hearing and redressing grievances
- Approving constitutional change

Civil Society in Pakistan:

Pakistan's civil society has been growing for the past two decades in various spheres of social life. Its traditional focus has been on human rights.

especially minorities and women, and on social development in rural communities. Its fresh focus is on rule of law, representative government and democracy as a universal social value.

Parliament and Civil Society: A mutual beneficial relationship

The common point of collaboration between civil society and parliament is to outline their basic activities and build their linkages. One of the basic functions of both is policy development. Secondly, civil society ensures through monitoring that the government and market do what they are supposed to be doing. One of the main functions and role of parliament is oversight of the Executive which is very closely linked to monitoring function of the civil society. Both institutions can facilitate each other in this. The information gathered by CSO during their monitoring functions is extremely important for the parliamentarians. This case of monitoring is very relevant in case of human rights violations. Third, advocacy has been given many different meanings and definitions; however using the simplest substitute phrase, 'advocacy is push for change'. the purpose of undertaking advocacy is to achieve a sustained say in the policy making rather than mere claim making. Voice may be raised to introduce a new programme or policy or to alter the goals or terms of an existing one (Lewis 2001). Traditionally, advocacy was exerting pressure to pursue wider change or to bring forth the interest of the under-represented groups through negotiations with power holders.

The interaction between parliament (as the home of democracy and those elected to represent the electorate) and civil society (the body corporate of those who have elected representative) is cited in many countries as part of the efforts to refine democracy; an effort which aims to broaden, enhance and refine the interplay between parliament and civil society, with a view to attaining a higher level of democracy. For instance, in Georgia civil society institute works closely with the legal committee of the parliament. The institute studies the draft bill, prepares expert opinion, and circulates the bill through email and in press for comments on draft bills. This provides a good example how parliament and civil society can work together to achieve certain objectives.

Parliament can enable the growth of civil society by providing a legal frame work in which civil society can function in unhindered way. Since civil society thrives on freedom of expression, association and assembly,

parliaments should make sure that all civil, political and social rights as enshrined in international treaties are respected; thus creating an enabling environment for civil society organizations.

Recommendations for the Parliament

- Parliament should bring in a legal frame work that enables civil society function and play its due role.
- Parliament should ensure that civil, political and social rights as enshrined in domestic and international treaties are adhered to.
- As diversity and plurality are the life blood of democracy, parliamentarians should themselves embody these values and actively work towards legislations which allow accommodation of diversity and plurality of views represented in the civil society.
- Parliamentarians should make sure that civil societies are transparent, autonomous and independent.
- Civil society is a partner in the process of governance. As such civil society makes sure that decision-making process is inclusive and representative, Parliament by involving civil society in its parliamentary and committee deliberations can make this governance process credible.
- Parliament should provide transparent and open access to civil society to improve the quality of its deliberations. By encouraging lobbying and advocacy role of civil society, parliament itself can improve its political understanding of burning societal issues.
- Parliament should pay greater attention to even smaller civic actions initiated by civil society as they can snowball into big major public policy issues.
- Parliament should provide for legislation which ensures safety of civil society. Parliament should put in place mechanism which tends to promote capacity building of civil society and voluntary sector.

- Parliament should institutionally involve civil society rogation in deliberation in the parliamentary committees.
- Parliament should set a centre of public engagement to deepen its involvement with civil society.
- A separate ministry for third sector should be set up.

Recommendations for Civil Society

- Civil society should establish its credibility as accountable and transparent.
- Civil society should provide proactive expertise to the parliament when and where needed.
- Civil society should undertake lobbying and advocacy as part of its agenda of change and actively push issue on the parliamentary radar.
- Civil society organizations should set up a permanent parliamentary forum to institutionalize interaction with parliament Civil society should also set up a centre for parliamentary engagement to interact with parliament more meaningfully.

Source: Strengthening Democracy through Parliamentary Development

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