

## **Parliament outside Parliament**

### ***Parliamentary Activity in Bucharest and in the Constituencies***

**March 2007**

## **Contents**

### **I. Parliament outside Parliament**

- I. 1. Introduction
- I. 2. Methodology
- I. 3. List of monitored parliamentarians
- I. 4. Pieces of legislation that regulate parliamentary activity in the constituencies
- I. 5. MP rate of participation in the monitoring process

### **II. Parliamentary activity on a local level**

- II. 1. How do parliamentarians work ?
  - II. 1. a. Parliamentary offices in the territory : location
  - II. 1. b. Parliamentary offices in the territory : equipment
  - II. 1. c. Parliamentary offices in the territory : staffing and working hours
- II. 2. How do parliamentarians think they work ?
  - II. 2. a. Requests lodged with the parliamentary offices
  - II. 2. b. Inter-institutional communication: local authorities and parliamentarians
  - II. 2. c. Events organized by the parliamentary offices
- II. 3. What do parliamentarians do when they say they have „field work” (in the territory) ?
  - II. 3. a. Communication between parliamentarians and the civil society

### **III. Parliamentarian activity on a central level**

- III. 1. Rate of attendance in plenary sessions
- III. 2. Political statements
- III. 3. Interpellations and questions for the Government
- III. 4. Legislation initiated by senators and deputies

### **IV. Media and parliamentarians**

- IV. 1. local media and parliamentarians
- IV. 2. central media and parliamentarians

## **Conclusions**

### **Annexes**

- Annex 1 – Monitoring sheet
- Annex 2 – List of monitored publications
- Annex 3 – Political statements
- Annex 4 – Questions and interpellations for the Government
- Annex 5 – Pieces of initiated legislation

## Introduction

The citizens of Romania have lesser and lesser confidence in the public institutions, especially in the Parliament of Romania<sup>1</sup>, according to the opinion polls. The fact that the media reports, more and more often, situations in which parliamentarians fail to carry out their current activities, both at national and at local office level, particularly in the constituencies which elected them, only makes heavier any mechanism meant to empower the elected before their voters.

Parliamentary activity ultimately boils down to two levels: **the central level activity** in Parliament<sup>2</sup> (both in the standing committees and in the plenary sessions) and **the field activity in the territory** (in the parliamentary offices from the constituencies where the MPs were elected). The two components of a Parliamentarian's *work* complement each other perfectly : the field activity should inform the Parliamentarian as to the citizens' priorities, that he should turn into draft legislation, interpellations or questions, to the same extent to which the central level activity should be a bridge between the citizens and the Parliament, through the legislative process. If, in the case of their central level activity, the work of Parliamentarians is frequently placed under public scrutiny through the control mechanisms exercised by the civil society<sup>3</sup>, not the same can be said about the field activity of Romania's elected representatives. The constituency level activity of Parliamentarians is yet another area insufficiently known and monitored by the public opinion in Romania.

The manner in which the elected carry out their field work still remains an unknown factor due to the very gaps in the legislation (in terms of clear provisions either from the Constitution of Romania, or from the regulations which regard the status of deputies and senators) that determine the coordinates of the second aspect of a Parliamentarian's work.

Inasmuch as the The Constitution of Romania is concerned, the text of the Article that refers to the role of Parliamentarians does nothing else but highlight the existence of a defficient regulatory framework connected to the clarification of these two aspects:

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<sup>1</sup> according to an opinion poll conducted in 2006 by the Open Society Foundation on a representative national sample, 82% of the respondents said that they had little or very little confidence in the Parliament of Romania .

<sup>2</sup> this category also includes the other activities carried out by Parliamentarians outside the Parliament, on a mandate from the Chamber they belong to .

<sup>3</sup> once the roll-call vote system was introduced (a mechanism whereby the vote of each deputy is recorded electronically in the plenary session), the actual work of the deputies has become common knowledge to the Romanian society. To examine the activity of Romanian parliamentarians in the plenary sessions of the Chamber of Deputies and the Senate, you can access the website of the Institute for Public Policies <http://www.ipp.ro/cummuncescparlamentarii>

*When exercising their mandate, deputies and senators must serve the citizens*<sup>4</sup>.

At the same time, Law No. 96/2006 on the status of deputies and senators reveals too little information about the way in which the elected representatives should relate to their field activity : there are no detailed provisions as to the generic functions of parliamentary offices, the functions of parliamentarians in the exercise of their mandate at constituency level, etc. Only Art. 37 from this piece of legislation sets forth the activity of MPs in their constituencies :

*In the activity to be conducted in their constituencies, deputies and senators enjoy the rights and carry out the duties implied by the legal exercise of their parliamentary mandate, adequately adapted to the specific nature and type of such work in the territory*<sup>5</sup>.

Subsequently, there is no clear and sufficiently detailed regulatory framework to regulate the rules and procedures which define the activities of a parliamentarian in the constituency in which he/she was elected. Such a situation, which – up to a point – can be considered a sample of legislative vacuum, can have but a negative impact on the good operation of the local parliamentary offices and, consequently, on making parliamentary work more transparent and more accountable. Practically speaking, the elementary instruments that should be made available to the citizens and to the civil society are missing, instruments meant to get to know, monitor and evaluate the work of parliamentarians in their constituencies.

The lack of such clear provisions must be also correlated with the ways in which public funds are being spent, as, for their field activities, parliamentarians are able to set up territorial parliamentary offices that operate on the basis of public funds. In this particular area, there is a range of more detailed regulations, but they are insufficient if set against the need for a more transparent parliamentary activity in general terms. It is worthwhile mentioning that it is not the idea of having an amount allocated for parliamentary field activity that contributes to the erosion of public trust in their elected, but the lack of transparency as regards the expenditures made *on behalf* of the citizen's interest.

Starting from the assumption that a more accountable Parliament is being built outside the premises of the Romanian Chamber of Deputies or Senate, the Institute for Public Policies (IPP), in partnership with the National Association of Citizens Advice Bureaus (NACAB) and the Media Monitoring Agency (MMA), has run between August 2006 and July 2007 the project called **MPs – working hard or hardly working? Tracking absenteeism and public expenditure for a more transparent and accountable Parliament.**

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<sup>4</sup> Art. 69, paragraph (1) from The Constitution of Romania, published in the Official Gazette No. 758 / 29 October 2003.

<sup>5</sup> Law No. 96/2006 on the status of deputies and senators, published in the Official Gazette No. 418 / 15 May 2006.

The project implies monitoring the activity of a sample of parliamentarians from 12 constituencies (Alba, Arad, Bihor, Brăila, Braşov, Covasna, Cluj, Dâmboviţa, Iaşi, Prahova, Satu Mare, Timiş) both at central and at local level. In the first stage, we focused our attention on monitoring the activity conducted by the parliamentarians in the parliamentary offices from the represented constituencies, between October and December 2006. Following the information collected by the local monitoring agents and the data extracted from the local media, 12 local reports have been drafted<sup>6</sup>. The local reports, launched in the 12 monitored constituencies, have displayed the activity of the deputies and senators from the counties in which they have been elected, hence including a range of practical information, dedicated to the citizens, and referring to the activity of parliamentary offices. The aim of the local reports was that of making the citizens familiar with the activity of their elected representatives and describing the ways in which the citizens can cooperate and relate to the parliamentarians. Moreover, such reports were also meant to encourage the citizens to get involved into an on-going process of parliamentary office monitoring.

The national report is meant to be an instrument for the synthesis and evaluation of the information included in the local monitoring reports as well as a comparison between the activity of parliamentarians in their constituencies and the activity conducted by the same parliamentarians at central level. On the one hand, the report compares the performance of parliamentarians in their central-level activity in Parliament with the performance recorded in the constituencies subject to the monitoring process, to highlight the type of activities that parliamentarians focus on prevalingly. On the other hand, the national report also provides an image of the way in which the activity carried out by parliamentarians in their constituencies is being reflected in the actions they undertake at central level. In more accurate terms, the report enhances the frequency with which the information collected by the parliamentarians on the priorities and needs of the citizens from the represented constituencies, is being reflected in the initiated draft legislation submitted, in the interpellations and questions asked, in the political statements delivered in the plenary sessions of the chamber they belong to, etc.

In the next stage of the project, a new report will be made public, that will submit to the public attention a comparative analysis of the monitored parliamentarians' activity and the financial support received by each elected representative from the budget of the two Chambers of Parliament for the development of the respective activity, both locally and centrally.

Our study is meant to support the citizens in the conduct of an objective evaluation of the extent in which the parliamentarians elected in their constituency (county) adequately fulfill their representation mandate and hence deserve a new vote at the next elections. In other words, the data collected in support of the present report highlight objectively those elected

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<sup>6</sup> The local reports are available on the following websites : [www.ipp.ro](http://www.ipp.ro) and [www.robcc.ro](http://www.robcc.ro).

Parliamentarians who seek to fulfill their representation responsibilities (organizing meetings with their voters on a local level, developing draft legislation starting from the local matters brought to their attention, etc.) and at the same time expose those Parliamentarians who avoid, willingly or unwillingly, the tasks implied by the Parliamentary mandate.

Rooted in the main belief according to which a parliamentarian should be much more concerned about his/her work in the territory, the study undertaken by the partner organizations involved wishes to equally publicize those cases of an adequate Parliamentary behaviour (activity) outside the premises of the Romanian Parliament. One has to mention the fact that the goal of the present study is not exclusively that of punishing the elected but, above all, that of empowering both the citizens and the parliamentarians to have an effective contribution to the complex process represented by the exercise of the deputies' and senators' representation mandate.

Moreover, the quantitative and qualitative growth of the information available to the citizens with regard to the activity of parliamentarians, based on which they can decide in the election periods, also contributes to the general empowerment of the political class at large (by encouraging the political parties to monitor themselves more closely the activity carried out by those selected to run in the parliamentary elections).

The present report is meant to support any central or local civil society initiative, in order to monitor the work parliamentarians, by providing a few examples meant to encourage and to guide all those who wish to keep an eye on the work of parliamentarians in their constituencies. Finally, we would like to remind you that the main goal of our study is to identify and reveal those instruments which can be used in order to really get to know the way in which the Romanian parliamentarian fulfills his/her promises as well as the obligations derived from his/her position.

## I. 2. Methodology

The present project has consisted in monitoring the parliamentary activity in 12 constituencies. The selection of the 12 constituencies in question, namely, the municipalities of **Alba Iulia, Arad, Braşov, Brăila, Cluj Napoca, Iaşi, Oradea, Ploieşti, Satu Mare, Sfântu Gheorghe, Târgovişte** and **Timişoara** was based on the national representation criteria of all the historical and geographical regions. *The monitoring activity was carried out locally by the network of Citizen Advice Bureaus (CAB) of NACAB* between October and December 2006. With regard to the selection of the parliamentarians belonging to the afore-mentioned constituencies, it was based on the representation of all the political parties, as they are distributed in the Parliament of Romania : 32% PSD, 20% PNL, 16% PD, 11% PRM, PC and UDMR 7%, 4% parliamentarians who represent the national minority groups and, finally, 10% non-attached parliamentarians. The same percentages are reflected in the number of parliamentarians selected and included in the monitoring project.

The actual monitoring activity was based on a *Monitoring Guide* developed by the Institute for Public Policies; the guide was a useful instrument for the partner network of Citizen Advice Bureaus in the process of uniform data collection. Thus, the monitoring process has pursued two separate routes:

- The collection of information through **direct (official) requests** made by the local monitoring agents, through meetings with the parliamentarian whose office was subject to the monitoring process. The information requested officially was collected by submitting a **monitoring sheet**<sup>7</sup> to the parliamentary office in question, to be filled in by the office staff or by the parliamentarian himself/herself, after the meeting. At this first level, we also had in mind the development of an **interview** with each and every selected parliamentarian, based on an interview guide meant to channel the discussion towards specific topics, relevant for the process of monitoring the activity of parliamentarians in their constituencies.
- The collection of information through a series of regular **checks /investigations** developed by the local monitoring agents. Originating in the parliamentarian's good will, this working method was mainly targeted at establishing the truthfulness of the information given officially and evaluating the level up to which the citizens have access to such parliamentary offices and can hence benefit from contacting them.

The information collected on the activity of parliamentarians in their constituencies is also being examined in the present report in the light of the data on the activity of the same sample of senators and deputies at central level. Monitoring the central level activity was aimed at the rate of vote turnout

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<sup>7</sup> The monitoring sheet is included in Annex 1.

when regulations were voted upon, the number of initiated pieces of legislation submitted, of political statements made in the plenary sessions, as well as the number of questions and interpellations dedicated to the Government. Amongst the latter, a special attention was granted to those interpellations, statements or initiatives whose focus was directly linked to the constituency represented by each parliamentarian. The data collection activity took place in March 2007 and consisted in accessing the websites of the two Chambers of the Romanian Parliament.

Such information has been corroborated with the level of MP exposure in the local and central print media <sup>8</sup>. For the vast majority of voters, these public appearances represent the only source of information on the activities carried out by the parliamentarians who represent them. Hence, to determine the extent to which the activities undertaken by the latter are reflected in the print (media), monitoring the local and central print (media) has been a major component of the project and was conducted by the *Media Monitoring Agency*.

Monitoring the print media was meant to establish the way in which the local and central print media describe the work of parliamentarians from each of the 12 constituencies involved. The monitoring period was also between 1 October and 31 December 2006. All in all, 783 articles from the local print and 1752 articles from the central print were monitored. The monitoring process was based on an evaluation scheme (grid) that was created with a view to collecting data on the following issues:

- The number of public appearances for each parliamentarian
- The journalists' attitude with regard to the parliamentarian status-bearing politicians (negative, neutral or positive)
- The type of actions that parliamentarians were associated with: *negative* (for ex: multiple vote, absenteeism, conflict of interests, etc.); *positive* (for ex: support given to the local communities, attempts made to make public institutions more accountable, charity work, etc.); *neutral*
- The type of activities that parliamentarians were associated with: *political* – party work, political statements, political attacks, etc.; *parliamentarian* – initiated legislation, plenary session participation, committee work, statements, interpellations, debates, etc.; *local* – the parliamentarian's activity in the constituency that elected him/her: open-door days, press conferences, public debates, etc.; *others* – participation to public events, personal activities, etc.

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<sup>8</sup> The list of the monitored publications is included in Annex 2.

## Conclusions

The study generated by the Institute for Public Policies (IPP), that has benefited from the information collected with the support of the project partner organizations – the National Association of the Citizen Advice Bureaus (NACAB) and the Media Monitoring Agency (MMA) – on the activity developed locally and centrally by parliamentarians from 12 constituencies shows that the **parliamentarian – citizen relationship is an excessively formal one in most of the monitored constituencies, and that it also displays numerous deficiencies in terms of the actual cooperation between the elected and the voter.** One of the causes of such a situation is the lack of clarity and, to a large extent, the complete lack of a definition of the tasks and functions bestowed upon senators and deputies in the exercise of the mandate vested in them by the citizens. **Also lacking are the primary instruments (the evaluation indicators) that should be made available to the citizens and the civil society alike, for them to be able to know, monitor and evaluate the parliamentary activity at constituency level.**

On the one hand, this situation generates the incapacity of the citizens to communicate and cooperate efficiently with their representatives, and on the other, the transparency that parliamentarians should display with regard to the work conducted in the citizen's best interest is being negatively affected. Last but not least, the lack of an adequate communication between citizens and parliamentarians also generates a decreased performance of the latter at central level, because they lack the main source of information about the priorities of the people, which fact diminishes their capacity to get really involved in the resolution of the problems facing the citizens.

The analysis of the work carried out by parliamentarians in their constituencies has revealed the fact that **there are serious deficiencies in terms of the organization and operation of parliamentary offices.** Firstly, there are highly frequent situations in all the monitored counties in which both the office staff and especially the deputies or senators do not observe the parliamentary office working hours. Secondly, one could notice **a clear lack of transparency in terms of the way in which the public money – enjoyed by each parliamentarian for the payment of the rent, public utilities and parliamentary office staff salaries - is being used.** These problems are being enhanced by the location of most parliamentary offices in local party head offices, which fact is a source of obstacles in the information collection process and raises doubts as to the fair distribution of expenditures between the party and the parliamentarian. Moreover, the existence of a large number of parliamentarians who own several offices in their represented constituency can be a cause for the deficient operation of such offices, as it is extremely difficult for one parliamentarian to grant the necessary attention to all these offices in only two days of field work in the territory. Quite similarly, the way in which the expenditure is being made for the operation of several offices raises a lot of question marks, if we consider the fact that all the parliamentarians, regardless of the number of offices held, receive the same lump sum.

With regard to the various types of activities carried out by parliamentarians in their constituencies and with the help of their parliamentary offices, one can make the following remarks: according to their own statements, parliamentarians have a large number of *open-door days (hours)*, they receive and answer an even greater number of *requests (petitions)* coming from the citizens. Nevertheless, short of a clear definition of a parliamentarian's responsibilities at constituency level, citizens may wish to have resolved certain problems that are not included in the merits of senators and deputies, while the latter may not get involved but marginally in helping the petitioners; a major risk to an „excessive zeal” proven in such situations can be falling under the incidence of influence peddling. **Communication between parliamentarians and local public authorities**, focused prevalingly on the relationship with local municipalities and local/county councils, **is often insufficient and discontinuous**. Nevertheless, there are counties in which one could notice a practice of regular contacts between parliamentarians and local authorities, thus favouring the good information of the former about the needs of the local community. The parliamentary offices do not get frequently involved in the organization of local events or the development of projects dedicated to the local community, but one could notice the interest of parliamentarians vis-a-vis their attending meetings with the citizens or supporting social (charity) actions. Rather, parliamentarians are the ones to receive invitations to attend events organized by the local community; in this respect, they are quite active, according to their own declarations. **The relationship with the civil society at local level is quite good – according to parliamentarians' statements – but the frequency of contacts with its representatives is quite low**, which situation raises doubts as to the actual cooperation between parliamentarians and non-governmental organizations.

Hence, the monitored senators and deputies did not conduct a sufficiently active work between October and December 2006 in their local constituencies and their level of performance (presence in the constituency, active involvement in community projects, communication with the citizens, local visibility) was quite low. Although infrequently, a few cases of parliamentarians that carry out almost no activity at all in their local constituency have been identified. Nevertheless, there are positive exceptions in almost each of the 12 monitored counties.

The examination of the activity carried out by parliamentarians at central level in Parliament shows that the vast majority of senators and deputies attach a considerably higher attention to this side of the mandate vested in them by the citizens. Nonetheless, **the frequency of their interventions in the plenary sessions and of the actions they undertake as deriving from their representative, legislative and government-targeted parliamentary scrutiny functions held by each of them, was not of a nature to prove their substantial involvement in the resolution of the problems facing the citizens from the 12 monitored constituencies**. The statements uttered in the plenum of the Chamber they belong to, in October, November and December 2006, could not prove that there is an interest or an effort on the part of parliamentarians to bring to the knowledge of their fellow parliamentarians any of the information collected in the constituencies they

represented. Such an intervention is important because it can be a first step towards contributing to the resolution of the problems facing the citizens. By way of contrast, parliamentarians have focused prevalingly on directing interpellations and questions at the Government, as a main way of involvement in the resolution of local problems. Likewise, a particular attention was granted to the submission of legislative proposals, even if, given the general nature of the scope of various regulations, the number of proposals that have targeted locally relevant issues was almost null.

By matching the performance of the locally and centrally elected representatives, one can notice that – in general terms – *there is a rather close match between the performance of parliamentarians in their constituencies and their performance in Parliament*. Nonetheless, one could identify a few exceptions, namely, a good or very good performance at central level, that was not matched by a satisfactory activity at constituency level.

All the remarks and conclusions resulting from the project development highlight the following needs :

- A stronger involvement of parliamentarians in the activity carried out at constituency level in order to maintain a closer link with the citizens they represent
- A much higher level of transparency with regard to the conduct of parliamentary work in the local constituencies
- A better information of the citizens with regard to the activities undertaken by parliamentarians, both locally and centrally, through the development of *regular activity reports* (at the end of each parliamentary session). Such reports should include specific aspects of the parliamentarian's activity at central level (both in plenary sessions and in the standing committees), and at local level, as well as information about the expenditures committed during the parliamentary session (trips abroad/in the constituency, parliamentary office operation incurred costs, etc.)
- A better information and education of the citizens and of the local civil society representatives, about the responsibilities incumbent upon parliamentarians in the exercise of their mandate, as well as for the enhancement of an on-going monitoring of their performance
- An amendment and completion of the pieces of regulation that are meant to regulate the activity of parliamentarians<sup>9</sup>, by including certain detailed information about the types of activities conducted in their constituencies plus certain measures taken accordingly, in those places where one does notice a lack of activity in the respective

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<sup>9</sup> The Rules of Procedure of the two Chambers of Parliament must be completed, as such information is now almost non-existent in the Rules. Likewise, Law No. 96/2006 on the status of deputies and senators must be completed; the correlation of its provisions with the provisions to be introduced in the Parliamentary Rules of Procedure is also necessary.

parliamentary offices (for ex: a lump sum reduction). Such amendments must refer particularly to the organization and operation of parliamentary offices, in order to fight against all the cases of mis-operation<sup>10</sup> noticed during the monitoring process and described in the present report

- The institutionalisation, in the General Secretariates of the two Chambers of Parliament, of certain practices for the monitoring/matching of the expenditures made from the budgets of the Chamber of Deputies/Senate with the specific activities carried out by parliamentarians, in order to have a responsible management of public funds. Where there is clear evidence of a slack parliamentary activity in the constituency (complaints from citizens, monitoring activities conducted by the media and the civil society), we deem highly necessary that such activity be subject to the attention of the Standing Bureaus of the two Chambers, and corrective measures be taken, according to the model of the diminished payment (fee) for absences without excuse at the sessions of the two Chambers.

To conclude, IPP firmly reasserts its commitment towards carrying on the process dedicated to monitoring the parliamentary activity at constituency level, hence completing the efforts made for the individual empowerment of the elected by recording and publishing their activity (votes) cast during the plenary sessions of the two Chambers. Last but not least, IPP encourages all the parties concerned – journalists from the central and local media, NGO representatives and active citizens – to join this common effort, in order to promote a higher level of transparency and essentially to increase the responsibility of the elected before those who have invested them with representation powers in the national legislative forum.

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<sup>10</sup> The aspects related to the way in which expenses are incurred, or to the location, staffing and working hours of the parliamentary offices must be regulated very carefully. Likewise, a detailed and clear account must be given of those types of activities to be carried out by the parliamentary offices in order for them to enable a full and fair exercise of the senators' and deputies' mandate.