

## OBSTRUCTION IN PARLIAMENTS: A CROSS-NATIONAL PERSPECTIVE

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## **ABSTRACT**

In legislative institutions, time is a precious and scarce commodity. The ability of leaders to set the agenda and enact their preferred policies depends in large part on having sufficient time to accomplish their goals. As a result, disruptions to the agenda and delays in processing legislation can have a significant impact on the ability of legislative majorities to realize success. Few previous studies have systematically examined parliamentary obstruction in non-U.S. settings. In this paper, I expand my previous work on legislative obstruction in the U.S. context to systematically investigate the extent to which obstruction occurs in parliaments around the world. The evidence, drawn from a 2016 survey of members of the Association of Secretaries General of Parliaments (ASGP) and interviews with parliamentary clerks and members of parliament in Japan, Canada, and the United Kingdom during 2015 and 2016, demonstrates that obstructive behavior is more universal than theories of parliamentary government suggest. Legislative obstruction occurs in a variety of types of national legislatures and across different political systems and institutional settings.

## INTRODUCTION

Significant theory-building about the rights of both legislative majorities and minorities and the causes and consequences of obstruction has taken place in the U.S. context over the last few decades. For example, Binder and Smith (1996), Binder (1997), Wawro and Schickler (2007), Koger (2010), and Bell (2011) all address issues related to legislative minorities and the techniques they use to attempt to overcome majoritarian rules within the U.S. Congress. Many of these studies have focused on the extreme assertion of minority rights in the U.S. Senate through the practice of filibustering. From these previous studies, we have some general ideas about how party rights and obstructionist tactics operate in the United States. Less is known, however, about these subjects in the context of other countries. In part, this is a result of the common misperception that obstruction is a uniquely American phenomenon, linked to the individualism enshrined in that nation's founding and its governing processes and institutions. But, from "ox-walking" in the Diet of Japan to "spying strangers" in the British Parliament, it is clear that legislators in parliaments around the world employ dilatory behavior to affect legislative outcomes.

Because there have been few efforts to link together the scholarly work on obstruction in the U.S. and obstruction in others of the world's legislatures, it remains unclear whether the explanations for obstructive behavior that have been developed in the context of the U.S. Congress can be applied cross-nationally. However, an even more fundamental knowledge gap exists, in that scholars of comparative parliamentary procedure have little information available to them regarding the forms and rates of obstruction. The academic literature on parliamentary obstruction includes only a few cross-national studies to provide insights into when obstruction occurs in national legislatures around the world, and those studies that do exist focus nearly

exclusively on Western parliaments (e.g. Martin 1994, Döring 1995, Dion 1997). Much of this work is, furthermore, more than two decades old. As a result, it is impossible to know just to what extent obstruction is occurring in contemporary parliamentary settings and how, if at all, such obstruction affects the work of national legislatures around the world. Indeed, the conventional wisdom suggests that obstruction does not occur in parliamentary systems. As Strøm (1995, 53) writes: “[t]he belief in the unfettered rule by the popularly-elected majority lies at the heart of the tradition of parliamentary government.”<sup>2</sup>

This paper seeks to remedy the lack of broad knowledge about the extent to which obstruction in parliaments occurs and to begin to develop an understanding of the dynamics of dilatory behavior across countries and systems. Its primary focus is on documenting the fact that, contrary to the conventional wisdom, obstruction does occur in parliamentary systems. After defining obstruction, I review previous theoretical and practical investigations into minority rights and obstruction in parliaments, before reporting on the extent to which obstruction in parliaments occurs. The analysis is drawn from a 2016 survey, which replicates and expands on Joseph Bucker’s 1988 survey of members of the Association of Secretaries General of Parliaments (ASGP), which inquired into the use and control of obstruction in parliaments around the world. To supplement the survey, I also conducted interviews with parliamentary staff and members of parliament in three countries—Japan, the U.K., and Canada—during 2015 and 2016, in order to gain additional perspectives on the uses of delay in non-U.S. parliamentary settings.<sup>3</sup> The insights gleaned from these interviews substantially inform the narrative elements of this paper.

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<sup>2</sup> Or, as one discussant stated at a previous presentation of this research: “Obstruction just doesn’t occur in parliamentary systems.”

<sup>3</sup> Clerks from the U.K. and Canada responded to the survey; Japan’s ASGP-member clerks did not.

## DEFINING OBSTRUCTION

In the U.S. context, the concept of legislative obstruction generally calls to mind the use of the filibuster in the U.S. Senate. Historically, filibustering was used in both the U.S. House and U.S. Senate, but the House of Representatives changed its rules in the 1890s to effectively end the possibility of obstruction via filibuster (Koger and Campos 2014). In the Senate, however, filibustering has continued and has increased significantly since the 1970s.<sup>4</sup> As we will see, however, filibustering does not only occur in the U.S.—and it is not the only form of obstruction that affects parliaments worldwide.

It is likely impossible to arrive at a definition of obstruction that exhaustively describes every type of parliamentary maneuver that could be used by members of parliaments to prevent forward progress on pending business. Delays may occur as well for reasons that do not involve specifically dilatory behavior. Rutherford (1914), for example, distinguished between *conscious* and *unconscious* forms of obstruction—the latter, he argued, was a by-product of political conditions in which normal parliamentary behavior inadvertently resulted in the delayed prosecution of the legislative agenda. Nevertheless, Rutherford and others tend to point to willful efforts at delaying the legislative process when they refer to obstruction. Thus, German scholar Herbert Döring’s (1995, 238) summary of Bücker (1989) and May (1883) is the one I adopt in this paper. Döring explains: “In the parliamentary game of agenda-setting, obstruction is defined by Erskine May’s classic on ‘Parliamentary Practice’ as a behaviour by a Member of

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<sup>4</sup> Once a senator has gained recognition on the floor of the chamber, he or she can hold the floor for as long as he or she wishes, barring a mistake or violation of other Senate rules (Oleszek 2014, 309). But, many filibusters do not take place on the Senate floor; rather, with the advent of “double tracking” in the 1970s, filibustered measures are often “parked” by the Senate Majority Leader, who will then proceed to other legislative business and leave the filibustered measure pending until such time as the filibusterer gives up or agrees to a concession to allow the bill to move forward. If no agreement to continue the debate can be reached, and the Majority Leader cannot muster the votes to proceed in spite of the objection, the filibuster will kill the bill.

Parliament ‘who without actually transgressing any of the rules of debate uses his right of speech [and other parliamentary procedures] for the purpose of obstructing the business of the House.’” Bückler (1989, 231) clarifies that, “obstruction does not consist in a formal violation of the rules of procedure; it is a conduct which, in formal terms, complies with the procedural rules, but still constitutes an abuse of the forms. As a rule, such abuse is designed to delay or prevent parliamentary decisions.”<sup>5</sup>

Döring’s definition is inclusive of obstructive conduct as well as actual speech, to the extent that the conduct itself does not violate any rules of procedure. For example, in Japan, the practice of *gyuho*, or “ox-walking,” allows legislators move as slowly as possible to cast their votes thereby delaying the legislative process; this has from time-to-time disrupted the legislative process (*Time Magazine* 1963).

Obstructive conduct can also include a failure to act. For example, during the 19<sup>th</sup> century, members of the U.S. House of Representatives sometimes failed to attend debate or to cast votes (the so-called “vanishing quorum” technique) in order to prevent a measure from moving forward (Lauter 1988). In 1982, Canada’s House of Commons was forced to amend its standing orders to provide strict time limits for calling members to the Commons chamber to cast a vote following the “Bells Episode,” which occurred when the opposition refused to respond for more than two weeks to the ringing of the bells that called members to the chamber to vote (Parliament of Canada 2009, fn 285).

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<sup>5</sup> There are also forms of obstructive behavior that violate a chamber’s formal rules. While such behavior may be rare, it nonetheless may occur in certain instances. For example, a former chamber leader in Japan’s House of Representatives described a circumstance in which a member of a committee sat in the committee room for a full month while a dozen or more committee members blocked the door to prevent entry (Interview with the author, December 9, 2015). Although such violations are obstructive, under the Döring/May definition, such actions that violate the rules of procedure or decorum are examples of disruptive conduct rather than parliamentary obstruction.

## THEORETICAL FRAMEWORK

In many parliaments outside the U.S., obstruction is made more difficult and less rewarding by the parliamentary design of the system (which ties the executive branch to the majority party or coalition in control of the national legislature), by internal rules that sharply limit debate, or by cultural and political norms that increase the costs to minorities of attempting to obstruct—limits that are largely lacking in the U.S. To the extent that legislative obstruction is considered at all in the literature on parliamentary government, it has been by scholars and theorists interested in modeling when obstruction by minorities is rational (a spate of game theoretic models appeared in the 1980s and 1990s—for example, see Krehbiel 1998, Koster-Riemann 2011) or in exploring questions about majoritarianism/majority rule within deliberative assemblies (although, obstruction *per se* is not a significant part of many analyses focused on the role of minority parties—see, for example, Norton 2008, Kaiser 2008). Dion’s (1997) work, for example, showed that small majorities seek to reduce minority rights more frequently than do large majorities is one of the only cross-country comparative analyses to posit a general theory of majority response to obstruction. But while there have been a handful of efforts that have assessed the nature of minority rights in non-U.S. parliaments, explorations of the topic have tended to appear in fits and starts, and significant gaps remain in what is known about obstruction in parliaments outside the U.S. Some scholars in non-U.S. countries, especially in Europe, have explored the ways in which legislative minorities in parliaments outside the United States have used parliamentary procedure, including dilatory techniques, to advance their agendas (cf. te Velde 2013, Döring 1995) or to prevent the party in power from getting what it wants. A few studies (such as Dion’s) consider together obstruction in the U.S. Congress and

obstruction in other parliaments, but even Dion’s comparative look at the parliaments of the United States, the United Kingdom, and Austria gives far less attention to the latter two countries.

From both perspectives—majoritarianism and rational behavioralism—the two “contending parliamentary principles”—that “the majority has the right to secure the transaction of business and the minority has the right to be heard”—cabin the behavior of legislators such that obstruction ought presumably to be rare.<sup>6</sup> Indeed, that is the premise of Strøm’s [1995] assertion of the “unfettered” rights of the majority to rule. Obstruction should either never occur—because of a tacit consensus that the majority party or coalition has the right to govern—or should occur only when clear breaches by the government of a minority’s right to provide input have occurred.

As a practical matter, however, there are a variety of legislative contexts, including wide variation in the types of procedures adopted by parliaments around the world. Ljiphardt (1994) notes that parliaments can be majoritarian or consensus in their design; majoritarian democracy “concentrates political power in the hands of the majority,” while consensus democracy “tries to arrive at as much consensus as possible by *restraining* majority rule” (Ljiphardt 1994, 2). Depending upon the form democratic institutions take, obstruction may be tolerated to some extent because to prohibit entirely the range of behaviors that might be considered obstructive could damage the majority coalition or party’s credibility in the process. Döring (1995), for example, notes that unobstructed majority rule confers advantages within a legislative assembly but that there may be times when the ability to act expeditiously is not in the best interest of the majority. Carefully-defined chamber-level limitations on majoritarianism thus can be used to

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<sup>6</sup> Interview by the author with a Canadian parliamentary clerk, May 17, 2016.



blunt the problems that purely democratic schemes may create. Döring explains: “Parliamentary procedures that restrict individual members’ rights by voluntary agreement of the deputies and confer special prerogatives on the party leadership and government may be interpreted as skillful devices to exploit the advantages of majority rule, whilst alleviating its shortcoming by the use of specific institutional features” (1995, 31). At the same time, rational minorities are equally constrained. As Wiborg (1995) notes, one role of legislative minorities is to check the power of legislative majorities and, especially, the government. But Wiborg (1995, 219) argues that in parliamentary systems,

Effective opposition would require the long-term obstruction of legislative programmes. Such action could incur negative electoral consequences for the Opposition, since the hindrance of the government process could be viewed as irresponsible by floating voters: exactly the sector of the electorate whose support the Opposition must seek to attract. Consequently, the Opposition’s inclination to impose such controls is restricted.

Again, the conclusion that naturally follows is that obstructive behavior should be rare, if it ever occurs at all.

Another important dimension, particularly in the rational choice context, is time (see Overby and Bell 2004, Streich and Levy 2007). In all national legislatures legislative time is scarce. Obstruction by legislative minorities on a particular item of legislative business reduces the likelihood that the majority will be able to secure its preferred policy outcome on that measure. But, obstruction—even on a single legislative item—also reduces the time available to the majority to prosecute its entire legislative agenda. Koster-Riemann (2011, 256) notes: “Time is a crucial factor when the government wants its agenda acted on in parliament.” Scarce legislative time not only constrains government and majority party leaders, it also increases the incentives

for the opposition to obstruct. As former British MP, and now Lord, Paul Tyler puts it:

“Time...it’s always time, isn’t it?”<sup>7</sup>

Although parliamentary systems, especially those in which coalition governments are common, frequently reserve time and space on the legislative agenda for the minority party(ies), policymaking time is nevertheless “an extremely scarce commodity for governments,” (Martin 2004, 446). Successful prosecution of the majority party’s/the Government’s agenda is essential in parliamentary government. Because the legislative majority determines the makeup of the government in parliamentary systems, a failure to secure the majority party’s preferred outcome may result in the defeat of the government and trigger a new election. Even in the United States, where executive and legislative power is separated, the inability of legislative majorities to make progress on pending business in the face of dilatory behavior by legislative minorities can have significant consequences for public policy and, potentially, for members’ and parties’ future electoral circumstances.

Thus, obstruction—real and threatened—affects the decisions that parliamentary leaders make about the allocation of legislative time and can have significant effects on the ability of governments and/or governing coalitions to accomplish their agendas. In a study of coalition governments in Belgium, Germany, Luxembourg, and the Netherlands, Martin (2004) notes that the earlier a legislative proposal is introduced by the government, the greater chance there is that that proposal will become law (Martin 2004, 446). In addition, he finds that in all four countries, the number of bills introduced by government declined substantially over the length of the government’s term (Martin 2004), suggesting that governing parties pay significant attention to

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<sup>7</sup> Tyler, Lord Paul. 2015. Interview with the author, September 8, 2015.

the timing of their proposals and frontloading high-priority action items toward the early stages of the legislative calendar.

Time constraints are among the most significant factors parliamentary leaders must consider because they—along with a legislature’s structure and rules—determine the extent to which the leadership controls legislative outcomes. The time constraints that leaders must consider are both general and specific. They must assess how best to use the entire amount of time available during a legislative session, as well as decide how to structure the time allotted for debate on individual legislative items. The ability of legislative majorities to set their institutions’ agendas is paramount, and often deterministic of legislative success, particularly in parliamentary systems. Döring (1995, 224) cites Laver and Shepsle (1994, 295), writing: “Settling the order of the day is therefore an important feature of agenda setting.”

The scarcity of time as the end of a legislative session approaches further increases the incentives for minority parties to obstruct legislative business. Huber (1992) found that in the French National Assembly, the majority more frequently used the guillotine procedure (a mechanism to force debate to close on a motion) as the end of the session approached. In the U.S. context, Binder, Lawrence, and Smith (2002, 410) note that similar calculations about legislative time affect decisions about whether to filibuster in the U.S. Senate: “All else equal,” the authors write, “we should see few filibusters when legislative time is ample. As time grows scarce, senators, in particular Senate leaders, would have an incentive to yield to filibustering senators, so as to proceed to the rest of the floor agenda. Under such conditions, filibustering should increase, as it becomes a more effective strategy for securing one’s policy or political demands.” Writing of the Japanese context, Koster-Riemann (2011, 257) notes:

The Japanese Diet has seen many instances when the opposition used its power to delay legislation by calling for a vote by open-ballot, which requires the support

of only one-fifth of members present. Voting by open-ballot can cost a lot of plenary time, especially when the opposition applies a tactic known as “cow-walking” ... When this tactic is applied the government may end up at the end of a session with a lot of bills that have not been voted on.<sup>8</sup>

As a result, Masuyama (2001, 197) concludes that in Japan, “[t]he constraint on legislative time, coupled with the opposition’s dilatory tactics that tends to pile up pending bills as it approaches the end of session, makes how the majority assigns legislative agenda priority a critical factor determining the likelihood of successful legislation...” Although written to describe Japan, where the convergence of short Diet sessions and myriad avenues for the opposition to engage in “sabotage”<sup>9</sup> means that the majority party’s ability to control the agenda matters greatly to legislative outcomes in the chamber, Masuyama’s assessment certainly applies more broadly. Generally speaking, as time grows short, the impact of obstructive behavior is enhanced.

## **PRACTITIONERS’ VIEWS**

While obstruction in parliaments has from time-to-time served as a fruitful area of analysis for scholars interested in questions of majority rule or rational choice models of legislative behavior, there is much that remains unknown to scholars about the frequency and dynamics of legislative obstruction both within individual parliaments and across parliamentary institutions.<sup>10</sup> In contrast, practitioners have long been interested in addressing issues relating to the rights of legislative majorities and minorities, reining in obstructive behavior, and understanding the

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<sup>8</sup> According to legislative specialists in the Parliamentary Research Bureau of the National Diet Library in Japan, ox- (or cow-) walking is falling out of favor with the national press. The press view tends to be: “if you have more time, please do more work,” says one senior researcher (Interview with the author, November 20, 2015).

<sup>9</sup> This was the term used by a member of the National Diet Library’s Parliamentary Research Bureau staff during a conversation with the author, National Diet Library, Tokyo, Japan. 20 November 2015.

<sup>10</sup> I would be remiss if I did not note that a few additional recent efforts have taken place in this direction. For example, the European Consortium on Political Research held a 2012 symposium that brought together scholars from multiple countries to consider issues related to minority rights. (See: <https://ecpr.eu/Events/PanelDetails.aspx?PanelID=6&EventID=6>).

implications of majority and minority behavior for democracy—and much of this work has indeed been cross-national in its scope. For example, the Interparliamentary Union (IPU) collated information from multiple parliaments around the world to inform its 2005 “Parliament and Democracy in the Twenty-First Century” report, which focused in part on the rights of legislative minorities. Participants at the IPU’s “Parliamentary Seminar on Relations Between Majority and Minority Parties in African Parliaments” in 1999 likewise collectively crafted a set of guidelines concerning the rights and responsibilities of legislative minorities in African parliaments.

Most relevant to the present study, obstruction in parliaments was a primary topic of discussion when the Association of Secretaries General of Parliaments (ASGP) met in Bangkok, Thailand, in October 1987 (Bücker 1989, 243). ASGP has existed since 1939 as a “consultative body” of the IPU and “seeks to facilitate personal contact between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not” (ASGP website, 2017). In addition, “[i]t is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing cooperation between the services of different Parliaments” (ASGP website, 2017).

#### *The 1988 ASGP Survey*

In 1988, ASGP, launched a survey of its members aimed at answering two broad questions: “Does obstruction exist in your Parliament and what form does it take?” and “In what way is parliamentary obstruction controlled in your Parliament?” (Bücker 1988, 233). The survey was developed during the October 1987 meeting of the Association, where, at the initiation of Joseph Bücker, then-Secretary of the German Bundestag, representatives from several different

countries' parliaments collaborated on a questionnaire to help members to understand obstruction better and to learn from one another about how obstruction might be curtailed (Bücker 1989, 234-42). The 1988 questionnaire contained a series of questions aimed at teasing out the ways that obstruction occurred in the parliaments surveyed—all of which were members of ASGP—and at understanding how the responding countries/chambers had attempted to curb the impact of obstruction. Specifically, the questionnaire asked whether obstruction occurred in any of the following forms (Yatomi and Katogi 1989):

- Filibustering
- Large numbers of explanations of vote
- Large numbers of procedural motions to delay the treatment of the items on the regular agenda
- Large numbers of amendments and sub-amendments
- Large numbers of roll call votes or other time-consuming methods of voting
- Large numbers of lengthy and detailed interpellations or questions to Ministers leading to debate
- Repeated committee hearings of experts and representatives of interest groups on the same topic
- The absence of members aimed at ensuring that there is no quorum, or if a quorum is presumed to exist, the deliberate calling into question the presence of a quorum
- Multiple points of order
- Other forms of obstruction.

In addition to questions about the particular types of obstruction that might occur, the ASGP survey asked respondents to discuss who typically practices obstruction, when during the legislative process obstruction typically occurs, and how—if at all—obstruction can be curtailed. The survey was designed as a series of open-ended questions requiring respondents to provide narrative answers.

In all, parliamentary clerks from 39 national legislative chambers in 32 different countries (plus one multinational parliament, the European Parliament) responded to the survey, the results of which were discussed by the ASGP in late 1988, and approved in March 1989 as the ASGP's "Report on the Obstruction of Parliamentary Procedures" (Bücker 1989, 243). The report provided summaries of which parliamentary chambers experienced the various types of obstruction being queried, as well as descriptive examples, drawn from the responses submitted for each country or chamber, of each type of dilatory technique. It also summarized the variety of mechanisms that parliamentary institutions reported using to mitigate the effects of, or even prevent altogether, the use of obstructive behaviors.

The 1988 Bücker survey demonstrated that obstruction was an occasional occurrence in the majority of chambers responding, and ultimately ASGP concluded that "in no Parliament does obstruction seriously hamper the conduct of parliamentary business" (Bücker 1989, 246). A caveat was included in this assessment, however, noting that in certain parliamentary chambers, including the Italian Senate, the House and Senate in Australia, and the U.K. House of Commons, a certain degree of obstruction was considered to be a "legitimate" parliamentary tactic (Bücker 1989, 247). To that list, we might add the United States Senate, which did not respond to the 1988 survey, but where the right of unlimited debate—the Senate filibuster—is considered to be an important aspect of the regular legislative process (Bell 2011; Koger 2010; Wawro and Schickler 2007). But for the ASGP at that time, the episodic obstruction in parliaments that it identified via its survey was simply the price to be paid for allowing legislative minorities to have a voice in the legislative process (Bücker 1989, 264). This finding supports Döring's (1995) assessment that it is sometimes rational for majorities to permit a certain degree of obstruction.

## THE PRESENT STUDY

The ASGP's finding that parliamentary obstruction occurs but does not seriously impede legislative progress in legislatures around the world may explain why no significant multi-national study was undertaken by the organization or by other academic researchers in the more than 25 years since the 1988 survey results were circulated.<sup>11</sup> And, while the 1989 report does not appear to have been distributed much beyond the ASGP membership nor to have been cited widely by academic researchers, it may also have contributed to erroneous assessments over the last three decades that obstruction does not occur in parliamentary systems.

As a result, contemporary scholars of parliamentary procedure have little current information about the extent to which obstruction occurs in national legislatures. After learning that the ASGP had no plans to commission any follow-up survey on obstruction, I launched my own survey of ASGP members asking similar questions to those appearing on the Bucker survey.<sup>12</sup> A copy of the updated survey is attached as the appendix to this paper. Like the earlier survey, I asked respondents to indicate whether each of several types of obstruction occurred in their parliament or chamber. Unlike Bucker's survey, which relied entirely on open-ended questions, I asked respondents to use a four-point Likert-scale (regularly, sometimes, infrequently, never) to identify the frequency with which each activity occurs in their parliament or chamber, and I added an additional category to allow respondents to indicate when a particular activity is not possible under parliamentary rules. In addition, I added a new question aimed at determining the extent to which obstruction had an effect on legislative proceedings. That is because while

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<sup>11</sup> In response to an e-mail inquiry by the author on May 17, 2016, the assistant to the ASGP Secretariat forwarded a March 2016 presentation on filibustering in Iceland, but noted: "I am not aware of any further work done on this topic, nor will the association commission reports into any particular subjects. We are entirely dependent on the contributions of our members at Parliaments worldwide" (Moeller 2016).

<sup>12</sup> The survey was approved for distribution by Randolph-Macon College's Institutional Review Board (IRB) on June 26, 2016.



Bücker’s survey allowed respondents to indicate whether particular types of obstruction were occurring, it did not ask them to assess the impact of such behavior on their own legislatures or chambers.<sup>13</sup>

To distribute the survey, I relied upon the directory of ASGP members available via the Association’s website, which makes available a list of members, with links to their contact information. The current membership list includes 318 active and honorary members representing 152 countries, 178 chambers, and 16 multinational parliamentary organizations. I excluded the 34 honorary members and Association staff from my distribution list, and distributed the survey to the remaining 284 ASGP members on the list. Almost immediately upon sending my survey invitation, I received “undeliverable” messages for 18 of the ASGP members, suggesting that the Association’s online membership roster and/or the e-mail addresses on file with the Association may not have been up-to-date.<sup>14</sup> This left a possible respondent pool of 266 ASGP members, representing 149 countries, 178 chambers, and 16 multinational parliamentary organizations.

## **ANALYSIS**

A total of 42 parliamentary clerks from 35 different countries responded to the survey. In addition, one member of parliament from a multinational parliament—the Andean Parliament—replied. This results in an individual response rate of 16 percent and a country response rate of 22 percent.<sup>15</sup> The absolute number of countries and chambers represented is higher than the

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<sup>13</sup> Of course, Bücker had a chance to discuss the survey results directly with respondents at a meeting of ASGP, prior to the ASGP releasing its report. Thus, he would have been able to ask such questions directly in the process of drafting the report.

<sup>14</sup> In nearly all cases where a survey invitation was returned as undeliverable, there were other members of ASGP from the same country whose survey invitations were delivered.

<sup>15</sup> The country-level response rate is included because some countries (for example, the UK and France) have as many as a half-dozen members of ASGP. It should be noted that not all respondents answered all questions—response rates for individual questions vary and are reported where appropriate.

number of each that were represented in the 1998 survey, but it is impossible to know what the 1988 response rate was, since Bückner does not provide either the rate or the list of countries to which his survey was sent. Table 1 provides the list of respondents to both the 1998 Bückner survey and the 2016 survey. In both cases, the respondents represent a diverse set of countries, spanning all six continents with sovereign governments, and reflecting multiple different variants of parliamentary structures. The most obvious difference in the response sets between 1988 and 2016 is the presence of Balkan countries and Eastern European nations including Latvia, Estonia, the Czech Republic, Slovak Republic, and Hungary in the 2016 respondent list, a fact that is unsurprising given their lack of independent status prior to 1989.

--Table 1 about here--

Summary statistics from the survey, which are provided in Table 2, reveal some interesting dynamics. While ASGP concluded, based upon the Bückner survey in 1988, that obstruction had no serious impact on the prosecution of business in the parliaments, the overwhelming majority--77.5% percent—of those countries/chambers responding to the 1988 survey indicated at least some degree of obstructive behavior occurred within their parliament/chamber. By 2016, the number and proportion had fallen, with just 26 of 42 (61.9%) indicated that obstruction occurs in their parliament or chamber. However, nine of those 26 respondents (34.6%) further indicated that obstruction “somewhat affects” the ability of the home parliament to complete its work. Because Bückner did not ask a similar question in 1988, it is impossible to compare this result with the results he obtained during that survey administration, but it is interesting to note that more than one-third of the 2016 survey respondents identified obstruction as having some degree of impact on their chamber’s ability to prosecute its legislative agenda.

Table 2 also provides summary data from the 2016 survey administration concerning when in the legislative process obstruction most frequently occurs, and who within the chamber is most likely to obstruct. These data, too, are novel and demonstrate that more than two-thirds of countries (68%) reporting obstruction locate that obstruction in the floor stage of the legislative process. This is not surprising, given that the floor debate or plenary session may be the last opportunity for the opposition to prevent a measure from being enacted. However, a sizable proportion of the survey respondents also reported obstruction occurring during the committee stage of the legislative process. For example, the survey respondent from the Swiss Senate noted that committees may “decide not to debate about an object as soon as they could in order to report the debate to a politically more convenient time.” Perhaps most interestingly, however, is that while Table 2 demonstrates that obstruction is practice by legislative minorities in the overwhelming number of countries reporting, just over 39 percent of respondents noted that “individual members” practice obstruction in their parliaments, while 17.4 percent of respondents identified the *majority* party as contributing to obstruction.

--Table 2 about here--

### *Forms of Obstruction*

Tables 3 sheds further light on these results. It presents the results from both the 1988 and 2016 surveys, grouping the countries/chambers by the forms of obstruction that were queried. Interestingly, there is little difference in the types of obstruction noted by the respondents to the survey in 1988 as compared with 2016. Most respondents (all but four in 1988; all but five in 2016) found the list of forms of obstruction Bucker created to be sufficient to describe the types of obstruction their chambers/parliaments experience. Table 3 further demonstrates that across nearly all forms of obstruction, the number of countries/chambers experiencing a particular form

has increased since 1988. This suggests that where it is possible to obstruct, members of parliament will use all permissible forms in order to try to accomplish their goals.

An important caveat is necessary here, however. Because the list of countries/chambers responding across the two survey administrations is not the same, conclusions about the extent to which obstruction has worsened since 1989 must be tempered by the fact that a direct comparison between the two sets of respondents would be misleading. While it is possible to conclude that countries that experience obstruction are encountering an increase in the number of forms between survey administrations, it is not possible to conclude that obstruction has increased since 1989 in any country or chamber that did not respond to the original survey.

It is possible, however, to compare the responses of the countries/chambers that participated in both surveys in order to get a sense of how obstruction may have changed over time in these locations. Altogether, there were 13 countries/chambers represented in both survey administrations. Four saw the number of forms of obstruction decline between surveys: the UK (House of Commons), Austria (Bundesrat), Denmark, and Spain (Senado). Five countries/chambers reported equal numbers of obstructive techniques in both the 1988 and 2016 surveys: Canada (House of Commons), Finland, Italy (Senato), Norway, and Sweden. Four countries/chambers reported an increase in the number of forms of obstruction in use: Australia (House of Representatives), Belgium (House of Representatives), Iceland, and the Netherlands (Second Chamber). At first glance, there does not appear to be a single explanatory factor that explains these clusters of countries/chambers. They are spread across types of democracies (Lijphardt 1994) and across both unicameral and bicameral institutional arrangements.

### *Limiting Obstruction*

Finally, Table 4 summarizes the limits on obstruction in each of the countries/chambers responding to the 2016 survey. A direct comparison with the 1988 survey results is not possible, since Bückler did not break out the responses he received in sufficient detail to allow it. However, it is clear that in every country/chamber that responded to the 2016 survey, except for three, measures ranging from time agreements to empowering the Speaker to imposing sanctions have been imposed to limit obstruction. Six countries—Bangladesh, Hungary, the Republic of Macedonia, South Africa, Sweden, and Switzerland—impose legal limits on legislative obstruction. In several cases, including in the British and Canadian Houses of Commons, strict time agreements have been imposed in order to prevent obstruction from interfering too significantly with the Government’s ability to complete its work.

--Table 4 about here—

It is worth noting here that while a full analysis of the impact of obstructive behavior on the legislative chambers in which it occurs is not the primary focus of this paper, the lengths to which many chambers have gone to blunt the impact of obstructive behavior highlights the challenges that such behavior can create. Obstruction may have a significant impact on the government’s ability to accomplish essential tasks—for example in Canada in 2010, when a point of privilege was raised on the government’s refusal to turn over documents related to the alleged torture of Afghan detainees; the debate over the issue risked the government’s ability to pass its budget (Galloway 2010). In addition to reducing the government’s ability to complete its work, particularly as the end of a session nears, obstruction can both “kill time and embarrass the government.”<sup>16</sup>

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<sup>16</sup> Interview by the author with a Canadian parliamentary clerk, May 17, 2016.

## NARRATIVE COMMENTS

While the 2016 survey results offer a current status report on the extent to which dilatory behavior occurs in national legislatures around the world, narrative comments provided by survey respondents and interviewees shed additional light on how these tactics are employed and which of these techniques is used to greatest effect. Although there are several forms of obstruction that appear to be used across multiple countries, it is important to note that the form and mechanics of their use may vary in accordance with country- or chamber-specific factors; as one Canadian parliamentary clerk noted, “different procedures respond to different political cultures.”<sup>17</sup>

For example, absences to prevent a quorum occur in several of the countries responding to the 2016 survey, but at least two respondents noted that this is a tool of the *majority* party. Likewise, a member of the Diet of Japan recalled an effort by the Japanese Socialist Party to encourage all of its members of the House of Representatives to quit its coalition with the then-ruling Democratic Party of Japan (DPJ) in order to deny the DPJ the quorum it needed to transact business.<sup>18</sup> The offering of large numbers of amendments or sub-amendments also appears to be a prevalent obstructionist tactic in the countries and chambers responding in 2016. Two of the respondents to the 2016 survey offered especially notable comments about the offering of a large number of amendments in an effort to bog down the legislative process. The respondent from the Italian *Senato della Repubblica* noted that in 2015 “83 million amendments [were] presented in order to prevent the prosecution of the exam of a constitutional bill in Italy.” The survey respondent from the Republic of Macedonia highlighted “an obstruction in

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<sup>17</sup> Interview with the author, May 17, 2016.

<sup>18</sup> Interview with the author, December 9, 2015.

amendments procedure by introducing 10000 amendments in order to prevent adoption of a bill” (2016 Survey).

Other forms of obstruction are more creative. For example, physical efforts at obstruction, such as the “ox walk” in Japan are rare, but not impossible. The 2016 survey respondent from Canada’s House of Commons noted that “[o]n rare occasions, Members have stood to vote extremely slowly during votes in an attempt at obstruction,” and the respondent from the Hungarian Assembly noted that “using megaphones” and “impeding the Speaker’s chairing ability by invading the pulpit” has occurred in the past. The Macedonian respondent also noted that “Obstruction have [sic] taken place in a unique form of taking the floor on a committee session and then just keep silent—‘speaking by being silent,’ as a form to obstruct adoption of a proposed bill.”

The use of dilatory motions can also sometimes be effective at delaying action on pending matters. For example, the motion that the United Kingdom’s House of Commons meet in secret,<sup>19</sup> which has a legitimate purpose in restricting the presence of outsiders when matters of national security are discussed, can also be moved in order to interrupt debate and slow down the legislative process. Then Member of the British House of Commons and now Lord Paul Tyler, used this procedure in 2001 in response to what he viewed as the Labour Government renegeing on its pledge to provide a certain amount of time for pending anti-terrorism legislation to be debated. He explained:

I waited until the government whips were out of the room [House of Commons chamber] and then made a motion that the House meet in secret. That motion is debatable, and the poor minister sitting on the front bench had no idea what was happening. Well, the motion passed, and then the galleries had to be

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<sup>19</sup> Colloquially, this is known as the “spying strangers” provision, since the motion was phrased “that strangers do now withdraw” Rogers and Walters 2015, 256).

cleared, which took some time, and then the microphones were turned off because of course, if they're on, then someone's listening, and *Hansard* had to leave. And so then we just sat there and no one knew what to do then. So the Commons had to adjourn."<sup>20</sup>

According to *The Telegraph*, it was the first time since 1958 that an MP had successfully been able to use the "I spy strangers," provision successfully to move to clear the gallery and, as a consequence, to delay an item of pending business on the Commons floor (Kallenbach 2001, Rogers and Walters 2015), although as Tyler noted, the tactic delayed passage of the bill only by one day.<sup>21</sup>

## **SUMMARY AND CONCLUSIONS**

The literature on legislative obstruction in the U.S. is robust; far fewer studies have considered obstruction in parliamentary systems around the world. The extant literature shows that the ability of legislators to engage in delay, the types of measures obstructed, and the particular forms of delay in which legislators may engage vary by country and are affected by political culture both generally and within the national legislature, the overall political environment, the design of legislative institutions, and the choice of procedures within them. Furthermore, obstruction may be most effective toward the end of a legislative session, when time is scarce; obstructionists will seek to exploit these time horizons through lengthy speeches, slow walking, or even, on rare occasions, physical obstruction.

Unfortunately, scholarly study of obstruction in national legislatures outside the U.S. has been limited, in part due to a lack of basic information about the extent to which obstruction occurs. Until now, however, there has been no comprehensive academic study dedicated to understanding the extent and practice of obstructive behavior in parliaments. The closest thing

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<sup>20</sup> Tyler, Lord Paul. 2015. Interview with the author, September 8, 2015.

<sup>21</sup> Ibid.



was the 1989 Association of Secretaries General of Parliaments (ASGP) survey of obstruction that concluded that obstruction had little significant impact on the ability of parliaments to transact legislative business, although it did not explicitly engage the question of the *impact* of obstructive techniques, seeking instead simply to catalogue them. Moreover, that study did not widely circulate in academic circles, reducing its utility to those wishing to more fully explore the impact of obstruction in parliaments. In the intervening three decades, however, increasing degrees of legislative obstruction in the United States has given rise to a resurgence of interest in the scope and impact of dilatory behavior in the U.S. Congress, and that, in turn, has led to questions about the nature of obstruction in other countries.

This paper has taken initial steps to provide an answer to the question of the extent to which obstruction occurs in parliaments outside the United States. The survey data from 2016 reported here represent the first comprehensive effort in nearly three decades to assess the use, frequency, and impact of dilatory behavior in parliaments. The results demonstrate that while the U.S. Senate-style filibuster has no real equal in the other countries discussed in this paper, obstructive behavior occurs in a variety of parliamentary institutions across a wide range of political contexts. Further, it has shown that under certain circumstances, deliberate obstruction has affected the ability of some parliamentary majorities to accomplish their goals. When chamber norms and rules permit, members of parliaments frequently are able to engage in obstruction, even despite institutional arrangements that should make such behavior impossible.

The information presented here is largely descriptive; future work should focus on adding to the number of countries/chambers about which information is available, in order to make more analysis possible. Ripe for investigation are questions such as whether the type of political system, region of the world, and the particular institutional design of a parliament (e.g.

unicameral or bicameral) affect the extent to which a parliament or chamber is affected by obstruction. Also needed is fuller study of the impact that obstruction has on the ability of parliamentary majorities to accomplish their objectives; previous work (see, for example, Kaiser 2008) has tended to conclude that opposition or minority parties have little influence on legislative outcomes, but there is also evidence that institutional arrangements matter.

The data I have collected thus far will permit such future research efforts; this paper represents the important first step of revealing the reality of obstruction in a wide range of legislative institutions worldwide. Continued research into the countries included in this study, as well as the addition of information about delay in other parliamentary democracies, will enhance our knowledge of the uses and responses to obstruction in national legislatures and in turn will allow us to refine our understanding of such important issues as democratic responsiveness, minority rights, and the impact of obstruction on legislative outputs.

The evidence presented in this paper demonstrates that obstructive behavior is more common than the conventional wisdom and previous theoretical models suggest. Obstruction occurs in a variety of types of national legislatures and across different political systems. Where obstruction does not occur regularly, it is usually because the legislature has adopted explicit rules that prevent it and punish legislators that attempt to delay. Still, as this paper demonstrates, obstruction can and does occur even in those legislatures that have significantly reduced the possibility of such activity; as a senior parliamentary official in the British House of Commons notes, “Everyone finds a way of gaming every system.”<sup>22</sup>

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<sup>22</sup> Interview by the author. September 7, 2015.

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**Table 1: Respondents to Bücker (1988) Survey and Bell (2016) Survey**

<b>Bücker (1988) Survey</b>	<b>Bell (2016) Survey</b>
Australia (Senate, House of Representatives)	Andean Parliament
Austria (Nationalrat/Bundesrat)	Australia (House of Representatives)
Belgium (Senat, Chambre des Representants)	Austria (Bundesrat)
Brazil (Camera dos Deputados)	Bangladesh
Canada (House of Commons)	Belgium (House of Representatives)
Cyprus	Bhutan
Denmark	Burundi (Upper Chamber)
Egypt	Canada (House of Commons, Senate)
European Parliament	Czech Republic (Chamber of Deputies, Senate)
Federal Rep. of Germany (Bundestag/Bundesrat)	Denmark
Finland	Estonia
France (Assemblée Nationale)	Finland
Greece	France (Senat)
Iceland	Germany (Bundestag and Bundesrat)
Indonesia	Hungary
Ireland (Dail Eireann)	Iceland
Israel	Italy (Senato)
Italy (Senato, Camera dei Deputati)	Japan <sup>23</sup>
Japan (House of Representatives, House of Councillors)	Kuwait
Jordan	Latvia
Kenya	Malaysia
Korea	Netherlands (Second Chamber)
Morocco	Norway
Netherlands (Second Chamber)	Palestine
Norway	Philippines
Poland	Portugal
Portugal	Republic of Macedonia
Rwanda	Slovak Republic
Spain (Senado)	South Africa (National Assembly)
Sweden	Spain (Congress, Senado)
United Kingdom (House of Lords, House of Commons)	Sweden
Uruguay (Senate)	Switzerland (National Council, Senate)
USA (House of Representatives)	Uganda
	United Kingdom (House of Commons)

<sup>23</sup> Information for Japan was gathered through in-person interviews in Japan during November and December 2015.

**Table 2: Summary Data, 1988 and 2016 Survey**

	<b>Bücker (1988) Survey</b>	<b>Bell (2016) Survey</b>
<b>Number of Countries Represented</b>	32	35
<b>Number of Chambers Represented</b>	39	42
<b>Multinational Parliaments Represented</b>	1	1
<b>Number (percent) of Respondents indicating obstruction does not occur</b>	9 (22.5%)	16 (38.1%)
<b>Number (percent) of respondents indicating obstruction occurs in their chamber/parliament</b>	31 (77.5%)	26 (61.9%)
<i>Number (percent) indicating obstruction greatly affects legislative business</i>	---	0.00%
<i>Number (percent) indicating obstruction somewhat affects legislative business</i>	---	9 of 25 (34.6%)
<b>Timing of Obstructive Behavior</b>		
<i>In Committee</i>	---	11 of 25 (44.0%)
<i>During Floor Debates</i>	---	17 of 25 (68.0%)
<i>Throughout the legislative process</i>	---	7 of 25 (28.0%)
<b>Who Obstructs?</b>		
<i>Individual Members</i>	---	9 of 23 (39.1%)
<i>The Official Opposition</i>	---	20 of 23 (86.9%)
<i>Other Legislative Minorities</i>	---	14 of 23 (60.9%)
<i>The Majority</i>	---	4 of 23 (17.4%)

**Table 3: Form of Obstruction, by country reporting use, 1988 and 2016**

(\* ) Indicates the practice occurs regularly (2016 only)

<b>Practice</b>	<b>1988</b>	<b>2016</b>
<b>Filibustering</b>	Australia (Senate) Austria (Nationalrat) Canada (House of Commons) Finland Italy (Senato, Camera di Deputati) Japan (House of Representatives, House of Councillors) United Kingdom (House of Commons)	Australia (House of Representatives) Belgium (House of Representatives) Burundi (Upper Chamber) Canada (House of Commons) Czech Republic (Chamber of Deputies, Senate) Estonia Finland Hungary Iceland* Italy (Senato) Republic of Macedonia Netherlands (Second Chamber) Portugal Slovak Republic* South Africa (National Assembly) Spain (Congress)
<b>Large Numbers of Explanations of Vote</b>	Brazil Federal Republic of Germany (Bundestag) Italy (Camera di Deputati) Kenya Morocco Portugal	Belgium (House of Representatives) Estonia France (Senate) Iceland Italy (Senato) Republic of Macedonia Netherlands (Second Chamber) Portugal Slovak Republic South Africa (National Assembly) Spain (Congress) Uganda
<b>Large Number of Roll-Call Votes or Time-Consuming Methods of Voting</b>	Australia (Senate, House of Representatives) Brazil Canada (House of Commons) European Parliament Federal Republic of Germany (Bundestag) Greece Ireland (Dail Eireann) Italy (Senato) Japan (House of Representatives, House of Councillors) Kenya United Kingdom (House of Commons) USA (House of Representatives)	Austria (Nationalrat) Burundi (Upper Chamber) Canada (House of Commons) Czech Republic (Chamber of Deputies) Estonia France (Senate) Italy (Senato)* Japan (House of Representatives) Netherlands (Second Chamber) Portugal Spain (Congress) Uganda United Kingdom (House of Commons)



<p><b>Introduction of a Large Number of Amendments and Sub-Amendments</b></p>	<p>Austria (Nationalrat) Brazil Canada (House of Commons) European Parliament Finland France (Assemblée Nationale) Iceland Israel Italy (Senato, Camera di Deputati) Japan (House of Representatives, House of Councillors) Spain (Senado) United Kingdom (House of Commons)</p>	<p>Australia (House of Representatives) Austria (Nationalrat) Belgium (House of Representatives) Burundi (Upper Chamber) Canada (House of Commons) Czech Republic (Chamber of Deputies, Senate) Estonia* France (Senat) Hungary Italy (Senato)* Republic of Macedonia* Netherlands (Second Chamber) Portugal Slovak Republic* South Africa (National Assembly) Spain (Congress) Switzerland (Senate) Uganda* United Kingdom (House of Commons)</p>
<p><b>Large Number of Procedural Votes</b></p>	<p>Brazil Canada (House of Commons) France (Assemblée Nationale) Federal Republic of Germany (Bundestag) Indonesia Italy (Senato, Camera di Deputati) Japan (House of Representatives, House of Councillors) Korea Portugal United Kingdom (House of Commons)</p>	<p>Australia (House of Representatives) Austria (Nationalrat) Belgium (House of Representatives) Canada (House of Commons, Senate) Czech Republic (Chamber of Deputies, Senate) Estonia* Hungary Iceland Italy (Senato) Republic of Macedonia* Netherlands (Second Chamber) Portugal Slovak Republic* South Africa (National Assembly) Spain (Congress) United Kingdom (House of Commons)</p>
<p><b>A large number of lengthy or detailed interpellations of ministers leading to debate</b></p>	<p>Indonesia</p>	<p>Austria (Nationalrat) Belgium (House of Representatives) Burundi (Upper Chamber) Estonia Italy (Senato) Portugal Slovak Republic* Spain (Congress) Switzerland (Senate) Uganda</p>

<b>Repeated Committee Hearings</b>	Federal Republic of Germany (Bundestag) Israel (Knesset)	Australia (House of Representatives) Belgium (House of Representatives) Burundi (Upper Chamber) Estonia Hungary Iceland Italy (Senato) Latvia Netherlands (Second Chamber) Portugal Slovak Republic South Africa (National Assembly) Spain (Congress) Switzerland (Senate)
<b>Absences to prevent a quorum/repeated quorum calls</b>	Australia (Senate, House of Representatives) Belgium (Chambre des Representants) Brazil Egypt European Parliament France (Asemblee Nationale) Greece Iceland Indonesia Italy (Senato) Kenya Korea Morocco Spain (Senado) United Kingdom (House of Lords)	Australia (House of Representatives) Belgium (House of Representatives) Burundi (Upper Chamber) Canada (House of Commons) Czech Republic (Chamber of Deputies, Senate) Estonia France (Senate) Hungary Iceland Italy (Senato) Latvia Republic of Macedonia* Netherlands (Second Chamber) Portugal Slovak Republic South Africa (National Assembly)*
<b>Raising Multiple Points of Order</b>	Canada (House of Commons) Egypt France (Assemblee Nationale) Israel (Knesset) Italy (Senato) Portugal United Kingdom (House of Commons)	Australia (House of Representatives)* Austria (Nationalrat) Belgium (House of Representatives) Burundi (Upper Chamber) Canada (House of Commons, Senate) Czech Republic (Chamber of Deputies, Senate) Estonia Iceland* Italy (Senato) Netherlands (Second Chamber) Portugal Slovak Republic* South Africa (National Assembly)* Spain (Congress) Switzerland (Senate) Uganda*

<b>Other</b>	Belgium Canada (House of Commons) European Parliament United Kingdom (House of Commons)	Canada (House of Commons) Czech Republic Hungary Iceland Japan (House of Representatives) Switzerland (Senate)
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**Sources:** Compiled by the author from Bucker, J. 1989. "Report on the Obstruction of Parliamentary Proceedings." Association of Secretaries General of Parliaments and Author's 2016 survey of ASGP members. 2016 information for Japan comes from author interviews of members of the Diet and the Parliamentary Research Bureau, 2015.

**Table 4: Limits on Obstruction—2016 Survey**

Type of Limit	Countries Employing
Powers of the Speaker	Australia (House of Representatives) Andean Parliament Austria (Bundestag and Bundesrat) Bangladesh Belgium (House of Representatives) Bhutan Canada (House of Commons) Czech Republic (Senate) Denmark France (Senate) Hungary Italy (Senato) Kuwait Latvia Malaysia (Senate) Norway Netherlands (Second Chamber) Palestine Portugal Slovak Republic South Africa (National Assembly) Spain (Congress and Senado) Sweden Switzerland (National Council and Senate) Uganda United Kingdom (House of Commons)
Closure	Australia (House of Representatives) Bangladesh Estonia Canada (House of Commons and Senate) France (Senate) Hungary Kuwait Latvia The Netherlands Portugal Spain (Senado) United Kingdom (House of Commons)
Countermeasures or Sanctions	Andean Parliament Burundi Estonia France (Senate) Hungary Kuwait Palestine South Africa Sweden Uganda

Time Agreements	Australia (House of Representatives) Andean Parliament Austria (Bundestag and Bundesrat) Bangladesh Belgium (House of Representatives) Bhutan Canada (House of Commons and Senate) Czech Republic (Senate) Denmark France (Senate) Germany (Bundestag) Hungary Italy (Senato) Kuwait Latvia Macedonia Norway Netherlands (Second Chamber) Palestine Portugal South Africa (National Assembly) Spain (Congress and Senado) Sweden Switzerland (National Council and Senate) Uganda United Kingdom (House of Commons)
By Law	Bangladesh Hungary Republic of Macedonia South Africa Sweden Switzerland
None	Finland Germany (Bundesrat) Iceland

## Parliamentary Obstruction Survey

### 2016 Parliamentary Obstruction Survey

**This survey asks you to report on the types of obstruction, if any, that occur in your parliament. This research is being conducted by Dr. Lauren C. Bell of Randolph-Macon College in Ashland, Virginia, USA. The objective of the research project is to determine whether obstruction in parliaments has improved, stayed the same, or worsened in the more than 25 years since the Association of Secretaries General of Parliaments (ASGP) reported on a similar survey conducted in 1989.**

**This survey is confidential. Your name and official title are not required. The survey requests only that you report your home country, parliament name, and general category of your employment. Completion of this survey is also voluntary. Should there be any question(s) that you wish to leave blank, you may do so. There are no known risks to you of participating in this study. No individual respondent will be identified in any report that is derived from the results of this survey. However, country names may be used as part of any report that results from this survey.**

**The results of this study will be used in an academic research project aimed at cataloguing obstruction in parliaments. Because this research might be of use to parliamentary staff and parliamentarians, copies of any report or article that results will be made available upon request, and will be shared with ASGP and other appropriate organizations.**

**If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact Professor Bell at (804)-752-7268 or at lbell@rmc.edu. This research has been approved by the Randolph-Macon College Institutional Review Board (IRB). If you wish to discuss the ethics of the research with the IRB, please contact Professor Massimo Bardi (massimobardi@rmc.edu), the Chair of the Randolph-Macon College IRB.**

**By clicking "Next" you acknowledge this information and agree to participate in the study.**

## Parliamentary Obstruction Survey

1. What is the name of your Parliament, and where is it located?

Parliament Name

Chamber Name (Optional)

Country

2. What description best reflects your role within your parliament?

Parliamentary Clerk

Member of Parliament

Other (please specify)

3. Does obstruction--defined as any willful effort to delay or prevent business from being carried out--occur in your Parliament?

Yes

No

4. What form does obstruction in your parliament take? In particular, does obstruction occur in the following ways, and if so, how often does each occur?

	Regularly Occurs	Sometimes Occurs	Infrequently Occurs	Never Occurs	Not Possible
Filibustering during debates	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large Number of Explanations of Vote	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large Number of procedural votes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introducing a large number of amendments and subamendments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Offering a large number of roll-call votes or other time-consuming methods of voting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A large number of lengthy or detailed interpellations of ministers leading to debate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repeated committee hearings of experts and representatives from interest groups on the same topics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The absence of members in order to prevent a quorum, or the deliberate calling into question the presence of a quorum?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The raising of multiple points of order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



5. Overall, how much does obstruction affect your parliament's ability to complete its business?

- Obstruction significantly affects our ability to complete our work
- Obstruction somewhat affects our ability to complete our work
- Obstruction does not really affect our ability to complete our work

Other (please specify)

6. If you indicated above that other forms of obstruction besides those listed take place in your parliament, please describe these below. Otherwise, please simply click "next" to move on to the next question.

## Parliamentary Obstruction Survey

7. Who, typically, practices obstruction? (Please check all that apply)

- Individual members
- Legislative minority (The Official Opposition)
- Legislative minority (Other than the Official Opposition)
- The Majority/Government
- None of the above/obstruction does not occur in my parliament

Other (please specify)

8. When, typically, does obstruction take place? (Check all that apply)

- In Committee
- During floor debates
- Throughout the entire legislative process
- None of the above/obstruction does not occur in my parliament

Other (please specify)

## Parliamentary Obstruction Survey

9. In what way(s) can parliamentary obstruction be controlled in your parliament? (Please check all that apply.)

- Powers of the Speaker
- Countermeasures or sanctions
- Closure procedures
- Time agreements specifying strict time limits for consideration of legislation
- None of these

10. Is obstruction addressed in any of the following ways in your parliament? (Please check all that apply.)

- By law
- By resolution of the Parliament
- By the Standing Orders
- By custom or practice
- None of these

Other (please specify)

11. Is there any additional information about obstruction in your parliament that you wish to add?

## Parliamentary Obstruction Survey

Thank you for your participation

**You have reached the end of the questions in this survey. Thank you for your participation. If you have any questions or concerns about this research, or if you wish to obtain a copy of the results, please contact Professor Lauren C. Bell at (804) 752-7268 or [lbell@rmc.edu](mailto:lbell@rmc.edu).**