



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

Half-yearly Review of the Association of Secretaries General of Parliaments

Presentation on the parliamentary system of Ecuador
(*Libia RIVAS, Ecuador*)

The formation of the Dutch Cabinet: control and transparency
(*Jacqueline BIESHEUVEL-VERMELJDEN, The Netherlands*)

Is it possible for Parliaments to have an efficient institutional communication policy?
(*Manuel ALBA NAVARRO, Spain*)

The rights of parliamentary committees to receive written and oral evidence relating to government business (*General debate*)

Civil servants in parliaments - balancing service and impartiality
(*Claes MARTENSSON, Sweden*)

Is it desirable or possible to establish common professional norms or principles for different Parliaments for the recruitment and career management of parliamentary staff?
(*General debate*)

ISO certification: in search of excellence in the service delivery by the administration of Parliament
(*Austin ZVOMA, Zimbabwe*)

The necessary limits to transparency – the problems for Parliaments of freedom of information legislation
(*Ulrich SCHOLER, Germany*)

Bilateral co-operation between Parliaments in different continents: the case of East Timor
(*José Manuel ARAUJO, Portugal*)

Relations between the parliamentary administration and the personal staff of parliamentarians
(*General debate*)

The 3rd Legislature of the Cambodian Senate: opportunities and challenges
(*Oum SARITH, Cambodia*)

The strengthening of the legislative process through technological innovation: the experience of the Brazilian Chamber of Deputies
(*Rogelio VENTURA TEIXEIRA, Brazil*)

Standards of conduct for Members of Parliament and parliamentary staff (*General debate*)

Political impeachment procedure in the Parliament of Uruguay
(*José Pedro MONTERO, Uruguay*)

INTER-PARLIAMENTARY UNION

Aims

The Inter-Parliamentary Union, whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organisation of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

Membership of the Union

Please refer to IPU site (<http://www.ipu.org>).

Structure

The organs of the Union are:

1. The Inter-Parliamentary Conference, which meets twice a year;
2. The Inter-Parliamentary Council, composed of two members of each affiliated Group;
3. The Executive Committee, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President;
4. Secretariat of the Union, which is the international secretariat of the Organisation, the headquarters being located at:

Inter-Parliamentary Union
5, chemin du Pommier
Case postale 330
CH-1218 Le Grand Saconnex
Genève (Suisse)

Official Publication

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. The publication is indispensable in keeping posted on the activities of the Organisation. Subscription can be placed with the Union's secretariat in Geneva.

LIST OF PARTICIPANTS

MEMBERS PRESENT

NAME	COUNTRY
Mr. Shah Sultan AKIFI	Afghanistan
Mr. Rahimullah GHALIB	Afghanistan
Mr. Sayed Afizullah HASHIMI	Afghanistan
Dr. Hafnaoui AMRANI	Algeria
Mr. Alexis WINTONIAK	Austria
Mr. Md. Mahfuzur RAHMAN	Bangladesh
Mr. Hugo HONDEQUIN	Belgium
Mr. Marc VAN DER HULST	Belgium
Mrs. Barbara DITHAPO	Botswana
Mr. Ivan SLAVCHOV	Bulgaria
Mr. Alphonse K. NOMBRÉ	Burkina Faso
Mr. OUM Sarith	Cambodia
Mr. Marc BOSC	Canada
Mr. Gali Massa HAROU	Chad
Mr. Mario LABBE	Chile
Mr. Modrikpe Patrice MADJUBOLE	Congo (Democratic Rep. of)
Mr. Antonio AYALES ESNA	Costa Rica
Mr. Fakhy N'fa Kaba KONATE	Côte d'Ivoire
Mr. Petr KYNŠTETR	Czech Republic
Mr. Jiří UKLEIN	Czech Republic
Mr. Carsten U. LARSEN	Denmark
Ms. Ruth Helen PANIAGUA	Dominican Republic
Mrs. Libia RIVAS ORDÓÑEZ	Ecuador
Mr. José Óscar Armando PINEDA NAVAS	El Salvador
Mrs. Maria ALAJÖE	Estonia
Mr. Negus LEMMA GEBRE	Ethiopia
Mr. Seppo TIITINEN	Finland
Mr. Alain DELCAMP	France
Mr. Robert PROVANSAL	France
Mrs. Danièle RIVAILLE	France
Mr. Edmond SOUMOUNA	Gabon
Dr. Ute RETTLER	Germany
Dr Ulrich SCHÖLER	Germany
Dr. Athanassios PAPAIOANNOU	Greece
Mr. Jean Ariel JOSEPH	Haiti
Mr. Shumsher K. SHERIFF	India
Mr. Achmad DJUNED	Indonesia
Mr. Ayad Namik MAJID	Iraq
Mr. Hossein SHEIKHOLISLAM	Iran
Mr. Mohammad RDAINI	Jordan
Mr. Jin-Suk CHUNG	Korea (Rep. of)
Mr. Allam Ali Jaafer AL-KANDARI	Kuwait
Mr. Najib EL KHADI	Morocco
Mr. Manohar Prasad BHATTARAI	Nepal
Mr. Ramón Eduardo CABRALES ARÁUZ	Nicaragua
Mr. Benedict EFETURI	Nigeria

Mrs. Jacqueline BIESHEUVEL-VERMEIJDEN	Netherlands
Mr. Geert HAMILTON	Netherlands
Mrs. Marilyn B. BARUA-YAP	Philippines
Mrs. Ewa POLKOWSKA	Poland
Mr. Constantin Dan VASILIU	Romania
Mr. Vladimir SVINAREV	Russian Federation
Dr. Mohammed Abdullah AL-AMR	Saudi Arabia
Mrs. Jana LJUBIČIĆ	Serbie
Mr. Manuel ALBA NAVARRO	Spain
Mr. Dhammika DASANAYAKE	Sri Lanka
Mr. Claes MÅRTENSSON	Sweden
Mr. Christoph LANZ	Switzerland
Mr. Philippe SCHWAB	Switzerland
Mr. James WARBURG	Tanzania
Mr. Somsak MANUNPICHU	Thailand
Mr. Suwichag NAKWATCHARACHAI	Thailand
Mrs. Wijitra WATCHARAPORN	Thailand
Mr. João Rui AMARAL	Timor Leste
Dr. Irfan NEZİROĞLU	Turkey
Mrs. Jane LUBOWA KIBIRIGE	Uganda
Mr. Paul GAMUSI WABWIRE	Uganda
Mr. Abdulrahman AL SHAMSI	United Arab Emirates
Mr. Edward OLLARD	United Kingdom
Dr. José Pedro MONTERO	Uruguay
Mrs. Doris Katai MWINGA	Zambia
Mr. Austin ZVOMA	Zimbabwe

ASSOCIATE MEMBERS

NAME	ORGANISATION
Mr. Kenneth MADETE	East African Legislative Assembly (EALA)
Dr. Cheick Abdelkader DANSOKO	ECOWAS Parliament
Mr. Amine ABBA-SIDICK	Parliament of the CEMAC
Mr. Said MOKADEM	Maghreb Consultative Council
Mr Sergio PIAZZI	Parliamentary Assembly of the Mediterranean (PAM)
Mr. Boubacar IDI GADO	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU)

OBSERVER

NAME	ORGANISATION
Mr. Gherardo CASINI	Global Centre for ICT in Parliament

SUBSTITUTES

NOM/NAME	COUNTRY
Ms. Claressa SURTEES (for Mr. Bernard WRIGHT)	Australia
Dr. Fouzia Y. AL-JEEB (for Mr. Jamal ZOWAID)	Bahrain
Mr. Rogerio VENTURA TEIXEIRA (for Mr. Sérgio SAMPAIO CONTREIRAS de ALMEIDA)	Brazil
Mrs. Françoise MEFFRE (for Mrs. Corinne LUQUIENS)	France
Ms. Bridget DOODY (for Mr. Kieran COUGHLAN)	Ireland
Mr. Ken SHIMIZU (for Mr. Masafumi HASHIMOTO)	Japan
Mr. Demetrio L. NAVARRO, Jr. (for Mr. Edwin BELLEN)	Philippines
Mr. José Manuel ARAÚJO (for Mr. João CABRAL TAVARES)	Portugal
Ms. Ana ALVAREZ (for Mr. Manuel CAVERO GOMEZ)	Spain
Mrs. Ruth Lucia DE WINDT (for Mrs. Marcia I. S. BURLESON)	Surinam
Mr. Paul EVANS (for Sir Robert Rogers)	United Kingdom
Mr. Kurshad Melir SARIARSLAN (for Mr. Ramil HASANOV)	TURKPA (Parliamentary Assembly of the Turkic Countries)

OTHERS PRESENT

NOM/NAME	COUNTRY
Mr. Pedro DE NERI (non-member)	Angola
Mr. Christian PROANO (non-member)	Ecuador
Mr. Ivan ROSALES (non-member)	El Salvador
Mr. Bienvenido Ekuia ESOMBE(non-member)	Equatorial Guinea
Mr. Christian BOUSSINOT (non-member)	Guatemala
Mr. Orlando SILVA (non-member)	Guinea-Bissau
Mr. Deepak GOYAL (non-member)	India
Mr. Karl KRISTJANSEN (non-member)	Iceland
Ms. Warsiti ALFIAH (non-member)	Indonesia
Ms. Yulia INDAHRI (non-member)	Indonesia
Ms. Bambang Susetio NUGROHO (non-member)	Indonesia
Mr. HWANG Young-Jun (non-member)	Korea (Rep. of)
Mr. Khotso MANAMOLELA (non-member)	Lesotho
Mr. Cesar BONIFACIO (non-member)	Mozambique
Mr. Armando CORREIA (non-member)	Mozambique
Mr. Mukunda SHARAMA (non-member)	Nepal
Mrs. Agata KARWOWSKA-SOKOŁOWSKA (non-member)	Poland
Mr. Abdelgadir ABDALLA (non-member)	Sudan
Mr. Taweekiat CHAOWALITTAWIL (non-member)	Thailand
Miss Ruethaichanok MUANGRAT (non-member)	Thailand
Mr. Monton NOPPAWONG (non-member)	Thailand
Miss Sasipenrat PONSANA (non-member)	Thailand
Miss Tatiya RATANAWIROJ (non-member)	Thailand
Miss Neeranan SUNGTO (non-member)	Thailand
Mr. Nukul SUNYATHITISERI (non-member)	Thailand
Mrs. Andhika THONGPRASOM (non-member)	Thailand
Miss Thaniya UMAVIJANI (non-member)	Thailand
Mr. Sompol VANIGBANDHU (non-member)	Thailand
Mr. Selio DA SILVA (non-member)	Timor-Leste
Mr. Bounante KAMIKPINE (non-member)	Togo
Mr. Nguyenhanh PHUC (non-member)	Vietnam

APOLOGIES

NAME	COUNTRY
Mr. Bernard WRIGHT	Australia
Mrs. Emma DE PRINS	Belgium
Mr. Sérgio SAMPAIO CONTREIRAS DE ALMEIDA	Brazil
Mrs. Cássia Regina OSSIPE MARTINS BOTELHO	Brazil
Mr. Klaus WELLE	European Parliament
Mrs. Corinne LUQUIENS	France
Mr. Kieran COUGHLAN	Ireland
Mr. Masafumi HASHIMOTO	Japan
Mr. Takeshi NAKAMURA	Japan
Mr. Makoto ONITSUKA	Japan
Ms. Mary HARRIS	New Zealand
Ms. Ida BØRRESEN	Norway
Mr. Khan Ahmad GORAYA	Pakistan Institute for Parliamentary Services (PIPS)
Mr. Edwin BELLEN	Philippines
Mr. João CABRAL TAVARES	Portugal
Mr. Modibedi Eric PHINDELA	South Africa
Mr. Manuel CAVERO GOMEZ	Spain
Mrs. Marcia I. S. BURLESON	Surinam
Dr. Thomas Didimu KASHILILAH	Tanzania
Mrs. Norarut PIMSEN	Thailand
Mrs. Nataki ATIBA-DILCHAN	Trinidad and Tobago
Mrs. Jacqui SAMPSON-MEIGUEL	Trinidad and Tobago
Mr. David BEAMISH	United Kingdom
Sir Robert ROGERS	United Kingdom
Mr. Ramil HASANOV	Parliamentary Assembly of the Turkic Countries (TURKPA)

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FIRST SITTING
Saturday 23 March 2013 (morning)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 11.00 am

1. Opening of the Session

Mr Marc BOSCH, President, welcomed all those present, in particular new members. He thanked the Ecuadorian hosts for their welcome and the excellent organisation of the session.

2. Election to the Executive Committee

Mr Marc BOSCH, President announced that, during the course of the session, there would be an election for two new ordinary members of the Executive Committee. The time limit for the nomination of candidatures had been fixed at 11 am on the next day. If necessary, the election would be held the same day at 4 pm.

He indicated that the Committee Executive would like to see representation from the different continents in the world. He also reminded members that it was conventional that only active and experienced members of the Association would present their candidature.

The procedures of the Association were available for members to consult in respect of the elections, should they wish to do so.

3. Orders of the day

Mr Marc BOSCH, President read the orders of the day as proposed by the Executive Committee:

Saturday 23 March (morning)

9.30 am Meeting of the Executive Committee

11.00 am Opening of the session

Orders of the day of the Conference

New members

Welcome and presentation on the parliamentary system of Ecuador by Mrs. Libia RIVAS ORDOÑEZ, Secretary General of the National Assembly of Ecuador

Communication by Mr OUM Sarith, Secretary General of the Senate of Cambodia: “The 3rd Legislature of the Cambodian Senate: opportunities and challenges”

Saturday 23 March (afternoon)

2.30 pm Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of Netherlands: “The formation of the Dutch Cabinet: control and transparency”

Communication by Mr Manuel ALBA NAVARRO, Secretary General of the Congress of Deputies of Spain: “Is it possible for Parliaments to have an efficient institutional communication policy?”

General debate: The rights of parliamentary committees to receive written and oral evidence relating to government business

Moderator: Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Assembly of Switzerland

Sunday 24 March (morning)

9.30 am Meeting of the Executive Committee

10.00 am Presentations on recent developments in the Inter-Parliamentary Union

Communication by Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of Democratic Republic of Congo: "Connecting structures between the legislative and executive branches"

11.00 am **Deadline for nominations for one vacant post on the Executive Committee (ordinary member)**

11.15 am Informal discussion groups: Is it desirable or possible to establish common professional norms or principles for different Parliaments for the recruitment and career management of parliamentary staff?

Sunday 24 March (afternoon)

2.30 pm Presentations by rapporteurs: Is it desirable or possible to establish common professional norms or principles for different Parliaments for the recruitment and career management of parliamentary staff?

4.00 pm Election of one ordinary member of the Executive Committee

Communication by Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe: "ISO certification: in search of excellence in the service delivery by the administration of Parliament"

Communication by Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Parliament: "Civil servants in parliaments - balancing service and impartiality"

Monday 25 March

Excursion to Quito old town (9.00 am to 4.00 pm)

Tuesday 26 March (morning)

9.30 am Meeting of the Executive Committee

10.00 am Communication by Dr Ulrich SCHÖLER, Vice-President of the ASGP, Deputy Secretary General of the German Bundestag: "The necessary limits to transparency – the problems for Parliaments of freedom of information legislation"

Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: "Bilateral co-operation between Parliaments in different continents: the case of East Timor"

11.15 am Informal discussion groups to prepare for a general debate: Relations between the parliamentary administration and the personal staff of parliamentarians (with informal discussion groups)

Tuesday 26 March (afternoon)

2.30 pm General debate: Relations between the parliamentary administration and the personal staff of parliamentarians

Communication by Mr Eric PHINDELA, Secretary to the National Council of Provinces of South Africa: "Enhancing

laws affecting provinces: the role of the National Council of Provinces in the lawmaking process”

Communication by Mr Rogerio VENTURA TEIXEIRA, Director of the Human Resources Department of the Chamber of Deputies of Brazil: “The strengthening of the legislative process through technological innovation: the experience of the Brazilian Chamber of Deputies”

Wednesday 27 March (morning)

9.30 am Meeting of the Executive Committee

10.00 am General debate: Standards of conduct for Members of Parliament and parliamentary staff

Moderator: Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands

Communication by Mr José Pedro MONTERO, Secretary General of the House of Representatives of Uruguay: “Political impeachment procedure in the Parliament of Uruguay”

Examination of the draft agenda for the next meeting (Geneva, October 2013)

12.30 pm Closure

The orders of the day were *agreed to*.

4..New Members

Mr Marc BOSCH, President announced that the Executive proposed the following candidates for membership of the Association:

Mr. Sayed Afizullah HASHIMI

Secretary General of the Senate of Afghanistan
(replacing Mr. Mohammad Kazim Malwan)

Mr. Rahimullah GHALIB

Deputy Secretary General of the House of the People of Afghanistan
(replacing Mr. Abdul Ghafar Jamshedee)

Dr. Horst RISSE

Secretary General of the Bundestag of Germany
(replacing Mr. Harro Semmler)

- Ms. Carol MILLS** Secretary of the Department of Parliamentary Services of the Parliament of Australia (replacing Mr. Allan Thompson)
- Mr. Marc VAN DER HULST** Deputy Secretary General of the House of Representatives of Belgium (replacing Mr. Idès De Pelsemaeker)
- Mrs. Cássia Regina OSSIBE MARTINS BOTELHO** Vice-Director General of the Chamber of Deputies of Brazil (replacing Mr. Rogério Ventura Teixeira)
- Mr. Jin-Suk CHUNG** Secretary General of the National Assembly of the Republic of Korea (replacing Mr. Won Joong Yoon)
- Mr. Antonio AYALES ESNA** Secretary General of the Legislative Assembly of Costa Rica (This country is joining the ASGP for the first time)
- Mr. Fakhy N'fa Kaba KONATE** Secretary General of the National Assembly of Côte d'Ivoire (remplace M. Brissi Lucas Guehi)
- Mr. Edmond SOUMOUNA** Deputy Secretary General of the National Assembly of Gabon (replacing Ms. Marie-Françoise Pucetti)
- Mr. Zurab MARAKVELIDZE** Secretary General of the Parliament of Georgia (replacing Mr. David Janiashvili)
- Dr. Winantuningtyas Titi SWASANANY** Secretary General of the House of Representatives of Indonesia (replacing Mrs. Nining Indra Shaleh)
- Mr. Justin N. BUNDI** Clerk of the National Assembly of Kenya (replacing Mr. Patrick G. Gichohi)
- Dr. Madou DIALLO** Secretary General of the National Assembly of Mali (replacing Mr. Mohamed Traoré)
- Mr. Cristian Adrian PANCIU** Secretary General of the Chamber of Deputies of Romania (replacing Mr. Gheorghe Barbu)
- Mr. Ovidiu MARIAN** Secretary General of the Senate of Romania
- Mrs. Wijitra WATCHARAPORN** Deputy Secretary General of the House of Representatives of Thailand

(replacing Mr. Sompol Vanigbandhu)

The new members were agreed to.

5..Welcome and presentation on the parliamentary system of Ecuador by Mrs. Libia RIVAS ORDOÑEZ, Secretary General of the National Assembly of Ecuador

Mr Marc BOSC, President invited Mrs Libia RIVAS ORDOÑEZ to give her presentation.

Mrs Libia RIVAS ORDOÑEZ gave her presentation.

(No text available in English)

Mr Manuel Alba Navarro (Spain) asked what functions were fulfilled by the Executive Legislative Committee other than the scrutiny of bills. He was surprised that bills had to be on a single subject, since this would pose a significant problem for the legislative process in Spain.

Mrs Libia RIVAS ORDOÑEZ responded that the Executive Legislative Committee (SOCAL) also had an administrative function: it approved modifications to the standing orders and took decisions that were not within the remit of the President of the National Assembly. When it came to the contents of bills, she had meant only that a bill on labour law, for example, could not contain environmental or other miscellaneous provisions, and that this was in order to preserve the coherence and clarity of the law.

Mr Alphonse K. NOMBRE (Burkina Faso) asked whether it was the Secretary General who put bills to the vote in the Assembly.

Mrs Libia RIVAS ORDOÑEZ replied in the affirmative, indicating that this part of the process was purely formal. Immediately afterwards a screen appeared with a diagram showing the party affiliation of each seat, and the colour corresponding to the direction in which they had voted.

Mrs Danièle RIVAILLE (France) asked how Mrs RIVAS ORDOÑEZ what selection process she had undergone in order to be awarded her post, and how long her term of office would be.

Mrs Libia RIVAS ORDOÑEZ observed that she was the first woman to hold the post. After each election, the President and Vice-Presidents were elected, then the Secretary General and their deputies. Voting was done on a majority basis: 73 votes were required in support of an appointment. She had therefore been Secretary General before having been elected to the post.

Mr Alain DELCAMP (France) asked if the Executive Legislative Committee exercised some degree of control over appearance of new texts. He also asked how many laws were passed on average each year, and whether block votes were permitted.

Mr Jose Pedro MONTERO (Uruguay) noted that Mrs RIVAS ORDOÑEZ had said that the legislative initiative could have three sources: the Executive, the

legislature and the citizens. He asked what percentage of the total laws passed derived from each source.

Mrs Libia RIVAS ORDOÑEZ said that the citizen initiative required 300,000 signatures and each proposal had to be examined by the Electoral Council. No law had yet been passed that derived from this source, but 28% of the bills came from this source, and 72% draft bills.

Mr Fakhy N'fa Kaba KONATE (Ivory Coast) observed that the role of Secretary General was very different in Ecuador from in the Ivory Coast and asked what roles remained within the President's domain.

Mrs Libia RIVAS ORDOÑEZ replied that the creation and abolition of taxes and the modification of the administrative organisation of the country were matters which remained under the control of the President of the Republic. On the work of the committees and the two readings of each draft, it could happen that members of civil society were invited to give their opinions on a draft.

Mr Abdelouahed KHOUJA (Morocco) asked what methods of communication Parliament used to make sure that citizens were properly involved.

Mrs Libia RIVAS ORDOÑEZ observed that the participation of citizens had been written into the Constitution. The National Assembly had sites in all the provinces and went out to meet citizens. There was also a "National Assembly bus" which travelled across the country. The website was very up-to-date and all the documents resulting from the Assembly's work were published there. Citizens could also freely attend sittings.

Mr Shah Sultan AFIKI (Afghanistan) asked two questions: whether the President of the Republic had the power to dissolve the National Assembly; and how personnel were recruited.

Mrs Libia RIVAS ORDOÑEZ said that the President could dissolve the Assembly. Personnel were recruited on a contractual basis: their employment lasted as long as a parliamentary term of office.

Mr Mohamed Abdullah AL-AMER (Saudi Arabia) asked for more information on electronic voting.

Mrs Libia RIVAS ORDOÑEZ replied by noting that, at the Assembly, each MP had at their seat a touch screen, on which votes could be recorded. MPs could also access all documents via this screen.

The sitting ended at 12.30 pm

SECOND SITTING
Saturday 23 March 2013 (afternoon)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 2.35 pm

1. .Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of Netherlands: “The formation of the Dutch Cabinet: control and transparency”

Mr Marc BOSCH, President invited Mrs Jacqueline BIESHEUVEL-VERMEIJDEN to present her communication.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) spoke as follows :

In a democracy based on the rule of law, the composition of the government is determined by free elections. This takes place through direct, free elections of the parliament. The manner in which a Cabinet is created depends upon various factors. In some cases, the procedure is specified by the Constitution. This is not the case in the Netherlands. In this country, the Constitution specifies only that the Head of State is authorised to dissolve a Cabinet and to swear in a new Cabinet. The remaining procedures are followed according to what I would describe as customs and unwritten constitutional law. Last year, a new chapter was written in this book of unwritten constitutional law. This chapter significantly strengthens the role of the parliament in the creation of a new Cabinet.

Before I tell you about it, it might be useful to say a few words about the political structure of our country. The Netherlands is a monarchy. For decades, Queen Beatrix has been the head of state in the Netherlands. On 30 April, her son Willem-Alexander will be inaugurated as our new head of state. This will take place in a special joint session of the two chambers of our States-General: the House of Representatives and the Senate. This lends substance to the bond between the head of state and the parliament.

The Netherlands is a parliamentary democracy. Elections for the House of Representatives are held at least once every four years. This is when the new parliament is elected. The Senate is elected every four years by the elected members of the provincial governments. The head of state and the ministers together form the government. With regard to the actions of the head of state, our country recognises political ministerial responsibility. The ministers are politically responsible for the actions of the head of state. As the ‘inviolable part’ of the government, the head of state cannot be forced to resign following a political act. A minister can. Ministerial responsibility was enshrined in the Constitution in 1848. Until that time, the King had assembled his own team of ministers, and he was free to dismiss them at will. Ministers were appointed by the King; they were his subordinate officials.

As I have said, the head of state formally appoints and swears in the ministers and state secretaries. As is the case with every action involved in the head of state's function, ministerial responsibility applies to these duties. The Prime Minister countersigns the decision regarding the appointments, thus becoming accountable to the parliament for this decision. In the Netherlands, the King has no political role. Although he ultimately signs all laws and royal decrees, he is not involved in the process of legislation and decision-making.

This was a brief overview of our political system. I shall now return to the subject of my speech, the formation of a new Cabinet.

Until 2012, it was customary for the head of state to request recommendations from her permanent advisors – the President of the Senate, the Speaker of the House of Representatives and the Vice-President of the Council of State – regarding the formation of a new Cabinet. The Council of State is an independent advisor with regard to legislation and administration, in addition to being the highest general administrative court in the Netherlands. The parliamentary group leaders in the House of Representatives were also consulted. Since 1971, their recommendations to the head of state have been public.

After taking note of these opinions, the head of state would request one or more informateurs to explore the possibilities for a new Cabinet. This is not always easy in the Netherlands, because the political relationships always call for at least two parties to form a coalition Cabinet that can count on a majority in the parliament. Once the informateurs had completed their mission successfully, the head of state would appoint a formateur. This was almost always the intended Prime Minister. The formateur concluded the negotiations and sought candidates to fill the ministerial and state secretary posts.

The Speaker of the House of Representatives also had a role in these proceedings. After the elections, the Speaker would poll the parliamentary group leaders regarding the need for a parliamentary debate on the election. It was also possible for the informateurs and formateurs to provide information on the progress of the Cabinet formation during public debates in the House of Representatives.

In late March 2012, the House of Representatives decided to amend the rules regarding the formation process in its Rules of Procedure. The working methods of the House of Representatives are specified in the Rules of Procedure. Effective last year, the new Article 139a of the Rules of Procedure specifies that the House of Representatives is to take the lead in the formation process. This change took the director's role away from the head of state and placed it in the hands of the parliament. A previous attempt in this direction had been made in 1971, but the House of Representatives failed to reach consensus regarding its implementation.

The recent amendment to the Rules of Procedure was not passed without a struggle. Proponents consider a formation without the head of state as more democratic, in light of the decisive power of the elected parliament. They want to increase transparency, seeing the new scenario as offering a greater guarantee of a level playing field for the smaller parties. To clarify my point: the Dutch House of Representatives has 150 members, divided over 11 parties. Seven of these parties have fewer than 15 seats. Opponents would

have liked for the head of state's role to remain unchanged. They predicted chaos, confusion, loss of time and, in the worst case, perhaps a somewhat embarrassing situation in which the parliament would ultimately be forced to fall back on the head of state.

The latter situation did not occur after the elections of 12 September last year. In accordance with the Rules of Procedure, the House of Representatives discussed the elections in a plenary session immediately after their installation. This debate resulted in the establishment of an information mission and the appointment of two informateurs to carry out this mission. If it had not been possible to establish the mission immediately, a new meeting would have been scheduled.

The House of Representatives may also decide to skip the information phase and to start the formation process immediately. The goal of the debate is to appoint a formateur, who will be assigned the task of formation. According to the new provision in the Rules of Procedure, the new House of Representatives can therefore assemble a Cabinet without the help of the head of state.

In order to accelerate the process, the old House of Representatives had taken action that was not included in the Rules of Procedure, but for which they had jurisdiction. On the day after the elections, they appointed a 'scout'. The House of Representatives commissioned this scout to investigate possible assignments for one or more informateurs during the formation of a new Cabinet.

A week later, immediately after the inauguration of the new MPs, the party leaders of the two largest parties (PvdA and VVD) were appointed as informateurs during a plenary parliamentary debate. On 29 October, the informateurs presented their final report to the House of Representatives. On 3 November, the inaugural meeting of the Rutte II Cabinet was held. The ministers were inaugurated two days later. The formation of the Rutte II Cabinet thus took 54 days. The mean duration of post-war formations is 72 days. We could therefore say that this formation process was supple and smooth.

Nevertheless, it is still too early to draw any conclusions (in terms of good, better or worse) with regard to the new formation procedure in the Netherlands. The results of the 2012 elections yielded two large parliamentary parties, four mid-sized parties and five smaller parties. This situation is likely to have affected the pace and success of this formation period. The two largest parliamentary parties together have a majority of 79 seats, and they were relatively quick to agree on a government programme. There is no guarantee that the House of Representatives would have been successful in forming a Cabinet on its own if the results of the election had been different.

The true proof will probably come only when there are multiple options for a majority coalition, perhaps involving more than two parties.

The House of Representatives will therefore order an evaluation of the 2012 formation process. This evaluation will contain all possible discussion points to be addressed, including the role of the scout, the 'waiting period' of eight days between the election and the day of the first session of the newly elected House of Representatives, the role of the informateur and formateur and the

role of the Speaker of the House of Representatives. Another question concerns the extent to which third parties are bound by the new provisions in the Rules of Procedure with regard to the formation process (and information related to the process).

The issue of whether the new system offers the desired increase in transparency must also be addressed. For example, although the entire formation process did indeed take place within the walls of the building of the House of Representatives, it nevertheless occurred behind closed doors. In the meantime, a report was made at the end of each phase, first by the scout, and later by the informers and informateurs. These reports were also debated. The actual negotiations, however, did not take place in public.

The evaluation will be conducted by a committee consisting of several external experts in the field of politics and constitutional law. Based on this evaluation, we might be able to answer the question of whether the intended goals – greater transparency and control by the House of Representatives – have been achieved. It will also reveal whether any improvements or additions to the Rules of Procedure are needed.

You've already guessed it: the last word has yet to be spoken. At any rate, I have been transparent with you, and I will continue to be so. I would therefore be happy to revisit this topic with you sometime.

Mr Marc BOSCH, President thanked Mrs Jacqueline BIESHEUVEL-VERMEIJDEN for her communication and opened the floor to questions.

Mrs Clarissa SURTEES (Australia) asked how the designation of Ministers was carried out, and whether the Cabinet consulted the Sovereign (because he had to sign his agreement).

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN said that the designation of Ministers was carried out on the basis of a negotiation between political parties. When a new Government was formed, the Prime Minister addressed the Chamber. All proposals emanated from Government: when the procedure was at an end, the Justice Minister and the Sovereign signed, but this was more of a formality and it was unimaginable that the Sovereign would refuse.

Mr Austin ZVOMA (Zimbabwe) asked if, once Ministers had been designated by the Sovereign, the Prime Minister had the opportunity to assign them to a different portfolio or to ask them to resign.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN responded that Constitution was, for the most part, unwritten in the Netherlands and could therefore assume various guises. It was very rare that the Prime Minister demanded the resignation of a Minister. Resignations only ever occurred over very serious incidents, for example a vote of no confidence that took place in the Chamber. A changing of posts could not be done except with consensus within Government. An entire Government could resign, and then an election would be held.

Mr ALBA NAVARRO (Spain) wanted further information on the relationship between the Sovereign and the Prime Minister.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN said that it was up to the Sovereign to ask the Prime Minister to form a Government.

Mr Paul Evans (United Kingdom) explained that coalition governments were rare in the UK, and that a coalition could not be formed unless that coalition had a clear majority. To avoid a situation where the Queen had to choose a Government, it was conventional that the Prime Minister would remain in charge until another with a clear majority could be found. The Chamber of Commons played no role in the formation of a Government. The Prime Minister was named by the Queen and did not have to be formally approved by Parliament. He asked why the Dutch system had been changed, as it seemed that the old system had been working well.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN said that the answer was a political one, and therefore sensitive. The rules of the Chamber did not apply except in the Chamber and had not been followed by other institutions. However, since the reform, the rules had been followed by everyone. It would be interesting to see how the situation evolved.

Mr Marc BOSCH, President thanked Mrs Jacqueline BIESHEUVEL-VERMEIJDEN.

2..Communication by Mr Manuel ALBA NAVARRO, Secretary General of the Congress of Deputies of Spain: “Is it possible for Parliaments to have an efficient institutional communication policy?”

Mr Marc BOSCH, President invited Mr Manuel ALBA NAVARRO to present his communication.

Mr Manuel ALBA NAVARRO spoke as follows:

General framework

I believe I can affirm that, to a greater or lesser extent, Parliaments all over the world are undergoing an acute crisis of credibility and prestige. The growing distance between represented and representatives, the difficulty to adapt to new emerging values, the larger possibilities for citizens to access information, the firm will to be directly involved without any mediators, are, among others, symptoms of a general crisis of a representation whose most genuine embodiment are Parliaments.

Obviously, the Chambers must react to this reality with substantial and significant decisions to make up lost ground. However, such decisions go much beyond the scope of my communication.

Therefore, I shall focus on an aspect which, although relevant for a quite a time now, has become transcendental nowadays. The passive and expectant citizen of bygone days has become a cybercitizen equipped with many technological resources and capabilities, allowing him/her to be directly informed without intermediaries of what is happening in the country's political life. People want to have this information immediately and, if possible, have the chance to reply and be involved in those matters that focus attention.

Given these facts, if the Parliament as an institution wants to continue performing its role, it must react and interact with the new participative citizen. Hence, the question that is the title of this submission is particularly relevant.

I'm aware that it's a rhetorical question to which few or none of those attending this meeting would answer in a negative way. I share the view that it is not only possible, but indeed essential.

In times when the image of Parliament is blurring, and even more so the very idea of representation on which the parliamentary dimension is based, it's urgent to recall the communication maxim which warns: "Say what you are, before others will say what you are not".

On the other hand, the Chambers present very relevant specific features with regards to institutional communication, which to a great extent are common to all of them. That is what my presentation deals with.

I. Institutional communication, identity and image

Identity and image are two concepts easily confused, but which from the point of view of communication have a different meaning. Identity is understood as what the organisation or institution says about itself, what it considers itself to be and wants to be, its self-portrait.

However, image is the representation that the relevant public has about it, the idea the public has of a given person, institution or specific entity.

Needless to say that as regards Parliaments, and as one of the many difficulties that we shall face when performing an efficient institutional communication, there are as many identities as actors in such a multifaceted body, and of course, as many images as publics.

Institutional communication is the entire set of messages that an organisation disseminates in order to build its corporate image; the goal is for the messages be as close as possible to its identity, namely to its self-portrait, using all available tools.

Firstly, institutional communication is a conscious, voluntary and organised activity requiring a series of decisions fundamental for the success of this task, and that range from defining partial goals pursued, target groups and the tools to be used.

Secondly, it has a specific goal: shaping the public image of the institution, conveying corporate viewpoints and explaining its actions so that they will be understood. Often, the key lies in the nuances and in the approach to reporting any event or act. Good communication helps to highlight good management and provide the organisation with a good image. Seldom does communication manage to hide management mistakes. What tends to happen is that the goals attained are not clearly explained and thus good performance is tarnished.

Indeed, the efficient management of many institutions depends on the image they portray, the prestige they enjoy and the idea citizens have of the work they perform for society.

Preferably, an organisation should invest in the necessary human and material resources to conduct a communication policy explaining what it is, than wait for others to convey their version, and try to explain, from its perspective, with its own interests and experiences, what it is, what it does, what is the output of its work and why it has done it so.

We must acknowledge that many Parliaments have already taken significant steps to provide themselves with adequate communication structures to obtain these goals and that they have made significant headway in the use of the tools offered nowadays by technology, as we shall see later on.

Thirdly, for institutional communication to be efficient, it must be continuous over time and cannot be replaced by occasional advertising campaigns (except for a communication strategy requiring support by a campaign), which have scant impact in terms of image and fall into oblivion before they have even finished, nor is it advisable to act exclusively in moments of crisis, reacting after things have happened and trying to put out the fire without having previously implemented the firebreaks.

The transparency that public institutions must show adds a new aspect to the necessary institutional communication.

As opposed to private organisations, public ones not only should but indeed are obliged to provide information on all their actions, so that citizens can be involved in the management of their interests.

In this regard, the Parliament has always held an outstanding position as an example of transparency in all its actions. In Spain, closed doors sessions, whether it be plenary or committee sessions, are an exception. Also, the web page offers ample information on administrative affairs.

II. Problems for efficient institutional communication in Parliament

From the outset, I have underlined that institutional communication had several problems related to the very nature of legislative Chambers.

The first deals with the nature of Parliament: starting with the steering body, usually a collective body made up of representatives of several political parties, up to the existence of different parliamentary groups, with opposing interests and who sometimes cannot agree as to what is best for the institution.

However, the main problem for the parliament in having an efficient institutional communication policy, is the image that society has of what it is, or what it should be. An image that probably does not match with any moment of parliamentary history.

Once, when he was collecting the prize awarded to him by the Parliamentary Journalists Association, a well known MP was telling that he had tried to explain to his 8 year old son what his work as a parliamentarian was like. He explained that they met at the plenary, that he spoke to express his point of view, like the rest of MPs, and that then they voted. His son asked if with his words he had managed to convince someone to vote for what he was proposing. Needless to say what the answer to this question was.

Also, as I guess is the case elsewhere, a simple picture of an empty hemicycle wrecks any communication policy.

On the other hand, the predominantly deliberative and non executive nature of the institution makes it difficult to “sell it”, even more so, if we bear in

mind that it takes a while to manufacture our product, namely the laws, and that when we get the project, the Government has already informed the public about it. From an information perspective, when they arrive they are already “burnt” and few are the new aspects to be contributed by the Chambers.

The absence of a sole spokesperson for the institution, someone who the citizens can identify as the image of the institution, becomes quite often an added problem.

One might say that this is only the case when there are controversial issues. And that is true, but when matters are not subject to controversy, then they have no interest for the media and thus information is not disseminated.

Unlike the Executive, which often delivers a unified message, in the Parliament the message is fragmented and regarding a given issue many are the opinions voiced.

Citizens identify those voices with each of the political parties, but not with the Parliament, which, as an institution, remains in the background.

Likewise, the variety and amount of matters subject to parliamentary procedure causes information to be scattered and makes it difficult to convey the effort made.

One of the many practical problems faced is that media manage to access information before it is duly prepared from an institutional point of view and, moreover, they leak such information acting solely in their own interest, sometimes to “sell” the view that most benefits a given group and others simply as transaction tool between journalists and politicians.

Another added problem for efficient institutional communication is, no doubt, the coexistence within the Chamber, of different communication and press departments who try to convey their views on parliamentary activity.

However, the greatest problem faced by institutional communication is the fear usually felt by parliaments in the sense of providing information and regarding media as adversaries.

So, what must institutional communication actually be? Who must set it in motion? With which contents? Addressed to whom? And directed by whom? Which public and which tools?

The right path to an efficient communication depends on the answers we give to these questions.

IV. Publics

One of the prevailing aspects of institutional communication, and which most differentiates it from other types of communication, such as business communication, is the broad and frequently undefined character of the publics to whom it is addressed. Not only a Parliament, a City Council or a Government address the population as a whole, since they are all involved and affected by the task they perform. Alternative> In addition to Parliament, City Councils and Governments focus their attention on the

entire population, since the people are all stakeholders in the work carried out by these entities...

Defining these publics shall determine the type of messages that we need to disseminate to guarantee efficient communication.

Thus, not only must we define with whom we have to talk, to convey what and in which way, but also who wants to talk to us, about what and for what reason.

The answer to these questions shall provide a map of the public, adjusted to the institution.

A classic classification is that which differentiates between external and internal stakeholders, depending on whether they are directly or indirectly dependant on the institution. In this sense, a third group could be added, named intermediate group, made up of those with whom there is no hierarchical direct relation but special links which must be treated in a special way.

In the Parliament, the MPs would make up this third group, and given both the particular nature of their work and the position they hold within the institution they deserve a different focus.

Usually, institutions have stressed the external public, without realising that the first and foremost ally of any organisation from the communication angle, are their own employees.

However, to this end they must be informed, know the plans of the entity they work for, the task which is being performed and the goals pursued. Nothing is as exasperating and discouraging as learning through the press what is being done around us, in our own home.

Until not long ago, in many places it has been considered that this communication fell within the realm of the staff or human resources departments, thus confusing two fields which have nothing in common: that of labour relations, which obviously falls within H.R., and institutional information which must depend on the Directorate for Communication.

This unit, made up of information professionals, is the one which must establish the channels and the contents for a fluent communication with employees, keeping them informed on the goals of the institution and the actions that due to their work they shall be involved in.

It makes no sense to devote economic and staff resources to improve external communication, disregarding the internal side, when, thanks to new technologies, it is easier to reach out to a wider audience.

Concerning external communication, actions aimed at mass media echoing the activity of the institution are those which receive priority focus. On the one hand, the media must be considered as goals in themselves, on the other, as another public, but also as channels that help to approach the rest of objective publics defined by every organisation.

As I have mentioned before, each institution must establish its map of target publics, namely, those sectors of society that the institution is especially interested in coming into contact with.

To continue with the example of the Parliament, it is not enough to say that the representative institution par excellence must address all citizens. We must make an in-depth analysis having as ultimate and unreachable goal to contact all citizens and find which are to be priority sectors. For an assembly, the media are no doubt both a channel and a goal, but apart from them, we must bear in mind that the school and university community must be especially relevant publics, just as the so-called opinion multipliers (journalists, teachers, local public officials...).

We just mentioned that to define the relevant publics we must also ask ourselves who is interested in coming into contact with our institution. If we stick to the example of the parliament and focus on the Congress, there is a population interested in knowing the Chamber: some 70,000 persons visit the Congress each year, either in organised visits (through all kinds of associations, City Councils, schools...) or on the Open Doors Days, and even in the free visits that can be made each Saturday morning.

Our recent experience with social networks, with a Twitter account since November 2012, has revealed the interest we arouse: the very first day, a few hours after we opened the public profile, we already had 8,000 followers. Today, this figure has risen to over 12,000.

On occasion of the debate on the state of the nation, held on February 20 and 21, more than 20,000 tweets were sent with the hashtag #DEN2013, supported by the Chamber, and if we take into account those which were delivered without this specific label the figure would certainly double.

The public is interested in politics, feels affected by it and wants to be involved; it might be the right time to design a new way to participate in which the Chambers must remain in the front line, be the centre, letting citizens take part in decision making. Introducing changes in representative democracy to make it more participative. And, to this end, the best path is good institutional communication.

V. Contents

We have just mentioned that within the Chamber there are different communication departments: that of each parliamentary group, those of the different ministers or authorities to appear before the chamber, that of the institution itself and even the Speaker has a specific team for his/her relations with the media. Even without meaning to, they practically cannot but compete with each other.

However, the main difference between the press department of any given political group and the Directorate for Communication of the Chamber is essentially the content of their messages. Whilst the Directorate for Communication disseminates decisions adopted by the Chamber, the parliamentary groups' press departments convey the political interpretation of those agreements with greater success than the institutional department. However, this is logical, since the institution conveys an aseptic version of the decision, whilst the groups provide the political vision of it. The media, according to their ideological affinity (because all media have a tendency)

underline those aspects which best fit what the public is looking for in their pages or broadcastings.

Here we find one of the limits to institutional communication: what is conveyed are the decisions formally adopted by the body entrusted to do so, whether it be the Speaker, the Bureau, a given Committee or the Plenary.

All decisions can be subject to different readings, depending on the perspective. Of course, institutional communication must, obviously, present them in the most favourable way for the institution. And what is more important, be the first to do it.

Communication departments become worn out and obtain worse results, when they have to work dragged down by biased information they must try to correct, than when they keep ahead of it and are able to give their version on the adopted agreement.

At the same time, the institutional communication of an institution as complex and full of nuances as the parliament must try to provide the information of all parties involved. From an institutional point of view, the parliament must convey the plural nature of political debate.

Communication policy must also be able to manage the overabundance of information. Whilst within the Government each Minister deals with very specific issues, Parliaments must deal with all. In one week, virtually all members of the Cabinet appear before the Congress of Deputies, starting with the Prime Minister.

The Directorate for Communication must choose which part of that information is to be given a differentiated treatment.

In the Chambers, communication is at the service of the strategic goals established by the organisation: communicators draft the message once the organisation's strategic decision has been adopted.

Contents are linked to the goals of institutional communication:

- Strengthen relationship with citizens
- Disseminate to the largest possible extent parliamentary activity
- Make the functions and role of the Parliament known
- Make the positions of MPs and Parliamentary groups in respect of the topics discussed known
- Promote citizen involvement through new technologies.

VI. Tools

IT, and particularly Internet, apart from being already a natural part of our life, have entailed an actual revolution in the communication sphere, granting professionals a set of tools and instruments, channels and means, that supplement, but do not replace, the communication procedures available formerly for institutions and public bodies.

Only a few years ago, institutions could only convey massive communications through the media, whilst today, although they still prefer to use this channel, there are other tools to disseminate information, fully controlling the content and the replies thereby generated.

The web allows the public to access sources of information directly. For the first time, it's possible to make available to everyone the information considered relevant by any institution, without resorting to the intermediation of the media.

However, we must bear in mind that from an information perspective the media will continue to play a essential role with regards to many institutions, and even more so with Parliaments.

Indeed, the professional challenge faced by corporate communication experts is to understand the nature of the new tools and find how they can contribute to attain the goals pursued by institutional communication. We are part of a universal web that can be accessed from any point of the world on an immediate basis, where the user's interaction prevails, thus allowing him/her to establish his/her own informative sequence, with permanent updating and through multimedia messages, in a surfable structure where there is space for texts, videos, sound archives, pictures, animations...

Explained in traditional media terms, each institution has the possibility of having its own newspaper, radio frequency and a TV channel, apart from the advertising structure, bulletin board, information desk for the public, on-line archive....There are endless possibilities and no one can know at present how far we can go.

The amount of information available today is such that its use has opened a new digital divide. Although connectivity problems were initially a discriminating factor between those who could access the Internet and those who could not, since the latter were in a clearly disadvantageous situation, today, given the decline of costs related to connectivity or to the price of equipment, the digital divide is to be found between those who are able to search, find, process and transform the information into useful knowledge for what is being pursued, and those who lack this capacity.

Even if it may seem as a paradox and a contradiction, the excess of information causes disinformation, since it does not allow us to easily find the data we need, and assimilate them.

In this environment of overabundant information, in order to conduct an efficient institutional communication policy it is essential to have professionals able to select, sum up and underline important aspects and present them in an attractive manner, using to this end the language relevant to the web (just as the written press language is different to the audiovisual or the radio and television language), in order to provide useful information to all those who request it and make it possible for everyone to obtain the level of complexity desired.

From the point of view of institutional communication, it is as useful to draft own messages as to provide oneself with advanced infrastructures to facilitate the work of the media.

For example, the Spanish Congress of Deputies has made a significant investment in audiovisual media, so that all the images of the sittings are produced by the Chamber itself.

Such images are not only at the disposal of the media as broadcast (for televisions) or in video streaming format for digital media, but they are

likewise available at the web page so that anyone, from anywhere in the world, can follow whichever sitting.

Moreover, we have recently managed to offer catalogued signal (as per agenda item and speaker) both live and recorded, making it quite simple to directly access the part of the debate we are interested in.

The Congress of Deputies has likewise set up the Parliament Channel (Canal Parlamento) to make parliamentary activity known. The schedule is based on the broadcasting, whether live or recorded, of Plenary and Committee sittings, as well as any public event held at the Chamber and own programmes in order to keep the channel running.

To complete the transmission, filler programs started to be produced, and can likewise be downloaded and broadcast on local TV channels.

The working guidelines followed are four:

- Current issues: news on the most important institutional events
- Political activity: information reports on the tasks performed by the parliamentary institution (legislative, government oversight...)
- Parliamentary history
- Artistic-Historical Heritage

The goal pursued by this initiative, also implemented in other European parliaments of our environment, is to make it possible for citizens to get to know first hand the work performed by MPs.

To this end, it's essential to have an adequate broadcasting network. Canal Parlamento can be currently watched by satellite, cable and Internet.

The target audience of this channel is essentially made up of:

- Media (notably regional and local TV channels)
- Political parties, public institutions and administrations (Ministries, regional ministries, city councils, etc).
- Professionals and experts in the relevant matters.
- University students, secondary education students, researchers, etc.

Many media, whether digital or traditional, written or audiovisual, use this channel to receive live information on the activity of the Chamber.

Moreover, at the Congress web page you will find the updated programming schedule, prepared on a weekly basis, but, since the channel's transmissions are based on current parliamentary affairs, it can be subject to modifications.

As an essential element of this institutional communication policy aimed at the greatest possible dissemination of parliamentary activity, we have invested in a network of fiber optic and connections allowing TV channels to enter live from their news bulletin programs at any time, and virtually from any point of the Chamber. Very few institutions in Spain, or maybe none, have technical means and equipment comparable to those of the Congress of Deputies.

As mentioned before, from an institutional point of view, we cannot do without the task performed by the media. It's crucial, because the very

essence of parliamentarism is indeed the publicity of its actions, and such publicity can only be guaranteed with the amplification offered by the media.

However, the media only highlights a small part of all the work conducted by the Chamber. They only focus on what is on the news, which often does not reflect what the Chamber, on an objective basis, deems as most important.

The parliament's specific features, according to which each parliamentary group conducts its own communication policy in the defence of its own interests, shared or not with the institution as a whole, and which, in any case, compete with each other to occupy more media share, intensifies the distance between published information and what the institution would like to underline.

For this reason, it is essential that, together with the activity carried out by the media, the Chamber has adequate tools to make the rest of parliamentary work known.

VII. Conclusions

Faced with the prevailing crisis of the image of Parliament, sign of our times (and also, why not say so, of other past times), which is at the same time cause and consequence of the questioning of the very idea of representation as it was originally conceived, it is necessary to give an institutional reply.

It is true that to find the solutions we must reconsider to a greater or lesser extent some aspects of our political and social realm, as well as a theoretical reformulation in order to update concepts which have gone through a deep transformation as a result of the extraordinary changes in society. However, this largely exceeds Parliaments' capacities, or at least, those of Secretary Generals heading their administration.

However, there are tools available to spare the image and representation of our Chambers the unavoidable damage of times of transition or tension. One such tool is institutional communication.

While its absence or faulty approach can entail damage to the image of parliament, a good communication policy can indeed safeguard the prestige of the Chambers and the level of trust of citizens in parliamentary institutions. That is the goal of this presentation that I hope has been interesting for you.

Mr Marc BOSCH, President thanked Mr Manuel ALBA NAVARRO for his communication and opened the floor to questions.

Mr Alain DELCAMP (France) suggested that, in the desire to communicate, the precise message that one wanted to get across was often forgotten. This was a particular problem for Parliament because of the multiple persons involved. Parliament was probably condemned to communicating in a general fashion, but it could nonetheless use all available media. Communication was frequently assigned at very senior levels within the organisation.

Mr Geert HAMILTON (Netherlands) said that it was necessary to separate out the political from the institutional in order to work out which aspects of communication should be the role of the political parties.

Mrs Clarissa SURTEES (Australia) thought that communication was a vital subject and that it was extremely important to have a communication strategy. In Australia, representations of Parliament were generated primarily by means of the televisation of questions to the Government, which conveyed a relatively bellicose impression of entrenched political parties recreated in the next day's newspapers. The media should, perhaps show debates of a different nature, some of which were already available via the internet.

Mr Jose Pedro MONTERO (Uruguay) acknowledged that Uruguay was somewhat behind when it came to communication. There was a recent proposal to update the website in order to improve links with the public. It was necessary to convince the President of the Chamber to take up this project and to train the civil servants in preparation for it. The last President had introduced an institutional Twitter account but the problem was that there was no civil servant in place to respond to questions posed, and so the account had been closed.

Mr Antonio AYALES ESNA (Costa Rica) said that Parliaments suffered from an image problem at a time when citizens expected Parliament to be able to resolve all their own problems. Communication was a complex issue, and frequently what one heard in the media bore no relation to the work being done.

Mr Ayad Namik MAJID (Iraq) said that the media could launch, influence and exaggerate messages, which had an impact on the legislative process. Nonetheless it needed to be recognised that the media could act as an intermediary between the Government and Parliament on the one hand and the public on the other. In the Iraqi Parliament there was a Media Service. In direct cooperation with the Secretary General it provided summaries of debates, which were published on the internet. Sometimes MPs believed that their contributions had been misrepresented by they were referred to the sound recordings. Sometimes citizens thought that not enough information was provided. Debates were transmitted live via the website. There was a large press lobby in Parliament, the largest in the Middle East. MPs also had direct contact with the media. The concerns of citizens could also be communicated directly to parliament. A parliamentary television channel was currently being created.

Mr Ulrich SCHÖLER (Germany) said that, in many countries, citizens felt very removed from politics. He asked whether it was envisaged that tools would be created to allow some of the distance between politicians and the public to be decreased.

Mr Fakhy N'fa Kaba KONATE (Ivory Coast) said that his Parliament was coming out of its crisis and had put in place an Information and Communication Centre within the National Assembly.

Mr Manuel ALBA NAVARRO (Spain) responded that his personal experience had led him to decide never again to have direct contact with journalists. He always tried to send someone else, preferably the Communications Director, except for on questions of pure procedure. It was always necessary to take the time to explain these things properly.

As far as communicating big projects was concerned, it was necessary to take it step-by-step because, once a message had been sent, it could not be

altered. Staff were essential to ensuring the success of such communications. Complex political messages were difficult to communicate within the 140 characters permitted by Twitter, and simplifying the message was dangerous. New technologies, poorly used, could transform themselves into weapons of mass destruction.

Journalists did not always do the background research necessary to ensure accuracy. Communication, therefore, had to be anticipatory, organised and systematic. This worked much better than reactive communication.

In Spain, some citizens were equally far removed from politics as in other countries and many citizens were apathetic. It was very difficult, however, to mobilise the media, without scandals and disputes.

Mr Marc BOSCH, President thanked Mr Manuel ALBA NAVARRO and wished him luck with the implementation of his strategic plan.

3. General debate: The rights of parliamentary committees to receive written and oral evidence relating to Government business

Mr Marc BOSCH, President invited Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Swiss Assembly, to introduce the debate.

Mr Philippe SCHWAB (Switzerland), spoke as follows :

In the history of democracies, the creation of a parliament constitutes the culmination of society's struggle for greater transparency, as opposed to the secrecy which characterises absolutist regimes and dictatorships. It is worth recalling Article 15 of the Declaration of the Rights of Man and of the Citizen of 26 August 1789, which proclaims that "Society has the right to require of every public agent an account of his administration".

In order to function, parliaments are largely dependent on a whole series of information: information on social and economic realities so as to legislate; information on the activities of government and its agents so as to exercise oversight.

Information is – and always has been – an instrument of power. In our civilisation, now dubbed an 'information society', knowledge has gained in importance as an element of power in place of wealth or strength in traditional societies: he who holds information is in a position of strength compared to another who does not. Claiming information therefore means claiming power.

In terms of information, parliaments are no exception, and the scope of their rights to information, particularly with regard to government, constitutes a good yardstick of the balance of powers between the executive and the legislature. In other words, 'explain to me how information flows in your state and I will tell what system of government you have chosen'.

Access on the part of parliament and its members to information is often a symbolic, even ideological expression of a balance of power which goes beyond any real need to be informed.

For almost a century, governments dominated the deliberative assemblies. In Switzerland, it took a number of affairs involving the government before the trend began to change in the 1970s and 1980s.

Since then, Switzerland's Federal Assembly has become emancipated and has not ceased to demand ever greater access to information held by the government and to strengthen the powers of investigation of its oversight committees.

Today, at the federal parliament level, committees tasked with exercising parliamentary oversight have almost unlimited access to all information held by the federal administration. In particular, these committees have the power to question directly any representative of the authorities, any staff in the service of the Confederation and any representative of a body that carries out tasks on behalf of the Confederation (regardless of whether or not these people are still in office) and to demand from them all information and documents that they need. The committees can also question private individuals, as persons required to provide information. They also have the possibility to summon people to provide information and, in exceptional cases, to have them escorted by the police. These powers are real and have an extremely dissuasive effect. They are guaranteed by the Federal Constitution (Cst.) and the Parliament Act (ParLA).

The control committees therefore have the right to access all areas of the administration without the government being able to refuse on the grounds of official or military secrecy.

The committees are autonomous in the way they organise their investigations; they choose the subject of their inquiry freely and determine themselves who they wish to interview and in which order. Their only requirement is to provide advance notice to the political supervisory authorities of the body summoned, generally a federal councillor (minister). If that is the case, the supervisory authority can ask to be heard before the hearing.

Official secrecy of agents of the Confederation is not enforceable with respect to the control committees. Those summoned cannot refuse to provide information by citing official secrecy.

The control committees can also conduct visits of all services of the Confederation, with or without giving advance notice.

There are two restrictions to the right of the control committees to information. The first is that committees are not authorised to consult the minutes of government meetings. The second is that they are not entitled to request information which should remain secret for reasons of national security, where the country's interests would be compromised if the information were to be released.

The Parliament Act is very clear in cases where the government can invoke secrecy to refuse to provide information to the control committees. In case of disagreement, the act states that "the committees (...) decisions on exercising their rights to information are final". Their decision is binding on the government. This competence is particularly important in terms of relations between parliament and the government: ultimately, it is parliament which has the final say on the scope of its oversight and not the body subject to supervision.

The two reservations regarding the right to information mentioned above do not apply to the two Control Delegations: the delegation to the Control Committee and the Finance Delegation. In accordance with the Constitution and the law, these standing delegations enjoy an unlimited right to information with regard to authorities and bodies subject to their supervision. Not only can they request all information necessary to fulfil their duties, but they can also order people to appear as formal witnesses. The same is true of the Parliamentary Investigation Committees (PINC) set up by the chambers.

Given the broad scope of their investigative powers, the control committees and delegations are required to guarantee the confidentiality of the information with which they are entrusted and to take all necessary organisational measures. Committee members are required to maintain secrecy regarding all facts of which they have had knowledge in the course of their duties. Breach of official secrecy can result in disciplinary measures or criminal prosecution. Special working arrangements in secure premises are sometimes needed in order to guarantee secrecy.

Parliamentary staff who work for the control bodies are subject to particularly rigorous security screening after which they obtain the highest security clearance; such procedures are not envisaged for members of parliament.

Investigations by the control committees generally culminate in a public report. The law provides the authority concerned with the right to give its opinion before publication. In practice, the committee's observations are presented to the political authority concerned in the form of a preliminary report. In principle, the authority responds in writing; the authority can also request to respond to the preliminary conclusions orally before the committee. In its statement, the authority concerned has the possibility to put forward its own arguments, to submit corrections to the presentation of the facts, or to present new information. In their final report, the committees take into account the views submitted to them insofar as they are justified or relevant. As long as no public or private interests prevent them from doing so, the committees publish their report in full. This procedure allows the control committees to render account of their work to citizens and expose it to public opinion.

While parliament's rights to information have been greatly extended in recent years, the impact of this should not be overestimated and one should be careful not to succumb to a triple illusion: namely of being able to control information, of being able to process it, and lastly of believing that more information allows one to improve democracy.

With regard to the first problem, that of controlling information, although it is true that too much secrecy kills the secret – everyone knows that the best way to trigger a leak is to mark a report 'Confidential' or 'Top Secret' – an excess of information kills information, or at least distorts it. We know from experience that when a government has no wish to supply information, it will begin by using evasive tactics, stating that the documents in question are covered by official secrecy, or that they are not useful in understanding a given problem. If you insist, you often find yourself in the inverse situation. The government will provide parliament with a mass of information which it then has to trawl through. The key information is thus immersed in a sea of

irrelevance with the consequent risk that the parliamentary control authority misses what it is looking for. It is reminiscent of 'The Purloined Letter' by Edgar Allan Poe: the police, tasked with finding a compromising letter, search an apartment, behind wallpaper, under the floorboards, but fail to find the letter hidden in plain sight.

The metaphor is clear. Requesting ever greater access to information runs the risk of being counterproductive. You can't see the wood for the trees. Parliament has the illusion of being informed, without that actually being the case.

The second problem, which follows on from the first, is how to process the information. Ever greater access to information also requires the ability to separate the wheat from the chaff. One has to know how to interpret the information, put it in context, prioritise and evaluate it. The military knows how to distinguish between 'information', which is gathered as a raw product, and 'intelligence', which is information whose source and content have been evaluated. That takes time, resources and staff capable of exploiting and structuring the information received in order to extract the 'true substance'.

This brings me to a third more general problem, which is that of the ambiguous relationship between transparency and secrecy. The curiosity of parliamentary oversight exacerbates the contradiction between the confidential nature of government activity and the place of public debate and democracy which is parliament. However, confidentiality does not imply a law of silence. Indeed, proponents of greater rights to information generally argue that these rights render the administration more transparent. Transparency can prove to be an overwhelming discipline, a 'terrible truth' as Robespierre would have said. The limitations that its realisation imposes on the administration can sometimes seem disproportionate to the benefits it brings. One former defence minister used to say that his administration spent more time having to justify what it did to parliament than getting on with what it was supposed to do to justify its existence...

The democrat currently finds himself somewhat at a loss, as one can sense that parliament, by requesting ever greater access to information, runs the risk of creating new problems to which it has no solution: if the parliamentary bodies were to possess the same classified information as the government, what share of (co-)responsibility would parliament assume for government decisions (or omissions)? Where, in such a case, would the necessary separation of powers be drawn between the executive and the legislature?

In the debate surrounding transparency and secrecy, total access to information could prove to be extremely delicate for the functioning of institutions.

In Switzerland, the solution does not seem to lie in granting parliament increased rights to information, which, from an objective standpoint, it does not need. Instead there seems to be a general need, in the administration in particular, to lower the boundaries of secrecy.

Parliament should not be given any more rights, but instead the fields shielded from its curiosity and from the public should be kept to a bare minimum. Such a step would allow citizens to be included and thus enable them to take stock directly of the activities of government and the administration. It is worth reminding ourselves here that any reforms

concerning parliament must be made not with the aim of strengthening parliament merely for the sake of it, but with the ultimate aim of improving the quality of democracy.

Furthermore, in order for the conditions for democratic public life to exist, it is not enough for parliaments to have access to information and oversight of the government's activities. Citizens themselves have to be informed about the conditions under which their elected representatives perform their duty. But that's another debate altogether.

Mr Marc BOSCH, President thanked Mr SCHWAB and opened the debate to the floor.

Mr CHUNG Jin-Suk (Republic of Korea) indicated that the Korean National Assembly had strong powers to obtain documents and hold hearings. The Executive and Legislature shared information constantly thanks to the availability of new technologies. There were penalties available for those who refused to hand over information or who bore false witness.

Mr Alphonse K. NOMBRE (Burkina Faso) said that Parliament had various tools at its disposal, including questions, both oral and written, but that the most powerful tool was the committee of inquiry. The National Assembly faced two major difficulties: where judicial proceedings were instigated, the committee could not proceed; and questions of national security.

Mrs Doris Katai Katebe MWINGA (Zambia) said that, in Zambia, the system was close to that of Burkina Faso. National security was rarely used to oppose the requests made by committees, and where it was, there was always an attempt to reach a compromise with the Government, for example by means of evidence taken in private. She asked her colleagues whether witnesses were allowed to give evidence to committees after they had already appeared in court. She also asked MPs could give accounts of that which they had heard in committee.

Mr Marc VAN DER HULST (Belgium) asked about the penal or disciplinary sanctions that could be imposed on people who did not respect the confidentiality of proceedings.

Mr Alain DELCAMP (France) explained that, in France, the Constitution did not explicitly give committees of inquiry the power to call for witnesses, and that parliamentary powers had, therefore, been developed on a pragmatic basis. Budgetary rapporteurs had extensive powers and could disseminate whatever document they wished. In the Senate there was a permanent committee on the application of the law. There had also been created third parties to play the role of mediator or protector of information. When it came to dissemination, Ministers could choose what they disseminated, and staff had to refer to their own administration, but this was not the case for committees. Mr DELCAMP expressed reservation about the systematic publication of evidence, since he felt that it could have a chilling effect on those submitting.

Mr Hossein SHEIKHOLISLAM (Iran) said that, in Iran, parliamentary committees could hold public or private hearings with members of the Government. Citizens themselves could themselves be a source of information, but the information received by these channels was sometimes ambiguous. It was possible to create *ad-hoc* committees to look into

particular issues: this required a majority. These committees took written and oral evidence and could contact Ministers and departmental heads to demand documents. Such demands could be the source of conflicts. It was necessary to take expert opinions and to ensure that the documents supplied were authentic. There was no exception to the rule that civil servants should work with Parliament on all such matters.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) referred to article 68 of the Constitution of the Netherlands. It provided that the Government had to submit to Parliament all documents and information requested, with a single exception in the case of the invocation of national security concerns, which had to be proved to Parliament. Committees of inquiry could hold hearings or call experts. Every civil servant or Minister was obliged to attend when requested and to testify, and if they refused, faced sanctions. Parliament should, on principle, be told before the media of any new parliamentary inquiry or draft law. In the age of social media, sometimes information leaked out first. This had been the source of some recent dispute. Mrs BIESHEUVEL-VERMEIJDEN questioned how it could be ensured that the media was not the first recipient of each new piece of information.

Mr Paul EVANS (United Kingdom) said that, in the UK, committees had no recourse in law if someone refused to cooperate with them. Recently, a joint committee had been created, entitled "the Banking Commission", which had unusual powers, such as the ability to hear representations from lawyers. This was all with the aim of understanding what had caused the banking crisis at the heart of the economic difficulties experienced in recent years.

Mr Philippe SCHWAB (Switzerland) told Mrs MWINGA that the issue of interference in court proceedings was equally problematic under the Swiss system. Each parliamentary committee had to find solutions in conjunction with the Procurer General whenever such situations arose. Committees also faced difficulties with compelling people to give evidence on matters that concerned them because of the European Convention on Human Rights, which Switzerland had ratified.

All proceedings of a committee of inquiry were held in private session in Switzerland. Sanctions were available for the non-observance of the confidentiality of proceedings. Penal sanctions were extremely rare because court proceedings rubbed uncomfortably against parliamentary immunity.

He explained to Mrs BIESHEUVEL-VERMEIJDEN that his Parliament experienced the same difficulties as her own on the issue of the primacy of information. Frequently the Government released selective information to the media on a Saturday morning. Sometimes the Government seemed as if it were trying to asphyxiate Parliament with a huge volume of unsifted information.

On the issue of national security, he indicated that the Swiss had modelled its system on the Dutch example. It was the Government which had to convince Parliament of the need to invoke national security.

Mr Marc BOSCH, President thanked Mr Philippe SCHWAB, and all members who had participated in the debate.

4..Closing remarks

Mr Marc BOSCH, President reminded members that the sitting the next day would begin at 10.00 am.

The sitting ended at 5.30 pm.

THIRD SITTING
Sunday 24 March 2013 (morning)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory remarks

Mr Marc BOSCH, President welcomed members and reminded them that nominations for the post of vice president of the Association were due by Tuesday 11 March at the latest.

2. New member

Mr Marc BOSCH, President announced that the Executive Committee had agreed to put forward the following new member for agreement by the Association:

Mr. Gali Massa HAROU

Deputy Secretary General of the
National Assembly of Chad
(replacing Mr. Mahamat Hassan Brémé,
who has become Secretary General)

The new member was *agreed to*.

3. Presentations on recent developments in the Inter-Parliamentary Union

Mr Martin CHUNGONG (Director of the Division for the Promotion of Democracy) described the recent activities of the IPU:

- the reinforcement of the capacity of parliaments, particularly those in Arab countries following the Arab Spring. Co-operation between these parliaments and the IPU had been excellent;

- the pursuit of the objective of lasting development, as part of which democratic governance was one element. The difficulty lay in defining indicators that would enable an assessment of levels of democratic development in a country. Work and discussions were underway in order to agree indicators.

He thanked members for their contributions on the subject of parliamentary pay, which had enabled the improvement of the Parline database. A new report would be available in the following days.

Mr Andy RICHARDSON (IPU) presented work on guidelines for the use of social media by parliaments. 60% of parliaments were using social media at that time, and those that were not would doubtless follow suit before long because social media provided the best means of reaching citizens,

particularly the young. He thanked the parliaments of Brazil, South Korea and Zambia for their important contribution to this work, and he also thanked the ASGP. He explained that the guidelines contained advice to parliaments on the use of social media, and that early reactions to this had been very positive, particularly from the communication department of the European Parliament, which considered the guidelines to be vital parliamentary resource.

Mrs Zena HILAL (IPU) presented a "plan of action for gender equality in Parliament", unanimously adopted in Quebec. It was a document of the IPU which had formed the basis of a debate on gender equality. Certain key characteristics of equality had been established. The document was a road map and could prove particularly useful for secretaries general. Today, on average, women made up 25% of those in Parliament. Women were increasingly occupying key positions. The question was whether parliaments were ready to welcome women and to put in place structures that would ensure permanent gender equality. She explained that she had worked with many parliaments to assess their degree of awareness of the issue, including with the parliaments in Chile, Turkey, Bangladesh, Uganda and Rwanda. The assessments had formed the basis of a series of recommendations. She encouraged secretaries general to carry out similar assessments within their own parliaments.

Mrs Norah BABIC (IPU) gave a presentation about the Parliament in Myanmar, which had joined the IPU during the session in Kampala. The authorities in Myanmar had asked for operational assistance from the IPU. The Parliament was currently in its second year of operation after twenty years without a Parliament. A programme for the development and support of the Parliament had been mapped out and would remain in action until 2015. This work was being done in conjunction with the UNDP and other organisations, and bilateral assistance was also being provided. She thanked the secretaries general of the numerous parliaments that had offered their assistance.

Mr Manuel ALBA NAVARRO (Spain) commented that the guidelines on the use of social media had been very interesting. He asked how the parliaments referred to in the report had been selected.

Mr Andy RICHARDSON said that the report represented a small sample and that further examples could be added to the online version of the guidelines, including the Spanish example.

4..Communication by Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Parliament: "Civil servants in parliaments - balancing service and impartiality"

Mr Marc BOSCH, President invited Mr Claes MARTENSSON (Suède) to present his communication.

Mr Claes MARTENSSON (Suède) spoke as follows:

Dear ladies and gentlemen, colleagues and friends,

I attended the meeting last year in Kampala and it is with great pleasure I once again have the privilege to meet with all of you here in Quito. I also

wish to extend my deepest gratitude to our kind colleagues from Ecuador for hosting this meeting. Today I will share a few thoughts on the subject of integrity and I hope my thoughts will provide some inspiration for further discussions.

We who are here today have in common that we are all civil servants in highly political contexts. Our responsibility is to support Members of Parliament in performing their duties. Members are elected and represent an ideology, a party and a set of policies. Politicians are motivated by a desire to change society. In short, politicians are by nature political.

We civil servants, on the other hand, are expected to be objective and non-partisan. We are expected to avoid favorizing any particular political view. As follows from the term “civil servant”, our *raison d’être* is to provide services, to serve. The question therefore arises: what service can I provide and still remain objective and non-partisan? How do I maintain my integrity when being subjected to political pressure? There are of course no simple answers to these questions, but I think much is gained by discussing, defining and communicating issues concerning integrity. To sum up, the focus of my presentation is on how to work with integrity in parliamentary administrations.

First I wish to mention a few situations which contain the type of potential tensions or conflicts between service and integrity that I am referring to. These are a few examples from my own experience from the Riksdag administration.

- For example, as is well known, information is power and there is a temptation to control who gets information and on what. Who has access to information? How do we make sure everyone gets the same information? Who decides what we inform about?
- Who governs how the parliament administration functions? How much influence should members have over how we conduct our business?
- Should we make our voices heard if we feel the facts are wrong? If we feel facts are missing, do we add those facts? What should be our line of action if members even want to omit important facts?
- How do we support different members and parties? Should our services be quoted or provided according to “first-come-first-served”? Should we give more help to the governing side, or on the contrary, the opposition?
- When do we as civil servants go too far and in effect yield political influence? Can we for example play an active role in setting the agendas for parliamentary matters?

I think there are many examples we all face in our jobs that involve the tension between service and integrity. The challenge is of course how to manage this tension in a constructive manner. I will here briefly give a few examples of how the administration in my parliament, the Swedish Riksdag, has worked with these issues. Let me just first say that I think the process of discussing and working with these issues is as important as the documents that are produced. In other words, the road may well be more important than the actual goal.

My first example concerns the ambitious reform agenda called Roadmap 2014 the Riksdag administration is currently working with. The aim of this process is to discuss our working methods including management, organization, communication and creating an attractive workplace. The process associated with Roadmap 2014 has provided an important arena for discussions on the culture and core values of the administration. We have formulated a goal that the Riksdag Administration should be a distinct, modern, professional, committed and involved parliamentary administration, offering even better support to the parliamentary process. The point in the current context being that the process emphasizes clarity on roles, professionalism, goals and support. The process involves discussions on core values and builds on previous processes from 2006 when we defined our core values. These values and Roadmap 2014 together create a common understanding of what we civil servants expect from ourselves and what the MPs can expect from us. Like I mentioned earlier, one of the most important aspects of this work is the process itself. It gives the civil servants in the administration an opportunity to discuss and clarify challenges concerning integrity vis-à-vis MPs.

My second example comes from one of my sub-units, the Research service in the Riksdag. There we have in succession produced two useful documents, first a vision and then an assignment policy. The need for these documents is the fact that MPs make requests for research which they want to use as support for their own policies. Here lies a potential conflict between the desire to provide a service and still remain objective. When formulating our vision for the Research Service it became clear to us that some of the goals, e.g. the attempt to become more service-minded, are in potential conflict with other goals, e.g. that of remaining objective. In order to help the researchers handle this challenge, but also to give MPs the correct expectations, the Research Service drafted an assignment policy in consultation with the parties of the Riksdag. Here I also wish to stress the importance of drawing up the borderlines between integrity and service in co-operation and consultation with the MPs. This increases the legitimacy of the policies and a common understanding will strengthen the position of the individual civil servant when putting policies into practical use.

The assignment policy clearly defines the role of the Research service. It is emphasized that the research service works on assignment, but is sovereign in deciding on how to do research and what to conclude. The policy also defines how the research service prioritizes among requests. It clarifies the mandate for the researcher, what MPs and other clients can expect from the research service and has proven to be a valuable tool in the ongoing dialogue with clients leading to less friction in relations.

I have spoken briefly on these challenges, policies and instruments and in rather abstract terms. I wish to add that both the vision of the Research service and the assignment policy are available in English and French for anyone who wishes to study them further. I also have some information in English and French on our reform process Roadmap 2014.

I hope the questions I have raised and the few examples I have given on how we have worked with these challenges in the Swedish Riksdag have been food for thought. I wish to thank you all for your attention and am more than happy to discuss any questions or comments you may have.

Mr Somsak MANUNPICHU (Thailand) said that he had been to Sweden with a delegation from his Parliament to learn about good practice. He had found the way of working there very interesting. He asked for more information on the changes that had occurred.

Mr MARTENSSON said that changes had only been made in the areas where there were problems of dysfunctionnalities. They had wanted to provide a better service to parliamentarians in the context of a good working environment.

Mr Ulrich SCHÖLER (Germany) said that, because parliamentary staff had to maintain a neutral position when responding the demands of MPs, guidelines in the German Bundestag allowed for the documents used by the administration to be shared with MPs and political parties. At the beginning they could only be made available to the MP on whose behalf they had been prepared, but after certain weeks they had to be put at everyone's disposition. He asked what the situation was in Sweden on this.

Mr MARTENSSON responded that practice in Sweden was similar, except that staff first asked the MP for whom the document had been prepared whether or not he wished it to be shared more widely.

Mr Hafnaoui AMRANI (Algeria) asked if pressure could be brought to bear on civil servants by political parties. He asked for more information on the research service.

Mr MARTENSSON said that he would be delighted to talk further about the research service during the break. As far as pressure was concerned, he noted that the role of each party had been clearly defined and that these roles were recognised within the Swedish Parliament. Consequently there was no evidence of such pressures being brought to bear.

Mr Manuel ALBA NAVARRO (Spain) said that impartiality more important in Parliament than in other institutions. Nonetheless, everyone had an opinion, and parliamentary staff had civil rights. How could the political activities of parliamentary staff be effectively managed?

Mr MARTENSSON responded that on occasion some parliamentary staff took part in such activities, but that at higher levels within the organisation it was strongly discouraged. There was no absolute prohibition.

The sitting ended at 11.15 am.

FOURTH SITTING
Sunday 24 March 2013 (afternoon)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mr Marc BOSCH, President, reminded members that the deadline for nominations had been fixed at 4 pm that day.

He indicated that the informal discussion groups could begin and that, after about an hour, the rapporteurs designated by each group would present the findings of the group back to the Association before the opening of the general debate.

2. Presentations by rapporteurs: Is it desirable or possible to establish common professional norms or principles for different Parliaments for the recruitment and career management of parliamentary staff?

Mrs Clarissa SURTEES (Australia) presented the conclusions of her working group, as follows:

Certain broad principles should underline the recruitment of members of the parliamentary administration:

- The impartiality of the candidates;
- The impartiality and transparency of the recruitment procedure;
- No interference by the political class in the choice of candidate should be permitted;
- There should be a description of the post for each vacancy, with an outline of the competences and values required of potential candidates.

It was also necessary to have a good working relationship within the recruitment teams, and that those teams should understand the need for diversity (gender, racial and other forms). In order to achieve this latter goal, an external member of the recruitment board might sometimes be desirable.

A related question had been posed by the group: was a parliamentary career still a job for life ?

In lots of parliaments, recruitments were done internally and an external advert was only published if an internal candidate could not be found. In Australia, by contract, all permanent posts had to be advertised externally and had to be open to everyone, without restriction. Often a written examination was the first stage of a procedure, followed by an interview. The

Secretary General often participated directly in the recruitment process, but sometimes only to approve a process conducted in the main by others.

Mr Jose Manuel ARAUJO (Spain) presented the conclusions of his group, as follows:

The group had defined several basic principles:

- It was necessary to invest in the human resources in Parliament in order to retain people of high calibre.
- Each Parliament should have a specialised body of civil servants, sometimes written into the law or the Constitution. This was necessary to ensure impartiality and technical ability. It was necessary, therefore, to distinguish clearly between parliamentary civil servants, those working for political groups and parliamentarians themselves.
- Recruitment had to be done regularly and needed to be well planned. It was necessary to think ahead about forthcoming parliamentary activities in order to anticipate what resources would be needed.
- Whatever the recruitment process, it had to be public and transparent, which would also help ensure impartiality and adequate skills.

As far as career development was concerned, tools needed to be developed to motivate parliamentary staff, in particular in terms of :

- Training ;
- A varied and stretching career path ; and
- Experience of all the activities across Parliament.

Mr Alphonse NOMBRE (Burkina Faso) summarised the findings of his group, as follows:

The group affirmed the need for an independent parliamentary service. It had identified five fundamental principles :

- The independence of the parliamentary authorities;
- The adaptability of staff, ensuring their mobility within the organisation ;
- Equal access to posts, taking into account the diversity of the population and the necessary competences ;
- A clearly defined procedure, to ensure transparency ;
- The clear definition of the posts available.

Once the group had defined these principles, it had outlined criteria for recruitment :

- Recruitment panels should be mixed in terms of competences and should have an internal/external balance. External members were required for psychometric and general academic tests and internal members to evaluate the candidate against the requirements of the post.
- A probationary period should be put in place before any employment was confirmed.

In terms of career management, the group had made the following points :

- There should be a regular assessment of the work of all employees;
- Employees should receive training throughout their careers;
- There should be committees to ensure quality control and to provide advice to staff ;
- Decisions taken by the employer against a member of staff should be subject to administrative and/or judicial review.
- There should be a clear system for rewarding and motivating staff.

Mr Edward OLLARD (United Kingdom) presented the findings of his group, as follows:

The group had focused on those working in the core functions of Parliament. These employees tended to stay for a long time and it was therefore essential that their competences were kept up to date and could be enriched by outside experience. Consequently the group had articulated the need for a career management strategy with emphasis on particular themes:

- It was important to ensure the internal mobility of personnel;
- It was necessary to identify the competences specific to a post or a level of post;
- Secondment should be encouraged, both into other sectors, and into other parliamentary contexts;
- Management training was essential, including leadership training, such as that provided by an MBA;
- The issue of gender was particularly important when considering the need for career breaks and flexible working on the part of those seeking to start families.

Mr Marc BOSCH, President, thanked the four rapporteurs, who had given the Association food for thought.

Communication by Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe: “ISO certification: in search of excellence in the service delivery by the administration of Parliament”

Mr Marc BOSCH, President invited Mr Austin Zvoma to present his communication.

Mr Austin Zvoma (Zimbabwe) spoke as follows:

1. Introduction

“A man should do his job so well that the living, the dead, and the unborn could do it no better....If it falls your lot to be a street sweeper, sweep streets like Michaelangelo painted pictures, like Shakespeare wrote poetry, like Beethoven composed music: sweep streets so well that all the hosts of Heaven and earth will have to pause and say, 'Here lived a great street sweeper, who did his job so well' (Facing the Challenges of a new age (1957)) Dr. Martin Luther King Jr.

The above quotation aptly captures what motivated the Administration of the Parliament of Zimbabwe (AoP) to commit ourselves to improve service delivery. AoP committed itself to provide quality service that meets and exceeds customer expectations. We accordingly chose and embarked upon the

International Organisation for Standardization (ISO) 9001:2008 Certification in Quality Management Systems (QMS) in 2010. ISO 9001:2008 Certification is awarded to organisations that comply with the minimum standards in QMS. ISO Certification is not an end in itself but a means to an end, a search for excellence. In line with continuous improvement, it is a race without a finishing line.

Why did PoZ seek this seemingly endless journey? What have been the challenges and lessons learnt from the process?

2. Rationale for ISO Certification

The electorate has a perception that service delivery in public institutions is generally inefficient. The Parliament of Zimbabwe (PoZ) was not spared from this perception in the 1990s when it was increasingly viewed as a rubber stamp institution incapable of effectively calling the Executive to account. The public also viewed Parliament as an institution that was not accessible and responsive to the needs of the people. Accordingly, the comprehensive reforms that the Parliament of Zimbabwe instituted in 1996 were intended to address this perception as well as the frustrations Members of Parliament had in the execution of their constitutional mandate of 'making laws for the peace, order and good government of Zimbabwe'. The objective of the reforms was to review its legislative function and conduct of public business to make it more effective.

In order to complement these reforms, AoP deliberately adopted strategic planning in 2000 for effective and focused coordination of the implementation of the reforms and improved service delivery to Parliament. The adoption of strategic planning and introduction of the Balanced Scorecard (BSC) performance management system in 2008 were intended to bring a professional and business approach to service delivery. Accordingly, AoP embarked upon the road to ISO 9001:2008 Certification in Quality Management System (QMS) in October 2010 with August 2011 being the target date for certification. The ISO Certification drive was meant to inculcate into the workforce a professional and business approach to service delivery. AoP achieved certification in September 2012, having missed the target date for strategic reasons.

3. The ISO 9001: 2008 Certification Journey

The journey towards ISO certification was long and not without its own challenges. The initial discussions on attaining certification were made around 2003/4 and were repeated every year at the annual planning meetings with very little movement. The challenge at that time was that although there was a desire for certification there was some scepticism on whether this was necessary or attainable in a public sector setting and, therefore, there was no consensus on the initiative. Notwithstanding these challenges, the drive towards certification was formally included in the AoP's Strategic Plan for 2008-13. Actual work on certification commenced in earnest in August 2010 when logistics were put in place for the sensitisation and training of staff.

What is International Organisation for Standardisation?

IISO, the International Organization for Standardization, is the world's largest developer and publisher of International Standards – more than 19 100 at the end of May 2012. ISO provides the platform on which consensus is reached on International Standards that meet business, governmental and societal needs. ISO is a network of national standards bodies, one per country (164 of them in May 2012). Each member is the most representative

body for standardization in their country and a focal point for ISO activities. ISO members represent their country's standardization interests in the ISO System. Many ISO members are part of the government structure of their countries, or are mandated by government. Others are private sector organizations often set up by national partnerships of industry associations. There are currently 9 very popular ISO Standards, of which ISO 9001:2008 is the most widely used. ISO 9000 Quality management, ISO 14000 Environmental management, ISO 3166 Country codes, ISO 26000 Social responsibility, ISO 50001 Energy management, ISO 31000 Risk management, ISO 22000 Food safety management, ISO 4217 Currency codes and ISO 639 Language codes.

ISO International Standards ensure that products and services are safe, reliable and of good quality. For business, they are strategic tools that reduce costs by minimizing waste and errors and increasing productivity. They help companies to access new markets, level the playing field for developing countries and facilitate free and fair global trade.

4. ISO Sensitisation Stage

AoP decided on a flight plan after receiving advice from a QMS Consultant during the sensitisation seminars. To achieve a buy-in, a series of ISO sensitization seminars was organised for all staff of Parliament from September to December 2010. The seminars centred on:

- i) outlining ISO 9001: 2008 Standard requirements
- ii) reflecting on processes and systems within Parliament
- iii) an assessment of financial and human resources required to attain certification.

This assessment exercise revealed that Parliament already had the basic infrastructure in place in the form of policies, manuals and procedures in most areas of its operations which only needed refinement to comply with the requirements of the standard.

AoP had the added advantage of having adopted strategic planning and the Balanced Score Card performance management system as part of its management practices. The ISO 9001: 2008 QMS Standard places a lot of emphasis on the setting and measurement of quality objectives. The assessment also revealed that some of AoP processes and procedures in use based on custom and practice but had not been documented in line with QMS. ISO 9001: 2008 Standard places a lot of emphasis on the setting of quality objectives with measurable outputs and outcomes.

AoP only formally made the decision to pursue ISO certification at the September 2010 Sensitisation Seminar after a lot of soul searching to convince a number of sceptics among the staff. The seminars proved invaluable as they helped to deal with issues of resistance to change, identifying other potential challenges and officers for appointment to the Quality Assurance Team (QUATPAR). It is during these sensitisation seminars that the initial mapping of the institution's processes and stakeholders took place. These seminars generated a lot of enthusiasm among staff and also helped in identifying some of the potential candidates for QUATPAR. This team and the Internal Systems Auditors (ISA) were appointed in November 2010 and February 2011 respectively. The two

attended separate training workshops soon after their appointment. The seminars focussed mainly on outlining to staff what was involved in ISO certification and the potential benefits to the institution, its customers and the individual members of staff. The responsibilities of the two teams are addressed below.

5. Quality Assurance and Internal Systems Auditors Teams

QUATPAR comprises a Management Representative (MR), a Deputy Management Representative (DMR) as team leader and deputy team leader respectively, and two representatives of each Department drawn from all staff levels. One of the two Deputy Clerks is the MR with one of the Senior Managers being the DMR, as required by the Standard. This arrangement allows constant feedback to management and timeous decision-making as the leaders have easy access to the Clerk.

Terms of Reference of QUATPAR

- recommending to AoP a Quality Management System (QMS), a Quality Policy Statement and Quality Policy Manual that effectively respond to the requirements and needs of clients and stakeholders of PoZ
- mapping all work processes and documenting all procedures critical to delivery of quality service to PoZ's clients and stakeholder requirements
- adoption of robust tools for monitoring and evaluating all initiatives aimed at satisfying stakeholder requirements and needs.

The major Outputs of QUATPAR include, but are not limited to:

- development of a Quality Policy Statement approved by the Clerk of Parliament (CoP)
- the development of a Quality Manual and Standards for PoZ
- production of a Baseline report on current work processes
- coming up with documented work processes and procedures
- producing trained Internal Systems Auditors
- achieving certification of AoP Quality Management Systems

QUATPAR's role is to address requirements of the ISO Standard relating to involvement of staff and to harness the various skills, experiences and competencies available within AoP. QUATPAR leads the QMS project by conducting process mapping, producing the Quality Manual, Quality Policy Statement, procedures, work instructions and manuals. QUATPAR also acts as an early warning system in identifying challenges within the system. The team has developed a cordial internal working relationship characterised by openness and respect for each member's views consistent with our Mission: To respect the sanctity of honest contribution and provide professional service through teamwork.

The Internal Systems Auditors (ISA) team is concerned with effectiveness and integrity of the systems put in place. This team is responsible for generating Audits and Corrective Action Reports that form part of the agenda of quarterly Management Review meetings. The number of audit findings has gone down significantly as officers are now more familiar with the requirements of the Standard. The Corrective Action Reports generated after each audit cycle are reviewed by the Root Cause Analysis Committee which determines the source of the identified challenges, proposes remedial action and target date for completion of remedial action. The Comptroller and Auditor-General's audit and other stakeholders have acknowledged the effectiveness of the system.

6. The Certification Audits

It is obligatory that the certification body conducts a number of audits to ascertain an organisation's compliance with the requirements of the ISO 9001: 2008 Standard. The first stage is the Initial Documentation Evaluation (IDE) where the auditors assess whether the organisation has put in place the necessary documentation and systems. A certification audit must be conducted within six months of the IDE audit. The renowned Chinese strategist Sun Tzu in "The Art of War" admonished that a seasoned general only takes his troops into battle when the situation is ripe and even recommended withdrawal in order to regroup. Although AoP's documentation audit could have been undertaken anytime from March 2012, QUATPAR strategically advised a postponement of the date to allow fine tuning to minimise Non-Conformities (NCs). A system wide self-assessment audit was conducted between June and July 2012 to establish AoP's readiness for a successful audit by the certifying body.

In November 2011, after QUATPAR was satisfied that we were ready to subject our systems to external audit and in order not to suffer from fatigue, AoP decided to invite the Standards Association of Zimbabwe (SAZ), the certifying body, for the IDE audit which was undertaken in December 2011. That audit identified only 6 Non-Conformities (NCs) for correction and these were duly cleared by the 31 January 2012. The next stage was for AoP to prepare for the certification audit proper within the timelines set by SAZ.

SAZ, an affiliate of the Southern African Development Community Association of Standards (SADCAS), carried out an institution wide certification audit on AoP's effectiveness of the systems and processes in May 2012. The audit raised a total of 23 NCs (3 major and 20 minor) which was comparatively low as acknowledged by the certifying auditors. These NCs were cleared in two months leading to the SAZ Board approving the recommendation for AoP's certification in early August 2012. AoP was duly awarded ISO 9001:2008 Certification in QMS on 5 September 2012 marking a historic achievement for becoming the third Parliament in the world to be ISO certified, the first in the world and the second public sector institution in the country in QMS.

As already alluded to, certification itself is only just the beginning in the race of providing quality services to clients. Real work for AoP has begun as the certification is valid for only three years, is subject to six monthly Surveillance Audits and can, therefore, be withdrawn for serious breaches of the requirements of the Standard. The challenge for AoP is to remain committed to and in compliance with the principles and requirements of the Standard.

The first post-certification Surveillance Audit of AoP carried out on 8 March 2013 raised 10 NCs (3 major and 7 minor) which will be cleared within a month in compliance with the Standard. Again, this is considered a low number.

7. Achievements and Lessons Learnt

Leadership is central in providing direction and resources for realisation of organisational goals especially in dynamic organizations.

The ISO certification project was a long drawn exercise that tested the endurance of QUATPAR and indeed the whole institution to stay the course.

Achievement of ISO certification which required teamwork from both the leadership and the generality of the staff of Parliament demonstrated AoP's commitment to live by the 8 principles of the Standard namely:

- Customer focus
- Leadership commitment
- Involvement of people
- Process approach to management
- Systems approach to management
- Continuous improvement
- Factual approach to decision-making and
- Mutually beneficial supplier relationships.

The process mapping referred to above has helped in streamlining how work is done and in ensuring that desired results are achieved more efficiently. The process mapping resulted in the development of a combined process map for the entire institution to show the relatedness of activities of different departments, development of work procedures and instructions. These are important as they create a standard way of doing things within the organisation thereby guaranteeing consistency in service delivery. They are also useful in the induction and training of new staff. The interrelationship of departmental subsystems means that the output of one Department or individual becomes the input of the next department or individuals. The production of Hansard and verbatim reports of Committee meetings and other processes which have strict deadlines is a case in point. The systems approach has, therefore, been critical in building effective teams in the Departments involved resulting in the improvement of delivery time frames. The approach has also led to the development of service level agreements (SLAs) between the different departments and these are constantly monitored and reviewed.

QMS entails that organisations continually improve on their systems and processes. This is done through the quarterly internal systems audits, the raising of corrective action and preventive action reports and the quarterly management review meetings. The internal systems audits and the corrective and preventive action reports have helped in improving the internal systems and controls. Consequently there has been a marked reduction in the number of non-conformities raised by external and internal auditors. The half-yearly surveillance audits by the certifying body also help staff to remain focused on the maintenance or improvement of the required standards.

While the attainment of the certification was a milestone achievement in itself, AoP has witnessed positive developments from it. One of the most important achievements of the process witnessed among staff is the behavioural and attitudinal changes towards work. These changes contribute positively towards the attainment of organisational goals and more importantly the provision of quality services to our clients.

ISO certification is one of the innovations AoP has undertaken to develop a culture of excellence in service delivery within the institution. The adoption of the strategic planning process was a pioneering achievement within the public service in Zimbabwe. The introduction of the Balanced Scorecard performance management system widely used in the private sector was appropriate to QMS with its emphasis on compliance to systems and processes.

8. Conclusion

One of the most important achievements of the process has been the behavioural and attitude changes towards work among a majority of staff. These behavioural and attitude changes contribute positively towards the attainment of organisational goals and the provision of quality services to clients.

“Excellence is an art won by training and habituation. We do not act rightly because we have virtue or excellence, but we rather have those because we have acted rightly. We are what we repeatedly do. Excellence, then, is not an act but a habit”. (Aristotle, the Greek philosopher).

Mr Md Mahfuzur RAHMAN (Bangladesh) asked what measures had been taken by the Parliament, particularly budgetary measures, when preparing objectives in compliance with the ISO norm.

Mr Somsak MANUNPICHU (Thailand) said that similar discussions had been held in Thailand with the aim of improving the services offered. He said that the document provided by Mr ZWOMA was a source of inspiration.

Mr Paul EVANS (United Kingdom) said that the UK Parliament had also received a certification, not knowing that it was internationally recognised, in the sphere of human resources. He felt that the process described was extremely interesting and the knowledge no doubt transferable.

Mr Austin ZVOMA said that at the beginning of the project the administration had questioned how the necessary resources could be freed up, but that he had decided to go ahead without any change to daily life. This demonstrated that it was possible even with a minimum of available resource. ISO and certifications in general were usually associated with the private sector, nonetheless many administrations were in the process of seeking similar accreditations. In response to Mr EVANS, he said that it would be possible for a single part of the administration to seek certification, but that in Zimbabwe they had wanted to ensure that the entire organisation benefited, not least by the formation of cross-cutting teams to work on the project. Certification did not signify that you were the most efficient Parliament, but it conveyed a good impression, which was important.

Mr Najib EL KHADI (Morocco) suggested producing an ASGP guide which set out the criteria to be considered by each Parliament to ensure a level of excellence in the service provided.

Mr Ayad Namik MAJID (Iraq) supported the idea of producing guidelines of this type.

Mrs Barbara DITHAPO (Botswana) asked how the effectiveness of this reform was being followed up.

Mr Austin ZVOMA responded that the only indicator was the satisfaction of the "clients", in this case, the MPs. In Zimbabwe they had surveyed MPs on their satisfaction with the service provided, including on their satisfaction with the support provided to them. The audit teams were there to ensure compliance with the strategy and implementation plans, which could be adjusted as necessary.

The sitting ended at 4.15 pm.

FIFTH SITTING
Tuesday 26 March 2013 (morning)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory remarks

Mr Marc BOSCH, President, thanked the Ecuadorian hosts for the excellent organisation of the previous day's excursion.

2. New member

Mr Marc BOSCH, President indicated that the Executive Committee had approved the following person as a new member of the Association:

Ms. Libia Fernanda RIVAS ORDOÑEZ Secretary General of the National Assembly of Ecuador
(replacing Dr. Andrés SEGOVIA SALCEDO)

The new member was *agreed to*.

3. Communication by Dr Ulrich SCHÖLER, Vice-President of the ASGP, Deputy Secretary General of the German Bundestag: "The necessary limits to transparency – the problems for Parliaments of freedom of information legislation"

Mr Marc BOSCH, President invited Mr Ulrich SCHÖLER, Secrétaire général adjoint du Bundestag, to present his communication.

Mr Ulrich SCHÖLER (Germany) spoke as follows:

In the first half of 2011, Germany was rocked by a huge scandal that culminated in the resignation of the man who – at least according to the pollsters – was the most popular German politician at that time, Defence Minister Karl-Theodor zu Guttenberg. His poll ratings were far higher than those of the Federal Chancellor, Angela Merkel. Several years before, in his capacity as a member of the Bundestag and its Foreign Affairs Committee, he had asked the parliamentary Research Services to provide him with a number of studies. Some of them found their way into his doctoral thesis without proper acknowledgement of the source. For months on end, the episode generated huge media interest. It is no wonder, then, that these reports made the wider public clearly aware for the first time of the opportunity for Members of Parliament to avail themselves of the resources of a parliamentary research service to assist them in their work.

The development leading up to a Freedom of Information Act in the Federal Republic of Germany was itself part of a lengthier European process. Foremost among the factors that paved the way for the national introduction of this right were initiatives taken by the European Union. Within Germany,

it had been assumed – and this was probably the prevalent view – that a right to information for the individual could not be directly deduced from the Constitution of the Federal Republic. According to the case law of the European Court of Justice too, it does not follow from the European Human Rights Convention that individuals have any such right of access to files held by public authorities. Conversely, however, the European Court of Human Rights (ECHR) has spoken from the outset of a right of the general public to be adequately informed. This general right to information is regarded as a fundamental principle of democracy.

In the domestic political debate about whether Germany needed such a law, the case for legislation was bolstered by the fact that its proponents could cite the pioneering role played by a number of European countries, as well as the United States, and point to the considerable advances that both the European Union and the Council of Europe had already made in this direction. Back in 2001, the European Community had enacted a Transparency Regulation governing public access to documents held by the European Parliament, the Council and the Commission, in other words rights of access to information, although the Regulation also provided for specific means of restricting access to take account of conflicts of public and private interests. In a number of Recommendations, the most recent dating from 2002, the Council of Europe urged its member States to guarantee general public rights of access to information contained in official documents.

The question that now arises is not a constitutional one but the simple legal issue of whether the Federal Freedom of Information Act, which has been in force since the beginning of 2006, entitles an individual, who may in some cases be a journalist, to obtain access to the same information as a Member of Parliament. To put it another way, does the Act extend to the work of the parliamentary Research Services and their findings, and are there rights to peruse and obtain files which can be enforced in a court of law if necessary? The fact that, in the Guttenberg case, relevant reports drawn up by the Bundestag have not been re-leased to interested parties and the enforcement of their release is now the subject of a court action shows that there are indeed cogent reasons from our point of view for preventing access.

Now one may well wonder why the Bundestag is resisting the notion that individual citizens should be accorded the same information rights as a Member of Parliament and is defending its position in court. This question can only be answered in the light of the special function performed by the Research Services on the one hand and the constitutional status of Members of Parliament on the other. It would certainly be presumptuous to see in the former some sort of counterweight to the large ministerial apparatus of the governmental executive. It is quite obvious, in terms of staff numbers alone, that the Research Services can be no match for the machinery of government. Yet they – along with others – constitute an instrument, and one that has become more significant over the years, to which Members of Parliament can resort in the performance of their function as overseers of the executive. This contribution to parliamentary scrutiny is undoubtedly one of their key tasks. At the same time, they are intended and used to monitor and support the practical legislative work of Members of Parliament in the committees and the Chamber of the House. To put it another way, they guarantee an independent supply of background material for the work of parliamentarians and thereby contribute to effective oversight of government.

Freely elected Members of Parliament, however, should not and must not be subject to over-sight or supervision in these core aspects of their activity. In this context, no one has a right to seek or obtain information regarding the specific questions that a specific Member has asked the Research Services to answer or examine or about the purpose of the questions in relation to the Member's work. In principle, every study or report is individually tailored to the needs of the Member who has requested it, and he or she can then make use of it without being identifiable as a 'customer'. In practice, moreover, it often takes a lengthy process of communication between a Member or his or her staff and the relevant section of the Research Services, including the specialist entrusted with the research task, before it emerges clearly what the precise aim of the Member's enquiry is, how the requested study or report is to be conducted, whether any particular records, reports and documents are to be consulted and for what purpose the study or report is needed. Free access for the general public or journalists to information and the content of files would mean unhindered access to these processes, which are at the very heart of Members' activity.

In view of the constitutionally protected status of each individual Member of Parliament, it is questionable whether such an extensive right of public scrutiny would stand the test of Article 38 of our Constitution. And there can certainly be no doubt that the legislature sought to ensure that parliamentary activity was excluded from the scope of the Freedom of Information Act; in section 1 of the Act, it has limited enquiring citizens' access rights in principle to information held by public authorities. Although the clause excluding parliamentary activity makes no explicit mention of the Research Services, their exclusion from the scope of the Act was never disputed in the committee deliberations preceding its adoption. In the meantime, however, the Berlin Administrative Court has delivered a judgment on the matter, stating in its grounds that, "With regard to the studies and reports produced by the Research Services, the Bundestag is a federal organ within the meaning of the second sentence of section 1(1) of the Freedom of Information Act which performs administrative tasks governed by public law". For this reason, the Court ruled, such studies and reports were subject to public freedom of information.

The Bundestag has lodged an appeal against this judgment. The fact is that, if this judgment were upheld by due process, the inevitable result would surely be significant enforced changes to the role of the Research Services and the way they perform their duties. If a member of the public or a journalist were given the right to inspect files relating to the working processes of the Research Services or the right to demand the release of their expert opinions, one effect would be to reduce to a minimum the process of interaction between Members' offices and researchers. Another would be to constrain researchers to compile their texts and reports with the utmost caution – and, as far as possible, free of judgement – because they would have to consider the possibility of the content of their study or report being made public at any time. This, however, would drastically divest the Research Services of their function, and they would become scarcely distinguishable in nature from any extraparliamentary research and consultancy institution.

An international comparison

In view of the fact that changes to the freedom of information landscape are not a purely national phenomenon but a European process, it is undoubtedly worthwhile to conclude by looking at the corresponding legislation in comparable countries, in other words those which have a long tradition of

parliamentary democracy and which also have laws on freedom of information, and examining how situations like the one I have described here are regulated. Most of the information we have obtained for this comparison was provided by the very efficient ECPRD, the European Centre for Parliamentary Research and Documentation.

Since the year 2000, the United Kingdom has had a Freedom of Information Act, to which both Houses of Parliament are subject in principle. It is, however, a matter for the Speaker of each House to specify, in a binding certificate, in what respect the disclosure of such information constitutes a breach of parliamentary privilege, thereby prohibiting its disclosure. Such exempted information includes Members' briefings and information which, if publicised, would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation. The aforementioned exemptions are enshrined in sections 34 and 36 of the Freedom of Information Act. Information communicated to individual MPs by the Research Service is presented as typifying the information for which the Speaker may issue a certificate of exemption.

The pertinent legislation in France is Statute No 78-753 of 17 July 1978, which lays down the conditions for free access to administrative documents. That instrument essentially prohibits, on the grounds of separation of powers, access to instruments or documents produced or received by parliamentary assemblies. A statutory order of 29 April 2009 further interprets the relevant provisions by stating that the instruments and documents must be those which parliamentary bodies have produced or received. Studies and reports expressly drawn up for parliamentary deputies or committees, including those drawn up by the Research Services, are therefore exempted from free public access. Only documents drawn up by the parliamentary administration in the performance of its general duties are subject to an individual right of access.

Since 1987, Austria has had a federal law regulating the duty of disclosure incumbent on the federal administration and amending the Federal Ministries Act – the Duty of Disclosure Act (Auskunftspflichtgesetz), which fleshes out the general rules on freedom of information that are enshrined in Article 20(4) of the Federal Constitution Act (Bundes-Verfassungsgesetz). The disclosure obligations deriving from these legal bases are not discharged directly by or in relation to the legislative bodies themselves but only with regard to information held by the parliamentary administration. Under the law as it stands, the legal, legislative and research services that form part of that administration are not subject to the duty of disclosure, since their work focuses entirely on supporting the work of Parliament and hence on the legislative domain.

The situation in Sweden is somewhat different. In general terms, although the Swedish Riksdag is not regarded as a public authority within the meaning of the Freedom of the Press Act, it is nevertheless regarded as equivalent to a public authority. In the case of parliamentary information, the most pertinent legislative instrument is the Public Access to Information and Secrecy Act (PAISA). Under its provisions, documents and information exchanged between Riksdag Members and the parliamentary administration are not exempt, in principle, from free public access but are regarded as official documents that may be made public. It is explicitly stipulated, however, that this rule does not apply to information and documents from the Research Service. The sole right of access to these documents lies with

the requesting Member of Parliament. Accordingly, it is also a matter for that individual Member to determine whether and to what extent the studies and reports produced by the Research Services are to be made available to a wider audience. The precise provisions are contained in Chapter 31, section 12, of PAISA.

Finally, it is worth casting an eye beyond the confines of Europe towards the United States. The particular feature of the legal position there is that the Freedom of Information Act binds the executive only, not the legislature or the judiciary.

“So there is no freedom of information for any Congressional records or work, including the work of Congressional support agencies such as the Congressional Research Service and the Congressional Budget Office.”

Conclusion

To sum up, each of the countries that have served in some way as a model for freedom of information legislation in Germany has its own way of ensuring that the realm of research services and the work they perform in support of Members of Parliament are exempted from national laws on freedom of information, because these services are regarded as providing absolutely essential support for the real core area of parliamentary work, namely preparation of legislation and scrutiny of government. We in the Bundestag still remain reasonably optimistic that we shall yet obtain an endorsement from the administrative courts of the principle that the work performed on behalf of Members of Parliament by the Research Services should be safeguarded.

How important it is to preserve this independent status of the Research Services is illustrated, for example, by the issues they have addressed in past years. As European issues came to play an increasingly prominent role in the parliamentary agenda and became the stuff of conflict, even generating heated discussions within the governing coalition, the need for specialised research support from the Research Services grew greater. Expert reports helped, and are still helping, to fuel the public debate, which has unquestionably heightened media interest and will continue to do so, regardless of the scandal I described at the start of my speech. By the same token, of course, there has been an understandable upsurge in the desire of our citizens and journalists to access relevant information and expert reports. Be that as it may, the provision of confidential research assistance to Members of Parliament and the disclosure by parliaments and governments of public information to individuals are not one and the same thing.

Mrs Clarissa SURTEES (Australia) said that this had a question of great relevance to Australia for the past 18 months. It happened that the Chamber received questions or requests for reports linked to school or university work. The law on transparency and freedom of information made it clear that all documents had to be made public. There was, however, an exception for Parliament, but this had been waived, as its implementation had been very complicated. Attempts had been made to change the interpretation of the law to exempt advice given to MPs and notes edited by them. The difficulty lay in finding an acceptable means to identify those requests that could be exempted from the freedom of information laws. As it stood, exemptions had to be argued in court on a case-by-case basis.

Mr Alain DELCAMP (France) agreed that this was an extremely important issue and that it was difficult to agree common ground between the public and parliamentarians about what was acceptable. In France, an independent administrative authority, the Committee on access to administrative documents, was the mediator on all such questions. A question had been raised in the Senate about requests made for access to research. In the French Parliament, committee staff carried out most of the research. Any request to see research carried out on behalf of an MP was not considered to be acceptable, even with the agreement of the parliamentarian concerned.

Mr Edward OLLARD (United Kingdom) said that in the UK it was Parliament itself, under the authority of the President of the Chamber concerned, who decided which documents should be exempted from publication. These exemptions were not subject to legal recourse. The question was, of course, whether or not the disclosure of any particular document would impede the workings of Parliament: the default was that a document should be made available if feasible. He asked on what basis the courts in Berlin would become involved in requests for information.

Mr Marc VAN DER HULST (Belgium) said that, in Belgium, the law on freedom of information only concerned the administrative authorities, of which Parliament was not considered to be one, with the exception of a few instances. For example, when there was a conflict with a member of staff, that member of staff would be given the information necessary to defend his rights. The law on freedom of information had foreseen numerous exceptions for the Government, for example deliberations in the Council of Ministers.

Mr Hafnaoui AMRANI (Algeria) asked to what extent Parliament or its staff could be made responsible in the case where a piece of work had been based on false information, or used in bad faith. He asked whether there were any examples of this.

Mr Jose Pedro MONTERO (Uruguay) explained that the law on transparency passed in Uruguay in 2008 had as its objective the guarantee of the fundamental right of citizens to access to public information. It was sometimes difficult to define the limits of transparency, particularly in budgetary areas.

Mr Ulrich SCHÖLER concluded by noting that all parliaments seemed to face the same difficulties. In most countries there was a derogation for Parliaments which existed because there was no distinction between parliamentary and administrative work. If information on the remuneration of staff was requested, they would of course be provided. The same would not necessarily be true for requests to see parliamentary work. If all else failed, a tribunal could resolve the situation. To Mr AMRANI replied that parliamentarians could use work carried out on their behalf on their own account, and could use the contents so long as they did not disseminate it. In response to the question posed by Mr MONTERO, he said that journalists asked many questions about the work done by parliamentarians outside Parliament. Information on expenses was not provided to journalists without the consent of the politician concerned.

Mr Marc BOSCH, President thanked Mr SCHÖLER and all those members who had participated in the discussion.

4..Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: “Bilateral co-operation between Parliaments in different continents: the case of East Timor”

Mr Marc BOSCH, President invited Mr José Manuel ARAUJO to present his communication.

Mr José Manuel ARAUJO (Portugal) spoke as follows :

What better place to present this case of cooperation between Parliaments from different continents than the IPU, the oldest forum of inter-parliamentary cooperation, founded back in 1888?

The Assembly of the Republic (AR) of Portugal is considered a promoter and/or partner in inter-parliamentary cooperation on an international scale.

Following the Revolution of April 1974 and within the context of a process of democratisation and decolonisation, the Parliament has regulated its participation in international affairs - especially since the 1990s - by establishing a cooperation network with a number of countries around the world.

This cooperation has included, over the years, both bilateral and multilateral aspects.

At bilateral parliamentary cooperation level, the AR directs most of its activity towards other Portuguese-speaking parliaments (which encompass countries in Africa, Latin America and Asia), namely by making and implementing parliamentary cooperation protocols, which constitute the political framework for the cooperation programmes that are being implemented.

These programmes have been principally focussed on developing democratic systems, with a view to consolidating states based on the rule of law and improving parliaments' performance with regard to legal and constitutional aspects of the legislative procedure, budgetary and financial issues, IT support and various administrative matters.

In 1998, the Association of Secretaries-General of the Portuguese-Speaking Parliaments (ASG-PLP) was founded and since then it has established the operational framework for a number of cooperation activities developed between the AR and other parliaments.

The AR's participation in cooperation actions at multilateral level derives from its efforts and the experience it has acquired at bilateral cooperation level, especially over the last two decades. This commitment and experience has been recognised by international institutions that dedicate themselves to cooperation, for example, the IPU, the UNDP, the EU, the OSCE and the OECD.

The AR has also participated in cooperation projects administrated by other parliaments, as has been the case in its participation in cooperation action with the parliaments of Albania and Kosovo (within the EU Twinning programme).

Likewise, the AR has also participated in cooperation actions under the umbrella of international organisations, as was the case with its cooperation with the parliaments of Georgia and Albania (OSCE) and Guinea-Bissau, Palestine and Bangladesh (UNDP and IPU), to whom it has delegated specialists in the most diverse areas, from assisting the drafting and/or revision of their Constitutions, or their Rules of Procedure, and specific parliamentary support (to legislative procedures, plenary sittings, committees, drafting, administrative and financial management, communication with citizens etc.) as well as offering direct assistance to members of parliament.

Bilateral Cooperation

At bilateral parliamentary cooperation level, the AR has prioritised the establishment of cooperation protocols with six Portuguese-speaking parliaments: the first protocol to enter into force was signed with the National Assembly of Cape Verde in 1995, which was renewed in 2008. There followed the National Assembly of São Tomé and Príncipe (1995, renewed in 2004), the Assembly of the Republic of Mozambique (1996, renewed in 2007), the People's National Assembly of Guinea-Bissau (1997, renewed in 2008), the National Assembly of Angola (1998, renewed in 2003) and the National Parliament of East Timor (2000, renewed in 2008).

These protocols, which constitute the expressed political will of the presidents of these parliaments, have allowed the Secretaries-General of the respective parliaments to establish the specific parliamentary cooperation programmes mentioned. These are always preceded by diagnostic missions designed to ensure that the cooperation activities are appropriate to the situation and needs of each beneficiary parliament.

The cooperation programmes give body to the politically expressed intentions agreed in the protocols. These programmes last, as a rule, for three years. This includes the case by case scheduling of specific cooperation actions and the identification and selection of the areas in which this cooperation will take place. The cooperation programmes in force between the AR and the aforementioned parliaments were established in: Cape Verde (2012-2014), Guinea-Bissau (2012-2014), Mozambique (2011-2013), São Tomé and Príncipe (2013-2015) and East Timor (2009-2012).

Among the main cooperation activities performed in recent years and which are, generally speaking, common to the different cooperation programmes, several stand out. These include training sessions that have taken place in Portugal and a number of technical assistance missions to the beneficiary parliaments in the following areas: lawmaking; drafting techniques; the stages of the legislative procedure; the revision of parliamentary rules of procedure; committee work; libraries; documentation; archives; financial administration; procurement and property; human resources management; public relations; international relations; protocol; and information technology.

The methods used in the outworking of this cooperation normally include professional training, traineeships, technical assistance and resource assistance (documentation, publications, enhancing equipment and IT), etc. These actions are undertaken by Assembly of the Republic staff, but sometimes also include the participation of Portuguese members of parliament and other Portuguese specialists in some of these areas.

For example, in 2010 the AR received several colleagues and members of parliament from the National Assembly of São Tomé and Príncipe, the Assembly of the Republic of Mozambique and the National Assembly of Cape Verde for traineeships and working visits in the Assembly of the Republic. They focussed on plenary support, committee support and official journal divisions.

In 2011, the AR also received several colleagues and members of parliament from the National Assembly of São Tomé and Príncipe, the Assembly of the Republic of Mozambique and the National Assembly of Cape Verde for traineeships and working visits at the Assembly of the Republic. They were focussed on plenary support, committee support and journal divisions, as can be consulted in more detail in chapter 5 of this report. The AR was also present, through the participation of a delegation (Technical Support and Secretarial Services Directorate (DSATS) and IT Centre (CINF)) in the Bungeni workshop in Nairobi (electronic platform to implement a database of the legislative procedure and parliamentary activity, which could be applied to Portuguese-speaking countries).

It should be emphasised that the cooperation programmes with the National Assemblies of Cape Verde and São Tomé and Príncipe will span all areas of parliamentary activity, thus constituting a model of bilateral cooperation developed by the Portuguese Parliament. The cooperation programme in force with the Assembly of the Republic of Mozambique also includes a series of cooperation actions relevant for the parliamentary services of that Parliament. The cooperation protocol with the National Assembly of Angola is the only one that does not have an ongoing cooperation programme.

The case of cooperation with East Timor, the main focus of this report, will be discussed later.

The priority of cooperating with countries that are culturally and historically close to Portugal has always been aimed at strengthening representative institutions and consolidating capacities with regards to legislative, supervisory and representative bodies.

Besides cooperating with the aforementioned parliaments, the AR has also established protocols of cooperation with other parliaments, such as the People's National Assembly of Algeria (2007), the Chamber of Deputies of Italy (2002), the House of Representatives of Morocco (2007), the Chamber of Deputies of Uruguay (2007) and the National Assembly of Serbia (2009).

The AR welcomed two parliamentary staff from the Chamber of Deputies of Uruguay, for example, in the protocol and public relations division as part of a placement in the AR. Also with Brazil, and sporadically, at the request of other interested parliaments, the AR has carried out cooperation actions in the most diverse areas of parliamentary activity.

It should be equally emphasised that the experience acquired by Portugal with its accession to the then European Communities has allowed the Portuguese Parliament to assist new European democracies with technical cooperation. This participation has mostly taken the form of receiving in Portugal delegations (members of parliament and parliamentary staff) from EU candidate countries, many of whom are similar in size to Portugal.

These delegations aim to become acquainted with the Portuguese experience of integration into European institutions with a view to understanding the process Portugal went through in consolidating its democratic institutions after the dictatorship, and the legal procedures that were regulated in the Portuguese legal system to comply with EC law, and even the legislative harmonisation process or even more recently the role of Parliament in scrutinising European matters.

For example, in 2012 within the context of the Fellowship Programme for Young Government Officials from the Western Balkans: Supporting Excellence and Leadership in Governance programme, the AR welcomed a parliamentary official from Albania for a one-month traineeship in the European Affairs Committee, which included the participation of other services.

It is also noteworthy the role of the Parliamentary Friendship Groups (PFGs) , which politically promote all types of political, technical and administrative cooperation found in the various programmes and cooperation actions mentioned.

Sharing the same language and having similar political and constitutional systems, the majority inspired by the Portuguese situation, constitutes a competitive advantage over any other country cooperating with Portuguese-speaking parliaments.

On the other hand, the AR's experience in the EU makes it an increasingly useful and qualified partner in sharing information that it has gathered and consolidated in this area.

The Assembly of the Republic's work in this area of parliamentary cooperation is discreet, appropriate (actions are defined and planned in light of specific situations), aimed at the future (to strengthen the foundations of one of society's fundamental institutions), and assiduous (with constant follow-up).

For these given reasons, the know-how that the AR has accumulated is being increasingly recognised by institutions that dedicate themselves to parliamentary cooperation around the world and, deriving from this, it is being increasingly requested to participate in cooperation programmes coordinated by these organisations and/or other parliaments - and whose costs are borne by them - participating in an increasing number of multilateral cooperation projects, especially through the concession and/or training of specialists.

In the first phase, in fact, the AR's cooperation with these parliaments was based on bilateral programmes and actions but in later years, this cooperation has evolved to a multilateral level.

The case of East Timor

Cooperation with East Timor (an Asian country with Portuguese as its official language) stands out from the others as an interesting case study due to the fact that aside from participating in traditional cooperation actions, the AR appointed senior officials to support the creation of the new parliamentary institution from the start of its independence process in 1999/2000.

This action was derived from Portugal's support in defending the Human Rights and self-determination of the Timorese people, supporting, in an expressive and committed way, the independence process and consequent democratisation of East Timor. It should be noted that, for more than 20 years, through parliamentary diplomacy performed by officeholders of this body that exercises sovereign power, the AR made its status as a democratically representative body of the Portuguese people count, contributing to the involvement of international society in the fight for independence for the Timorese people.

Consequently, the body which preceded the parliamentary institution, the National Council, counted on the support of the AR to donate diverse resources, a library on law and policy and financial means intended to coping with the most urgent difficulties facing the new Parliament.

Later, as different situations were better identified, cooperation was reinforced by sending Portuguese parliamentary staff to support the following divisions during the period that the National Council, the Constituent Assembly and, after independence, the National Parliament were in force: committee support, the Plenary, Human Resources, Library and Documentation, as well as International Relations. The staff performed and consolidated training sessions. Their work was particularly relevant during the time when the Constitution of the Democratic Republic of East Timor was being drafted and approved.

More recently, the Assembly of the Republic, in collaboration with the Camões Institute, has been assisting the use and improvement of the Portuguese language in the Timorese Parliament's proceedings.

Portuguese Parliamentary staff have also been recruited by the UNDP to provide technical support to the Timorese Parliament, namely in the legislative procedure and in committee proceedings, etc.

In December 2012, the three-year cooperation programme between 2010 and 2012 was assessed in anticipation of the President of the Parliament of East Timor's official visit at the start of April, with a view to updating the cooperation protocol and, subsequently, the action programme for the period 2013-2015.

The recent evaluation recalled the expected results of the cooperation programme:

- The strengthening of East Timor's Parliament's institutional capacity in terms of its positioning among the other bodies that exercise sovereign power in the Timorese State;
- A more active momentum with regards to the Timorese Parliament's different spheres of intervention;
- An improvement and expansion of professional abilities of Timorese parliamentary staff when performing their functions;
- The strengthening of human, material and financial resource management capacities, namely through the use of new technologies, such as support instruments for parliamentary administration.

The programme incorporated training, technical assistance and investment in material. The following areas were selected to be cooperation areas:

- International Relations;
- Library and archives;
- Management of the Parliament;
- Parliamentary Protocol;
- Teaching Portuguese language.

This cooperation programme also included actions with objectives focussed on the promotion of the participation of Timorese members of parliament in working visits to the AR, as well as exchanges and information sharing between specialised permanent committees and administrative bodies from the respective parliaments.

The cooperation established between the AR and the National Parliament of East Timor has taken place directly between the Parliaments and as a bridge which the AR's staff have built together with partners from other countries and different international organisations, above all through the shared Portuguese language and other similarities in the legal and constitutional systems of East Timor. It has been a prime example of parliamentary cooperation, representing a cooperation project that the AR has dedicated itself to, consistently and consequentially, for a long time, and that includes the secondment of resident officials to provide permanent support to the country.

Mr Marc BOSCH, President thanked Mr José Manuel ARAUJO and invited members to post questions to him.

Mr Paul Evans (United Kingdom) asked if the five high counsellors mentioned had been sent from Parliament, concluding that, if so, that would constitute a high level of engagement.

Mr José Manuel ARAUJO (Portugal) responded in the affirmative, noting that this had been difficult because the administration consisted of only 360 civil servants. The five people had been available and were funded by the UNDP. They were not official representatives of the Portuguese Parliament.

Mr Jose Pedro MONTERO (Uruguay) said that Uruguay had benefited through its agreement with the Portuguese Parliament, and that civil servants had been sent to train their counterparts in Uruguay. He warmly thanked his colleague for this exchange.

Mr Marc BOSCH, President thanked Mr ARAUJO and all members who had participated in the discussion.

The sitting ended at 11.30 am.

SIXTH SITTING
Tuesday 26 March 2013 (afternoon)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 2.30 pm.

1. Presentation of the findings of informal discussion groups:
General debate: Relations between the parliamentary administration and the personal staff of parliamentarians

Mr Paul EVANS (United Kingdom) said that in all parliaments in his group, each parliamentarian had at least one or two assistants. There were, however, significant disparities: for example, in Thailand, this number was already six and would soon be increased to eight. The issue was who was, at the bottom the line, the employer of these staff. They were in general freely chosen but there were parliaments where they relied solely on their parliamentarian for their recruitment, and there were others where the Secretary General took on this role.

Even if in principle it was the level of competence that determined pay, nepotism was still an issue, since these staff were sometimes members of the parliamentarian's family, including a partner or children. Some parliaments prohibited this, but others put in place tests or interviews to verify the competence level of those concerned. Another issue was whether or not these staff members, who were ultimately funded by the taxpayer, actually did any work. Only a very few parliaments had put in place any system designed to check this.

There were problems of litigation between these staff and their parliamentarian as relationships could become spiky and could occasionally border on harassment. There was no clear legal recourse in such cases: often the parliamentarian himself was asked to arbitrate. Sometimes secretaries general became involved.

In conclusion, it was difficult to define the tasks of a parliamentarian's staff members because they were working on his behalf. The majority of parliaments seemed to have put in place a relatively informal process for resolving disputes, and that was based on good faith. These staff members represented a significant cost to parliament, and were sometimes under considerable pressure. In order to ensure that they were a proper service rather than a burden, it was essential to ensure that they were properly qualified, which unfortunately was not often the case. Training was essential.

Mr Jose Pedro MONTERO (Uruguay) said that there were two clear categories of staff: on the one hand the civil servants who worked for parliament, and on the other hand the staff employed as the personal staff of parliamentarians. There was no confusion between these two groups amongst the Spanish-speaking members. In general assistants were paid out of the budgets of their parliamentarians, or else they were allocated to a department which handled their management. Sometimes their training was

handled in conjunction with that of the civil servants. MPs had the tendency to think that they could have confidence only in those that they had recruited themselves. Sometimes they employed specialists in a particular domain.

Mr Patrice MADJUBOLE (Democratic Republic of the Congo) said that the administrative staff was permanent, recruited by the administration of a parliament and employed under public employment law. By contrast, staff working for parliamentarians were employed on private terms. Their recruitment was a technicality (they often had generalised employed contracts) and often the recruitment process was informal. Often they were recruited directly by their parliamentarian or his group, with the following exceptions: in Algeria, the parliament paid directly for them, and in Burkino Faso they were employed within a system of "pools". Those working with party groups tended not to stay long but to have a better skills level. In some parliaments they were permitted to attend committees. They generally had free access to all the parliamentary buildings, but this was not the case for the personal assistants of parliamentarians. The co-existence with civil servants was usually peaceful and satisfactory.

Mr MohaMrsd Abdullah AL-AMER (Saudi Arabia) asked what the competences were that were required of assistants, and if there were notable differences between the competencies required in different parliaments.

Mr Paul EVANS responded that, within the anglophone group, there were some parliaments that had tried to impose a minimum professional standard, and that sometimes this had worked. On the other hand, it was entirely up to the parliamentarians concerned whether to instate a hierarchy amongst their assistants, or not.

Mr Jose Pedro MONTERO said that the qualifications of assistants was very variable between parliamentarians. The parliamentarian could decide whether to spend their funds on one or two well-qualified assistants, or four or five who were less qualified.

Mr Patrice MADJUBOLE clarified that these were often staff who were directly employed by the parliamentarian concerned. Their pay and the competences were therefore determined by the parliamentarian.

Mr Antonio AYALES ESNA (Costa Rica) noted that his Parliament employed 1,025 people, of whom 700 were permanent civil servants, protected by public service law. 325 were chosen by the parliamentarians, but the administration checked that they met the condition of having a university degree before paying their salary. That salary was a basic one, and it was often supplemented by more money depending on their level of attainment and experience. Their contracts could be ended as soon as the parliamentarian concerned wanted them to be.

2..Communication by Mr OUM Sarith, Secretary General of the Senate of Cambodia: "The 3rd Legislature of the Cambodian Senate: opportunities and challenges"

Mr Marc BOSC, President invited Mr OUM Sarith (Cambodia) to present his communication.

Mr OUM Sarith (Cambodia) spoke as follows:

Mr President, Ladies and Gentlemen,

The election for Members of the 3rd Mandate of the Cambodian Senate was held on 29 January 2012.

On 24 March 2012, the Senate held an inaugural Plenary Session of the 3rd Mandate under the Royal Presidency of the King of Cambodia. Unlike the 1st and 2nd Mandates, where the membership was composed of three political parties, the 61 Senators who have been declared valid for office and sworn in to hold seats in this 3rd mandate come from the following parties:

1-Ruling Party	46 Members	75% of total seats
2-Opposition Party	11 Members	18% of total seats
3-Appointed by King	02 Members	
4-Appointed by National Assembly	02 Members	

Among the 61 Senators, nine Senators are women. This represents 14.7% of the total seats of the Senate.

Based on the recommendations from the Self-Evaluation exercise that was conducted in 2009-2010, many articles of the Internal Regulations of the Senate have undergone amendments, demonstrating a strong commitment to reform.

In order to promote its three main parliamentary functions - Representation, Legislation and Oversight - as well as increase the effectiveness and performance quality that will ultimately benefit public interest and society, the Senate has set up various key mechanisms in addition to its existing structures, procedures, provisions and other rules.

1-Parliamentary Group

All 61 Senators are divided into six different groups, five comprised of the ruling party and the remaining group comprised of opposition members. These groups are established to enhance and improve legislative procedures, during debates on draft or proposed laws at the plenary session. These are political groups that did not exist in the previous mandates.

2-Regional Group

Senators from each regional constituency have set up regional groups. There are eight groups representing the eight regions in the country. These groups aim to strengthen the implementation of decentralization and de-concentration policy and legislation at the national and sub-national level, to promote implementation of democracy and other laws and to understand better developments in the constituencies. This aims to boost the role of Senators in representing each region, both individually and collectively.

3-Women Senators Group

The Women Senators Group is established with the purpose of promoting gender policy and the roles of women in social development in order to achieve the Cambodian Millennium Development Goals (MDGs). This group works closely with ministries, civil society, national and international organizations to help women and children in different constituencies, especially those most in need.

4-Spokespersons of the Senate

The Senate appointed two Spokespersons to improve communication and public relations of the Senate, as well as increase access to information for the public about the Senate's affairs.

5-Bilateral Friendship Groups

Five Bilateral Friendship Groups of the Cambodian Senate have been established to promote relations with partner parliaments in the region and the world, in order to strengthen ties and exchange experiences with each other.

6-Senator Groups for Inter-parliamentary Affairs

These Senator Groups are in charge of relations with organizations such as the Inter-parliamentary Union (IPU), ASEAN Inter-parliamentary Assembly (AIPA) and Parliamentary Assembly of La Francophonie (APF). They aim to promote multilateral parliamentary cooperation regionally and internationally in order to strengthen and make more comprehensive cooperation between parliaments in order to promote sustainable development, stability, peace and prosperity in the region and the world.

Challenges

1-The changes mean that the Secretariat General is under more pressure to deliver new and improved services, which requires strengthening of capacity and service standards as well as other necessary resources.

2-In advance of the national election in July 2013, political sensitivity has become more and more critical due to strong competition between political figures during this period.

3-Globalization: the Senate shall have to strengthen its capacity and promote its integration into regional and international arenas, necessitating better resources and strong commitment.

4-ASEAN Community in 2015: the Senate shall have to strengthen its human resource development more intensively in both specialized skills and language ability in order to fully take advantage of this major change.

5-Continuous advancement of technology and the need to assimilate it into the daily operations of the Senate poses a big challenge.

6-The overall development process of Cambodia and national reform in various fields at the same time is a challenge. This includes provisions and new rules, especially implementation of decentralization and de-concentration policy, which has brought about changes and challenges in constituencies.

Although primarily self-reliant, in order to conquer these obstacles and challenges, the Senate has been trying to reach out and establish more regional and international cooperation to exchange experiences, receive support in skills training and expertise as well as maintain office buildings and necessary equipment.

The Parliamentary Institute of Cambodia was established in February 2011 with the aim of supporting and enhancing the capacity and helping to improve the performance of the Cambodia Parliament in its development into

an effective democratic institution by providing expertise to parliamentarians in fulfilling their functions. It answers their research requests and plays an active role in training parliamentary staff in conducting research.

Conclusion

Although the Cambodian Senate is still young and has been through three mandates, this institution has shown a very high political commitment in reforming and implementing various policies step-by-step in line with the Cambodian and regional and global contexts. This has allowed the Senate to gradually strengthen the implementation of the three main functions more effectively in accordance with standards of democratic parliaments, and to receive more support and confidence from people, in particular in ensuring national unity, stability and sustainable development. We are optimistic about our journey ahead but obstacles and challenges are still there to be overcome.

Thank you very much for kind attention!

Mr Marc BOSCH, President thanked Mr OUM Sarith for his presentation and invited questions from the floor.

Mr Geert Jan A. HAMILTON (Netherlands) asked if there were differences in competency levels between the two chambers.

Mr OUM Sarith said that the relationship between the Senate and the Assembly was very good, particularly given the difference in their roles. The Senate revised laws already seen by the Assembly, and consequently there was no argument about competence.

Mr Somsak MANUNPICHU (Thailand) indicated that, in Thailand, Senators could not represent political parties. There were two categories of Senators : some were elected and others nominated, but none were party members. In terms of procedure, however, the role of Senators was very similar between Cambodia and Thailand.

Mr OUM Sarith replied that, in Cambodia, electoral law allowed political parties to present their candidates for the Senate. They were elected by communal councillors in eight regions across the country. In the current session there were only two parties represented, but there had been more previously.

Mrs Clarissa SURTEES (Australia) asked if the numerous reforms to the Cambodian Senate had had an impact on the staff, and if they had been accompanied by an increase in budget. She also asked about the impact on the Parliamentary Institute, and what impact the next legislative elections would have.

Mr OUM Sarith responded that each group had at their disposal two or three civil servants to assist their parliamentarians. In each legislature, an amount had been ring-fenced within the budget for the groups. The Parliamentary Institute had been lucky enough to receive assistance from the Swedish Government and had done all it could both to train the civil servants and to meet the demands of parliamentarians. The impact would be very visible during the next legislative elections because the Senators would be able to campaign, and consequently would be more frequently absent.

Mr Paul EVANS (United Kingdom) asked whether the civil servants were required already to be qualified for their roles, or whether they received on-the-job training.

Mr OUM Sarith explained that three civil servants from each Chamber worked for the IPC because of their experience. They were involved in training others and the goal was that, within two years, to have all the civil servants sufficiently well qualified to enable them to conduct parliamentary research and share their expertise.

Mr Marc BOSC, President thanked Mr OUM Sarith and all the members who had asked questions.

3..Communication by Mr Rogério VENTURA TEIXEIRA, Director of the Human Resources Department of the Chamber of Deputies of Brazil: “The strengthening of the legislative process through technological innovation: the experience of the Brazilian Chamber of Deputies”

Mr Marc BOSC, President invited Mr Rogelio VENTURA TEIXEIRA, Directeur du service des ressources humaines in the Chamber of Deputies in Brazil, to present his communication.

Mr Rogelio VENTURA TEIXEIRA (Brazil) spoke as follows:

On behalf of the President of the Chamber of Deputies, Mr. Henrique Eduardo Alves and of the Governing Board, I thank the President of the Association of Secretaries General of Parliaments Mr. Marc Bosc and the Inter-Parliamentary Union for inviting the Brazilian Chamber of Deputies.

It is an honor to contribute once more in this global conference and exchange experiences and good practices on human resources and relations between the parliamentary administration and the staff.

The new scenario for Legislative Branch

Today parliaments worldwide are facing new challenges: society's demand for greater participation in the legislative discussion, the need for laws with more quality and effectiveness, and promotion of digital media as a factor in information sharing and transparency.

The Brazilian Chamber of Deputies is defined by the Constitution of the Federative Republic of Brazil. Deputies are elected to represent the people, to legislate and to supervise the application of public funds. However, the Chamber of Deputies does more than vote the laws. It is responsible for allowing the participation of society in the legislative debate in order to make it more accessible and democratic, resulting in rules to better meet the needs of the Brazilian people.

Mission, Vision and Values

Mission

Represent the Brazilian people, legislate and oversee the acts of the public administration in order to promote democracy and the national development with social justice.

Vision

Consolidate itself as the debates center of the major national themes being modern, transparent with wide citizen participation.

Values

- Ethics
- Search for excellence
- Independence of the Legislative Power
- Legality
- Pluralism
- Social Responsibility

The organizational structure of the Brazilian Chamber of Deputies

To accomplish this mission, the Brazilian Chamber of Deputies activities are based on an administrative and legislative structure supported by the Governing Board of the Institution.

Human Resources in the Brazilian Chamber of Deputies

The increasing complexity and wide scope of issues on which national legislative institutions should routinely discuss are some of the factors that made the presence of the high technical and legal knowledge staff crucial to the Parliament performance. To accomplish the inherent responsibilities in a democracy such as formulating public policies, review and evaluate proposals and oversee its execution, parliaments need analytical skills and technical expertise that will enable them to address the various issues in order to improve the national legal frameworks and to benefit the plurality of their own society. Perhaps, in the distant past, when the matters discussed in Parliament used to be of low complexity, there was no need for technical staff to assist parliamentarians. Today, we expect a parliamentary performance based on a thorough knowledge of the impacts and consequences of decisions taken by the government.

Without a staff trained to assist parliamentarians in the process of acquiring information and of essential analysis to produce relevant and effective legislation, there is no way a parliament remain independent of the other Government branches, nor responsive to the citizens concerns.

Therefore, the benefits from a policy of recruiting properly trained staff transcends the Legislative Branch sphere. Indeed, as it reflects an institutional effort to empower the Legislative branch to interact substantially, not only formally, with the Executive branch in the development of public policy, the existence of a legislative staff with knowledge comparable to those existing in other branches of government contributes to reduce asymmetries of information among the powers and give more balance to the relationship between the Executive and Legislative. Thus, strengthens up the democratic process with checks and balances that work in theory and in practice.

The biggest challenge of legislative bodies to ensure analytical capacity through recruitment of technical staff is to harmonize the performance of these staff with the highly political nature of parliamentary work. Then, the central question is how to match the technical-rational with the political approaches in the decision-making process on the Legislative Branch.

In the Brazilian Chamber of Deputies the solution was a tripartite staff policy. In general, the staff consists of three distinct components that serve,

respectively, to support needs of parliamentary offices; to advisory needs from political parties and party leaders that act in the House; and to administrative needs to support and technical advice from institutional nature of the House.

In the first case, we have the staff that works exclusively in the parliamentarians offices, whether they are located on the premises of the House, in Brasilia, or in offices assembled in the original states of each parliamentary. This staff, called the Parliamentary Secretary, is responsible for managing the parliamentary offices and for supporting the contact with voters, with local, state and federal authorities. Among the activities performed by parliamentary secretaries stand out press office and media relations, manage correspondence and contact with voters and also advice the individual performance of the parliamentary under the committees and the House's plenary.

The Parliamentary Secretariat is the group with the largest number of employees in the Chamber of Deputies. Currently, 10,465 (ten thousand, four hundred and sixty five) parliamentary secretaries work at the private offices of congressmen in Brazil. This is an average of around 20 employees to each lawmaker.

All parliamentary secretaries are recruited by the deputies according to personal criteria. However, the Institution has a training policy focused on this segment of employees in order to facilitate the secretary's professional improvements.

Moreover, we provide to the parliamentarians a Talent Database, managed by our Human Resources Department, which includes the curriculum of experienced secretaries with expertise in many areas of the legislative process. If they need employees with specific skills to their offices, the Parliamentarians can use the Talent Bank as a source of recruitment.

Due to the segment characteristics, this staff turnover is high in the Institution. Last year, the Department of the Parliamentary Support of the Chamber recorded an average of 300 dismissals per month, although a third of this number has been reused in other offices.

A second group consists of employees who occupy positions of special nature. This staff is recruited by the leadership offices, particularly from political parties, by parliamentary members of the Governing Board and by the Committees Chairmen.

Currently, the House has 1,324 office holders of a special nature. Most of these are located at the leadership offices. Altogether, there are 871 holders of special nature office at leadership's parties in the Chamber, and the number of positions available to each party is proportional to the number of legislators in each parliamentary bench.

In turn, the offices of the Governing Board, parliamentary body responsible for managing the House's work, hired nearly 300 holders of special nature office.

The chairmen of the House committees also can hire trusted advisors to help them with the political work of directing such bodies. The Chamber employs 111 holders of at-will appointment office for this purpose.

Although many of the occupants of positions of at-will appointment are individuals with extensive technical knowledge, they are recruited by essentially political criteria.

Affinity with the ideology of the party, for example, seems crucial for this staff recruitment by the party leaders. The personal criteria of confidence are also used by the Chairmen Committees and by members of the Governing Board in recruiting occupants of these positions.

Some holders of at-will appointment office are working in the House, but they were requested from other public administration bodies. Most of those who are requested come from federal bodies, but there are some requested from the state and municipal government. This requested staff enriches the Chamber administration as they incorporate approaches and experiences accumulated in other branches of government to their work.

Both the Parliamentary Secretaries and holders of at-will appointment office are “ad nutum” dismissal, any time.

The third group of workers in the human resources structure at the Chamber of Deputies is composed of public servants belonging to the permanent staff of the institution. These are workers recruited and selected solely by competitive tendering and they hold institutional nature office at the Chamber administration and at legislative process support bodies.

Currently, the Chamber of Deputies has 3.461 effective workers. The majority are university graduates. As the public servants from the other branches of the Republic, the ones from the Chamber are entitled to a steady job after three years of effective exercise, according to the Article 41 of our Constitution.

Such features of this group of public servants, that is higher education, steady job and the institutional nature of their work, end up making them an important factor in the process of continuous institutionalization of the House. Their presence assure the House’s institutional memory preservation and ensures the analytic continuity of the parliamentary works from one legislature to another; provide support in the legislative and administrative process, strategic planning and management projects.

The case of the Legislative Consulting Services and the Consulting Services on Budgetary and Financial Oversight

It is worth detailing here the work of institutional advisory bodies, nonpartisan and multidisciplinary, on where only works the public servants. I refer to the Legislative Consulting Services and the Consulting Services on Budgetary and Financial Oversight.

The Legislative Consulting Services now has 200 jurists and technicians, working in 21 different areas of expertise, dealing with many subjects as constitutional law, energy, transportation, social security, and others. The Legislative Consulting prepares drafts of proposals, opinions, speeches, studies and technical notes with due technical accuracy. In addition, the consultants give preferential technical advice at committee meetings particularly to the rapporteurs of the matters under deliberation. On average, the Consulting produces over twenty thousand jobs a year, accepting from an average of 97% Deputies requests.

In propositional activity, in deliberation and in oversight, the technical advice provided by legislative consultants have been essential and efficient. The technical level of the parliamentary work done today in the Chamber of Deputies of Brazil equates to that performed by the parliaments of the most advanced democracies. For this reason experts from around the world consider some of the laws that we produce in Brazil as an international benchmark, such as environmental law and consumer protection law.

The Consulting Services on Budgetary and Financial Oversight work has become essential to the progress of the budget process in the country. It is enough to mention that all matters relating to the Multi-Annual Plan, the Budget Guidelines Law and the Budget Law are analyzed with the help of our budget consultants. As the Legislative Consulting, Budget Consulting has effective staff, technical, steady job, recruited exclusively through competitive.

Nowadays, the body has 37 consultants to advise the activities of the Joint Budget Committee, the Finance and Taxation Committee and the Committee of Financial Supervision and Control.

The excellence of the work done by the Legislative Consulting and the Budget Consulting has been recognized by international organizations.

For example, the Inter-American Development Bank - IDB, in a report published in 2006, reported the Consulting Body as “a key factor to ensure that agreements and political transactions, resulting from negotiations in the Congress, did not fail because of the technical quality of the laws”. According to the IDB, “there is evidence that, with the support provided by the Consultants, the political debate has become more strict, the dialogue between the executive and legislative branches has become more complex and demanding, and the media coverage of the debates are now focus more on technical aspects of the law”

The peculiarity of the staff policy at the Chamber of Deputies aims to provide Parliament with a human resources that can achieve each parliamentary need and their offices, the needs of party leaders, and also institutional needs. The model serves this purpose, combining the purely technical advisory with the essentially political support

Mr Edward OLLARD (United Kingdom) asked how they allocated the staff who did not work in core roles, since these staff represented only 237 of a total of 3461.

Mr Rogério VENTURA TEIXEIRA reponded that more than 200 staff members had been consultant civil servants recruited on the basis of a competition, but that in reality the Chamber of Deputies had more than 3,000 permanent staff members. These civil servants were specialised in 22 different areas. Each MP had his own staff but the consultant civil servants had a very high level of skills: they often came from the Executive and passed a difficult recruitment process because, in Brazil, the legislative authorities offered a better salary. In numerous cases, the MPs needed to take account of this technical expertise.

Mr Somsak MANUNPICHU (Thailand) asked how the turnover of approximately 300 members of staff each month was managed; how new arrivals were trained; and what was the impact on career management.

Mr Rogerio VENTURA TEIXEIRA said that the turnover included more than 10,000 assistants to MPs, who did not have a career path within the Chamber of Deputies as an organisation. This category of staff were trained by the Chamber in a training centre offering 10,000 places each year, up to Masters level. Notably there was a Masters degree approved by the Minister of Education on the subject of legislation.

Mr Paul WABWIRE (Uganda) asked for a brief explanation of the legislative process in Brazil. He wanted to know if their procedures in particular justified the high number of staff given over to research.

Mr Rogerio VENTURA TEIXEIRA responded that the scrutiny of bills took a long time: the texts were examined by the Chamber and then by the Senate, and then again by the Chamber before they were sent to the President of the Republic for his approval.

175 bills had been passed in 2012. There were 513 MPs in Brazil, which explained the high number of staff (an average of 20 staff per MP). However, it would be reasonable to reduce that number.

Mr Geert Jan A. HAMILTON (Netherlands) asked if the high number of staff had a negative impact on the efficacy of the legislative process.

Mr Rogerio VENTURA TEIXEIRA replied that the high numbers did have a negative impact. The number of MPs had been questioned in light of the fact that some of them were frequently absent. The most criticised group was that of the parliamentary assistants, who were very numerous and were, ultimately, funded by the taxpayer. The number of civil servants did not pose any difficult questions, particularly since the number had not increased for 15 years.

Mr Marc BOSC, President thanked Mr VENTURA TEIXEIRA and all those who had asked questions.

The sitting ended at 4.00 pm.

SEVENTH SITTING
Wednesday 27 March 2013 (morning)

Mr Marc BOSC, President, in the Chair

The sitting was opened at 10.00 am.

1. New member

Mr Marc BOSC, President announced that the Executive Committee had agreed to propose the following candidate to the Association for membership:

Mr. Modrikpe Patrice MADJUBOLE Acting Secretary General of the National Assembly of the Democratic Republic of Congo
(replacing Mr. Norbert Libya *DJUBU*)

The new member was *agreed to*.

2. General debate: Standards of conduct for Members of Parliament and parliamentary staff

Mr Marc BOSC, President invited Mr Geert Jan A. HAMILTON to open the debate.

Mr Geert Jan A. HAMILTON (Netherlands) spoke as follows:

Introduction

Integrity is a concept of consistency of actions, values, methods, measures, principles, expectations, and outcomes. In ethics, integrity is regarded as the honesty and truthfulness or accuracy of one's actions. Integrity regards internal consistency as a virtue, and suggests that parties holding apparently conflicting values should account for the discrepancy or alter their beliefs.

The word "integrity" stems from the Latin adjective integer (whole, complete). In this context, integrity is the inner sense of "wholeness" deriving from qualities such as honesty and consistency of character. As such, one may judge that others "have integrity" to the extent that they act according to the values, beliefs and principles they claim to hold. Disciplines and fields with an interest in integrity include philosophy of action, philosophy of medicine, mathematics, the mind, cognition, consciousness, materials science, structural engineering, and politics.

Integrity is a necessary foundation of any system based on the supremacy and objectivity of laws. Such systems are distinct from those where personal autocracy governs. The latter systems are often lacking in integrity because they elevate the subjective whims and needs of a single individual or narrow class of individuals above not only the majority, but also the law's supremacy. Such systems also frequently rely on strict controls over public participation in government and freedom of information. To the extent these behaviors involve dishonesty, turpitude, corruption or deceit, they lack

integrity. Facially "open" or "democratic" systems can behave in the same way and thereby lack integrity in their legal processes.

If the integrity of any legal system is called into question often or seriously enough, the society served by that system is likely to experience some degree of disruption or even chaos in its operations as the legal system demonstrates inability to function. No democracy, no rule of law can survive if the system lacks integrity and lacks mechanisms to avoid or fight corruption.

In this general debate we want to explore how different Parliaments and parliamentary services establish and enforce standards of conduct for both members of parliament and parliamentary staff. Are there written standards of conduct in your parliament, or is there an informal understanding about what conduct is and is not appropriate? Are the standards well-established, or subject to dispute? What is the procedure if complaints are made that the standards have not been followed? What can we learn from each other experiences, what lessons learnt do we want to share?

To open the debate I want to briefly sketch the situation concerning codes of conduct for parliamentarians and parliamentary staff in my country the Netherlands.

The Netherlands as a parliamentary democracy

Let me remind you that the Dutch parliament, which is called the States General (Staten Generaal) in the Constitution, consists of two chambers: the lower chamber is the House of Representatives or Second Chamber (Tweede Kamer) and the upper chamber is the Senate or First Chamber (Eerste Kamer) (article 51, Constitution). The House of Representatives or Second Chamber is composed of 150 members who are elected directly by Dutch citizens by proportional vote for a 4-year term (article 54, Constitution). The 75 members of the Senate are elected, also by proportional vote for a 4-year term, indirectly by the members of the provincial councils, who are themselves elected by the national residents of the provinces (article 55, Constitution). Members of the States General are expected to represent the entire people of the Netherlands and not the particular interests of their electors (article 50, Constitution). Members of the House are full time politicians. They receive a salary and compensations. Members of the Senate are parttime politicians. They earn only one quarter of the salary of a member of the House. This being so Senators very often fulfill other remunerated functions next to their membership of the Senate. In fact the membership of the Senate often is a function next to a main function elsewhere in society.

The main function of the chambers of the States General is to act as co-legislators and to check whether the government is carrying out its duties properly. The legislative function of the Senate involves approving bills that have been passed by the Second Chamber. Only then can a bill become a law. The Senate has no right to initiate or amend a bill and may ultimately only reject or approve it.

Candidates for the House of Representatives or the Senate must be Dutch nationals who have reached the age of eighteen and have not been disqualified from voting (art. 56, Constitution). A person may be disqualified from voting if he or she has committed a criminal offense for which disqualification is a possible sanction, if he or she has been condemned to a custodial sentence of at least one year and if the court has imposed

disqualification from voting as an additional sanction (art. 54, Constitution). A member of the States General would lose his or her mandate if he or she no longer meets one of the mentioned conditions for being eligible for membership and/or if he or she holds a position which is incompatible with membership. Loss or suspension of membership is not a sanction either the House or the Senate can impose as an ultimate sanction for breaking rules.

Ethical principles and rules of conduct

Defining a code of conduct for parliament as a set of rules outlining the responsibilities or proper practices of individual parliamentarians established by parliamentarians themselves, regulating their own behaviour, I have to admit that in the Netherlands there is not a very specific code regulating the ethics and conduct expected from the members of the States General. In fact the Constitution, the Penal Code, administrative law and the Rules of Procedure of the House or Senate are the main sources that comprise rules that apply to members of parliament either directly, or because MPs are implied in the general norms that apply to wider ranges of public functionaries.

The Constitution includes articles requiring MPs to represent the interest of the general public and discharging their duties faithfully (article 50 and 60).

MPs swear an oath before the chamber, by which they state that they have not done anything which may legally debar them from holding office. They swear allegiance to the Constitution and that they will faithfully discharge their duties (article 60, Constitution). The text of that Oath is laid down in Section 2 of the Ministers and Members of the States General Swearing-In Act which reads as follows:

The oath:

‘I swear (affirm) that in order to be appointed as a member of the States General I have not given or promised, directly or indirectly, any gift or favour under any name or on any pretext whatever.

I swear (affirm and promise) that I have not accepted and will not accept, directly or indirectly, any present or promise in exchange for doing or refraining from doing anything in this office.

I swear (promise) allegiance to the King, to the Charter for the Kingdom of the Netherlands and to the Constitution.

I swear (promise) that I will faithfully perform all the duties which my office lays upon me. So help me, Almighty God!’

Conflicts of interest

There are no detailed rules governing conflicts of interest of parliamentarians. It is considered that ethical conduct is initially a matter for assessment by political parties when recruiting prospective MPs and is later judged by electors when casting their vote. Therefore, the main responsibility to decide on whether a conflict of interest exists in the performance of their duties is vested on the MPs themselves. Despite the absence of a formal advisory mechanism however, MPs may, in practice, seek advice within their political party or from experienced fellow MPs on the appropriateness of their actions.

There is no statutory provision barring an MP from taking part in a vote on a matter that concerns him/her personally, either directly or indirectly or in which he or she is involved as a representative. Therefore, the question of how a vote relates to any personal interests of an MP is, in principle, a matter for the person concerned to decide.

If an integrity issue occurs, an MP may continue to be a member of the chamber concerned as long as he has not been disqualified from voting in a penal case and does not hold a position that is incompatible with such membership. There are no examples in recent history that MPs have lost their membership because the loss of voting rights was imposed on them as an additional punishment by a court.

In practice, MPs almost always resign of their own initiative if an integrity issue occurs. The media play an important role in that regard. In 2012 a Senator resigned because a criminal investigation was started against him because of alleged corruption (accepting benefits from a project developer who had an interest in investments the town in which the Senator was an Alderman wanted to make). So far no criminal charges have been brought forward, but the Senator already lost his political job, because he (with approval of his party) considered it better that he stay at a distance of politics as long as the investigation was pending.

***Prohibition or restriction of certain activities
Incompatibilities and accessory activities***

The Constitution establishes that no one may be a member of both chambers and that a member of the States General may not be a minister, state secretary, member of the Council of State, member of the Court of Audit, member of the Supreme Court, Prosecutor General or Advocate General at the Supreme Court. A member of the States General may also not be national ombudsman or his/her deputy or deputy of the Prosecutor General at the Supreme Court (article 57).

The States General and European Parliament Act prohibits the holding of the following offices simultaneously with the membership of the Houses: Queen's Commissioner, member of the armed forces in active service, official at the Council of State, the Court of Audit or the office of the National Ombudsman, official at a ministry or at an agency, service or corporation that comes under a ministry, member of the Management Board of the Employee Insurance Agency or the Social Insurance Bank referred to in the Work and Income (Implementing Structure) Act, member of the supervisory committee referred to in section 64 of the Intelligence and Security Services Act 2002, and Kingdom representative.

An MP who holds one of these incompatible offices is automatically put on leave of absence, discharged from the duty of performing the incompatible office and ceases to perceive remuneration and allowances for that office. The leave lasts for the duration of his/her mandate, after which he or she resumes his/her former office.

The elected MPs or their agents, before taking up their duties, must file with the representative assembly a declaration disclosing all public offices held by them (section V 3 Elections Act).

If a member of either chamber holds an incompatible position within the meaning of article 57, paragraph 2 of the Constitution, his/her membership is

terminated automatically (section X3, subsection 1 Elections Act). In other cases, the member concerned notifies the president of the assembly concerned that he or she no longer fulfils one of the requirements for membership. If the member concerned fails to give notice, the president of the assembly concerned informs him/her that, in his opinion, he or she no longer fulfils the membership requirements and thus ceases to be a member. If the member disagrees with the decision of the president, he or she may request the opinion of the chamber on the matter. A committee, composed of members, is then established to investigate the case. The chamber gives a final ruling on the case after the publication by the committee of its report (article 3, Rules of Procedure of the Second Chamber and article 5, Rules of Procedure of the Senate).

Aside from the incompatible offices mentioned above, there are no rules preventing MPs from engaging in accessory activities. On the contrary, such activities are often welcomed, as they demonstrate that MPs are involved in society. For members of the House the financial gains they can make by accepting additional functions are limited. Additional income is largely skimmed when it goes beyond about 20% of the salary that is connected with the membership of the House. Sometimes nevertheless the ethical questions rises if an MP acts wise to involve in accessory activities which might easily cause conflicts of interest. There are no formal rules of conduct that deal with this problem. Members must finally decide themselves. They often will consult with colleagues in their Group or officials in their party.

For Senators who for a living are practically speaking forced to engage in other functions, the situation is somewhat different. The law puts no limit on what additional income a Senator may earn. The law only requires Senators to disclose their outside positions by depositing a statement at the office of the Secretary-General. The functions a Senator fulfils in society are published on the website of the Senate. So there is transparency on possible conflicts of interest. Sometimes the question rises if further regulation on the combination of membership with outside functions is desirable. There is a practice that Senators do not speak for their party in Senate debates in the field of interest of their main job. Sometimes there is speculation in the press that behind closed doors Senators are tempted to influence dossiers in which they have an interest from the perspective of their main function. The media of course are important watchdogs in detecting possible conflicts of interest. Everything that happens in the plenary is open and transparent. A Senator's input to the discussion of draft legislation or a budget proposal can be followed verbatim. When a possible integrity matter rises Senators too must finally decide themselves. They too may decide to consult with colleagues in their Group or officials in their party. In my view so far there has not been a clear need to further regulate conduct of Senators on this matter in a Code of Conduct. As with all regulation there first should be absolute clarity on what problem(s) one wants to solve with more extensive regulation.

Gifts, including the offer of trips

Members of the States General are not banned from accepting gifts. Members of the Second Chamber have to register gifts which have a value in excess of € 50 no later than one week after receipt of the gift (article 150a, Rules of Procedure of the Second Chamber). Members of the Second Chamber are also bound to report their foreign trips made at the invitation of third parties, no later than one week after their return to the Netherlands. The register of foreign trips is kept at the Office of the Secretary General of the Second Chamber.

The Rules of Procedure of the Senate do not include such a reporting requirement for the members of the Senate. The College of Presiding Officers has decided that Senators have to report gifts with a value over € 50 at the Secretary-General's office. One could call this an unwritten rule of conduct.

Misuse of confidential information

MPs are bound to respect the rules on confidentiality and secrecy of meetings and documents (Confidential Documents Rules and articles 143-147 of the Rules of Procedure of the Second Chamber, articles 81 and 85 of the Rules of Procedure of the Senate). If a member of the Second Chamber fails to do so, he or she can be barred from attending all meetings of one or more committees for not more than one month and/or barred from accessing to confidential documents for not more than the remainder of the session. Such a decision is taken by the Chamber, upon the proposal of the Presidium. A register of confidential documents received by the Second Chamber or by any of its committees is kept at the office of the Secretary General.

Misuse of public resources

The Presidium of the Second Chamber may instruct a parliamentary political party that is in default on account of proven or suspected mismanagement, to release its books of account to an external auditor designated by the Presidium. The expenses of this audit are to be covered by the political party (article 8 of the Second Chamber Parliamentary Parties (Financial Assistance) Act). The Presidium also has the power to adopt additional rules. Furthermore, the audit department of the Ministry of the Interior and Kingdom Relations may, on its own initiative, obtain information from the auditor engaged to carry out the audit. If necessary, the Public Prosecution Service may institute an investigation. Misuse of public resources may also constitute a criminal offence. In this case, the MP does not enjoy immunity. A special procedure before the High Court applies for violations of law committed by MPs while in office.

Declaration of assets, income, liabilities and interests

There is no prohibition or restriction to the financial interests MPs may hold. Members of the House are only subject to an obligation of declaration of their outside positions and interests and of the income they receive from them (Section 5 Remuneration (Members of the Second Chamber) Act and Section 3b, Remuneration (Members of the Senate) Act. Article 150a of the Rules of Procedure of the Second Chamber requires its members to report their outside positions and interests, income or expected income from these positions. This declaration is to be made yearly, no later than the first of April following the calendar year in which the income was perceived. Members of the Second Chamber, as mentioned, also have to declare gifts exceeding the value of € 50 and foreign trips made at the invitation of third parties. This information is entered on three separate registers kept at the office of the Secretary General. These registers are accessible to everyone and are published on the internet. The Secretary General also publishes twice a year the statements in the register of outside positions and interests. There neither are official sanctions foreseen for members of the House who fail to declare to the office of the Secretary General their outside positions and interests, their income or expected income from these activities, gifts they have received and their sponsored foreign trips. Of course if a negligence to declare comes to the open, the reputation damage can be considerable.

Criminal responsibility and immunity

MPs, as well as ministers, state secretaries and other persons taking part in deliberations may not be prosecuted or otherwise held liable in law for anything they say during the sittings of the States General or of its committees or for anything they submit to them in writing (article 71 of the Constitution). MPs may be prosecuted for all other acts including violations of the secrecy rules and misuse of finances.

There is a special procedure for violations of law made while in office. Article 119 of the Constitution requires that present and former MPs, ministers and state secretaries be tried by the Supreme Court for offences committed while in office. Proceedings are instituted by Royal Decree or by a resolution of the Second Chamber. This procedure has never been used to date.

Behaviour in Parliament

Both chambers of parliament have in their Rules of Procedure a limited number of rules concerning conduct in plenary (and committee) meetings.

Examples:

- If a person who has the floor strays from the subject of debate, the President shall call on him to return to the subject in hand.
- If a member or a Minister uses offensive language, causes a disturbance, violates his duty of secrecy, fails to observe confidentiality or signifies his approval of or incites the commission of unlawful acts, he shall be reprimanded by the President and given the opportunity to withdraw the words that have given rise to the warning.
- If a person who has the floor makes no use of the opportunity referred to above or continues to stray from the subject of debate, to use offensive language, to cause a disturbance, to violate his duty of secrecy, to fail to observe confidentiality as referred to or to signify his approval or incite the commission of unlawful acts, the President may order him to yield the floor.
- A member who has been ordered to yield the floor may no longer take part in the debate on the subject under discussion at that meeting.
- The President may exclude a member addressing the meeting to which the above has been applied and any other member who has been guilty of facts of the kind referred to from further attendance at the meeting on the day on which the exclusion occurs.
- No appeal to the House shall lie against decisions taken by the President pursuant the above.

In the Senate a source of unwritten norms is the General Introduction to Members of the Senate issued by the Secretary-General at the occasion of a change of parliament after elections. Presidents of the Senate tend to maintain these rules with a high degree of acceptance by Senators:

Examples:

- No eating in the plenary meeting hall;

- No drinking of beverages in the MP's benches except for medical reasons (drinking of coffee, tea or water is only allowed at the President's rostrum and behind the government table); behind the benches Senators can only drink water;
- No telephone calls in the plenary hall; no use of computers with the exception of iPad;
- No handing over of objects or presents by debaters to the representative(s) of the government or others present without permission of the President.

Advice, training and awareness

The main responsibility for informing MPs about integrity issues and the conduct expected from them is vested on the political parties that are represented in the States General. That said, I may add that, at the beginning of each new legislature, an introduction course is organised for new members by the staff of the parliament in which some experienced Senators also give lectures. Integrity issues have always formed part of this course. At the beginning of the current legislature the then President of the Senate gave me as Secretary-General the opportunity to address the whole Senate to introduce this course and highlight the written and unwritten rules and procedures in the Senate.

Standards of conduct for parliamentary staff

Parliamentary staff is subject to specific legal provisions concerning their legal status. Many regulations are similar to the rules applying to government civil servants.

Nevertheless both Chambers of the States-General have a specific Integrity Code for parliamentary staff.

In our Chambers the codes of conduct have been formulated by management and elected works council to elaborate on elements of integrity which they considered particularly important in the working environment of parliament. The specific Integrity Codes of Conduct for parliamentary staff which actually exist in both chambers define the core values underlying integrity rules that exist and the existing arrangements based on them. The values listed in the Code of Conduct serve as a backdrop and touchstone for the conduct of parliamentary officials.

Core values:

Impartiality

Because parliamentary officials represent the public interest, public must be able to have confidence that the civil servants are not prejudiced or biased.

Parliamentary officials should be impartial and independent and must insure these qualities while executing their tasks. Tasks and activities must be carried out in a way that decisions are based on facts. Even the appearance of dependence, bias or conflict of interest must be avoided. Situations where personal interests or the interests of personal relationships interfere with the interests of parliament should be avoided.

Reliability

Reliability means that one must be able to trust that commitments are fulfilled. Parliamentary officials must be trustworthy and reliable. Expectations and requirements related to the task and job performance

should not be confounded. This relates both to behavior and to the result of the work and it has to do with the credibility of parliament and the confidence the institution requires. This confidence also depends on the reliability of the individual civil servants.

Care

A parliamentary civil servant should carefully deal with information available to him/her by virtue of his function. This information may only be used for the purpose for which it has been provided and the nature of the information should always be taken into account (eg politically sensitive, privacy-sensitive or confidential). Information provided by parliamentarians, citizens, other organisations and colleagues should be carefully dealt with. Providers of information must be able to trust that the information is in good hands and will not be used for purposes other than for the ones for which they were obtained.

In addition, every decision must be carefully prepared, including a careful weighing of all relevant interests and based on a proper use of the formal competences. Means and resources provided by the organisation should be carefully utilized. A proper use should be made not only of equipment, office supplies and vehicles, but also of facilities like intranet, telephone and email. These instruments should only be used for the purpose for which they are provided. Financial resources provided must be used economically and efficiently and only for lawful purposes.

Servitude and respectful treatment

The parliamentary civil servant is at the service of all MP's and visitors of parliament. This requires a clear customer and service orientation. 'At your service' means readiness to do what is necessary. It is required to contribute to a positive working atmosphere where colleagues and visitors get a positive and correct treatment. Key words in behavior are: respect, decency, co-orientation, customer service and prevention of discrimination. The respectful treatment is not only aimed at humans, but also at the material environment. The means made available by parliament must at all times, be employed for the purposes of the execution of the tasks. An element of a respectful treatment is refraining from discrimination. This value which also has a strong legal basis implies that discrimination - in whatever form - must be avoided and where it occurs, should be combatted.

Specific rules, procedures and facilities Preventing undesirable behavior

Parliamentary civil servants are entitled to a safe and pleasant working environment. A pleasant cooperation requires that colleagues respect one another. The code elaborates on performance of duties without discrimination on grounds of religion, belief, political opinion, race, gender or other personal characteristics. Sexual harassment is seen as an expression of showing disrespect and a degradation of one's personal integrity.

There is a policy aimed at combatting 'inappropriate behavior' which includes all behavior including expressions which are disrespectful to the personal integrity of employees. The rules clarify what can be done if there is unwanted behavior. The civil servant can consult an independent expert, the 'counselor undesirable behavior', and there is a complaint procedure.

Gifts and Benefits

The rules elaborate on the criteria under which the acceptance of a gift (with a maximum value of 45 euro) can be permissible.

Ancillary activities

In principle a parliamentary civil servant may carry out activities next to his main job. It should be prevented that as a result of ancillary activities conflicts or collisions of interests occur. That is why certain ancillary activities are prohibited, certain can not be carried out without permission; and others must be reported.

Financial interests and transactions with securities

Rules are aimed at avoiding conflicts of interest and abuse of price-sensitive information.

E-mail, Intranet and Internet

An extensive annex to the code of conduct deals with the use of email, intranet and internet. Limited personal use of these systems is permissible, provided that this does not disturb the daily activities and does not harm job performance.

Social Media

Rules are aimed at clearly separating private activities and the use of social media as part of the performance of official duties.

Purchase of goods and services

The rules are aimed at proper behavior in purchasing decisions within the reach of someone's function; observation of procurement rules etc.

Revolving Construction

To prevent unfair competition or apparent conflict of interest it is not allowed to hire a former parliamentary civil servant again within two years after his resignation. Exceptions to this rule require specific arrangements.

Contacts with individual MPs

The code elaborates on conduct towards MP's, a discrete use of information obtained from MP's, political neutrality and observance of secrecy.

Protection of "whistleblowers"

Civil servants who in good faith report conjectures of abuses or wrongdoing are protected and may not experience adverse effects as a result of their notification.

Sanctions

If an employee violates the rules of the Code or otherwise does not work with integrity he is guilty of dereliction of duty and a disciplinary penalty may be imposed on him or her. The regular legal rules of penal law and administrative law apply when sanctions are considered.

Epilogue

Although the Integrity Codes of Conduct for Parliamentary Staff of both Houses of the Dutch Parliament provide a large number of handles, it can never be exhaustive in its scope. When the Code has no clues or answers it comes to the ability of the parliamentary civil servant to independently act in a responsible way in accordance with the spirit of the values and norms of the organization. Besides taking into account the various rules and core values, and consultation of management and colleagues, the individual civil

servant should then rely on his /her own moral sense. Common sense is leading when concrete rules are absent or unclear. As is always the case in life.

Mr Alphonse NOMBRE (Burkina Faso) said that, in his country, the rules had been disseminated many times. In 15 years, there had been several attempts to produce an ethical code but without result.

Mr Marc VAN der HULST (Belgium) asked if the measure taken to deal with gifts had any practical effect and if reality conformed with the rules.

Mr Claes MARTENSSON (Sweden) said that the debate on gifts might perhaps lead to further measures. In any case, the rules agreed by the members of a legislature could be ignored by them, or by their alternates. For civil servants, the situation was different since they tended to remain in post for longer. The routemap for 2014 set out a certain number of key values : impartiality, integrity, responsibility, collaboration, respect etc.

Mr Jose Pedro MONTERO (Uruguay) said that certain parliamentarians were owners of media outlets and that, in that case, they had to inform the plenary of the potential conflicts of interest, with a view to being removed from the process of voting in relevant cases. In case of malpractice, the participation of a parliamentarian could be put to the vote and could be ended by a majority in both tiers. Things had never got that far but a member had already been suspended for six months.

Mr Hossein SHEIKOLISLAM (Iran) explained that a very detailed law had been adopted five months earlier on the regulation of conduct linked to commercial activities and the acceptance of gifts. The law went as far as penal condemnations even though it was almost impossible to take action against a parliamentarian whilst they were still in office. The law had improved the image of Parliament.

Mr Paul EVANS (United Kingdom) explained that, in the UK, the Chamber had always believed that it only had the right to exclude its members. A code of conduct had been drawn up, which codified all the resolutions adopted for centuries on the subject of the management by the parliamentarian of his financial interests, his affiliations etc. Proposed sanctions could be adopted, which could include suspension from a number of days up to suspension for a year. In the most serious cases, MPs could stand down: for example, a parliamentarian who went to a horse race at the invitation of a Parisian company had recently been accused of this and had been required to explain himself. Another, who had falsified his accounts, saw a recommendation of suspension adopted against him. This was the most serious sanction and he decided to stand down.

Mr Ayad Namik MAJID (Iraq) asked if the President could explain himself to the press and whether the code was available on the internet.

Mrs Libia RIVAS ORDOÑEZ (Ecuador) said that, in Ecuador, there was a system of incompatibilities: parliamentarians could not take on any public role except that of professor at the university; they had to swear an oath of allegiance and their accounts could be examined at any time during their tenure. A council of legislative administration looks into cases where rules had been broken. For example, a deputy who had made discriminatory remarks had been sanctioned.

Mr Gali Massa HAROU (Chad) asked if there were limits or judicial obstacles to parliamentary immunity, or whether sanctions could be imposed.

Mr Rogelio VENTURA TEIXEIRA (Brazil) said that, in Brazil, there was a code of conduct and a Council made up of several deputies in charge of its implementation. The concept of integrity had evolved over time, and transparency was now deemed essential. He wanted to know more about the situation in the Netherlands, particularly on the subject of nepotism. In Brazil, members of the family of civil servants or deputies were not allowed to work in the Chamber, even as parliamentary assistants.

Mr Geert Jan A. HAMILTON replied that the rules on gifts were applied and that the registers were up to date. Three registers existed, for external roles, external remuneration and gifts or trips accepted. The suspension of the right to vote, such as that used in Uruguay, would only work well in a large Parliament: there were 75 MPs in the Netherlands and votes were often very tight, so all parliamentarians were needed to vote.

Parliamentarians with a strong interest in a particular subject were asked not to participate in debates on that subject but nobody was prevented from voting.

All institutional press releases were published. They could be corrected. The code of conduct was not yet on the website because it needed to be translated into English.

In the Netherlands, some deputies came from family political dynasties but nepotism was not permitted. It happened once that the niece of a Senator was recruited as a civil servant, but this link had nothing to do with the recruitment and she had proved herself to be very competent.

The most heavy sanction was expulsion. This had to go through the decision of a tribunal but this had never occurred.

3..Communication by Mr José Pedro MONTERO, Secretary General of the House of Representatives of Uruguay: “Political impeachment procedure in the Parliament of Uruguay”

Mr Marc BOSCH, President invited Mr José Pedro MONTERO, Secretary General of the Chamber of Representatives of Uruguay, to present his communication.

Mr José Pedro MONTERO (Uruguay) spoke as follows:

There are three different procedures in our legislation by which a parliamentarian may be removed from office: political impeachment; immunity lifting and suspension for acts of discipline.

The effects of either procedure are different.

Regarding political impeachment - if the requirements enshrined in the Constitution are met, which will be discussed below - the parliamentarian removal shall be definitive, whereas in the other two cases, immunity lifting or suspension, the removal may be temporary.

Article 93 of the Constitution provides that the House of Representatives initiates the political impeachment, which has the sole right to accuse members of both chambers before the Senate. This can happen after knowing about alleged crimes, the supposed violation of the Constitution or for having committed "serious crimes". This procedure is initiated upon request of interested party or some of its members and the House of Representatives shall declare that there are grounds for prosecution.

It is not allowed the possibility to neither initiate a political impeachment against MPs who have ceased in their functions and to be then prosecuted by ordinary courts, nor for them to demand to be previously subject to a political impeachment after ceasing to be an MP.

Political impeachment is a guarantee aiming at protecting parliamentarians, not for themselves, but in view of the importance and significance of the public functions they perform. Thus, political impeachment performs a function similar to that of parliamentary immunities.

Being the procedure started, the House of Representatives focuses on the study of the impeachment initiative itself, having to take a decision on two issues. First, it has to state whether there are grounds for prosecution, according to Article 93 of the Constitution. If the House agrees that there are grounds for prosecution, it understands that the requirements foreseen in the Constitution are given to proceed with the political impeachment and consequently the House must accuse the legislator before the Senate.

And, when there are grounds for prosecution? When it was found that there was "... a violation of the Constitution or other serious crimes ...". It does not mean generic - non-criminal - violation of the Constitution, but the violation of the Constitution with expressly criminal nature.

Serious offenses referred to in Article 93 of the Constitution are those which according to the history of the case and the performance of the jurisdiction they have are understood as such by both the accusing and the judging bodies. They are the offenses defined as such under the criminal law, being discretionary considered as serious by the House of Representatives or the Senate in terms of the relationship between the offense and the public function, considering the political nature of the trial and its aim and purpose.

Once the accusation is done, the issue is brought to the Senate attention, where Article 102 of the Constitution provides that it belongs to the Senate to start the public trial of the those accused by the House of Representatives and to take a decision for the sole purpose of separating them from their positions, by 2/3 votes out of all its components.

Article 102 states that the Senate has to start a "public trial". This means that the sessions are not of secret nature and that the defendant has the right to present evidence and to articulate his defence, according to the principle of due process.

The Senate resolution providing for the removal from office is understood that the political impeachment was properly, it is an administrative and not a judicial act.

Finally, Article 103 of the Constitution states: "The defendants to whom the Senate have removed from office in accordance with the provisions of the preceding article, shall, however, be subject to prosecution under the Law". Therefore, such parliamentarian shall be subject to the ordinary court and the body that will be involved in that case is the Supreme Court Justice.

In case that the justice don't find the former parliamentarian guilty, that is, it acquit him, he can't be a parliamentarian again, unlike what happens when their immunities are lifted, being in this last case able to return to office.

Mr Hafnaoui AMRANI (Algeria) explained that, in Algeria, there had been many demands for the lifting of immunity, but that these had never been granted because it would require a majority of 75% and there was a certain solidarity on this issue between parliamentarians.

Mr Christoph LANZ (Switzerland) asked what was meant by the term "serious infraction" of the Constitution.

Mr Edward OLLARD (United Kingdom) said that in the UK penal law applied to parliamentarians as to any ordinary citizen. He asked whether in Uruguay there were lawyers who could take on the defence of accused persons, and if there were any recent examples of these procedures being used.

Mr MONTERO said that there had been two instances: first in the Chamber of Deputies and then in the Senate. The process took place in public and the parliamentarian could defend himself using a lawyer. In the case of a serious violation of the Constitution, the penalty was expulsion and that went before the courts and thus it was under the common law that the defence applied. It would be difficult to define a serious infraction because it was subjective and relied upon the interpretation of the Chamber. The only recall of a parliamentarian took place in 1973.

4..Examination of the draft agenda for the next meeting (Geneva, October 2013)

Mr Marc BOSCH, President presented the draft agenda for the next session in Geneva, which had been approved by the Executive Committee.

Possible subjects for general debate:

1. Parliamentary buildings: challenges and opportunities (with informal discussion groups)

Opening presentations by Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament, and Mr David NATZLER, Clerk Assistant of the United Kingdom House of Commons

2. How do national parliaments take forward the work of parliamentarians who attend international parliamentary assemblies?

Moderator: Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly of the Council of Europe

3. The emergence of parliamentary diplomacy: practice, challenges and risks

Moderator: Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Assembly of Switzerland

Communications

1. Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of the Netherlands, and Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands: "The King in Parliament: the investiture of a new king in the Netherlands"
2. Communication by Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of the Democratic Republic of Congo: "Connecting structures between the legislative and executive branches"
3. Communication by Mr Eric PHINDELA, Secretary to the National Council of Provinces of South Africa: "Enhancing laws affecting provinces: the role of the National Council of Provinces in the law-making process"
4. Communication by Mr Damir DAVIDOVIC, Secretary General of the Parliament of Montenegro: "Involving civil society in the legislative and scrutiny process"
5. Communication by Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Assembly of Switzerland: "The management of a multilingual Parliament: the Swiss example"
6. Communication by Mr. Vladimir SVINAREV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation: "Participant's electronic briefcase: mobile online information system for parliamentary events and meetings in the Council of the Federation"
7. Communication by Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe: "Evaluating constitutional provisions to safeguard Corporate Governance within and by Parliament"

Other business

1. Discussion (and possible adoption) of principles for recruitment and career management of parliamentary staff
2. Presentation on recent developments in the Inter-Parliamentary Union
3. Administrative and financial questions
4. Draft agenda for the next meeting in Baku (March 2014)

The draft agenda was *agreed to*.

5..Closure of the session

Mr Marc BOSCH, President said that Mrs Danièle RIVAILLE, Mr Robert PROVANSAL and Mr Alain DELCAMP of France, Mr Christoph LANZ of Switzerland and Mr VENTURA TEIXEIRA of Brazil would be retiring within the next few months. He thanked them warmly for their rich and consistent participation in the work of the Association.

He also thanked the Ecuatorian Parliament and its Secretary General, Mrs Libia RIVAS ORDOÑEZ, for the excellent organisation of the session. He also thanked the co-secretaries of the ASGP, and their assistants, as well as the Ecuatorian assistants. He hoped to see many of his colleagues at the next session in Geneva and he congratulated them for the rich variety of their work during the session.

The sitting ended at 12.10 pm.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Aims

The Association of Secretaries General of Parliaments, constituted as a consultative body of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It 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.

The Association also assists the Inter-Parliamentary Union, when asked to do so, on subjects within the scope of the Association.

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