



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

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

Welcome and Presentation of the Parliamentary System in Indonesia
(Mr Indra Iskandar, Indonesia)

Travel by Members of Parliament: Rules for Expenses and Allowances
(General Debate)

Direct election of Members into ECOWAS Parliament
(Mr John Azumah, ECOWAS)

The overall renovation of the Austrian Parliament: a leap from the 19th to the 21st century
(Mr Alexis Wintoniak, Austria)

Renovation of the Buildings of the Turkish Parliament and construction of a new kindergarten
and day care centre
(Mr Mehmet Ali Kumbozoğlu)

Restructuring and Rebuilding of the Parliamentary Buildings – keeping up with the needs and
aspirations of modern times
(Mr Mahesh Tiwari, India)

Recent developments from the Centre for Innovation in Parliaments
(Mr Andy Richardson, IPU)

What do we expect from a Secretary General in the 21st century?
(General Debate)

Soft law and the role of parliaments
(Mr Philippe Schwab, Switzerland)

Constitutional conventions in the Dutch Parliament
(Dr Remco Nehmelman, Netherlands)

Review of the ASGP / 72nd year / N° 220 / Nusa Dua, 21 – 23 March 2022

ASSOCIATION DES SECRETAIRES
GENERAUX DES PARLEMENTS

UNION INTERPARLEMENTAIRE



ASSOCIATION OF SECRETARIES-
GENERAL OF PARLIAMENTS

INTER-PARLIAMENTARY UNION

MINUTES OF THE SPRING SESSION

NUSA DUA (INDONESIA)

21-23 MARCH 2022

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.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2022

Nusa Dua
21-23 March 2022

List of attendance

MEMBERS PRESENT

NAME	COUNTRY
Mr Vahan NARIBEKYAN	Armenia
Mr Alexis WINTONIAK	Austria
Mr Rashid BUNAJMA	Bahrain
Mr K M Abdus SALAM	Bangladesh
Mrs Barbara DITHAPO	Botswana
Mr SRUN Dara	Cambodia
Mr Ghislain Junior MORDJIM	Central African Republic
Dr Malo Adrien BEYOM	Chad
Mr Luis ROJAS GALLARDO	Chile
Mr Jean NGUVULU KHOJI	Congo (Democratic Republic of)
Mr Gilbert K. K. NDJIBU	Congo (Democratic Republic of)
Mr Torben JENSEN	Denmark
Mr Ahmed MANNA	Egypt
Mr Mahmoud ETMAN	Egypt
Mr Antero HABICHT	Estonia

Dr Silke ALBIN	Germany
Mr Cyril NSIAH	Ghana
<i>Mr Indra ISKANDAR</i>	Indonesia
Mrs Damayanti HARRIS	Indonesia
Mr Abdel Rahim ALWAKED	Jordan
Mr Adel AL LOUGANI	Kuwait
Mrs Fiona KALEMBA	Malawi
Ms Fathimath NIUSHA	Maldives
Mrs Luvsandorj ULZIISAIKHAN	Mongolia
Mr Najib EL KHADI	Morocco
Mr Tousy NAMISEB	Namibia
Mrs Lydia KANDETU	Namibia
Dr Bharat Raj GAUTAM	Nepal
Dr Remco NEHMELMAN	Netherlands
Mr Khalid AL SAADI	Oman
Mr Ahmed Mohammed AL NADABI	Oman
Dr Ahmad Nasser AL FADALA	Qatar
Mr Mohamed ALMUTAIRI	Saudi Arabia
Mr Makuc Makuc NGONG AKOT	South Sudan
Mr Dhammika DASANAYAKE	Sri Lanka
Mr Philippe SCHWAB	Switzerland
Mr João Rui AMARAL	Timor Leste
Mr Mehmet Ali KUMBUZOĞLU	Türkiye

Mr Paul GAMUSI WABWIRE	Uganda
Mrs Afra ALBASTI	United Arab Emirates
Mr Simon BURTON	United Kingdom
Ms Sarah DAVIES	United Kingdom
Dr José Pedro MONTERO	Uruguay
Mr Mabkhout BIN-MADI	Yemen
Mr Roy NGULUBE	Zambia
Mr Kennedy Mugove CHOKUDA	Zimbabwe

ASSOCIATE MEMBERS

Mr Jasem ALNUSIF	Arab ASGP
Mr Damien CESSELIN	Parliamentary Assembly of francophone countries
Mrs Mireille EZA	Parliamentary Assembly of francophone countries
Mr John AZUMAH	ECOWAS Parliament

SUBSTITUTES

(for Mr/s.)	
Mr Mahesh TIWARI (for Mr Pramod Chandra MODY)	India
Ms Akiko OGAWA (for Mr Takashi OKAMURA)	Japan
Ms Agata KARWOWSKA-SOKOŁOWSKA (for Mr Adam NIEMCZEWSKI)	Poland
Ms Ana ÁLVAREZ (for Mr Manuel CAVERO)	Spain
Mr Dino OEDIT (for Mrs Ruth DE WINDT)	Suriname
Mr NGUYEN Truong Giang (for Mr CUONG Bui Van)	Vietnam

ALSO PRESENT

Ms Laura VAN DER HARST	Netherlands
Mr Gilbert KABAMBI KASONGO	Congo (Democratic Republic of)
Mr Jean Claude MAYI-MALE	Congo (Democratic Republic of)
Mr Mohamed LEBBIE	Sierra Leone
Mr Mehmet SIEREYYAEZ	TURKPA (Parliamentary Assembly of the Turkic Countries)
Mr Azar MAMMADOV	TURKPA (Parliamentary Assembly of the Turkic Countries)

APOLOGIES

Ms Claressa SURTEES	Australia
Mr Raul GUZMAN URIBE	Chile
Mr Eric TAVERNIER	France
Mr Michel MOREAU	France
Mr Bruno VIEILLEFOSSE	France
Dr Georg KLEEMANN	Germany
Dr Lorenz MÜLLER	Germany
Mr György SUCH	Hungary
Mrs Ragna ÁRNADÓTTIR	Iceland
Mr Serwan Abdullah ISMAIL	Iraq
Mrs Elisabetta SERAFIN	Italy
Mr Fumitake KOBAYASHI	Japan

Prof Dr Modestas GELBŪDA	Lithuania
Dr Nizam MYDIN	Malaysia
Mr Muh'd Sujairi ABDULLAH	Malaysia
Mr Hugo Fernando ROVIRA ZAGAL	Peru
Mr Mark Llandro MENDOZA	Philippines
Mr Albino de Azevedo SOARES	Portugal
Mr Gennadiy GOLOV	Russian Federation
Mr Ingvar MATTSON	Sweden
Ms Penelope Nolizo TYAWA	South Africa
Mr Masibulele XASO	South Africa
Ms Napaporn JAISUJJA	Thailand
Ms Steejit TAIPIBOONSUK	Thailand
Mrs Pornpith PHETCHAREON	Thailand
Mr Adelino A. DE JESUS	Timor Leste
Mme Despina CHATZIVASSILIOU-TSOVILIS	Council of Europe
Mr Sergey STRELCHENKO	Union of Belarus & the Russian Federation

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FIRST SITTING

Monday 21 March 2022 (morning)

Mr Najib El Khadi, President, was in the Chair

The sitting was opened at 11.10 am

1. Opening of the session

Mr Najib El Khadi, President, opened the session and welcomed members of the Association, especially new members. He thanked the Indonesian for their warm welcome to this beautiful country.

He reminded all members to check that the details on the list of members is correct and if not, to approach the secretariat to make any corrections necessary, he further reminded colleagues that the secretariat are at their disposition to answer any questions.

He expressed, in the name of the Assembly, his gratitude to Ms Perrine Preuvot, former French co-secretary to the Association for all her work and welcomed Ms Capucine Capon, the new French co-secretary, to her place at the commencement of the Nusa Dua conference.

[There was a 15-minute pause while problems with the interpretation headsets were resolved]

2. Members

Mr Najib El Khadi, President, said that the secretariat had received requests for membership which had been put before the Executive Committee and agreed to, as follows:

For membership:

Mr Azeddine KHENNOUF	Secretary General of the National People's Assembly, Algeria
Mr Tandin TSHERING	Secretary General of the National Assembly, Bhutan
Mrs Tassoula JERONYMIDES	Secretary General of the House of Representatives, Cyprus
Mr Mahmoud ETMAN	Secretary General of the Senate, Egypt
Dr Fabrizio CASTALDI	Secretary General of the Chamber of Deputies, Italy

Mr Tseliso MOLISE

Clerk of the Senate, Lesotho

Prof Dr Modestas GELBŪDA

Secretary General of the Parliament, Lithuania

Mr Tiberiu Horatiu GORUN

Secretary General of the Senate, Romania

For associate membership:

Mr Damien CESSELIN

Secretary General of the Parliamentary Assembly of francophone countries

The new Members were accepted.

3. Orders of the day

Mr Najib El Khadi, President, read the proposed orders of the day, which were available on the ASGP website, and explained that the agenda was now lighter than the version initially circulated because some members, who had applied for communications, were unable to attend the session in Nusa Dua.

Monday 21 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*
- *Announcement regarding elections*

- *Welcome and brief presentation on the parliamentary system in Indonesia by Mr Indra Iskandar, Secretary General of the House of Representatives of Indonesia*

Theme: In the news

- *Communication: Mr Ali Mohammad Gholiha, Secretary General of the Islamic Parliament of Iran, on the 'Development of Information and Communication Technology (ICT) in the Islamic Parliament of Iran'*

Monday 21 March (afternoon)

2.30 pm

- *Presentation on recent developments in the Inter-Parliamentary Union*

General debate: Travel by Members of Parliament: Rules for Expenses and Allowances

Moderator: Dr José Pedro Montero, Secretary General of the Senate of Uruguay

To allow a dignified and transparent exercise of their mandate, parliamentarians have, over the years, created several regimes that define how to compensate their expenses incurred in travelling from their residence to Parliament.

As they represent constituencies, it is also natural for rules to be applied to reimburse them for the expenses incurred in travelling, in connection with engagement activities of a regional or national character. Finally, forms of reimbursement to parliamentarians are also defined for international travel that they carry out within the scope of international parliamentary activity, which is increasingly intense. This general debate is intended to analyze the different regimes and forms of compensation that exist, in the context of ever-increasing scrutiny of this area.

- Communication by Mr Ahmed Ezzat Manna, Secretary General of the House of Representatives of Egypt on ‘Travel by Members of Parliament: Rules for Expenses and Allowances in Egypt’

Tuesday 22 March (morning)

9.30am

- *Meeting of the Executive Committee*

10.30 am

Theme: The renovation of Parliamentary Buildings

What should we be able to deliver with our buildings and how to strike a balance between preparing for remote and physical proceedings in the parliamentary buildings of the future?

- *Communication by Mr Alexis Wintoniak, Deputy Secretary General of the Austrian Parliament on ‘The overall renovation of the Austrian Parliament: a leap from the 19th to the 21st century’*
- *Communication by Mr Mehmet Ali KUMBUZOGLU, Secretary General of the Grand National Assembly of Turkey, on ‘Renovation of the Buildings of the Turkish Parliament and construction of a new kindergarden and day care center’*
- *Communication by Mr Mahesh Tiwari, Deputy Secretary-General, Rajya Sabha of India on ‘Restructuring and Rebuilding of the Parliamentary Buildings – keeping up with the needs and aspirations of the Modern times’*

Tuesday 22 March (afternoon)

2.30 pm

- Presentation on recent developments from the Centre for Innovation in Parliaments

General Debate with informal discussion groups: What do we expect of the Secretary-General in the 21st century?

Moderator: Mrs Lydia Kandetu, Secretary General of the National Assembly of Namibia

Themes for informal discussion groups:

1. *How do we select a Secretary General for the 21st Century?*
2. *What are the skills required of a Secretary General?*
3. *How has the role of Secretary General changed?*

Reports from discussion groups in the plenary, and general debate

Tuesday 23 March (morning)

9.30am

- *Meeting of the Executive Committee*

10.30 am

Theme: Soft Law, what is the place of this regulation in our society?

- *Communication by Mr Philippe Schwab, Secretary General of the Federal Assembly of the Swiss Confederation, on 'Soft law and the role of parliaments'*
- *Communication by Dr Remco Nehmelman, Secretary General of the Senate of the Netherlands, on 'Constitutional conventions in the Dutch Parliament'*

- *Administrative questions*
- *Draft agenda for the next meeting in Rwanda in October 2022*

The agenda for the Session was agreed to.

Mr Najib El Khadi, President, reminded members that the usual time limits would apply: 10 minutes for a moderator introducing a general debate, plus a further 10 minutes at the end of the general debate; 10 minutes for the introduction of a communication and 5 minutes for all other interventions.

Morning sessions finish at 12.30pm. Afternoon sessions will begin at 2.30pm and finish at 5.30pm. He asked speakers to respect these time limits. He thanked Members for sending their written contributions for the general debate and communications in advance to the secretariat.

He invited members to consider subjects for debate in the course of the next session, which would be held in Kigali in October 2022.

4. Membership fees

Mr Najib El Khadi, President reminded members of the importance of paying membership fees as it ensures the smooth running of the Association. He informed members that there have been huge delays in the payment of fees in recent years. He

reminded members that, under the Association's rules, the consequence of failing to pay membership fees for three years is that a member can be suspended from the Association, after two years the right to vote is suspended.

He indicated that the Secretariat had written directly to non-paying members at the end of 2021 to remind them of their obligations. He then invited members who have not paid to do so as soon as possible. He also thanked the members who had paid in timely fashion.

He informed members that if they have issues with payment to contact the secretariat of the ASGP to discuss and resolve the issues.

5. Executive Committee elections

Mr Najib El Khadi, President, reminded members that there are a number of vacant posts and that elections would be held during the Nusa Dua session. The posts of Vice-President of the Association and 3 posts of ordinary members of the Associations were open to applicants.

He then announced the deadlines for submitting candidacy for these elections and described the relevant forms that candidates would require for the elections.

- Deadline of 5pm, Monday 21 March, for the post of Vice-President of the Association
- Deadline of 12 noon, Tuesday 22 March, for the three vacant posts as ordinary members of the Executive Committee

He informed members the rules for the elections and that the two forms required by candidates are available on the website.

He again emphasized that only members who have paid their subscription fees may vote or stand as candidates for election. Those members with more than 2 years delayed payments can have their right to vote suspended by the Executive Committee. He said the decision to suspend these members had been taken by the Executive Committee this morning. He advised that those in Nusa Dua with two years arrears, wishing to vote, will not be on the list unless they pay their arrears and should contact the secretariat. He reminded members that only those present in Nusa Dua could vote in any elections that may take place.

Finally, he reminded members of the Associations rules which state it is desirable to have balanced gender, language and geographical representation on the Executive Committee. He said that diversity strengthens the Association.

6. Collaboration with the IPU

Mr Najib El Khadi, President, noted that the ASGP would work together with the IPU during the session and spoke to the importance and value of this working relationship. He announced that Kareen Jabre would address the ASGP on the recent

IPU programme and that Andy Richardson would speak about the Centre for Innovation in Parliament.

He emphasised to members the importance of the ASGP's continued commitment and cooperation with the IPU and announced that he would be meeting with Martin Chungong, Secretary general of the IPU, to discuss how the ASGP and IPU work together.

7. Official languages

Mr Najib El Khadi, President, said that interpretation for the session would be provided in English and French and Arabic, thanks to the generosity of the Arab Association of Secretaries General of Parliament.

8. Welcome from the Indra Iskandar, Secretary General of the House of Representatives of Indonesia

Mr Najib El Khadi, President, invited Secretary General Indra Iskandar to speak to ASGP. He also thanked our Indonesian hosts for all their work to bring the conference together, in such difficult conditions.

Mr Indra Iskandar, Secretary General of the House of Representatives of Indonesia, spoke as follows:

Welcome to Indonesia, the island of god. I hope you can enjoy our beautiful culture and island and that we will have further sunny days for you to enjoy.

ASGP Members

Ladies and Gentlemen:

Thank you for the opportunity to welcome my special colleagues to this special occasion.

A special moment to meet again physically after our previous meeting during the 143rd IPU Assembly in Madrid last year.

A special occasion to meet again with my dear colleagues of the Association of Secretaries General of the Parliaments' Members.

An Association was first established six years before Indonesia's Independence Day, August 16 1939, in Oslo.

An Association that was established 50 years after IPU and play an important role in the IPU.

This time is the third time Indonesia became the host of the IPU Assembly.

First, it was in 2000 for the 104th IPU Assembly in Jakarta,

The second was in 2007 for the 116th IPU Assembly in Bali, and

Today, the third one, this year, this pandemic year of 2022 for the 144th IPU Assembly.

Looking back to the long involvement of Indonesia, and the House of Representatives in hosting the Assemblies, maybe a few of my friends here are already familiar with the Indonesian House's system. And I am not going to talk more on that, on the history of the Indonesian House first inaugurated on August 29, 1945. I will talk more about what the Secretariat of the House of Representatives has contributed to the work of the Indonesian House under my leadership.

I will talk about the important role of the Secretariat in delivering our services for modern parliament.

Distinguished ASGP Members,

As a system, the Secretariat of the House, an organisation for the Indonesian House, was formed to support the smooth implementation of the powers and duties of the House. In carrying out its duties and functions, this supporting organisation of the House is required to respond to organisational dynamics and the development of the implementation of the powers and duties of the House so that organisational change is a natural thing to happen. Several adjustments and arrangements have been made regarding management, human resources, and infrastructure of the Secretariat of the House.

The strategic steps taken in dealing with several main problems are:

First, in terms of management, in addition to preparing business process maps, SOPs are also prepared as a guide in carrying out tasks.

Second, In terms of human resources, we have adjusted human resource management at the Secretariat of the House with the management of Civil Servants based on Government Regulation.

And third, In terms of infrastructure, the Secretariat of the House has developed application software to support the performance of the House, and at the same time encourage the use of environmentally friendly green energy.

The Secretariat of the House responded with a determination always to improve its performance and invite, listen, and facilitate what the people aspire to. The results of these various inputs, in essence, is that the Indonesian House must carry out institutional reforms by carrying out the concept of a modern parliament.

Distinguished audience,

The Indonesian House is very aware that parliament is not a static state institution by designing a modern parliament. The parliament is changing, and it follows the changes that occur "inside and outside" parliament. Constituents did elect their MPs. And constituents today have high expectations of the performance of parliament or MPs. Various efforts to strengthen the reform plan based on the concept of a modern parliament continue to improve the services of the Secretariat of the House. We started by strengthening the support system for human resources and infrastructure while also bearing the legislature's independence.

In carrying out its functions, duties, and authorities, the Indonesian House needs to be supported by a system that provides quality administrative, technical, and expert services, accompanied by high integrity and performance and the implementation of

the best organisational governance. This is the place for the Secretariat of the House to play his role. Expertise support has been provided by the Expertise Agency of the Indonesian House since 2015. The Expertise Agency is functionally responsible to the Indonesian House and is administratively under the Secretariat of the House.

Executive Committee Members, and fellow Secretaries General of the Parliaments, Strengthening the support system in terms of facilities and infrastructure is a special agenda in fulfilling the people's right to access information and know more closely about the Indonesian House. One form of parliament that is open to the people in implementing "public information disclosure" is having the public's right to obtain information based on laws and regulations. The Indonesian House has begun to open the widest possible access to all elements of society, both directly and through technology, long before Covid-19 was an outburst.

The Covid-19 pandemic has prompted the Secretariat of the House to take full advantage of the potential of technology and take adaptation steps. While recovering from the pandemic, digital consumption will continue to increase. Its impact on the implementation of the work of the Secretariat of the House will increasingly depend on technology. Like other parliaments, the Indonesian House began to more aggressively utilise existing technology, from websites, Twitter, Facebook, SMS, magazines and bulletins to Parliament TV. In particular, the Indonesian House's Rules of Procedure were also adjusted to accommodate virtual meetings.

The Secretariat of the House agrees that virtual meetings would be convenient for the work of the Indonesian House during the pandemic and be taken as a normal business in the future. The right to information is very important to open state administrators to the public so that what is done by the organisers of the work of state administration can be accepted and accountable to the public.

Regarding the use of information technology, the total number of applications that have been implemented at the Secretariat of the House in 2021 was around 100 applications. Some of those applications were new applications that can improve the services of the Secretariat of the House to the House. The comprehensive data of MPs are integrated and protected in one continually updated system.

A digital information system was used to deliver digital documents for the Leadership of the House and MPs during General Assembly. They can access digital documents prepared using laptops, tablets, and smartphones at their convenience. Those digital infrastructures are not only aimed at assisting the MPs and the public in accessing meeting documents and encouraging paperless culture for environmentally friendly information systems. The system was also built to bridge the organs of the Indonesian House and their counterparts. This information system supports the process of corresponding and exchanging data and information between the legislative and executive. The system is hoped to process and distribute meeting documents in a timely and automatic manner.

Another system that plays an important role in keeping the constituents with their representatives closer is the facility to voice their concerns. This system opens up wider access and more information to the public through timely, accurate, and safe integration in processing their request and voicing their concern to the Indonesian

House. With this system, the public can channel their voice first-hand to their representatives on any aspect related to government policies. The public can get information on mechanisms, clear flow, and channelling procedures of their voices.

In supporting energy transition that demands serious political will, since December 2021, the Secretariat of the House has built solar panels system to meet the needs of extra electricity of buildings in the Indonesian House complex. So today, most electricity usage in the Indonesian House uses solar panel power plants. The instalment of these solar power plants shows the Indonesian House's commitment to build green buildings, increase the use of renewable energy, and become the pioneer to decrease the gas emission and greenhouses effects.

All the system innovations and choices of environment-friendly policies continuously introduced by the Secretariat of the House aim to support the services of all units in the Secretariat of the House. We also conduct integration to make most of the management of the House of Representatives for a more effective, efficient, and sustainable work of parliament. We also have other applications and systems integrated with other ministries and states' institutions, such as the Indonesian House's filing system, which has already been integrated with National Achieves.

Ladies and gentlemen,

Before ending this presentation, allow me to conclude what I have addressed. Strengthening the role of legislative power requires the Indonesian House to continue to make changes and improvements through an institutional reform plan to carry out its constitutional duties properly. The role of the Secretariat of the House is very important in realising a better legislative role. Institutional reform by carrying out the concept of the Modern Parliament according to the reform blueprint of the Indonesian House. It requires serious efforts from the Secretariat of the House. And, of course, efforts to strengthen the Secretariat of the House through the institutional reform process that is being carried out today still and will always need all the support from parties.

Thank you for the given time,

Welcome to Indonesia,

May our meeting until the last day be useful for the parliament and secretariat of the respective parliaments, as well as factor in to the progress of democracy in the world. To have a clearer view of the Indonesian House, I invite you to watch a short video on Indonesian's parliament building.

Wassalamu'alaikum Warahmatullahi Wabarakatuh

Mr Najib El Khadi, President, thanked Mr Iskandar for an excellent presentation and invited questions from the floor.

Mr Mehmet Ali KUMBUZOGLU, Secretary General of the Grand National Assembly of Turkey, asked about the consumption and production of electricity via the solar panels on the parliamentary building. He said that Turkey would be interested to receive any documents that the Indonesians could share on the operation of these solar panels.

Ms Sarah Davies, Deputy Secretary General, House of Commons, UK, asked what Mr Iskandar would like to keep for the future, from the covid-19 arrangements in the Indonesian Parliament, brought in due to the pandemic?

Mr K Abdus Salam, Secretary General of Bangladesh, reflected on Mr Iskandar's comments regarding green technologies and asked for more information on how these technologies were put in place.

Mr Indra Iskandar, Secretary General of the House of Representatives of Indonesia first responded to Mr KUMBUZOGLU on the issue of electricity consumption. He said that they use solar cells, which have been developed by a private solar cell company in Indonesia, which is in turned managed by the state-owned electricity enterprise. He said this collaboration had meant usage of the solar cells is free of charge for the Indonesian parliament. The solar panels provide a third of the electricity used by the Indonesian parliament which reduces the overall cost of electricity for the building.

In response to Ms Davies and Mr Salam, he said that during the pandemic the Indonesian Parliament decided to amend its meeting procedures; participants can join meetings virtually, rather than in person, as long as it is in a formal manner. He said that although covid case numbers are reducing in Indonesia, they will continue to use virtual meetings. In general, the meetings are open to the public unless they concern state security, in which case they are private.

Mr Najib El Khadi, President, thanked Mr Iskandar for his presentation.

9. Concluding remarks

Mr Najib El Khadi, President thanked members for their contributions and reminded them to return to the room at 2.30pm for the afternoon session.

He closed the sitting.

The sitting ended at 12.15pm

SECOND SITTING

Monday 21 March 2022 (afternoon)

Mr Najib El Khadi, President was in the Chair

The sitting was opened at 2.40 pm

1. Introductory remarks

Mr Najib El Khadi, President, opened the sitting and welcomed members back into the room.

He then reminded members that the deadline for submitting candidacy forms for the post of Vice-President is today at 5pm. He also indicated that it would be possible, in the absence of candidates, to delay the election until the session in Kigali.

He then informed members that he would be attending his meeting with Martin Chungong at 4pm this afternoon. Consequently, Vice-President Jose Pedro would assume the presidency during this absence.

2. Presentation on recent developments in the IPU

Mr Najib El Khadi, President welcomed Ms Kareen Jabre and invited her to update members on recent developments in the IPU.

Ms Kareen Jabre described the IPU's work on indicators for democratic parliaments, based on Sustainable Development Goal (SDG) targets 16.6 and 16.7.

She said that:

- The preliminary draft of indicators has been completed
- There are 25 “indicators” comprising 111 “dimensions” and around 400 “assessment criteria”.
- Pilot testing with parliaments has taken place throughout the project
- Twenty Parliaments have contributed with feedback

The indicators for democratic parliaments, based on SDG targets 16.6 and 16.7 were as follows:

- Sub-target 1 - Effective parliament
- Sub-target 2 - Accountable parliament
- Sub-target 3 - Transparent parliament
- Sub-target 4 - Responsive parliament
- Sub-target 5 - Inclusive parliament
- Sub-target 6 - Participatory parliament
- Sub-target 7 - Representative parliament

She informed members that the future milestones were a global launch and presentation of the Indicators in March followed by further testing and finetuning before final version end of 2023.

She highlighted the following IPU tools; The Global Parliamentary Report 2017, the Global Parliamentary Report 2022, Women in Parliament in 2021 Report and the Gender-responsive law-making Handbook which are available on the IPU website.

She then updated members about IPU progress regarding the campaign “I say YES to youth Parliament”. Half of the world’s population is under 30 and yet only 2.6% of MPs globally represent this age group. She said the IPU has identified 6 ways to change this and asked members to take 2 minutes to consider the following 6 pledges:

- Pledge 1: Promoting youth quotas
- Pledge 2: Aligning the age of eligibility with that of voting
- Pledge 3: Supporting youth channels in Parliament
- Pledge 4: Empowering young parliamentarians
- Pledge 5: Mentoring young aspirants
- Pledge 6 Advocating for youth participation

Members of Parliament have been asked to commit to one or two of the pledges to make their parliament younger.

The Plan of Action for Gender-sensitive Parliaments was adopted unanimously by the 127th IPU Assembly (Quebec City, October 2012). It is a key policy document for the IPU and its member Parliaments. It was drawn up following extensive consultation with IPU Members and takes account of the findings and recommendations of the IPU Global Survey on Gender-sensitive Parliaments: A Global review of good practice, published in 2011.

A gender-sensitive parliament is one that responds to the needs and interests of both men and women in its structures, methods and work. The Plan of Action is designed to support parliaments’ efforts to become more gender-sensitive institutions and offers a wide range of strategies in seven action areas that can be implemented by all parliaments.

She then advised Members to go online to access the ‘Evaluating the gender sensitivity of parliaments: A self-assessment toolkit.’

Finally, she explained the modular learning approach that the IPU has created to facilitate access for MPs, parliamentary staff and other stakeholders via their online learning platform.

Mr Najib El Khadi, President, thanked Ms Jabre for her excellent presentation and expressed, on behalf of all the members of the Association, appreciation for her highly professional work which had been carried out with great commitment. He said

he had always been greatly impressed with the work of the IPU secretariat and their ability to engage with all the many issues going on in the world.

He said he had identified five key areas of focus in the presentation of Ms Jabre. Firstly, with regard to the indicators as tools for democracy, he recalled that the work of the IPU began in the 19th century with a handbook on “Parliament and democracy” which had helped many parliaments develop their strategy and approach over many years. He highlighted the importance of updating the handbook, which was of utmost importance to Secretaries General, and must be a source of proposals for Speakers and Parliaments.

Secondly, he recalled the impact of the World Parliament Report as a mine of useful information for Secretaries General and Members. Thirdly, he complimented the important efforts of the IPU in its campaign to increase youth representation in parliaments. He then underlines, as his fourth point, that many parliaments have already realised incredible transformations with regards to gender equality, whilst also acknowledging there was a lot more to do. Finally, he said that training, and continuous training, is of paramount importance for all parliamentary staff.

He further stated his conviction that the ASGP and the regional parliamentary associations could contribute very effectively to the work of the CIP, in order to improve the work of Secretaries General.

Dr Malo Adrien Beyom, Chad, thanked Kareen for her clarity and said that although each parliament is in a different situation, such as in the case of advance of technology, and that some parliaments are struggling more than others to stay up-to-date with technology. He expressed his hope that the IPU would focus on this issue in its future work.

Mr Adel AL LOUGANI, Secretary General of the National Assembly of Kuwait, asked Ms Jabre to speak about the IPU’s process for assessing how parliaments were progressing towards the goals?

Mr K M Abdus SALAM, Secretary General of the Parliament of Bangladesh, acknowledged the important issues of gender sensitive parliaments and youth parliamentarians and said that Bangladesh was on track for implementing SDG 16.6 and 16.7. He asked how parliament could cooperate effectively to ensure implementation of the SDG.

Ms Kareen Jabre responded to Dr Malo by acknowledging his concern about the differences in terms of ICT development and said that the Centre for Innovation in Parliament was trying to provide support on this issue.

With regards to self-assessment, she said the IPU has been developing it for 10 years, it is about the genuine engagement of parliaments to assess themselves, without being under the eye of external investigators. She said that the IPU can help parliaments carry out self-assessments but, at the end of the day, it is up to parliaments to implement.

In response to Mr Salam, she thanked him for sharing his parliament's excellent work on the SDGs. She said the IPU have been collecting, and are still collecting, examples of good practice on parliamentary implementation of the SDG. She said it should be a tool for all which all parliaments can use to gain inspiration.

3. General debate: Travel by Members of Parliament: Rules for Expenses and Allowances

Mr Najib El Khadi, President, invited José Pedro Montero, Secretary General of the Senate of Uruguay, to introduce the General Debate as moderator. He again informed members that he would be leaving the room to take a meeting with Martin Chungong at 4pm.

Dr José Pedro Montero, Secretary General of the Senate of Uruguay spoke as follows:

Before commencing this general debate, I would like to thank Mr José Manuel Araujo, an honorary member of the Association, for proposing the title of today's debate. The title calls for discussion on how we regulate travel expenses incurred by Members of Parliament when undertaking their parliamentary functions. At this meeting of Secretaries General in beautiful Bali, it is clear that the principles underlying this debate are also relevant to us, in our travel as Secretaries General. This general debate is intended to analyse the different regimes and forms of compensation that exist, in the context of ever-increasing scrutiny of this area.

At the outset, I think it is useful to make a distinction between domestic travel and international travel undertaken by Members of Parliament. First, I will address domestic travel. The role of Member of Parliament, by its very nature, often requires individuals to travel frequently between their work in the parliamentary building and the community which they have been elected to represent. Frequent travel is a feature of the role. To ensure a dignified and transparent exercise of their mandate, parliamentarians have, over the years, created rules that define how to compensate the expenses incurred in travelling from their residences to the Parliament. The rules governing travel, and the costs, will in some part be a product of the geography of the country and the culture of the political system.

Fundamentally, every country must find a balance between securing value for money for the citizens whose taxes pay for the travel expenses, and ensuring that Members of Parliament can fulfil their constitutional duties, both at national and regional level, without being limited by the affordability of travel. I am interested to learn from you, dear colleagues, how this balance has been struck within each of your systems.

- Does your Parliament impose any financial limits on the cost of travel which Members of Parliament can expense?
- Can Members of Parliament take any class of travel (Business class, First class or Economy?)

- Has your parliament put in place rules which require Members of Parliament to choose the most economical method of transport where there is a choice? [Private aeroplane, train or car]?

For many Parliaments, the issue of transparency regarding the costs of travel, is crucial. In the digital era, with camera phones, social media and rolling news, it has become easier than ever for citizens to see how their elected representatives choose to travel. By plane, by bus, in First Class. In some parliamentary systems all travel expenses are published for public scrutiny as part of the rules. In other systems, the costs of travel will not be placed formally in the public domain. I ask you to consider:

- What are the benefits of transparency with regards to travel expenses?
- What role does the media play in managing the public's expectations about expenditure on travel by Members of Parliament?
- How widespread is abuse by Members of Parliament of the travel expenses system?

Most importantly, I ask you, my colleagues, to help me to describe what is the best system for regulating travel expenses incurred by Members of Parliament. What does a good system look like in your opinion?

I will now touch briefly on the second aspect of travel expenses, that is the cost of international travel by Members of Parliament. In recent years, the proliferation of multi-lateral relationships between countries, the importance of international organisations and the relative ease of modern travel, means more Members of Parliament view international travel as an essential part of their role. The aim could be to build peace, to cooperate with neighbouring countries over shared problems, to increase trade or to take part in the collective actions of the global community.

However, the link between international goals and the local community that a Member is elected to represent, is not always clear. I ask you to consider:

- Which aspects of international travel should we judge as part of the necessary function of a Member of Parliament?
- Where do we draw the line between personal interest and constitutional duty with regards to international travel?
- How do we measure the value of diplomacy and the importance of meeting colleagues, sharing ideas and forging new relationships?

During the pandemic, we witnessed all travel grind to a complete halt. As the world begins to open once more to travel, both domestically and internationally, I ask you to consider how we should regulate this important part of the work of Members of Parliament.

He then invited Mr Ahmed Ezzat Manna, Secretary General of the House of Representatives of Egypt, to make his presentation on this topic.

Mr Ahmed Ezzat Manna, Secretary General of the House of Representatives of Egypt, spoke as follows:

Excellency Mr. Najib El-Khadi, President of the Association of Secretaries General of Parliaments,

Honourable Participants,

At the outset of my speech, let me express my great pleasure to be with you in our esteemed international parliamentary platform. I also extend my sincere thanks and appreciation to our friends in the Indonesian Parliament for their generous hosting of this meeting, on the sidelines of the 144th Assembly of the Inter-Parliamentary Union, which truly represents an ideal opportunity to exchange visions and experiences for enhancing the remarkable role of our national parliaments, and supporting them to carry out their legislative and oversight tasks.

Dear Colleagues,

Today, in our meeting, we are addressing a significant topic that is essential to support the work of parliamentarians in performing their legislative functions, namely, the rules regulating the travel of parliament members. I think you would agree with me that in order to ensure the equitable representation of the population and different provinces, members of parliaments must represent their relevant constituencies. The geographical location of some of these constituencies may be relatively far from the capital, which is the seat of Parliament. Hence, the rules regulating the travel costs of members of parliament are set to facilitate their mission and to ensure that they are totally devoted to fulfill their legislative function, and shoulder their responsibilities towards the citizens of their constituencies.

Ladies and Gentlemen,

Within the framework of the rules organizing the work of the legislative power, the Egyptian Constitution is keen to guarantee the independence of members of parliament and lay down the foundations that ensure the facilitation of their work. This is manifested in the division of electoral constituencies and the Law on the issuance of the Rules of Procedure of the Egyptian House of Representatives. Certain criteria were adopted to organize the disbursement of travel allowance appropriate to their role as House members and the distance between the House and their electoral constituencies. Therefore, travel and transportation allowances were determined to cover the costs of their travel and accommodation. The Egyptian House of Representatives Rules of Procedure gave the House Bureau the power to decide upon the funds to be disbursed as allowances represented in subsistence allowance for House members who reside outside the Greater Cairo area. Moreover, a transportation allowance shall be disbursed to cover the costs of travelling by trains, planes, or any other means of transportation from the place of his choice in his constituency to Cairo.

At the external level, the House of Representatives has set rules regulating the travel of the Egyptian parliamentary delegations abroad to participate in any inter-parliamentary conferences or events. These rules included the disbursement of travel allowances that cover all costs of every member of parliament taking part in any parliamentary mission abroad in a manner befitting the parliament members and

ensuring that all favourable conditions are guaranteed to enable them to perform their parliamentary duties abroad and realize the desired national goals.

Dear Colleagues,

At the end of my brief review of the rules of travel costs and allowances for members of parliament, I look forward to exchanging visions and experiences on this important topic, so that all of us can promote the performance of our parliaments in the fulfilment of their significant legislative and oversight role, so as to ensure that parliaments will remain the true voice expressing the hopes and aspirations of our peoples to lead a decent life.

In conclusion, I would like to extend my sincere thanks for your kind attention, and I wish you and your peoples good health and wellness, and further progress and prosperity for your countries.

Dr José Pedro Montero, Uruguay, thanked the members for their remarks and invited questions from the floor.

Mr Mahesh Tiwari, Deputy Secretary-General, Rajya Sabha of India, said it is an important discussion about what expenses and amenities we offer to Members and dignitaries. He stated that article 106 of the 1946 Indian Constitution provides the framework regarding expenses for office management, travel, lodging, health, water and electricity.

With regards to domestic travel, he said that Members must buy their tickets for travel but they are then reimbursed. In addition to attending plenary meetings, Members are also reimbursed for attending Committee meetings. He said that most of the time Members are provided with Executive Plus level travel.

Where Members are required to travel internationally for conferences or as part of a delegation this will be paid for by parliament. Apart from MPs, he said they also pay some travel expenses to spouses and ex-members, who receive a free rail pass for the Indian railways. He said the act of Parliament which sets out travel for MPs is amended from time to time, such as to increase daily allowances.

Dr Malo Adrien Beyom, Chad, said that Chad had similar experiences to those already discussed. Everything is regulated according to the internal regulations of the Assembly. He gave the example of article 105 of the internal rules, which states that when parliamentarians undertake a mission – domestic or international – they receive relevant expenses as determined by the President of the Transitional Council. He further stated that there is a limit to the total amount of expenses which can be granted, to prevent abuse.

For international travel, he said priority is given to attendance at international institutions such as the IPU or the Assembly of French Parliamentarians. With regards to domestic travel there is a fixed sum which he commented does not take into consideration the vast size of Chad. For foreign missions, such as to Africa, Asia and Europe they also have specified amounts which he commented do not fully take into account the costs associated with travel. However, he said he did believe this

approach prevented abuse of the system. He then gave the example of Asia, for which the limit is 500E per day, and said that no matter where you are travelling in Asia the amount is the same. He said it is a similar process for Africa and Europe. He suggested that perhaps we should better process what is actually needed for specific trips and be wary of abuse. Finally, he said parliamentarians receive a tariff for travel to their constituencies during the parliamentary recesses.

Mr Simon Burton, United Kingdom, commented that expenses for travel are an important and sensitive issue. He said the soft power that comes from international engagement between parliaments, such as occurs at the ASGP, is very important, especially in the context of an increasingly complex world.

He then explained that the process is different between the Lords Chamber and the Commons Chamber in the UK. He said that his Commons colleagues have an independent body which oversees expenses whereas in the Lords the Members still control their own expenses. He said he would like to draw out some general themes in response to the debate, firstly, transparency. He said that the ethical basis is trust. Parliaments must have the trust of the people on matters of expenditure, in order to achieve that trust they require transparency. In the UK, he said Freedom of Information laws require information about expenses to be published. Parliament must be able to explain on what and why money is being spent.

He said that the Lords take the approach of proactively publishing as much information about its spending as possible. However, security concerns can prevent publication of information where it might put Members at risk. He said that in the UK they also have statutory guidelines, such as a mileage rate for petrol, which is governed by a national policy from the Treasury. He said that the Lords in their expenses policy try to align themselves, where possible, with all national guidelines. He concluded that it is a complex picture, members travel informally, with select committees, in structured groups and in different capacities. However, he said it was important to try and keep the system simple so that Members are not trying to operate in multiple different systems for expenses, each relating to different aspects of their work for the Parliament.

Dr José Pedro Montero, Uruguay, informed members that Uruguay is a very small country in which practically all the senators and MPs live in the capital, Montevideo. There is therefore little reason for domestic travel. For international travel, they also have a system of rules for expenses. He said the media will remark upon their visiting Bali, and this is possibly why the conference had chosen to refer to itself as 'Nusa Dua' to tackle the impression given.

Mr Manna, Egypt said that in Egypt there are big differences between the costs of travel in different regions, it is a big country. He said the expense allowance limits are strictly and clearly defined in regulations and underlines that in order to change these rules, laws would need to be changed, which takes a huge amount of time. The parliamentary bureau has some flexibility to accommodate differences and regulate expenses compensation for both domestic and international travel. He said this flexibility is necessary in order to enable parliamentarians to fulfil their various functions. Rules govern distances between the constituency and the parliament and

when an overnight stay can be taken. For international travel, to conferences, they are compensated by the parliamentary bureau. Tickets are booked and given to parliamentarians before they travel and, as to the travel allowance, it is decided in groups depending on the geographical area (US, Europe, Asia etc). Occasionally, things are paid for by the host parliament which means some expenses can be deducted.

Dr José Pedro Montero concluded that this is a very important debate, one that every country has to face but, if parliaments approach it with transparency, they will not have problems.

Mr Najib El Khadi, President thanked José Pedro Montero for chairing the debate and all colleagues for an interesting general debate. He said the topic is paramount and that the concerns it raises are permanent and will not be resolved today. Parliaments must ensure effective and safe travel while also enforcing transparent conduct. He then announced a short 10-minute coffee break.

[ASGP sitting suspended until 16.15 for a coffee break]

4. Communication by Mr John AZUMAH, Secretary-General of the ECOWAS Parliament, on ‘Direct election of Members into ECOWAS Parliament’

Mr John AZUMAH, Secretary-General of the ECOWAS Parliament, spoke as follows

EXCELLENCIES, DISTINGUISHED LADIES AND GENTLEMEN, it is a great privilege to be standing before you today to present the future of the ECOWAS region, and it is an even greater honour to do so as the Speaker of the ECOWAS Parliament.

The IPU is the embodiment of the principles of democracy, cooperation and unity. This Assembly’s record in impactful work in areas of sustainable development, gender equality, youth empowerment and building strong parliaments, has supported many young democracies and helped sustain others that have had a head start, especially in Africa.

I am very pleased to be speaking to you, today about the Direct Elections of Members into the ECOWAS Parliament. Let me further state that this is the key agenda of the 5th Legislature, which I have the privilege to head. Electing Members by Direct Universal Suffrage, is aimed at ensuring that the people of our region are indiscriminately given the ability to participate and be fully represented. The role of an elected parliament in facilitating the participation of the people in regional governance, amongst others, by voting and being voted for, must not be overlooked.

For the past twenty years the ECOWAS Community has been working towards achieving the Direct Elections of Members into the ECOWAS Parliament. This journey began with the Enhancement of the Powers of the Parliament. The

competence of the ECOWAS Parliament had remained the same since its conceptualization in 1993, despite the Community's drift towards supranationality. Existing Community Protocols and regulatory framework did provide any role of consequence to the Parliament. The Authority of Heads of State and Government of ECOWAS at its 50th Session which held in Abuja, Nigeria, on 17th December 2016, unanimously adopted and enacted the "Supplementary Act A/SA.1/12/16 relating to the Enhancement of the Powers of the Parliament".

The motive of the Parliament for the enhancement of its powers was not to seize power, but the desire to fulfil the aspirations of Community citizens for greater participation and representation in regional affairs. It was rooted in the need for a Community mechanism, which forges greater ties with its citizens in order to sustain inspiration and legitimacy for actions taken. The initial proposal included election of Members by indirect elections. The cost implications and complexity of selecting a handful of Members of Parliament, 115 from a population of 350 million people, was an arduous task. The indirect election, which was being practiced in EALA and Canada, was accordingly adopted. An intensive advocacy mechanism was put in place and for the first time, the subject of enhancement was deliberated by the Authority of Heads of State and Government. The principle of enhancement was accepted but the exact powers to be granted Parliament was not clearly agreed, this led to the directive by the Authority for further reflection.

5. In order to achieve the adoption of the 2016 Supplementary Act, concessions were made, which meant that many of the traditional characteristic of a Parliament were excluded during the exercise. While Parliament was granted powers of oversight, consideration of Budget and mandatory referral/assent among others, the election of Members by Direct Universal Suffrage, the power to initiate legislation and the Parliamentary Ombudsman were expunged from the initial proposal.

The four previous legislatures of the ECOWAS Parliament have earnestly pursued the quest for direct elections, adopting numerous work plans to advance the cause and deepen the understanding of the best framework to achieve the desired results. This Fifth Legislature of the Parliament, deemed it necessary to set up a Committee to further study Direct Election. So far, it has carried out sensitization visits to some Member States and equally met Heads of States and Government, Ministers of Justice and other key stakeholders at the national level. The Committee has identified three salient aspects which, with the right proposals put forward, may lead to success. They are as follows:

- an Electoral Code for the election of the ECOWAS Parliament by direct universal suffrage;
- Modalities for the conduct and financing of the elections; and
- Code of conduct for candidates during the elections campaign.

The Parliament will continue to work towards achieving the election of its membership by Direct Universal Suffrage and hopes to do so before the end of the 5th Legislature. More importantly, now that we are living through the Covid-19 pandemic, there is a great need for policies that promote social justice and equality, as well as policies that eliminate high social mistrust and high anxiety. Inequality, has been a great hindrance to development in our subregion, creating instability and insecurity. What we hope to do at the ECOWAS Parliament is to equip the

people of our region with the ability to, not only choose their destiny, but to be a part of the processes of creating it.

Despite the operational challenges and financing, we plan to continuously collaborate with key institutional stakeholders, such as the Authority of Heads of State, Council of Ministers, ECOWAS Commission and the Court of Justice, on the mission of Parliament to elect its members by Direct Universal Suffrage. Thematic meetings on specific areas such as financing, an electoral code, code of conduct and qualifications for elections, have been programmed and as well as a Road Map for community wide advocacy. From the efforts and interactions of the past two years, I am convinced that we will lay a strong precedence which will continue to steer the subregion to its ultimate objective of becoming an ECOWAS of people. We are working tirelessly to have more options so that we can make better decisions. Our approach is focused on understanding and knowing the needs of people so as to know our real options.

I would like to thank you all for listening and the IPU for giving me this platform to share with you the future of our subregion. As challenging as our future may present itself at the moment, I am confident that the “strength in our purpose” will take us to our destination. Thank you

Dr José Pedro Montero thanked the Member for their remarks and invited questions from the floor.

Mr Simon Burton, United Kingdom, recalled that the UK has recently left an international grouping, the EU, and is now thinking about how to engage in new ways with its friends and partners abroad. He said that two things struck him in particular from the presentation. Firstly, remarks about the high level of political sponsorship from Heads of State and former Heads of State in the project. Secondly, the range of bodies which have engaged with the project. He then asked about the challenges of financing the project and the origin of funding ECOWAS.

Mr John AZUMAH, ECOWAS said that ECOWAS funding relies on a community levy regime. It is a percentage of tax that countries have placed on imports from third countries, the tax rate is 0.5%, and this source of revenue is used to run all the programmes, at all institutional levels.

5. Concluding remarks

Dr José Pedro Montero, thanked members for participating in a full and interesting debate and invited them to return for the next day’s session from 10.00am. He closed the sitting.

The sitting ended at 5.15 pm.

THIRD SITTING

Tuesday 22 March 2022 (morning)

Mr Najib El Khadi, President was in the Chair

The sitting was opened at 10.05 am

1. Introductory remarks

Mr Najib El Khadi, President, invited members to take their seats. He reminded members of the deadline of 5pm for submitting candidacy for the three vacant posts of ordinary member of the Executive Committee. He informed them that if an election was required it would take place the following morning and again urged members to take into account assuring a good geographical and gender representation on the Executive Committee.

He then announced that no candidate has come forward for the post of Vice-President of the Association and that therefore election to this post would be deferred to the session in Kigali in October.

He concluded by inviting members to think about possible subjects for communications or general debates for the next meeting which is expected to take place in Kigali, Rwanda in October 2022.

2. Members

Mr Najib El Khadi, President, asked members to welcome the following new Members of the Association, who had been put before the Executive Committee and agreed to, the names were as follows:

For membership:

Mr Amr Yousry EBADA

Deputy Secretary General of the Senate, Egypt

Mrs Afra ALBASTI

Deputy Secretary General of the Federal National Council, United Arab Emirates

The new Members were accepted.

3. Orders of the Day

Mr Najib El Khadi, President informed the members that there were no modifications to the Orders of the Day since yesterday. He enquired whether members had any comments?

He thanked Mr Wintoniak for proposing the day's theme, which had inspired a lot of interest from Members, with five colleagues proposing communications in response to the theme. He said it was an interesting debate because many parliaments have difficulties with their ancient buildings and that the management of these projects can be complex. He further mentioned the impact of the covid-19 pandemic, which had led to new ways of working, such as remote working, and that parliamentary buildings must reflect all of these changes in order to reflect the 21st century in which they operate. He said members were therefore assured of an interesting and colourful debate.

He invited Alexis Wintoniak, Deputy Secretary General of the Austrian Parliament to speak.

Theme: The renovation of Parliamentary Buildings

4. Communication by Mr Alexis Wintoniak, Deputy Secretary General of the Austrian Parliament on 'The overall renovation of the Austrian Parliament: a leap from the 19th to the 21st century'

Mr Alexis Wintoniak, Deputy Secretary General of the Austrian Parliament, spoke as follows:

The Austrian Parliament

Austria's Parliament today consists of two chambers: the National Council with 183 directly elected members, and the Federal Council, whose 61 members are delegated by the nine Diets of the Federal Provinces. The seat of both chambers is the Parliament building in Vienna's city centre. The edifice, which dates back to the latter period of the Habsburg Monarchy, is a masterpiece by the well-known architect Theophil Hansen and was built between 1874 and 1883. It has been in service without interruption for over 130 years. While the building itself has undergone regular maintenance and repairs, it has not seen any major renovations, with the exception of a rebuild of extensive parts of the building that suffered bomb damage in 1945. Some extensions were added in the 1970s and a visitors' centre built in the early 2000s. However, the building began to suffer ever more frequent technical issues and a worsening lack of compliance with current legal and technical standards; also, it lacked the equipment required for modern parliamentary business. A full assessment was performed in 2010 to gain an in-depth insight into the structural state of the building, the need for refurbishment, as well as its potential for redevelopment. Specifically, the assessment clearly revealed that action was needed.

From dossier to legislation

Given that no political consensus could initially be achieved over the next steps to take, the Parliamentary Administration worked with technical consultants and experts to prepare a comprehensive dossier for the project. It described a range of non-negotiable emergency measures, outlined various scenarios from a light-touch

project to a comprehensive refurbishment, and detailed plans for a potential complete rebuild. Each variant was described in full architectural, technical and financial detail, along with an assessment of each option's impact on parliamentary operations. After the elections of September 2013, a cross-party consensus was achieved in favour of a full refurbishment of the Parliament building, during which the National and Federal Councils would move out and conduct their business elsewhere. The respective legislation was unanimously adopted by both chambers in the summer of 2014. It stipulated the budget for the project (EUR 352.2 million for the works and EUR 51.4 million for the setup of and move to a temporary home), defined the involvement of the parliamentary parties in the process, and foresaw the establishment of a company to manage the project.

Project autonomy and involvement of decision-makers

This company was set up in November 2015 under Austrian corporate law – a joint venture of the Austrian Parliament and the Federal Real Estate Agency – to manage the planning phase, the procurement process and the selection of providers, oversee the preparation of the works, and set up an interim location for the chambers. The board of management and the supervisory board of this entity were hence obliged to manage the project in accordance with Austrian corporate law and thus on the basis of private law. Once the works began in 2018, all responsibility for operations was transferred to the Federal Real Estate Agency, leaving the Parliamentary Administration to concentrate for the remainder of the project on the requirements of the Parliament as the client and of the users of the building. Since the project began, political decision-makers have been involved in the project on two levels. On the one hand, the Presidents of the National Council, the chairpersons of the parliamentary groups and the President of the Court of Audit form the “client's committee”, which oversees compliance with the budget and timeline. On the other, the “users' advisory board”, which consists of representatives of the parliamentary groups, the Parliamentary Administration and Parliament staff, is overseeing the planning process and assessing the quality of the works. Until now, the client's committee has met 28 times, the users' advisory board 45 times.

Relocation of parliamentary operations

There was also cross-party consensus that all parliamentary operations would relocate elsewhere for the duration of the works. Premises were found and adapted to users' needs in the nearby Imperial Palace (Hofburg), with interim office space set up on the square between the Palace and the Parliament. Operations moved in the summer of 2017, meaning that parliamentary business has been conducted outside of the Parliament building proper for more than four years now. Although the temporary premises are fully functional, the fact that the various organisational units are currently spread across 15 sites poses a number of organisational and logistical challenges.

Budget and timeline

The original timeline was three years, with work set to conclude in 2020. However, the project experienced two major setbacks. In 2016 and 2017, a number of procurement processes had to be relaunched given that there would have been considerable budget overruns occasioned by a construction boom. This delayed the project by around nine months. The second major setback came in 2020, with the Covid-19 pandemic a major factor. As matters stand now, the project is anticipated to

wrap up in September 2022. These two delays, coupled with the increase in prices over the last two years, have led to a budget increase. When the underlying legislation was adopted back in 2014, a 20 per cent budget tolerance was already taken note of; this increase was unanimously approved by the National Council in November 2020. Current estimates suggest that the new budget will suffice, with a potential 2 to 3 per cent overrun.

Communication and information

A long-term communications concept was developed to accompany the project. It includes regular documentation of the works' progress on the Parliament's website, regular press events, photos and videos on social media, information events for stakeholders, staff and neighbours, and guided tours of the building site. Since the Parliament building is not just an architectural highlight of the city but also a symbol of Austrian democracy and freedom, the project has enjoyed strong public approval from the beginning. While there were a small number of critical reports, they have had no significant impact on public opinion.

The return

The Parliamentary Administration set up over 40 smaller projects to prepare for Parliament's return to the refurbished building. Facility managers are trained to handle the new technical equipment, various media and PR projects were launched, new civic education programmes were designed, and parliamentary operations adjusted. The building is slated to re-open in the second half of 2022, with parliamentary sessions taking place in the refurbished building henceforth.

International cooperation

Prior to the decision to refurbish the building, a benchmark exercise was performed comparing the Vienna building with various other parliamentary buildings in Berlin, Budapest, The Hague, Helsinki, Copenhagen, London, Lisbon and Stockholm, amongst others. Infrastructural data was gathered on, e.g., floor space, equipment, capital expenditure and operating costs, as a further aid to decision-making. The Austrian Parliament is also active in the International Network of Parliamentary Properties, of which it is a founding member.

Mr Najib El Khadi, President, thanked the member for their presentation and invited questions or comments from the floor.

Mr Mahmoud ETMAN, Senate of Egypt asked how long it took to renovate the Austrian Parliament and if the old building had been destroyed? He commented that the experience is difference depending on whether you are building a new parliamentary building or replacing, in the same style, an older building.

He said that there are two senate buildings in Egypt, an old building from 1866 and a new building constructed in 2018. In July last year, another fire destroyed the ceiling, and it was replaced within 1 month in the same style and profile. He said that at the moment, Egypt is building a new place, which will be completely different and more similar architecturally to the American parliamentary buildings. He asked whether the Austrian building was in the same style as its predecessor?

Mr Mehmet Ali KUMBUZOGLU, Secretary General of the Grand National Assembly of Turkey commented that it is a very historical building in Austria and noted that the Turkish parliamentary buildings were built by an Austrian architect.

He asked, given that many parliamentary buildings are historic which makes it difficult to make renovations, whether Mr Wintoniak needed to gain the permission of various culture and art boards, in order to make changes? He further asked whether there had been a reaction from the community about plans for the parliamentary building. He said that merging interior space in buildings can cause a reaction amongst relevant committees or arts boards, and enquired whether this was the case in Austria? He concluded by asking whether old and historical buildings are enough? He commented that the number of MPs and staff is increasing and that it is sometimes not easy to include these in the footprint of the original building.

Mr Indra Iskandar, said Indonesia had recently enacted a new law that means they will move their state capital to another part of Indonesia, to another island. Building a new Parliament building is one of the major projects they will undertake as part of the process of moving the capital. He said he hoped that the new building will become a beacon for their country. He also said he was concerned with two elements of the parliament building, the library and public spaces for visitors. He enquired how the Austrians constructed their library and what they had done to create space for the public who come to visit the Parliament?

Mr Philippe Schwab, Switzerland, said that the Swiss population is strongly invested in the building which represents the Parliament. He asked whether the views of the people of Austria were taken into account during the design of the Austrian building? His second question concerned security, with recent attacks on the capital and the Bundestag, he asked how they approached this issue in Austria?

Ms Fathimath NIUSHA, Maldives noted that a law was passed to enable construction of the parliament building, which was emptied of MPs for the project. She asked whether details of the move were put on the face of the Bill and whether the costs associated with the move were part of the budget of £350 million?

Dr Remco NEHMELMAN, Netherlands informed members that the Netherlands are in the middle of a renovation project for which they have recently moved MPs out of the parliamentary buildings. He said their parliamentary building is also a thousand years old and that there is a lot of pressure in the Netherlands to get the building to be climate proof. He asked whether this was discussed in Austria and, if so, how was the issue resolved? He also questioned whether the Austrians did research with other parliaments on how to rebuild before beginning their project, and whether they employed benchmarks for the project.

Mr Kennedy Mugove CHOKUDA, Zimbabwe, stated that his question was not related to the building itself but asked about the move from the main building to the temporary premises. He asked how were all the documents moved?

Mr Simon Burton, UK said the UK Parliament is beginning plans for renovating its parliamentary buildings and stated that it was reassuring to hear other

parliaments are confronted with the same problems. He acknowledged that colleagues from many other countries, Canada, Turkey, India and especially South Africa, due to the recent fire, have faced this daunting task.

He said it is the role of a Secretary General to ensure the safety and security of Members of Parliament and emphasised that good advice be given to governing bodies because there is so much complexity in the renovation process. He said the context for the UK's renovations is challenging because of changing environmental and financial considerations. He then asked what Mr Wintoniak would advise another Secretary General when managing a project of this nature? He also suggested that the ASGP set up a meeting of Secretaries General, who are going through the renovation process, in order to share best practice.

Mr Alexis Wintoniak, Austria responded to his colleague from Egypt by saying that they did reconstruct the building in the same style on the outside, due to heritage reasons, but that the inside is completely new and modern. He said it is an old parliament building with a new Tesla engine inside. Essentially the same style in appearance but with new internal features and added technology to update the building. He also thanked his colleague from Turkey for reminding him of the Austrian architect who worked on the Turkish parliamentary buildings. He confirmed that it is a historical building and Austria share's the challenge of protecting the heritage of the building and getting all the culture and arts committees on side with the plans. He said they brought these bodies into the planning process at an early stage and spent additional money to ensure historical protection. He said they tried to establish, from the very beginning, a concept of modernisation which could work in harmony with heritage of the building and conservation. He did acknowledge that this is very expensive but said they agreed to spend the money in order to ensure both preservation and renewal of the building. On his second point, is a historical building sufficient, Mr Wintoniak responded that it is, of course, not sufficient. The Austrian parliament building is in the centre of the city, surrounded by Government buildings and privately owned houses. He said they had tried to buy and rent buildings close the parliament building but this was very difficult. He said it is a challenge when the parliament building is in the centre of town because there is no space to enlarge and it is expensive buy any nearby plots, which increased the price of the project in Austria.

In response to his colleague from Indonesia, he remarked that if renovating a parliament is challenging, building a new capital is very challenging. However, it is also a tremendous chance because you have the opportunity to build from scratch. He also advised other Secretary Generals to undertake fact finding missions to see what other parliaments are doing. In preparation for the Austrian project, he visited the Netherlands, Switzerland, Germany and Edinburgh to see newly refurbished parliaments and create a best practice dossier. On the visits he asked questions such as how many euros per square metre each build had cost and how many people were working in the parliament in order to figure out benchmarks. He used an Excel Sheet to explain to politicians why the build would be an unavoidably expensive exercise. He also said it was important to anticipate future demand in the design. On the library question, he said they have both a traditional library and a modern extension with digital technology. He said that even if you are moving to a digital model, a

traditional library has its place, not just for books but to provide a centre of knowledge. With regards to public spaces, he said the building has been enlarged with a new visitor centre where school groups and visitor groups can receive seminars. He said the Austrian parliament anticipate doubling their visitor numbers, so it is a very big space.

In response to Mr Schwab, he said the Austrian population do have as strong attachment to the parliament building. It is a symbol of democracy and freedom in Austria. He further said that each school child has an association between the end of war, freedom and the pictures of the parliament building and that it represents the foundations of the republic. He said they surveyed the public about renovating parliament as they were worried the public would object to spending money. However, he found that the public completely separated the funding for the building from criticism of the current MPs and the wider political system. He said there was real fondness and support for the renovation of the building amongst Austrians. On security, he said it is an important issue due to the central location and as a consequence they have established a new security system with the state police. He said that this should not be visible to the public but can be quickly scaled up if needed. He said they had prepared very carefully because of the terrorist attack which took place just over a year ago.

In response to the question from the Maldives, he said that the total number for the budget was not put in the legislation and that there was a separate amount provided for the decant. A separate agreement was drafted to finance the money for the project. On climate proofing, he said they ensured gold plating on all climate certification with the help of private NGOs and the Ministry of Environment. However, he also said there are certain exceptions for historical buildings which cannot be expected to have the same standards as modern buildings. They did as much as was possible to climate proof the buildings.

In response to the question from Zimbabwe, he said there was a lot of preparation for the moving process. They nominated personnel responsible for the move, entitled 'ambassadors for movements', who helped prepare their colleagues for the move. He said they created a set of 'golden rules' which governed movement from the building. The move went smoothly because it was well prepared and everyone knew what they could, and could not, move with them. They also used the move to fulfil the aim of getting rid of two-thirds of all the paperwork. People were encouraged to take the opportunity of the move to clear out their workplaces. Written documents from over 10 years ago were no longer kept and there was a parallel process of digitalisation, which meant the movement was a leap forward in the digitalisation of the Austrian Parliament. Each person was allowed only a certain number of kilos to move.

In response to the question from the UK on cooperation, he said he found the network on national parliament property development helpful and would certainly support the idea of creating a separate group, comprised of Secretaries General, in which to exchange ideas on this topic. He concluded by saying that he would be very happy to welcome any members to see the new Austrian building, once it was complete.

5. Communication by Mr Mehmet Ali KUMBUZOGLU, Secretary General of the Grand National Assembly of Turkey, on ‘Renovation of the Buildings of the Turkish Parliament and construction of a new kindergarden and day care centre’

Mr Mehmet Ali KUMBUZOGLU, Secretary General of the Grand National Assembly of Turkey, spoke as follows:

JULY 15

One of the most damaged places by the bombs dropped during the night of 15 July 2016 was the Grand National Assembly of Turkey. Millions of liras of material damage occurred in the Turkish Grand National Assembly.

The damages that occurred in the Grand National Assembly of Turkey at the night of July 15 were repaired as a result of extensive, detailed and intensive maintenance and repair work.

In order not to forget what happened at the night of July 15, the roof area of the Grand National Assembly of Turkey where the bomb was dropped was turned into a museum.

That night, another bomb was dropped in the Parliament garden. The part of the garden was converted into an exhibition area. Moreover, the “July 15th Martyrs Monument” was built on the bombing site, in memory of the 15 July martyrs.

The shelters were rearranged within the maintenance and repair work following the 15th of July.

MAINTENANCE AND REPAIR WORK OF GENERAL ASSEMBLY

In order to adapt the technical infrastructure of the General Assembly to the current technological innovations, a very comprehensive maintenance and repair work was carried out in 2021 for the first time since 1997 in the General Assembly.

All of the seats in the General Assembly; seats of deputies, lecterns, chairs and commissions have been dismantled and the technical infrastructure has been completely equipped with the latest technology.

The voting and polling system has been completely renewed. Two giant LED screens were placed in the General Assembly. Audio and video tools related to the Parliament TV broadcast from the General Assembly have been rearranged to support 4K technology. Administration room and the system room were also renovated.

The ceiling and walls of the General Assembly were painted with acoustic features.

Maintenance has been done on the seats of the deputies, and charging units have been placed in their rows. The speaker's chair has been made hydraulic in order to improve the opportunities for disabled deputies.

100th YEAR GARDEN RESTAURANT, TERRACE AND CAFETERIA

The 100th Year Garden Restaurant was put into service during the Covid-19 and was used very effectively during the pandemic.

Terrace Cafeteria was also put into service during the pandemic and was used effectively.

SECURITY BUILDING

The previous gate of the Grand National Assembly of Turkey facing Security Street was renovated in accordance with the architecture of the Grand National Assembly of Turkey, because it lacked some physical facilities.

NURSERY OF TGNA

Instead of the outdated nursery building of the Grand National Assembly of Turkey located outside the campus, a very modern and aesthetically qualified nursery building was built within the campus of the Grand National Assembly of Turkey.

ONGOING PROJECTS

Florya Facility (Istanbul) is planned to be renovated. It is planned to remove the open parking space located at the entrance of the Turkish Grand National Assembly on Dikmen Street and replace it with a multi-storey parking space.

Ms Sarah Davies, Deputy Secretary General, House of Commons, UK

noted with admiration the large scale of nursery provision at the Turkish Parliament. She remarked that in the UK demand currently exceeded supply with regard to parking spaces for electric cars. She then asked about visitor access to the parliament and whether it includes educational spaces for school children? In a further general point, she asked about how the Turkish parliament balanced openness to the public with security concerns?

Mr Mahmoud Etman, Egypt asked his colleague for the total area of the buildings and all the facilities described ?

Mr Mehmet Ali KUMBUZOGLU replied to Ms Davies that public access is a priority for Turkey which has a website for citizens where they can submit demands, lodge petitions and also access an ombudsman unit (which receives complaints both written and orally).

He said they receive approximately 5,000 citizens a day to the parliamentary building. Security controls are very strict but allow the citizens in while also maintaining security. He said that security should be like sugar dissolved in water, ever present but invisible because it is dissolved in the environment. For example, they have specially trained civilian police officers that the public will not recognise as security and communication experts as the gates to resolve any issues. The Turkish parliaments provides different entry cards to control where people go in the

parliamentary building. There are different cards for each type of official visit (Speaker visit, administrative offices, MPs etc).

There are 5 political party groups in the Turkish parliament and 400 Members. He then explained that every Tuesday between 9.00-14.00 the heads of the political parties address citizens from the parliament. Each party has a separate meeting hall which is open to access by the public. He said it is really crowded as lots of the public comes to listen to the heads of political parties speak. He said it is important to welcome the public and to make them feel at home in the parliamentary buildings. He said they also live stream meetings and have a tv channel which has high viewer ratings.

He said there will be general elections in Turkey next year and people are very keen to participate and to speak to MPs, who welcome this interaction. On the engagement point, he said they welcome students from schools and some foreign students and show them the general assembly hall. NGOs are also invited to the assembly hall. He said people organise art exhibitions in the parliamentary buildings and hold celebrations for national days of different countries at the Turkish Grand National Assembly.

In response to the question from Egypt, he said that all the land is owned by the Turkish Grand Assembly. Around 4,700 hectares of which two-thirds are forests, including 80 colourful parrots, walking routes and restaurants within the green space. He said the overall figure is 19,000m squared for the construction area.

Dr Silke ALBIN, Deputy Secretary General, Germany commented that, paradoxically, despite increasing staff numbers parliamentary buildings are becoming emptier as people increasingly work from home after the pandemic. She asked whether Turkey has discussed use of shared offices? She commented that she had been impressed by co-working spaces with hot desks while working in London. In contrast, she said that in Germany people want their own office and co-working is rare.

Mr Mehmet Ali KUMBUZOGLU, Turkey, responded that he used to be the head of state personnel, responsible for all civil servants in Turkey, around 5 million people. He said a third of the parliament budget is civil service salary and it is important to keep staff happy because employees are more productive when they are happy. In Turkey they have a main campus building and then buildings which are further away. He said that legislative experts must work in the central campus but other civil servants can be further away. He said that he had submitted an application for an 11-story building close to main assembly hall which the Speaker approved. He said he thought that all the staff and administrative personnel should be kept together in one main campus where they can be easily accessed by Members. He also said that keeping staff together in one building creates savings because you can build one restaurant and pay for one lot of heating.

Mr Najib El Khadi, President, thanked the member for their remarks and invited questions from the floor.

6. Communication by Mr Mahesh Tiwari, Deputy Secretary-General, Rajya Sabha of India on ‘Restructuring and Rebuilding of the Parliamentary Buildings – keeping up with the needs and aspirations of the Modern times’

Mr Mahesh Tiwari, Deputy Secretary-General, Rajya Sabha of India,
spoke as follows:

Importance of Parliament buildings:

1. Every nation has a parliament building which serves as the seat of the legislative body of the government of that country. In all democratic countries the Parliament buildings epitomize and uphold the institution of Democracy. The buildings reflect the shared norms of governance and underlying patterns of political behaviour that constitute political culture. Parliamentary buildings are held very sacred by the public as they reflect the ethos of the people being governed and are the bearer of ideas over time. In tune to the sense of national pride and utmost respect that these buildings elicit and command they are usually as gigantic, grand and ostentatious as possible. In most countries they are akin to palaces.

Structure of building:

2. Most of the national Legislative Buildings across the world were built more than fifty to hundred years ago. Despite the fact that due diligence is given in conceiving the design and then constructing the structure of Parliament, not only do they require regular maintenance but also revamping over time. Most countries invest a lot of time and money into the upkeep of their Parliament buildings.

3. The changes that have taken place in the last century have been massive and are ever-evolving. As Parliamentary Buildings should reflect the contemporaneous values and ideas, the time is ripe to evaluate whether these buildings have kept up with the changing requirements of the modern times. Most of the Parliament Buildings need upgradation given the demand for increased space, better seating arrangements, inclusion of new technology infrastructure, safety concerns, universal accessibility, modern office spaces and energy efficiency. Some of these aspects were not in the realm of consideration when the Parliamentary buildings were constructed. However, one cannot ignore these aspects in today’s times where technology is rapidly advancing, climate change concerns are primary in every nation’s agenda, and building designs need to ensure universal accessibility, safe and modern office spaces. It is imperative that the most important building i.e. the National Parliamentary Buildings embody these current day concepts as buildings of such import have powerful cueing effects and the structure and design of the building is a strong form of non-verbal communication with the public for whom it’s a place of reverence.

Need for revamping the parliamentary buildings:

Heritage status

4. Many of the parliament buildings in the world are heritage buildings and reflect the fundamental architectural inclinations of the country. These structures preserve cultural values of the polity over time, articulate political attitudes and values, and contribute to the formation of the political culture. These structures symbolize the state they are built-in whilst ensuring continuity of the political traditions. Architectural features like chambers, seating arrangement, aisles, spatial relationship with the other legislative structures are important aspects while designing to shape and manifest the political culture of the place it is built-in. Nevertheless after a lapse of a certain period it becomes a challenge to preserve its heritage value while upgrading it to meet the requirements of the modern times.

5. The Parliament House of India is almost 100 years old whose construction started in 1921 and was inaugurated in 1927. It is a vintage and heritage building with a splendid structure representing the best of India's distinctive architecture and building style. Within its walls, the Parliament of Independent India has functioned for the last 75 years, representing the supreme will of the people and serving the nation and writing new chapters everyday in the evolution of parliamentary democracy. Appropriately, the Parliament House has been declared a heritage building. To maintain the heritage and the grandeur of the Parliament House Building, measures have been taken from time to time by the Presiding Officers of both Houses. For instance, a Joint Parliamentary Committee (JPC) on Maintenance of Heritage Character and Development of Parliament House Complex was constituted in December 2009. To advise the apex JPC a Standing Technical Committee (STC) was further constituted for the purpose comprising representatives/ technical experts of specialized organisations.

Dilapidating structure

6. As stated earlier most Parliamentary buildings are decades or centuries old and many require massive revamping.

7. In India, the requirement for a new parliament house began to emerge a decade ago due to the deteriorating condition of the existing parliament structure. Almost a century old, the existing parliament poses numerous problems concerning structural issues and space. The walls have been turned down several times in the process for installation of new sound systems, fire safety or ICT systems. The walls have also been removed to increase the seating capacity in the Lok Sabha. Due to drilling holes in the walls to run electrical and telecommunication lines, water and sewage pipes, air conditioning ducts, etc have also weakened the structure a lot.

8. There is no record or document of the original design of the building. Therefore, the new constructions and modifications have been done in an ad-hoc manner. For example, two new storeys constructed in 1956 over the outer circular part of the building hid the dome of the Central Hall and changed the facade of the original building. Further, the coverings of Jaali windows have reduced the natural light in the halls of two houses of the Parliament. Therefore, it is showing signs of distress and over-utilization and is not able to meet the current requirements in terms of space, amenities and technology.

Seating capacity of Lower House

9. The space carved out for Legislators and offices in the old Parliament Building is seen to be falling short in terms of seating capacity and functionality. An urgent need was felt to address these space constraints. With increase in population, countries like India are set to see an increase in the number of public representatives thus leading to a need for increase in seating arrangements.

10. In India's case, post independence the number of Lower House (Lok Sabha) seats has remained unaltered at 545 based on the delimitation carried out on the basis of 1971 Census. It is likely to increase substantially after 2026 when the freeze on total number of seats will get over. The Lok Sabha can seat a maximum of 552 persons. The existing seating arrangements in the lower chamber are thus already cramped and cumbersome.

Insufficient space for joint sessions

11. Similarly, the Central Hall of the Indian Parliament, used to hold joint sessions, actually does not have enough seats for the MPs of both Houses. The Central Hall has around 400 seats, less than the size of Lok Sabha. During joint sessions, at least 200 temporary chairs are placed on the aisles so that all the members can sit which certainly is undignified. Thus, we see that the present Lok Sabha and Central Hall are full to their capacity and cannot be expanded any further. Due to limited space for movement, it is also a huge security risk.

Space Management

12. Over the years, the parliamentary activities and the number of people working therein and visitors have increased manifold. So there is also a demand for increase and improved workspace in the Parliament Buildings so as to enable the legislators and the officials to perform to the best of capabilities. Integrating modern workspace in Parliament buildings is urgently required which would need upgrading infrastructure of existing buildings leading. No dedicated lounge

13. In India, the Central hall also serves as the lounge of the Parliament, as the building does not have any dedicated lounge for the members to spend their time outside session hours. It is notable that a lounge is not just a place for passing free time, it is also a place where informal discussions take place, networks are built etc. It is a very important place for discussing bills in an informal setting. In the absence of a dedicated lounge it creates a lot of problem. Members are public representatives but they also don't have any space to meet people from their constituencies that come to meet them. A parliament building should take care of this need of the Members.

No dignified sitting

14. The sitting arrangement in both the Houses of Indian Parliament are of bench type, with longer benches as one moves towards the back of the House. This means, when members enter or exit their place, they have to pass over other members sitting in the same bench. The members also don't have any

desk in front of them, except for the first two rows. From the third row onwards, microphones and voting panels are actually fitted on the backrests of the benches in front of the respecting benches. This is a very clumsy arrangement and does not offer any place for the members to keep their documents and other personal belongings.

Need for State-of-Art Facilities in the Parliament Buildings

15. With the onset of 21st century, the changes witnessed with each passing day in civil and technical facilities and services are monumental. Integrating facilities like air conditioning, fire-fighting systems, CCTVs, Audio Video systems is essential part of Parliament buildings. Old Parliament buildings need to be restructured to include new water lines, better sewage management, modern audio visual communication facilities, interior design for better acoustics, data network systems etc. The furniture provided to the Members needs to be avant-garde with smart displays, biometrics for ease of voting with intuitive and graphical interface and programmable microphones. The Buildings should possess digital language interpretation and recording infrastructure to produce real-time metadata. The new Parliament Building of India envisions keeping in pace with the technology and will include all these facilities in the design and structure.

16. During the pandemic special seating arrangements were made in the Indian Parliament for members to ensure that they sit in adherence to COVID protocol. Accordingly, audio-visual integration of both Chambers and their Galleries were made for providing seamless participation of the Members in the proceedings as members of each House were sitting in all three places.

17. Seamless live telecast of the proceedings of all the three seating places was made possible by interlinking the coverage of television channels of the respective Houses and installing display screens in Chambers and their Galleries. The audio system at all the three places were integrated through an Audio Conferencing System, digitally linked through “Analogue Output System” using optical fibres and feedback suppressor. However, these kind of arrangements should be permanently installed in view of any similar emergency in future.

New IT requirements

18. The COVID-19 pandemic has made it evident how Information Technology could be used to enable the Parliament to discharge its constitutional mandate during a pandemic when everything else is paralysed. It became obvious that there is a need to keep pace with changes in technology and explore ways to become less dependent on physical appearances and more receptive to online options. Number of countries had conducted their full parliament sessions in a virtual mode during the pandemic. Cabinet meetings and interaction with political leaders were also held through video conferencing.

19. The pandemic made us realise that Parliaments should be prepared with technology-centric solutions to ensure work continuity in law-making

institutions. That is why globally, Parliaments are increasingly embracing evolving technologies. However, in India conducting online parliamentary committee meetings were not found feasible. Even plenary sessions were held only in physical form after elaborate infrastructural arrangements.

20. It is clear that technology will become an omnipresent feature of Parliaments given the degree and the pace of digital penetration into almost all facets of life. It has become imperative to adopt new technology in the Parliamentary system as well. This will also be in tune to the Digital India Campaign that the government is already running and a paperless society that is in vogue now.

Green Building

21. There are growing concerns all over the world about climate change and its effects and there is also a growing consciousness about safekeeping of the environment and sustainable way of living among the people. As the most important building in a nation, Parliamentary Buildings have the onus to uphold values and ideas of public and ensure the building is energy efficient, ecofriendly and the carbon footprint of the building is minimal.

Safety issues

22. Most of the Parliament buildings built 50-100 years are bound to have distressed architecture due to addition of different instalments over the years which give rise to safety concerns. Moreover, there has been change in the seismic zones of the territory on which the buildings have been built on. The Parliament building of India was built when Delhi was in Seismic Zone-II; currently it is in Seismic Zone-IV.

23. Fire safety is also major concern as the designs of Buildings built earlier are not according to the present fire norms. Today's security concerns are very different from the ones that existed when these buildings were built. There is an urgent need to revamp and restructure the Parliamentary Buildings to adequately address these concerns.

Security issues

24. In the prevailing heightened security scenario it is critically important to provide the Parliament building adequate security. With the proliferation of terrorist activities across the globe, the democracies are experiencing greater risk and vulnerabilities to safeguard institutions of democracy from the acts of terror. Parliament of India was attacked by the terrorists on 13 December 2001. Ever since, the security of the parliamentary buildings was revamped and stateof-the-art security gadgets were put in place.

Universal Accessibility

25. Parliament Building should be a model building for a nation by ensuring universal barrier-free environment in its precincts. Provisions of accessibility

like ramps, handrails, tactile pathways, wide entry gates, disabled friendly washrooms, accessible elevators, etc. need to be incorporated in the building designs of Parliaments.

New Parliament Building in India

26. To address all the above concerns, a new Parliament Building reflecting the aspirations of 1.3 billion people is being built beside the existing Parliament Building. The New Parliament Building of India under construction has a built-up area of 65,000 sq.mt. and has a triangular shape to ensure optimum space utilization. The new Parliament building will have much more floor space as it will have larger chambers for both the Houses. The Lok Sabha Hall in the new building will have a maximum fixed seating capacity of 888 extendable up to 1200+ wherein in the old building it is 554. Similar to Lok Sabha, the Rajya Sabha will also be much larger in the new Parliament House. It will have around 400 seats, to accommodate more members which will be necessitated due to creation of several new states over the last several years. In the current building maximum seating capacity stands at 245.

27. The new Parliament House will have a Lok Sabha hall, a Rajya Sabha hall, a Lounge around a courtyard, and a central space called the Constitution gallery. It will not have a separate central hall as the Lok Sabha seats will be much larger in size and they would be able to actually hold 1272 persons. Therefore, it will easily accommodate joint sessions of the Parliament, not requiring a separate hall for joint sessions. The Lok Sabha will also have more space for visitors on the gallery on the first floor.

28. Every parliamentarian will have the facility in this vast complex where he can meet the people from his constituency and discuss their problems.

29. For seating arrangement in both Houses, there will be individual benches for two members so that every member will have an aisle seat, with proper desk in front of them. The technology will be also much improved, with modern touch interfaces on the desks to help run a paperless digital parliament. The interiors will be built while considering acoustic aspects, so that viewers viewing live proceedings will have much better sound experience.

30. The new Parliament Building of India, a Platinum rated Green Building, will be a symbol of India's commitment to environmental sustainability. It will also be accessible for people with disabilities. They would be able to move around freely and independently in the building.

31. The public draws strength and inspiration from Parliamentary Buildings and these buildings symbolize the stability of the nation. It is of paramount importance that the buildings are the most stable, strong and secure places. The construction of a new Parliament House is a step in that direction. Reflecting the hopes and aspirations of the billion plus population, the new Parliament building will facilitate the Members of Parliament to discharge their responsibilities efficiently and equip them to address the challenges of the 21st century.

Mr Najib El Khadi, President, thanked the Member for their remarks and invited questions from the floor.

Dr Bharat Raj GAUTAM, Nepal, asked how India managed spaces for Members of parliament, did each member have an individual office space? Were their communal spaces for groups of members and what was provided for Members while in their constituencies?

Mr Simon Burton, UK, said that in the UK safety responsibilities reside in law with the role of Secretary General. He asked where this responsibility lies in India?

Mr K M Abdus SALAM, Bangladesh, asked about the role of the Secretary General in coordinating the activities of the Indian parliament?

Mr Mahesh Tiwari first responded to his colleague from Nepal to say that Members are not given individual offices, they operate from their residences only. He said that in the new parliamentary building they will have office space.

In response to his colleague from Bangladesh, he said that the Secretary General is the main advisor under the Speaker. It is a bicameral system and the Secretary General plays an advisory role to the presiding officer. He said that public accountability is gradually increasing and they are responding. He also said they need to increase the space, not only for committees, but for Chairs of Committees because they have no space for meetings at present. In the new building provision for this meeting space will be provided.

With regards to a security system, he said it should not be visible because school children and scholars visit the parliamentary buildings. He said they have to ensure people are not scared by using plain clothes officers and concealed protection. He said security concerns were a major issue when they built the building and something they considered very seriously during the planning.

7. Concluding remarks

Mr Najib El Khadi, President, thanked members for their interesting and varied contributions and applauded the diversity of the interventions. He postulated that it might be interesting, in a further session, to look at the relationship between historical and new buildings.

He closed the sitting.

The sitting ended at 12.23 pm

FOURTH SITTING

Tuesday 22 March 2022 (afternoon)

Mr Najib El Khadi, President was in the Chair

The sitting was opened at 2.40 pm

1. Introductory remarks

Mr Najib El Khadi, President, welcomed everyone back to resume work. He reminded members that the deadline for putting forward candidacy for the three ordinary members of the Executive Committee was today at 5pm. Any elections would take places tomorrow morning.

He recalled that the Indonesian parliament had invited ASGP Members to lunch followed by an excursion to the Ulluwatu Temple and outlined some details concerning the visit.

He also reminded members of the health rules which apply, masks are to be worn for the entirety of the session except when you take the floor to speak. The pandemic continues.

2. Cooperation with the IPU

Mr Najib El Khadi, President reported to members the outcome of his meeting with President Martin CHUNGONG at 4pm the previous day.

He said the meeting was an opportunity to highlight the importance of collaboration between the two organisations, ASGP and IPU. Mr Chungong had reiterated, for his part, the support that the IPU could offer to the Association.

He had then discussed the ASGP project, agreed by the Executive Committee that very morning, to draw up a best practice guide on digital transformation of parliaments – a theme on which the IPU has already undertaken a lot of work. He confirmed that this project would take the form of a questionnaire, addressed to all members of the Association, with the aim of collating responses from Secretaries General about their experiences. For example, projects regarding data security, the creation of applications that facilitate the work of parliamentarians or ways to digitally facilitate public access to the work of parliaments. He said a rapporteur would be appointed to draft the text of the questionnaire, a person from the Executive Committee or wider membership. He encouraged anyone interested in participating in the project to get in touch with the secretariat. He also stated his desire to get the work underway as soon as possible.

He concluded by saying that - the same procedure could be used to draw up a manual on ‘The role of the Secretary General in the 21st Century’. A manual which could be

useful for future Secretaries General, as well as today's members. He then invited Andy Richardson to speak.

3. Presentation on recent developments from the Centre for Innovation in Parliaments from Mr Andy Richardson

Mr Andy Richardson updated Members on recent developments from the Centre for Innovation in Parliaments.

He opened by saying that the CIP has focussed its efforts, since 2020, on supporting parliaments in their response to the pandemic and particularly efforts to adopt remote and hybrid forms of working. A first analysis on what parliaments had achieved, in very short order, was published last year.

He said that one of two main projects for this year is to do a second level-analysis to understand, two years on from the start of the pandemic, which rules, new working methods and changes are becoming permanent and how changes brought about by the pandemic have changed parliaments in the long term. This project is being taken forward via focus groups, with interested parliaments, who are willing to share how the pandemic has made an impact on their work and the wider institution.

The collective learning from this project will be pulled together in a new e-Parliament Report, which it is hoped will be ready for the meeting in Rwanda. He said the CIP have begun by talking to the staff of parliaments, at the level of IT directors, held focus groups in Latin America, Asia and Europe. However, the project would now like to hold a second round of discussion at the level of Secretary General, as this would provide a different perspective. With the President's permission, he said that today he had extended an invitation for Secretaries General focus groups in the next month which would focus on rules and working methods.

Moving onto his second point, Andy said he would like to speak about the Global e-Parliament Report 2022. He reminded members that at the Belgrade meeting in 2019, they had discussed the challenges facing institutions and, unanimously, members raised the relationship between citizens and parliament, or even 'the gap' and the potential for growing distrust. He said the CIP took the issue as raised by members very seriously, the new report looks at this relationship and seeks to share good practice and ideas to address how parliaments engages with the public. He said that the CIP has learn that every parliament is seeking, in different ways to work with the public:

- To educate and inform
- To consult or seek the views of the public
- To generate new ways for the public to participate in decision-making

He then raised the growth of petitions systems across many parliaments which allow the public to engage, express their ideas and sometimes trigger new processes within parliaments. He invited staff to join the networks and discussion about these new processes.

He confirmed that the report would be made available to today and that the CIP's aim is to support Secretaries General and parliaments more broadly in the steps they are already taking and to go further and deeper. Everyone acknowledges that the relationship between people and parliament is very important and fundamental, especially in the context of creating new laws. Engaging the people who are most directly impacted and concerned by law is vital – this means that you need to go and find these people – not just speak to the most educated or those who reside in capital cities.

The Global Parliamentary Report notes a growing trend towards participation and consultation as the focus of public engagement. For example, citizens assemblies, new ways for the public to put forward legislative proposals such as in Denmark where, once a certain number of signatures have been gathered, a proposal will be tabled in parliament and has led to laws being passed after citizen initiation.

The use of digital tools for engagement both broadens and modifies the nature of the exchange. The shift from informing the public (one-way dialogue) to engaging the public (a two-way dialogue) and the willingness to experiment are new. This is not simple or straight-forward, there are huge challenges in reaching all members of society. It requires resources, staff and expertise. It is a political decision and political will is required to secure investment in these projects.

Over decades, parliaments have been developing lots of different engagement methods but he said it is important to analyse the effectiveness of these methods and to ensure constant learning and improvement. The Report advocates 5 areas for future engagement:

1. Take youth seriously
2. Leave no one behind
3. Transform through technology
4. Encourage innovation
5. Work together

The report also sets out 5 recommendations on how to take this forward; strategic, inclusive, participatory, innovative and responsive.

He concluded by making a call for action, to use this report as a moment to take stock of what your current engagement methods are and to consider what more could be done or how things could be done differently to produce better results in future. He asked Secretaries General to see this as a milestone opportunity to take a new step in engagement.

Mr Najib El Khadi, President, thanked Andy for his presentation and congratulated him for the magnificent work he had been doing, over many years, at the Centre for Innovation. He described the centre as a global observatory for digital change in Parliaments, he said he had personally taken part in some of the work and focus groups and reiterated the ASGP's willingness to contribute to this work.

He then reiterated the willingness of the ASGP to collaborate with the IPU, in particular with respect to creating best practice guides for digital transformation in parliaments.

Ms Sarah Davies, UK said that the House of Commons had recently restructured to bring the engagement team and the chamber support team together into one larger team. She said that the merger has benefits for both teams: it brings the procedural functions of the Commons chamber closer to participation colleagues and it encourages procedural experts to think more about how they engage the public in the life of the Chamber. There are 600 people in the enlarged team. She recalled in relation to e-petitions, that this dominates traffic to the UK parliament's website. In the House of Commons any member of the public can start a petition and 80% of traffic to the website comes from petitions, even the rejected petitions are of great public interest. Finally, she commented that one of the case studies in the report is about the House of Commons chamber engagement function, which links Members preparing specific debates with an open call to people who may or may not be their constituents. She said that MPs get direct feedback which they find incredibly valuable.

Mr Najib El Khadi, President, underlined the importance of Secretaries General contributing to IPU projects such as those managed by the CIP. He declared himself convinced that the experience of Secretaries General represent a mine of useful information for the CIP.

3. General Debate: 'what do we expect of a Secretary General in the 21st Century'

Mr Najib El Khadi, President announced that the debate that would be led by Ms Lydia Kandetu, Secretary General for Namibia and provided practical information on how the discussions groups would operate.

Mrs Lydia Kandetu, Secretary General of the Namibian Council, spoke as follows:

She said that in Namibia the role ranges from providing direct procedural advice to Members in the Chamber to more strategic forms of organisation management. The portfolio holder is referred to as the Secretary General of the National Council. The discretionary power to appoint is vested with the Speaker in most Parliaments, however appointed, the traditional role is the same. To support the Speaker and Members in parliamentary procedures and provide non-partisan advice to political figures. However, as time has gone by, we have also taken on administrative powers to manage and provide leadership over financial decisions and human resources. Allow me colleagues to share with you some key considerations for Secretary Generals in the execution of their mandates:

- A Secretary General must be a good leader
- They must have knowledge of the relationship between the state, the Government and the citizens

- A passion for constitutionalism and democracy
- Someone who actively promotes the rule of law
- An ability to rise above control by the Executive arm of the State
- An impartial professional, who can rise above party politics
- Someone who can embrace innovation and technological change
- A strong administrator who can respond to emergencies whilst always acting within the law
- Flexible to deal with unexpected variables affecting budgets and business as usual

The subject for this afternoon's general debate originated with the fascinating communication presented by Mr Simon Burton, Clerk from the UK House of Lords, at our Madrid session. The topic encouraged such rich and profound reflections from members that the Executive Committee agreed to make it the subject of a general debate at this session. Thank you, Simon for inspiring us.

I would also like to inform you that Ms Penelope Noliza Tyawa, Acting Secretary of the South African Parliament, had planned to introduce this general debate. Unfortunately, she was unable to attend this meeting due to commitments in her country and I am therefore introducing the General Debate on her behalf. In Madrid, Mr Simon Burton asked us to consider "What do we expect of the Secretary General in the 21st Century?" This a question that goes to the heart of what we do, our roles and our responsibilities.

Dear colleagues, we will now separate into groups to discuss what we should expect of a Secretary General in the 21st Century. The agenda provides three sub-themes which different groups, separated by language, can address. These sub-themes are:

1. How do we select a Secretary General for the 21st Century?
2. What are the skills required of a Secretary General?
3. How has the role of Secretary General changed?

[The Members separated into language groups to continue the general debate from 15h20 onwards.]

The session resumed at 16h 15

Mr Najib El Khadi, President asked the nominated rapporteur for each language group to present the conclusions of the group to the rest of the plenary meeting.

Mr Simon Burton, UK, started by thanking those members of the English group, for whom English is a second language, for the eloquence of their contributions, despite English not being their first language.

He said he would first address the appointment process, and the discussion had shown there was a huge variety of appointments processes amongst the group.

Political appointments, appointments by competency or made after an advertising process. In many cases there was a panel decision and frequently the Speaker had a role in the process. He concluded that there are lots of different routes to becoming a Secretary General and that, because of the constitutional nature of the question, there cannot be one model that works for all countries. He said that different appointment routes lead to different people being selected, different types of Secretary General, with different skills.

On the skills required of a Secretary General, a few things stand out from the debate. The need for excellent communication skills, for communicating with MPs and colleagues, especially in a crisis. Then, the ability to engage with Members in an impartial and fair way. He said that every person in the discussion group had that quality in common. The need to engage with members and give fair and balanced advice. He shared the words of one colleague in the group who described a Secretary General as a single person alone in the middle of an hourglass, the tube above is the MPs and the tube below is parliamentary staff colleagues. He said Secretaries General are caught in the middle and that is why it is good to have events like the ASGP.

This led onto the next quality, leadership, as managing people is crucial. He said they had talked a lot about digital skills in this context and how the advent of AI might bring change to parliamentary roles. However, colleagues felt it was more important to have a digital culture within the organisation than digital skills within an individual. A digital culture means Members, and staff at all levels, are supported to have digital skills. He concluded that a Secretary General cannot be expected to have every skill - they would need to be Superman, or Superwoman - so, perhaps, the most important skill is for Secretaries General to proactively hire competent and talented people, with varied skills, to fill in the gaps.

On the question of how the role has changed? He said the procedural lead is the only part of the job today that a 15th Century Clerk might recognise. The world has changed. The role has evolved to include more and more areas, managing people, digital transformation, media management, managing building projects.

Mr Najib El Khadi, President, thanked Simon Burton for his speech and invited Philippe Schwab to take the floor and present the discussion on behalf of the French language group.

Mr Philippe Schwab, Switzerland, explained that the French group had responded to the third question, on the evolution of the role of the Secretary General. He said that the role of Secretary General has been extending along two main axes.

The traditional role of counsellor forms the first. However, he said that it is no longer enough for a Secretary General to simply act as a legislative expert on procedural matters, new advisory skills are required, such as the evaluation of public policies and parliamentary diplomacy. The traditional role of guardian of the good-functioning of the parliament has therefore expanded significantly.

The second axis is that of administrator, which has also grown and developed considerably in recent years. There is an extra workload of financial and bureaucratic administration. This is no longer simply the day-to-day management of the parliament but includes tasks linked to the physical safety of buildings, IT security management, infrastructure maintenance and so forth. He said that the group had discussed how the role now incorporates more and more areas and shared the reflection of one group member that the role of Secretary General has now become more like the role of a CEO of a middle size company with everything this entails. A Secretary General cannot be simply a good adviser, they are now a CEO.

On the second point, the necessary skills, a perfect command of parliamentary processes no longer suffices. Secretaries General must be excellent managers, organised, capable of dealing with unforeseen events, crises and conflicts. Crucially, the Secretary General has to take difficult decisions and requires commensurate strength of character in order to do so effectively, especially if the decision will not please parliamentarians.

Mr Schwab then addressed the question of how to appoint a Secretary General. He confirmed that the French group discussed similar points to the English group and had noted a diversity of approaches between parliaments. There are several modes of designation and the appointment process will have consequences for the independence of the Secretary General vis-à-vis the parliament and the Speaker. This is especially true where the Speaker has a role in the appointment process.

He said that his personal view was that a Secretary General needs to be designated in the most professional way possible, to avoid political controversy and ensure the candidate is capable of undertaking all the tasks required. He then resumed the responsibilities which are incumbent on a Secretary General: political civil and legal accountability arise in the course of carrying out the duties of the role. He then posed the question, could we accept in the 21st century, a Secretary General only selected on political criteria? He concluded that parliaments should designate the Secretary General through tried and tested methods, as used in the civil service, rather than on the basis of political connections.

Mr Najib El Khadi, President, then asked Ahmed Manna of Egypt to speak on behalf of the Arabic speaking group.

Mr Ahmad Manna, Egypt, said the designation of a Secretary General is different in Arab parliaments but the result is effectively the same. He said the Secretary General is usually directly appointed by a body within the parliament. He said this is the best way and guarantees independence and ability in to accomplish all the necessary functions. He compared the position of Secretary General to that of a Minister in certain parliaments and gave the example of Egypt where the role of Secretary General is limited to administration and management of parliament.

On the skills required, the Arab group agreed that a legal background is important, knowledge of how legislation is made and how political authorities work is crucial. Managing committees and parliamentary sessions requires this background knowledge of any candidate to the role of Secretary General.

He then discussed the fact that a Secretary General, as head of a large organisation with many personnel, often over 2,000 in Arab parliaments, must manage people effectively. A Secretary General must be excellent at administration, to ensure that the decisions are taken and implemented effectively. The person must also have conflict resolution skills and diplomacy to take into account the differing positions of parliamentarians.

He underlined that a Secretary General must also be aware of and respect the different political movements within the country, understand the political system and be open-minded and innovative. In terms of personal qualities, a Secretary General must be able to control their emotions and manage different groups of people.

On the question of how the role of Secretary General has developed, he said that a Secretary General must also be digitally proficient so they can find non-traditional solutions to problems.

Mr Najib El Khadi, President, thanked all the rapporteurs for their speeches and noted that all the groups had focussed on the importance of adaptation by the Secretary General to cultural or technological changes and unexpected events. He concluded by saying that the ASGP would have a chance to return to this theme during the process of creating its handbook on the 21st Century Secretary General.

4. Election of ordinary members of the Executive Committee

Mr Najib El Khadi, President, announced the names of the three candidates who had put themselves forward for the three vacant posts as ordinary member of the Executive Committee:

- Mrs Barbara DITHAPO, Secretary General of the National Assembly of Botswana;
- Dr Bharat Raj GAUTAM, Secretary General of the Federal Parliament of Nepal; and
- Dr Remco NEHMELMAN, Secretary General of the Senate in the Netherlands.

He then invited each to make a short introductory speech :

Mrs Barbara DITHAPO, Botswana, said that she hoped to bring her years of experience, working as clerk to the National Assembly in Botswana, to her role on the Executive Committee of the Association.

Dr Bharat Raj GAUTAM, Nepal, informed members that he had been Secretary General for two-years and had worked for his Parliament for 25 years in total. He added that Nepal is a bi-cameral system and that in his post he represented both chambers.

Dr Remco NEHMELMAN, Netherlands, told the plenary that he had been a Secretary General for nearly 4 years and that the Netherlands is also a bi-cameral system. He said that previously he had been a constitutional lawyer, and so his role had changed from theory to practice. He commented that he had particularly enjoyed

discussing the similarities and differences in their roles because the role of Secretary General can be lonely. He said he had heard familiar issues and looked forward to learning more from his colleagues in future.

Mr Najib El Khadi, President, congratulated the new members on their appointment to the Executive Committee asked members to confirm the appointment by applause.

[Members applauded. The three members were appointed to the Executive Committee.]

He closed the sitting.

The sitting ended at 17.25

FIFTTH SITTING

Tuesday 23 March 2022 (morning)

Mr Najib El Khadi, President was in the Chair

The sitting was opened at 10.33 am

1. Introductory remarks

Mr Najib El Khadi, President, welcomed everyone back to the fifth and final sitting of the ASGP. He then set out details regarding the planned visit to the Indonesian Parliament which would take place that afternoon.

2. Replacement of Joint-Secretary Perrine Preuvot

Mr Najib El Khadi, President, confirmed that Ms Perrine Preuvot would leave her role as French Joint Secretary to the Association on 15 May 2022, from this date forwards she would be replaced by Ms Capucine Capon.

The Bureau of the ASGP, as set out under Rule 15 of the Association, is therefore constituted of:

- Mr Najib EL KHADI, President of the ASGP;
- Dr José Pedro MONTERO, Vice-President of the ASGP;
- Ms Capucine CAPON, Co-Secretary of the ASGP;
- Ms Elektra GARVIE-ADAMS, Co-Secretary of the ASGP.

He then announced that the Executive Committee would like to propose that Ms Perrine Preuvot be nominated as an honorary secretary of the Association, in recognition of her exceptional contribution since being appointed in 2016.

The Assembly accepted the recommendation of the Executive Committee.

Mr Najib El Khadi, President, told the Association that the Executive Committee had approved a proposal to reach out to regional parliamentary organisations to seek collaboration on the creation of the ASGP’s good practice guides on ‘Digital Parliaments’ and ‘The role of the Secretary General’.

Theme: Soft Law, what is the place of this regulation in our society?

3. Communication by Mr Philippe Schwab, Secretary General of the Federal Assembly of the Swiss Confederation, on ‘Soft law and the role of parliaments’

Mr Philippe Schwab, Secretary General of the Federal Assembly of the Swiss Confederation, spoke as follows:

1. Introduction

In recent years, a growing number of international policy endeavours that fall under the heading of 'soft law' have spurred controversial debates. The most heated discussions to date took place in the run-up to the adoption of the United Nations' Global Compact on Migration. In several countries, including Switzerland, the Global Compact was criticised for lacking sufficient national political support and political and democratic participation in its drafting. In the Swiss parliament, there were several attempts to prevent the adoption of the Global Compact. As our (Federal) Department of Foreign Affairs (i.e. our foreign ministry) played a leading role in drafting the document, these parliamentary interventions highlighted the extent to which the views of the government (represented by the Department of Foreign Affairs) could diverge from Parliament's more inward-looking assessment of foreign policy matters. It is perhaps not entirely surprising that the subject of this particular soft law project - migration - would generate controversy, since international migration policy is traditionally a field in which the interests of the sovereign state clash with global policy efforts. However, international migration is by no means the only topic addressed by international soft law.

In fact, according to a Swiss government report, soft law projects have multiplied in recent years, and cover a multitude of topics. Examples include private security companies (e.g. the Montreux document), international taxation law (e.g. the OECD guidelines on tax assistance and corporate taxation), and money laundering (such as the recommendations of the Financial Action Task Force on combating money laundering and terrorist financing).¹ Some of these codes, or guidelines, play a considerable role in international law. This is particularly the case in terms of international trade law with the Unidroit Principles.

2. What is 'soft law'?

The term 'soft law' is contradictory. Law, in its dominant positivist sense, is a set of mandatory norms, which leaves little room for flexibility or softness. Soft law is an oxymoron, which blurs this definition and consequently the respective fields of competence of Parliament and Government. What is the definition of soft law? Practice in this area is particularly volatile and makes systematisation difficult.

According to the government report, there is no clear and agreed definition (p. 4-6). In fact, soft law can only be described as the sum of international agreements and regulations that do not fall under international (hard) law, which includes binding legal sources such as international custom or treaties. However, there appear to be two elements that are generally constitutive of soft law:

- 1) Soft law contains a normative character, it is not merely a declaration of intent (the law element);
- 2) However, soft law is not legally binding and may therefore not be sanctioned by the courts or the international community if violated (the soft element).

The Swiss government concludes that soft law should be understood as a distinct category of instruments used to shape international relations (p. 7). In an environment in which binding multilateral agreements are increasingly difficult to obtain, soft law can therefore serve as a means of enhancing dialogue. The

underlying assumption is that states will be more willing to discuss non-binding soft law issues than binding multilateral agreements. Moreover, it is easier to conclude soft law agreements than international treaties that require long and complicated negotiation and ratification processes.

However, the government also highlights a number of challenges that can be encountered in the drafting of soft law (p. 4). First, given the non-binding nature of soft law, there is a greater risk of inconsistent implementation in the different states. Second, soft law negotiations are more likely to be influenced by the interests of great powers than more formalised procedures of international treaty-making. Finally, and most importantly in the parliamentary context, soft law negotiations challenge domestic politics. In some cases, the political opinion-forming process is not fully exploited in the creation of soft law, which means that the opportunity to conduct extensive political debates that otherwise take place during the legislative process and when approving international treaties is applied to a lesser extent.

In Switzerland, these issues have been debated in Parliament. They have led to questions being raised about how Parliament's rights in foreign policy can be better taken into account with regard to soft law instruments. More generally, what role can parliaments play in the creation of international soft law?

3. The participation of the Swiss parliament in foreign policy in general: legal situation and challenges in practice

The rights of Parliament (and the cantons) to participate in Switzerland's foreign policy have evolved over time. They were explicitly enshrined in the Federal Constitution in 1992, thereby formalising a cooperative relationship between the executive and the legislature on foreign policy. Under this relationship, the government continues to have the strategic and operational lead on foreign policy; however, Parliament is able to participate in the overall shaping of foreign policy and be involved in conceptualising foreign policy opinions in important fundamental decisions. The underlying idea is that foreign policy should enjoy greater democratic and federal support, and that there should be a stronger link between domestic and foreign policy.

Specifically, the Parliament Act provides for a duty to consult. The government is required to consult the foreign affairs committees on 'important plans' as well as on 'guidelines and directives relating to mandates for important international negotiations' (before determining or amending them).³ At the same time, the government must provide information on the state of implementation of these projects and negotiations. However, the criterion of 'importance' is central here, as it is difficult to assess in practice and offers space for different and conflicting interpretations.

The Global Compact on Migration was neither the first nor will it be the last to lead to heated debates on Parliament's participation rights. In the late 2000s, Parliament wanted to have a greater say on international banking agreements. The OECD regulations subsequently adopted by the government were viewed critically by some groups within Parliament for being in conflict with domestic law. More recently, the government's decision to abandon negotiations on an Institutional Agreement with

the EU, gave rise to the question of whether Parliament's rights (or the people's referendum rights) – had been violated in a field of utmost national importance. Admittedly, the Institutional Agreement with the EU does not fall under the category of soft law, but its example points to the larger question of Parliament's participation rights in foreign policy. In response to parliamentary procedural requests calling for greater parliamentary involvement, the government amended the Ordinance on the Organisation of Government and Administration in 2016 to specify the term 'important plans'. According to this definition, the parliamentary foreign affairs committees are consulted. This is the case if the implementation of recommendations or decisions of international organisations and bodies require the enactment or a significant amendment of a federal law. Further, it includes cases, in which, refraining from doing so, would entail the risk of serious disadvantages or sanctions or damage Switzerland's reputation (see newly inserted Art. 5b of the Ordinance). This definition of "important plans" is not exhaustive; other instruments, including soft law issues that are of comparable political relevance and significance for Switzerland may also be subsumed under it (see also p. 15 of the government report quoted in footnote 1).

In an international comparison, the Swiss parliament's participation rights in foreign policy are extensive and explicitly include soft law projects. However, the abovementioned conflictual examples of the migration pacts et al. point to the fact, that despite extensive legal rights, Parliament has not always been able to contribute satisfactorily to the shaping of foreign policy in practice. This has led to a number of activities and mandates on the part of both Parliament and the government.

4. Ongoing projects to strengthen the role of the Swiss parliament in soft law projects

In response to the case regarding the Global Compact on Migration and the above mentioned government report, the foreign affairs committees of both chambers of Parliament set up a sub-committee with the mandate to analyse the role of Parliament in the drafting of soft law. Apart from assessing whether the legal bases should be adapted to strengthen Parliament's role, the sub-committee focuses in particular on the committee's rights regarding participation, information and consultation. This also includes reflections on having Parliament explicitly approve soft law projects under certain conditions, or the idea of parliamentary veto rights.

The sub-committee also commissioned a legal opinion and an evaluation to be carried out by the Parliamentary Control of the Administration (the Federal Assembly's evaluation service), which examined whether the assessment of 'important plans' on the part of the Federal Administration was expedient and systematic.

The respective documents were recently published⁵ and draw the following conclusions, inter alia:

- The Swiss parliament's participation rights are extensive in international comparison. The Swiss parliament holds a strong and unique position by international standards; it has greater participation rights than parliaments in most other countries.

- The federal acts defining the participation rights leave space for interpretation. Some legal acts are imprecisely worded, which has the effect of restricting participation rights in practice.
- Soft law projects are handled differently in the various Federal Administration offices, so there is no systematic or uniform approach to deciding whether Parliament must be consulted or informed about a particular project. The right timing for consulting parliament seems to be particularly difficult to assess, as soft law projects tend to be more fluid than processes aimed at creating more formal legal instruments.
- Also within Parliament, the responsibilities of the parliamentary committees with regard to participation on foreign policy are not always clear.

Overall, the evaluation concludes that the way in which Parliament is involved in the field of soft law is only partially appropriate. The parliamentary sub-committee's work is currently ongoing; it remains to be seen how the results of the evaluation will be taken into account.

On the government's side, a working group has been set up to produce a soft law guide for Federal Administration offices and so as to harmonise procedures on creating soft law and involving Parliament in the process. This guide should certainly help to ensure that a more systematic approach is taken regarding soft law projects, but the practical situation remains complex for both the government and Parliament.

5. Implications and questions for parliaments

The Swiss example shows that while participation rights of parliaments in foreign policy can be extensive, putting them into practice is challenging.

Overall, there are several questions that could be addressed by parliaments:

- In view of the steady rise in foreign policy projects, how can parliaments best organise themselves to ensure they are able to participate in the creation of soft law, and international law in general? Should there be dedicated parliamentary bodies, and if there are several, how can their work best be coordinated?
- What are the particular methods through which parliaments can keep up-to-date and have an overview of the various foreign policy projects? According to which criteria and priorities should topics be ranked?
- How can parliamentary staff contribute to these efforts? In order for Parliament to be in the driving seat in terms of prioritising its own participation rights, it appears to be crucial that it can rely on independent assessments of these priorities.

Soft law is likely to play a growing role in the coming years. It therefore appears to be crucial for parliaments to define their rights and responsibilities, in order to avoid being marginalised by governments, or even deprived of influencing foreign policy.

Mr Najib El Khadi, President, thanked the Member for their remarks and invited questions from the floor.

Ms Sarah Davies, UK, said that the issue of soft law links to one of her own personal interests – that of the relationship between parliaments and the wider constitutional and legal system. In the UK, where there is no written constitution, she said it is an issue which comes across her desk quite frequently, as a Chamber Clerk, albeit in slightly different flavours each time. There were three reflections which struck her as particularly relevant to the role of Secretaries General:

- Firstly, the inherent imbalance of power between Governments and Parliament in these areas. For example, an imbalance with regards to access to information. How do Parliaments and parliamentarians find out what is going on with these aspects of soft law. The nuance of adaption and interpretation discussed, which is very important, may not be brought to the notice of MPs because it is being conducted elsewhere than in Parliament. In the UK, Parliament has been told that it cannot be given some information because it is commercially sensitive or related to security or is a matter before the courts. Naturally, parliaments must be sensitive to these issues but there are also times when officials need to push back in order to ensure parliamentarians get information. She suggested that what a Secretary General can do in these circumstances would be a useful addition to the manual that is being created. In conclusion, how can parliaments unpick a ‘fait accompli’ with regards to soft law if it doesn’t even know it is taking place?
- Secondly, with regards to treaties, where soft law becomes hard law the issues of commercial sensitivity is often raised. The UK, in a post-Brexit world, is signing lots of new trade agreements which has presented a challenge for parliament to find out what is going on in the negotiations. She recalled that the Chair of the International Trade Committee has been raising concern about the lack of information from the Government on the treaties being negotiated. She commented that the Lords Committee is also working hard on the issue but the information constraints make it very difficult.
- Thirdly, she said the challenge to track nuances in soft law is partly overcome by international meetings, such as the ASGP and IPU, where parliamentarians can share information on what is being discussed by Governments. She gave an example of parliamentarians finding out, via an international conference, what their own the UK Government was saying to another country about its policy. This information had been unknown to them.

Mr Inosentius SAMSUL, Indonesia, said soft law is more significant in the Indonesian House of Representatives since the recent passing of a law which stipulates a new function for the Parliament to support the Government in International Relations or diplomacy. He said he would like to raise two issues from the perspective of the Indonesian Parliament. Firstly, that soft law is a useful way to respond to international issues such as climate change, corruption and green energy. With regards to the process, soft law can provide a quick response to international problems.

Secondly, with regards to the role of parliamentary staff in developing soft law, in their experience there is no difference in how they support formal and informal

creation of law on the international stage. Parliamentary staff can arrange seminars, discussions with experts to prepare draft proposals and papers for international meetings.

Ms Boemo SEKGOMA, said that, as a regional parliamentary body, SADAC is trying to provide models on how to deal with international issues such as AIDS, public representation, elections or the digital economy. She said that it assists MPs to be able to reflect on international standards which are linked to local issues and can help them to identify gaps that may exist within their own systems. When a thematic issue – such as gender based violence – is discussed, parliaments can benchmark against other standards held internationally. This helps to evaluate the debate and stirs interest from parliamentarians. She concluded by asking for more examples of ‘lessons learnt’ from colleagues present today.

Dr Silke ALBIN, Germany, asked how Mr Schwab had estimated the risk that soft law is being used, either to serve internal political interest or ignored when it doesn’t serve these interests. Also, what Mr Schwab would recommend as a process for acknowledging soft law within parliaments on a regular basis, which would enable parliamentarians to understand what is happening at the international level. Otherwise, the sharing of information from international meetings rests on single members of parliament. She asked for ideas about how parliaments could ensure all the soft law which is being negotiated at an international level is made known to parliamentarians?

Mr Etman, Egypt, asked about the difference between soft law which is non-binding and soft law which is normative. He underlined that sometimes soft law sometimes entails the introduction of binding rights and explained that, in Egypt, the Secretary General has an obligation to respect the internal law of the Senate. The Secretary General is appointed by the Senate and has ministerial prerogatives.

Mr Philippe Schwab, responded to Mr Etman that it is a very contested question in international law whether soft law is binding. He recalled that for the International Court of Justice soft law is not a source of formal law but it can introduce a custom. For example, the Declaration of the Universal Rights of Man is not a binding law but many countries make reference to the declaration within their own legal customs. He further stated that soft law can be binding at the political level, even if it is not justiciable. He gave the example of the adoption of a ‘Code of Conduct’ by the G20. The code is by no means legally enforceable, but it is de facto binding on the economies of the world. The line between the two is very blurred. He also gave the example of United National General Assembly, whose resolutions are a form of soft law, but over time have become increasingly binding and normative on members, even though the resolutions could not be tested in the international courts.

In response to Ms Davies and Ms Sekgoma, he said that in response to the Global Compact for Migration, in Switzerland, all the information relevant to the agreement had been made public but that nobody had taken the time to examine it. He said that a principal difficulty can be to separate pertinent information from the masses of information from international bodies. He said that Governments are constantly meeting and negotiating on a huge variety of subjects at the international level.

Often, information is made available to MPs and parliaments but neither are interested in the particular topics.

He observed that soft law is present in a tremendous number of policy areas: environment, energy, agriculture, research, human rights, migration, security, money laundering, health, anti-corruption etc. He said that parliaments must create tools which permit them to evolve in order to function effectively with regards to this mass of information. He did not think that parliaments could use these tools to circumvent hard law but rather to enable them to react quickly to address problems.

He also observed that parliaments are machines which function slowly, they need time to reflect and legislate whereas Governments often do not have time and must react quickly. He said that it is this difficulty which justifies giving parliaments the means or resources to manage the mass of information, so it can act effectively in these changes times. He said that parliaments should analyse costs and benefits to determine in which areas they could most usefully play a role. Parliamentarians are naturally interested in some things more than others. For example, in Switzerland, migration is a topic which is of great interest to parliamentarians whereas health or aviation are of less general interest.

Finally, he considered that parliaments have an interest in requiring the most information possible and it is then the responsibility of parliamentary staff to propose a selection of themes, from which parliamentarians can select their role. He said that in Switzerland there are many treaties that have never been discussed in parliament, they are often very technical and pass formally before parliament. Whereas the free trade agreement between Switzerland and Indonesia had been the subject of a referendum in Switzerland, which demonstrates the complex character of soft law.

Mr Rashid Bunajma, Bahrain, wished to know whether soft law could be applied at local level, regional level or national level? He underlined that parliaments must give their view on international treaties and therefore whether they should also take account of soft law. He then commented on the contradiction inherent in the term “soft law” because a law is binding, and soft law is not binding. He asked how soft law can be applied at the national level and asked Mr Schwab about interference between national and international laws as a result.

Mr Mahesh Tiwari, India, said it was an interesting topic with two key dimensions: international practices and domestic practices. In India all international treaties are signed by the Executive, it is an Executive action and there is no concept of parliamentary ratification of treaties. The Law of Treaties 1969 governs the relationship, and the Latin principle of ‘pacta sunt servanda’ (agreements must be kept). Therefore it is often not clear where hard and soft law start and end in the treaty. The treaties are simply laid on the table of the House and India will then keep its international obligations, as set out in the document. In some cases, the treaty will require tweaking of domestic law. When domestic law is amended and brought before parliament, the entire text of the treaty is also discussed. In this case MPs come to understand the obligations and impact of that treaty.

As a second point, he recalled the point about the source of law under article 38 of ICJ, which is about customary practices or evidence of general practices. He said that as customs are repeatedly used they increasingly become hard law through this usage. Continuous practice or usage is therefore part of customary law.

Mr Philippe Schwab, responded to Mr Bunajma that soft law is effectively an oxymoron and agreed that term is intrinsically contradictory. He then compared soft law to a “unidentified judicial object” and observed that the courts are divided on whether soft law, be becoming custom, can then become binding law. He again referred to the ICJ which had found that it is not binding but could become part of customary law, especially when other binding texts made explicit reference to its contents.

He reflected that these are very complex questions and that it was interesting to hear how other parliaments positioned themselves on the issue. In particular that India does not have a ratification process for treaties. He said that in Swiss Constitutional law all treaties require ratification by Parliament because each must then be transcribed into national law. The ratification by parliament is therefore a form of prior notice given by parliament. He enquired what would happen in India if the parliament refused to pass into national law the terms of an international treaty?

Mr Mahesh Tiwari, India, responded that this situation had occurred and that consensus was found as a result. He said that following the Marrakech Agreement of 1994, the Indian parliament has remained at an impasse for a period of time but consensus was eventually found with regards to the question of intellectual property.

Mr Philippe Schwab emphasised that soft law could be made by institutions at local, regional or national level and have for example the ‘Declaration of Poland’ which only applied to a few European countries. He then remarked that the inverse can also be true, for example the G20 often takes decisions which apply to countries which are not themselves members of the G20, such as in matters of finance or transport.

Mr Najib El Khadi, President thanked the Member for their presentation and the debate participants for bringing new perspectives to the topic. He proposed that the ASGP return to the topic in Kigali, in particular to explore the different categories of laws and to reflect on how parliaments should examine them and get maximum information.

4. Communication by Dr Remco Nehmelman, Secretary General of the Senate of the Netherlands, on ‘Constitutional conventions in the Dutch parliament’

Dr Remco Nehmelman, Secretary General of the Senate of the Netherlands, thanked the Indonesian hosts for preparing an excellent conference and expressed his solidarity with colleagues from the Parliament of Ukraine, who could not attend the session. He spoke as follows:

Dear colleagues,

It is a great pleasure to meet you all here today. The pleasure is even greater because the COVID-19 pandemic prevented us two years from meeting each other physically. Even last November, the epidemical situation in The Netherlands prevented me from traveling to Madrid. I am glad that our Executive Committee took the initiative to organize two digital sessions during the pandemic, which gave us the opportunity to discuss important matters with each other, especially on how our national parliaments dealt with the pandemic and the COVID-19 restrictions in every country. However, digital meetings do not provide the possibility to have more informal conversations. To have bilateral contact in the margins of the conference. To enjoy lunch together and to exchange business cards in the corridors. I dearly missed these informal moments amongst colleagues and that is why I am very happy to be here today, although the terrible situation that is going on in Ukraine at this moment also casts a shadow over this conference. My thoughts are with the people of Ukraine and with our colleagues from the Ukrainian parliament. Hopefully, this inhumane situation caused by the Russian invasion will soon come to an end.

I thank the Executive Committee and the Indonesian parliament for the excellent organization of this conference and for the opportunity to speak to you in this session on the subject of 'Constitutional conventions'.

The world and thereby the politics are always subject to change. Due to globalization, digitalization, the rise of new political parties, and fragmentation in the political landscape the norms and rules of the parliament may change. These new norms and rules will mostly not (directly) lead to changes in the constitution, but a different category of rules arises: the constitutional conventions. Conventions are unwritten rules of political practice accepted as obligatory by those concerned in the working of the constitution. Conventions are explicitly not legal rules, but they occupy a position between mere political practice and constitutional law. Usually, conventions develop from established constitutional practice, but sometimes they are deliberately created.

Conventions can be found in constitutions all over the world, so in the Dutch parliament. The Dutch constitutional rules governing relations within and between government and parliament have remained mostly the same since 1848, but the Dutch society has undergone significant transformations, such as the rise of political parties, the expansion of the role of the state, globalization, and the increasing fragmentation of the Senate and the House of Representatives. All these actual changes in society have resulted in only very limited changes to state law. In many situations, that makes it difficult to find rules that reflect the current political practice. For this reason, the Rules of Procedure, both in the Senate and the House of the Representatives, have grown in recent years. In addition, the gap in the Dutch constitution is partly filled by conventions. In the Dutch constitutional arrangement, one well-known convention is that the formation process is largely based on unwritten constitutional and customary law. Another example is the Role of the Senate, which is not laid down in concrete terms.

In recent years, the Senate spent relatively less time on legislation and more on other political (policy) matters. The question arises to what extent the role of the Senate repeats the work of the House of Representatives. The customary law, conventions,

ensures the Senate is focusing on her tasks and responsibilities.

In addition, in recent years, the members of the Dutch Senate submit more motions than twenty years ago, but relatively fewer motions are adopted. The question arises whether the members of the Dutch Senate perhaps embrace the declaratory nature of a motion more than in the past, rather than consider whether it will be accepted during the votes when it is submitted. Thereby, the question can be asked if this fits the unwritten rules of political good behaviour. Constitutional conventions are also seen as rules of good political behaviour. They are typically rules of self-restraint, not exercising powers to the full.

So, constitutional conventions keep the system running, but they also provide challenges and raise questions on the field of responsibility and legality.

In all branches of government (legislative, judicial, and executive) constitutional conventions are used. These conventions embody a principle of responsible government. Members of the parliament should not exercise legal powers to the full, they should not abuse public power and they need to respect the constitutional role and functions of the other branches of government. Concerning the work of our parliamentary bodies, one could ask if members of parliament always take their responsibility and hold each other accountable for good political behaviour. The question arises of how the parliamentary staff can stimulate good political behaviour.

Another question is to what extent conventions are legally enforceable, and the possibility to impose sanctions if members do not comply with conventions. In fact, conventions are non-legal rules and thus legally unenforceable. However, breaking them can carry political sanctions. In this way, conventions play an important role in the Dutch constitution: they ensure that the constitution works according to prevailing constitutional values.

Finally, conventions are always subject to change and new conventions may arise according to the changing political reality. As a result, significant constitutional change can occur without any fundamental change in the law.

Dear colleagues, I think we can argue that despite the fact conventions are legally unenforceable, it is fundamental that we make sure rules of good political behaviour are pursued. This plays an important role in the view of politics. As Secretaries-General, we have a responsibility to ensure that everyone knows the unwritten rules and follows them too. With this, we ensure politics is conducted in a good way

Mr Najib El Khadi, President, thanked the Member for their remarks and invited questions from the floor.

Mr Etman, Egypt, highlighted that in his presentation Mr Remco said MPs could make many proposals, even if all are not adopted, and commented that he thought it a good practice to allow MPs to be able to present things in the interest of their Parliament.

Mr Inosentius Samsul, Indonesia, commented that there are standards for parliamentary staff but asked Dr Remco for his ideas on what non-partisan staff can do, faced with political pressure?

Simon Burton, UK, said it was a fascinating presentation on the Dutch system and commented that he liked the emphasis on responsibility, which with good political behaviour, links to trust. He observed that parliamentary staff must do their best to encourage good behaviour from MPs. He then expressed two thoughts, firstly that there is an interesting balance between statutory rules, convention and parliamentary practice. For example, in the Lords there is an internal rule which requires the House of Lords to act. He said that he recently had to advise on whether the House of Lords could rescind that standing order and he has concluded that it could not because an Act of Parliament had mandated that the House of Lords should have this in its rules of procedure. Normally, parliaments govern their own rules of procedure, a strong constitutional convention, but not on this occasion. For the Lords to rescind the standing order it would be acting in contravention of a law which it had passed. A good example of the tensions that can exist between a law, a convention and internal practices of the House. A second thought, for bi-cameral parliaments only, that there are things set out in statute about the relationship between the two houses and that this would be an interesting area of future study.

Dr Remco Nehmelman, Netherlands, thanked his colleague from Egypt for raising the political issue, which was also raised by Mr Samsul from Indonesia and agreed that it is indeed the politicians that rule. He said that as a Secretary General he is appointed for life which grants some independence in his role, independence of the role is also written into the constitution. The Secretary General in the Dutch constitution is required to be impartial and must follow constitutional rules strictly. He said that with regards to conventions, if a convention is very old he could legitimately ask whether it should in fact be laid down in law.

However, there are 15 factions in the Netherlands. There are 150 seats in the lower chamber and 75 members in the upper house, each has multiple political factions. This means there is a lot of fragmentation in both houses. As Secretary General, it is important the he notes 'political tricks' and sometimes he said he has had to step in, to raise the rules or conventions with the factions in a neutral way, and that they often respond well and will step back from the action if requested. In this cases he shows the MP where the rule is laid down.

He said that it is a thin line between Secretary General and politicians, the Secretary General has to stand up for the rules and the institution, to defend the rules and sometimes to remind MPs about the rules of the institution. Secretary Generals therefore provide a stabilising function, reminding MPs what was decided in the past. He said that Secretaries General are like the referee in a football match, trying to prevent faults in the political game. He gave the example of the Speaker, who, when appointed had to become more politically neutral and said that he has helped advise the Speaker on how to draw this line in his dealing with his own party and the opposition.

In response to Mr Burton, he agreed that there are rules which must be applied (such as physical attendance and quorum during the pandemic) which is written in the constitution. He said during the pandemic he had to go to the Council of State to ask about transferring quorum and attendance to a digital basis which raised many sensitive questions. Due to the extraordinary situation, it was decided that a digital quorum could suffice. With regards the second question, Netherlands bi-cameral system has a strong veto system. There have been discussions going on since 1848 regarding whether the Senate should have such strong veto powers but, in practice, it is only used once or twice a year. He said that a state committee has said there should be an override rule for the House of Representatives, such as exists in the House of Commons, to prevent the Senate vetoing too much in the Netherlands. He concluded that bi-cameral systems are more difficult in some respects but also provide greater checks and balances on legislation.

As a final remark, we as Secretary Generals are there to represent stability in Parliament and should warn politicians to be careful to protect the institution and to remind them that politics is for the people as a whole, not just the politicians.

Mr Najib El Khadi, President thanked the speakers for their contributions and thanked Mr Nehmelman for his reflections on the role of Secretary General as both counsellor and visionary in the 21st Century. He observed that complete detachment from the political cycle was of fundamental importance for the mission of Secretary General of a parliament.

5. Draft agenda for the next meeting in Nusa Dua (Indonesia), March 2022

Mr Najib El Khadi, President presented the draft agenda for the next session, which would take place in Kigali, Rwanda, in October 2022:

➤ **Possible subjects for General Debate**

1. *Assisting the transition: Offering support when Members of Parliament lose, or give up, their seats* Moderator: Mr Charles ROBERT

Informal subgroups will be invited to consider the following themes:

- *Systems for financing MPs' retirement*
- *Systems for supporting MPs who give up their seat voluntarily*
- *Systems for supporting MPs who lose their seat*

2. *The role of the Secretary General in the budget of Parliament: adoption, spending and scrutiny.*

Informal subgroups will be invited to consider the following themes:

- *What is the role of the Secretary General in the adoption of the parliamentary budget?*
- *How is parliamentary spending decided? Does the Secretary General have control over spending decisions?*
- *To what extent is the Secretary General involved in expenditure control?*

➤ **Possible themes**

1. *The resilience of Parliaments in the face of crisis (humanitarian, environmental, health): feedback from Secretaries General about their experiences and the administrative tools they have used to manage crises in the 21st Century.*

2. *Implementation of Code of Conduct and Ethics for Staff and Members of Parliaments.*

➤ **Deferred communications**

Ms Penelope Tyawa, Secretary General of the Parliament of South Africa, on “Sexism, harassment and violence against women in parliaments in Africa”, based on the IPU report of the same title”

Mr Raúl Guzman, Secretary General of the Senate of Chile, on ‘Ratings on Legislative Transparency in Latin America’.

The Assembly approved the draft agenda.

6. Concluding Remarks

Mr Najib El Khadi, President, said he was delighted to meet members in a more informal context this afternoon for the cultural programme. He repeated his thanks to his Indonesian colleagues for organising the programme, and the wider conference, under very difficult conditions.

He then thanked the interpreters, who make communication between all the countries of the world possible.

Finally, he thanked the secretaries of the Association: Ms Capucine Capon, Ms Elektra Garvie-Adams, Ms Perrine Preuvot, Mr Daniel Moeller and Ms Karine Velasco.

The meeting concluded at 12h 17.