

**MINUTES OF THE SPRING SESSION**

**MARRAKECH**

**18-21 MARCH 2002**

**ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS**  
**Minutes of the Spring Session 2002**

**Marrakech**  
**18-21 March 2002**

**LIST OF ATTENDANCE**

**MEMBERS PRESENT**

Mr Artan Banushi	Albania
Dr Allauoa Layeb	Algeria
Mr Diogo De Jesus	Angola
Mr Valenti Marti Castanyer	Andorra
Mr Ian Harris	Australia
Mr Georg Posch	Austria
Mr Kazi Rakibuddin Ahmad	Bangladesh
Mr Dmitry Shilo	Belarus
Mr Robert Myttenaere	Belgium
Mr Georges Brion	Belgium
Mr Vedran Hadzovic	Bosnia & Herzegovina
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Carlos Hoffmann Contreras	Chile
Mr Mateo Sorinas Balfego	Council of Europe
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Constantinos Christoforou	Cyprus
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Bourhan Daoud Ahmed	Djibouti
Mr Farag El-Dory	Egypt
Mr Samy Mahran	Egypt
Mr Heike Sibul	Estonia
Mr Seppo Tiitinen	Finland
Mr Jean-Claude Becane	France
Mr Pierre Hontebeyrie	France
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Felix Owansango Daecken	Gabon
Mrs Siti Nurhajati Daud	Indonesia
Mr Arie Hahn	Israel
Mr Guiseppe Troccoli	Italy

Mr Amuel Waweru Ndindiri	Kenya
Mr Sheridah Al-Mosharji	Kuwait
Mr H Morokole	Lesotho
Mr Pierre Dillenburg	Luxembourg
Mr Mamadou Santara	Mali
Mr Daadankhuu Batbaatar	Mongolia
Mr Mohamed Idrissi Kaitouni	Morocco
Mr Carlos Manuel	Moxambique
Mr Moses Ndjarakana	Namibia
Mrs Panuleni Shimutwikeni	Namibia
Mr Bas Nieuwenhuizen	Netherlands
Mrs Jacqueline Bisheuvel-Vermeijden	Netherlands
Mr Ibrahim Salim	Nigeria
Mr Hans Brattesta	Norway
Mr Rafael De Guzman	Philippines
Mr Oscar Yabes	Philippines
Mrs Emma Lirio-Reyes	Philippines
Mrs Adelina Sá Carvalho	Portugal
Mr Byeong O Kim	Republic of Korea
Mr Constantin Sava	Romania
Mr Cristian Ionescu	Romania
Mr Petr Tkachenko	Russian Federation
Mr Anicet Habarurema	Rwanda
Mr Francisco Silva	Sao Tomé e Príncipe
Mrs Jozica Veliscek	Slovenia
Mrs Piedad Garcia-Escudero	Spain
Mr Manuel Alba Navarro	Spain
Mr Dhammika Kitulgoda	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mr John Clerc	Switzerland
Mrs Mariangela Walliman-Bornaticeo	Switzerland
Mr Christoph Lanz	Switzerland
Mrs Sirilak Panbamrunakit	Thailand
Mr Chinda Chareonpun	Thailand
Mrs Karolina Ognjanovic Cukaljeva	The FYR of Macedonia
Mr Vahit Erdem	Turkey
Mr Vyacheslav Koval	Ukraine
Mr Vladimir Aksyonov	Union of Belarus & the Russian Federation
Sir Michael Davies	United Kingdom
Mr George Cubie	United Kingdom

Mrs Margarita Reyes	Uruguay
Mr Colin Cameron	Western European Union
Mr Milan Lucic	Yugoslavia
Mr Mwelwa Ng'ono Chibesakunda	Zambia

## SUBSTITUTES

Mrs Marie-Andree Lajoie (for Mr W Corbett)	Canada
Mr Everhard Voss (for Mr P Eickenboom)	Germany
Mr Horst Risse (for Mr G B Oschatz)	Germany
Mrs Stavroula Vassilouni (for Mr T Tzortzopoulos)	Greece
Mr Jean Ariel Joseph (for Mr M Fils-Aime)	Haiti
Shri P R Guha Roy (for Mr R C Tripathi)	India
Ms Cait Hayes (for Mr K Coughlan)	Ireland
Mr Carlo Guelfi (for Mr D Nocilla)	Italy
Mr Vincenzo Lippolis (for Mr U Zampetti)	Italy
Ms Ipi Cross (for Mr D G McGee)	New Zealand
Mr Ramon Ricardo A Roque (for Mr R P Nazarena)	Philippines
Mr Jakub Borawski (for Mr K Czeszjeko-Sochacki)	Poland
Mr Kasper Hahndiek (for Mr S Mfenyana)	South Africa

## OBSERVERS

Mrs Timabologo Chephethe	Botswana
Mr Stern Remstedt	European Parliament
Mr K E K Tachie	Ghana
Mr Karabarounis	Greece
Mr Ku Rao	India
Mrs Sri Sumarjati Haryanto	Indonesia
Ms Warsiti Alfiah	Indonesia
Ms Nining Indra Shaleh	Indonesia
Ms Luisa Accarino	Italy
Mr Limame Ould Teguedi	Mauritania
Mrs Hadizatou Ibrahim	Niger
Mrs R A Ahmadu	Nigeria
Ms Jennifer Manalili	Philippines
Mr Nunõ Paixao	Portugal
Mrs Cristina Dumitrescu	Romania
Mrs Madalina Mihalache	Romania

Ms Cristina Sever	Romania
Mr Peter Valdner	Slovakia
Mr Narongporn Pinyo	Thailand
Ms Nutthomol Pongroj	Thailand
Mr Tran Ngoc Hung	Vietnam

## **APOLOGIES**

Mrs Constance Mompei	Botswana
Mr William Corbett	Canada
Mr Julian Priestley	European Parliament
Mr Jean-Lyon	France
Mr Peter Eickenboom	Germany
Mr Georg-Berndt Oschatz	Germany
Mr Tzortzopoulos	Greece
Mr Madelain Fils-Aime	Haiti
Mr Kieran Coughlan	Ireland
Mr Damiano Nocilla	Italy
Mr Ugo Zampetti	Italy
Mr R C Tripathi	India
M Fukumaru Tani	Japan
Mr Yoshihiro Komazaki	Japan
Mr Chris L Balje	Netherlands
Mr D G McGee	New Zealand
Mr Roberto P Nazareno	Philippines
Mr Krzysztof Czeszejko-Sochacki	Poland
Mr Dzurik	Slovakia
Mr Sindiso Mfenyana	South Africa
Mr Chamnong Suampracam	Thailand
Mr Phicheth Kitisin	Thailand
Mr Mario Farachio	Uruguay
Ms Helen Dingani	Zimbabwe

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**FIRST SITTING,  
Monday 18 March 2002 (Afternoon)**

**Mrs Adelina SÁ CARVALHO, President, in the Chair**

**The sitting was opened at 3.00 pm**

**1. Introductory Remarks**

**Mrs Adelina SÁ CARVALHO, President**, welcomed members to the session of the ASGP in Marrakech and thanked Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives of Morocco, for hosting the meeting. She included in her remarks the staff working under him who she was sure would contribute in a delightful way to the success of the Association's work.

**2. Visits and Lunch of the ASGP**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Mohamed Rachid IDRISSE KAITOUNI to speak about the visit on Wednesday morning and the lunch.

**Mr IDRISSE KAITOUNI** said that he was very happy and proud to welcome the members to Marrakech and that he had tried to hold to the promises which he had given the Association in Ouagadougou. He described the arrangements for the lunch on Wednesday.

**3. Elections to the Executive Committee**

**Mrs Adelina SÁ CARVALHO, President**, reminded the Association that there would be elections to the Executive Committee. Four posts were available as ordinary members of the Executive Committee, to replace Mr Ian Harris, Secretary General of the House of Representatives of Australia, who had been elected Vice-President of the Executive Committee at the conference in Havana, to replace Mr Robert Myttenaere and Mr Mamadou Santara, whose terms of office would end at the end of the conference in Marrakech, and finally to replace Mr Giuseppe Troccoli who had just resigned from the Executive Committee and joined a ministerial office.

She proposed that the elections should take place on Thursday afternoon, at 4.00 p.m. and that the deadline for candidacies should be fixed at 11.00 a.m. on Thursday morning.

This was *agreed* to by acclamation.

#### 4. Orders of the Day

**Mrs Adelina SÁ CARVALHO, President**, referred to the draft Orders of the Day and noted that these had had to be altered as a result of information which has arrived only that day, and even now, five minutes previously, some new information had arrived.

She read the Orders of the Day, as follows:

##### Monday 18 March

(1000 hrs Executive Committee Meeting)

##### AFTERNOON SESSION

1500 hrs Opening Session of the ASGP

Presentation by Mr Mohamed Rachid IDRISSI KAITOUNI, Secretary General of the House of Representatives, on the parliamentary system of Morocco

##### Tuesday 19 March

##### MORNING SESSION

(0900 hrs Executive Committee meeting)

1000 hrs Communication from Mr Martin CHUNGONG on recent activities of the IPU

First Draft Report of Mr Ian HARRIS, Secretary General of the House of Representatives of Australia on Promoting the Work of Parliament

Communication from Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso, on Parliamentary Civil Employees (the case of Burkina Faso)

##### AFTERNOON SESSION

1500 hrs Communication from Mrs Adelina SA CARVALHO, Secretary General of the Assembly of the Republic of Portugal, on the Implementation of an e-library in the Parliament

Communication from Mr Jean-Claude BECANE, Secretary General of the Senate of France, on Use by the French Senate of new technology in legislative procedure

Communication from Mr Ian HARRIS, Secretary General of the House of Representatives of Australia, on the celebration of the 100<sup>th</sup> anniversary of the Australian Federation at the Australian Parliament

Wednesday 20 March

0915 hrs Visit to historical monuments in Marrakech

1300 Lunch hosted by Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives.

About 1630/1700 hrs Return to Marrakech

Thursday 21 March

MORNING SESSION

(0900 hrs Executive Committee meeting)

1000 hrs Communication from Mr Pierre HONTEBEYRIE, Secretary General of the National Assembly and the Presidency of France, on time reserved for non-government business

Communication from Mr Fridrik OLAFSSON, Secretary General of the Parliament of Iceland on policy and strategy for the information services of the Icelandic Parliament

Communication from Mr Mwelwa CHIBESAKUNDA, Secretary General of the National Assembly of Zambia, on the election of the Speaker and Deputy Speaker in the Zambian Parliament: lessons from other jurisdictions

1100 hrs **Deadline for registration of candidates for the four vacant posts on the Executive Committee**

AFTERNOON SESSION

(1445 hrs Executive Committee meeting)

1500 hrs General revision of the Rules

**After 1600 hrs Elections to the Executive Committee**

Elections to the Executive Committee to replace Mr Ian Harris, elected Vice-President at the session in Havana, Mr Robert Myttenaere and Mr Mamadou Santara, both of

whom would arrive at the end of their mandates when the conference in Marrakech finishes and Mr Giuseppe Troccoli who had resigned from the Executive Committee.

#### Friday 22 March

(0900 hrs Executive Committee meeting)

1000 hrs Communication from Mr Boubeker ASSOUL, Secretary General of the National People's Assembly of Algeria, on parliamentary diplomacy

Communication from Mr Carlos MANUEL, Secretary General of the Assembly of the Republic of Mozambique, on the re-organisation of the secretariat and the process of modernisation of the Assembly of the Republic of Mozambique

Communication from Mr Constantin SAVA, Secretary General of the Senate of Romania, on recent amendments to the rules of the Romanian Senate with a view to increasing efficiency and quality of legislative procedure.

New Members

Administrative and Financial Questions

Examination of the Draft Orders of the Day for the Geneva Session

Closure of the Session

### **5. New Members**

**Mrs Adelina SÁ CARVALHO, President,** read the list of the new members as follows:

**Mr Ognyan AVRAMOV** Secretary General of the National Assembly of Bulgaria  
(replacing Mr Valentin GEORGIEV)

**Dr Eutrópio Lima DA CRUZ** Secretary General of the National Assembly of Cape Verde  
(replacing Mr Mateus Julio LOPES)

**Mr Mateo Sorinas-BALFEGÓ** Director General of the Secretariat of the Parliamentary Assembly of the Council of Europe

<b>Mr Brissi Lucas GUEHI</b>	Secretary General of the National Assembly of the Côte d'Ivoire (replacing Mr Gérard GNAGNE-ADOU)
<b>Mr Henrik TVARNØ</b>	Secretary General of the Folketinget of Denmark
<b>Mr Vladimir AKSYONOV</b>	Secretary General of the Parliamentary Assembly of the Union of Belarus and the Russian Federation
<b>Mr Muhammed Rafiq HAIDER</b>	Secretary General of the National Assembly of Pakistan
<b>Mr José ELICE NAVARRO</b>	Secretary General of the Congress of the Republic of Peru (replacing Mr José Cevallos PIEDRA)
<b>Mr Adam WITALEC</b>	Secretary General of the Senate of the Republic of Poland (replacing Mr Bogdan SKWARKA)
<b>Mr Krzysztof CZESZEJKO-SOCHACKI</b>	Secretary General of the Sejm of the Republic of Poland (replacing Mr Maciej GRANIECKI)
<b>Mr Pyotr TKACHENKO</b>	Secretary General of the Council of Federation of the Russian Federation
<b>Mrs Marie-Josée BOUCHER-CAMARA</b>	Deputy Secretary General of the National Assembly of Senegal (replacing Mr Assane FALL)

**Mr Phicheth KITISIN**

Deputy Secretary General of the Senate of Thailand  
(replacing Mr Chamnong SUAMPACAM who has  
become Secretary General)

The applications were membership were *accepted*.

## **6. General Revision of the Rules**

**Mrs Adelina SÁ CARVALHO, President**, said that the draft of revision of the Rules of the Association and the comparative table which replaced the one that had been sent out by post, as adopted by the Executive Committee, would be placed on the tables outside the plenary hall at the end of the sitting that afternoon.

She reminded members that at Ouagadougou, the Executive Committee had wished to put this subject on the Orders of the Day in the session at Marrakech. There were several reasons for doing this. First, to take account of the diversity of situations in the world of today. Second, to ensure better co-operation between the IPU and the ASGP. Third, to adapt the practices of the Association to the change in the working practices of the IPU. And fourth, to make certain provisions more clear.

She thanked those who had sent in remarks before the end of the previous October and invited anyone with any further suggestions to contact the two Joint Secretaries.

This subject would be debated on Thursday afternoon and she invited members before then to read through the documents and the proposals of the Executive Committee.

## **7. Presentation by Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives of Morocco, on the parliamentary system of Morocco**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives of Morocco, to make his presentation on the parliamentary system of Morocco, and noted that afterwards she would invite anyone who wished to put questions to him.

**Mr Mohamed Rachid IDRISSE KAITOUNI** spoke as follows:

### **“HISTORICAL BACKGROUND**

The Moroccan parliamentary is the fruit of joint claims by both the monarchy and the national movement which believed in the virtues of the representation system, albeit with different rhythms and procedures. Indeed, the monarchy was convinced that the conquest of democracy should be

conducted in phases, given Morocco's social characteristics in 1976 whereas for the political parties of the national movement driven by strong ideology, it was the radical thesis of "Democracy now" that should prevail.

Intellectual symbiosis between the monarchy and the national movement was triggered by the national cause. In 1944, consensual priority consisted in gaining independence while the debate on the content of sovereignty was a Moroccan issue that could be delayed, though the independence manifesto had already mentioned the idea of democratic regime that would guarantee the rights and duties of every one.

However, soon after independence, the monarchy and the national movement disagreed over the constitution drafting. While, after a first fruitless attempt to create a consultative council in charge of drafting a project that the King would submit for popular ratification, the monarchy decided to take care of drafting a project, the national movement was claiming the creation of a constitutive assembly. This first misunderstanding will remain a historic one as those who supported the creation of a consultative assembly will not give up this claim until the drafting of the 1996 constitution, which means that the progressist component of the national movement will not take part in any of the ulterior amendments of the constitution in Morocco.

It should be noted, however, that this latter, while voting against the constitution amendments, rejecting the form and procedure, actively participated in the local and legislative elections, except for the dark parenthesis of 1970. It is also appropriate to point out to the particularly turbulent atmosphere that prevailed during the beginning of the parliamentary system in Morocco: state of exception proclaimed in 1965, constitutional amendment of 1970 combined to a legalized state of exception, adoption of restrictive modifications to the law of public liberties in 1973. Until 1997, not a single legislature will complete its mandate without a suspension or an extension.

It was only thanks to a second nationalist impetus that a political opening will be possible with the participation of an important component of the national movement -the Istiqlal party and other political parties in the government and the tribunitian part played by the USFP. The other major component of the national movement persisted until 1997 in its claims regarding the constitution's form (constitutive assembly) and substance (revision of the powers division). The consensus around the perfection of the territorial integrity will revive the parliamentary process between 1977 and 1992. The functioning of this latter will be considerably rationalized, giving the government wide prerogatives in the legislative procedure, whereas the opposition which was reduced in size (without USFP party) remained extremely active and the economy was crippled by constraints imposed by the structural adjustment program. However and despite the consensus around the Sahara issue, the Istiqlal party joined the opposition in 1985 and debates took a new face, culminating with the tabling of a censure motion which -though fruitless- is credited for giving a positive image in the media of the parliament's control power.

The united opposition found in the new international juncture -marked by the Berlin wall collapse, the enhancement of human rights and the emergence of the civil society - the adequate opportunity to propose major reforms to the constitution - through different memorandums they submitted to the King.

The USFP party did not vote for the 1992 amendment of the constitution, despite the clear democratic breakthrough contained in it (provisions on Morocco's attachment to human rights as they are universally recognized, creation of the region as a local council, creation of a Constitutional Council, creation of parliamentary fact-finding commissions, Government appointment on the prime minister's proposal, defined deadline for law promulgation, parliament maintaining during the state of exception...). In this context, the 1993 legislative elections in which the national movement scored an important result, but no majority owing to the indirect universal suffrage, drove the King to propose at the opening of the parliamentary session that they participate in government, in national construction and in the country's development. Furthermore, this period was considerably different from the dark years, as the rights and liberties were reconsidered through the preparatory work of the human rights Consultative Council, the creation of a human rights ministry, ratification of international human rights conventions (related to the protection of women, children, banning torture...). But, it was only three years later, as the constitution was amended in 1996, that the entire national movement adhered to the new constitutional project, leading once again the King to ask them -although they did not obtain the majority of votes- to participate in forming a government alongside other live forces of the nation in what was called consensual alternation, with the appointment of a socialist prime minister as head of the government. This alternation was also based on the coalition formed around the election of a socialist speaker of the first chamber, opening the way to the constitution of the present government.

It should be underscored that the only constitution that was not rejected by the USFP party was the 1996 one whose major innovation was the institution of a bi-cameral parliament. In this regard, it is appropriate beforehand to see how the bicameral parliament is organized and operates ( I- Bicameralism, an instrument of the parliamentary system), how it can be a legal and technical answer to a purely political issue of representation and power sharing (II -bicameralism, as a tension regulator) and, finally how despite its opponents and the misunderstandings it triggers in the political class and the public opinion, it can have significant legitimacy in the perspective of a large regional autonomy (III-bicameralism, a new form of governing).

## **I- BICAMERALISM, AN INSTRUMENT OF THE PARLIAMENTARY SYSTEM.**

In order to give a view of the new bicameral parliament operation rules, it is appropriate to explain its organization and prerogatives.

### **1- ELECTION**

The parliament comprises two chambers that are mandated by the nation.

The 325 members of the House of Representatives are elected for a five- year term at direct universal suffrage. The chamber of advisors members are elected for a nine-year term at indirect universal suffrage : three fifths of its members are elected at each region by an electoral college composed of representatives of local councils while the remaining two fifths are elected in each region by electoral colleges composed of elected members of professional chambers and members elected at the national scale by an electoral college composed of wage -earners representatives.

The parliament holds two sessions. The constitution stipulates that an extraordinary session might be convened at the request of the absolute majority of one of the chambers or at the request of the government. Sessions are public and each chamber drafts its own statutes whose constitutionality is systematically controlled by the Constitutional Council.

The speaker of the House of Representatives is elected at the legislature opening and in the April session of the legislature's third year. The speaker of the chamber of advisors is elected at the opening of October's session and each time the chamber is renewed.

## **2- THE BUREAU**

Being the administrative and political organ of the parliament, the bureau can be considered as the "executive" body of the chambers. The House of Representatives' bureau members are elected according to the proportional representation of groups for one year and a half and those of the chamber of Advisors bureau every three years, after each renewal. Each chamber has a bureau composed of "vice speakers in charge of assisting and replacing the speaker, questors in charge of handling internal administrative affairs and secretaries who control votes and write minutes". The electoral system allows a representation of all political parties, and mainly those of the opposition parties (MP, MDS, UC, PND...).

## **3- THE COMMISSIONS**

The effort to reduce the number of commissions is worth mentioning. From 12 commissions before 1997, there are only six left of them now. Meanwhile, the number of each commission members was increased. In accordance with the statutes, commission members are elected by proportional representation of groups, which is an electoral technique that allows the representation of elected members from the opposition in each chamber.

Ministers are entitled to attend the commissions meetings and may be assisted by commissioners chosen by them.

The names of commissions differ from one chamber to another, which does not contribute to the harmony of parliamentary work and does not facilitate it.

Is it still appropriate to hold behind-closed doors meetings while the major debates take place in the commissions' meetings? Aren't the commissions the host of the work of policy technicians and shouldn't they be made accessible to the public in order to convey a different image from that of plenary-ratification sessions? An exception may be accepted particularly for the foreign affairs and defense commission.

#### **4- PARLIAMENTARY GROUPS**

Like the bureau and the commissions, parliamentary groups play an important part in organizing the chambers' work. The groups are only mentioned in the constitution when speaking about the election of certain bodies. They are regulated by the statutes of each chamber. Two conditions are set for the creation of a parliamentary group, a minimum of 12 elected members and referring the list of members to the House speaker as soon as he is elected. This latter condition does not imply any legal or other appreciation by the speaker.

The number required to form a group does not enjoy consensus. For most of the groups' officials, the required number is too low and contributes to worsening the scattering of political forces by pointing their sometimes-artificial nature. There is a largely shared wish to have the required number increased in order to reduce the number of groups and obtain a more coherent political basis. Only the PPS group which was the smallest group before allying with the PSD argues that increasing it will be meaningless unless the voting system is changed into the proportional representation, upholding that the uninominal majority ballot harms its representation. It is true that a higher number of elected members might have an impact on the number of groups and a positive impact on alliance and merger attempts.

It would be useful to say something about what is called parliamentary nomadism. The head of state had himself in a speech delivered at the opening of the parliamentary session of October 1998 asked the elected members to abstain from changing their initial group and the Chamber of Advisors members even referred to the Constitutional council a request that group members be compelled to stay in the same group after the assembly's internal bodies have been elected. This request was turned down by the Council in the name of the freedom of the nation's representatives. Almost all elected members defend their right to change their group and their freedom of action and put forward several arguments (since 1962, the ballot is uninominal and, henceforth, personal and it transcends the belonging to a political party, the political landscape where political parties with similar programs operate scissions and mergers encourage nomadism, elected members from the rightist parties who are not accustomed to the opposition culture are ill at ease in the opposition ...etc). Thus, some groups became catch-all groups while others are to be avoided-groups.

## **II- PREROGATIVES**

They concern all fields of law-making and controlling the government's action.

### **1- Law-Making**

As in all parliamentary regimes, the laws initiative is held concurrently by the Prime minister and the Parliament members. Therefore, in this regard, no chamber is favored over the other.

The right to amend laws also belongs to both the government and the parliament but law-making initiatives are, under the constitution, subjected to the principles of the parliamentary system: the law

projects are turned down when they do not fall within the scope of law, when they have a financial incidence or when they fail to be adopted by a commission.

The House of Representatives has the last word if the joint commission where the two chambers are equally represented fails to agree on a joint text or if the text submitted by the commission was rejected by the chambers.

The agenda is set by the bureau and comprises in priority drafts proposed by the government and those adopted by the government. The bureau also sets the complementary agenda and includes any draft law or any other issue which has been examined by a commission when the chairman of a standing commission or a group requests it (art. 198 of the House of Representatives statute, art. 221 of the Chamber of Advisors statute).

The 1997-2002 legislature was prolific: 153 laws were adopted, including 133 projects and 17 proposals. 15 draft laws and 45 proposals are pending. Several adopted texts relate to social issues (retirement pension, social security, micro-finance...) and others deal with jurisdictions (trade courts, re-organization of administrative courts). A large number of texts are close to being adopted and have substantial social and political implications (the laws on the press, associations, political parties, elections, the communal chart, generalized medical coverage, labor code).

## **2- GOVERNMENT CONTROL**

This is conducted through the questions, the fact-finding commissions and the government's responsibility.

## **3- QUESTIONS**

"At least one session a week shall be allocated in priority to the questions of the Chamber of Representatives members and to the government answers" (art. 56, 2<sup>d</sup> Constitution of 7<sup>th</sup> October 1996). In a bid to rationalize the parliament work and to organize debates, the elected members included in their statutes provisions that the Constitutional Council rejected. For them, "the right to ask questions shall be held by the heads of parliamentary groups according to the groups' proportional representation". This implies that groups that do not have 18 members shall be denied the right to table questions, benefiting the majority bodies. The Constitutional Council ruled that all elected members are first of all representatives of the nation and that they shall fully discharge their mandate, regardless of their affiliation and whether they are alone or within a group.

The present legislature has demonstrated a clear dynamism in the question sessions. An average of 850 oral questions and 650 written questions were tabled at the House of Representatives and an average of 620 oral and 480 written questions were tabled at the Chamber of Advisors. Considering the number of questions tabled, some kind of hesitation was noticed, probably due to the redundancy of questions and also that they were too general.

#### **4– FACT-FINDING COMMISSIONS**

Fact-finding commissions, consecrated in the 1992 revised constitution, endowed at last the parliament with the necessary basic tools to control the government. Before 1992, the statutes of precedent parliaments tried to introduce provisions that enable elected members to set up fact-finding and control commissions. At that time, the constitutional council repeatedly argued that the fact-finding and control commissions were not provided for in the constitution. It therefore turned down the requests for non-conformity with the constitution. However, following serious events, mainly in the baccalaureate exam leaks in 1979, the Fez events (1990) and the drugs case (1995), fact-finding commissions were set up at the request of the King.

The 1992 constitution brings a new element as it authorizes elected members who are part of the majority to set up fact-finding commissions on given events when no judiciary procedure has been started. The commissions are requested to write a report. The House of Representatives set up such a commission for the CIH case (Credit Immobilier et Hôtelier, 2000) and the Chamber of Representatives also created a fact-finding commission in the CNSS case (Caisse Nationale de Sécurité Sociale, 2001).

#### **5– GOVERNMENT RESPONSIBILITY**

The Government is accountable to the King and to the Parliament. For the parliament, its responsibility starts when it is appointed, during a general policy declaration, when a text is voted, or when the parliament decides to retreat its confidence.

- **Requesting confidence at government appointment**

When he is named, the Prime Minister presents before each of the chambers the broad lines of his program. While this program is debated at each chamber, it is only voted at the House of Representatives. At the Chamber of Advisors, the procedure is restricted to debates without sanction, voting or resignation. As a result, the second chamber does not grant its confidence to the newly appointed government.

- **Requesting confidence at the general policy declaration or when a text is voted**

At this stage, during legislature, only the House of Representatives can grant or retain its confidence to the government when the general policy declaration is presented or when a text is voted. If the absolute majority of the House of Representatives members retain their confidence, the government shall tender collective resignation. At this stage too, the Chamber of Advisors is not associated.

- **The censure motion**

Both the House of Representatives and the Chamber of Advisors have the capacity to sanction the government by voting a censure motion. However, two conditions need to be met; at the House of

Representatives, the absolute majority is required and at the Chamber of Advisors, a consolidated majority is requested.

### **III- THE BICAMERAL SYSTEM, A TENSION REGULATOR**

In unitarian countries, second chambers serve several purposes, such as creating a counter-balance to the first chamber, re-organizing national representation, improving law-making and enhancing governmental control. In the case of Morocco, the bicameral option is based on the authority's main concern of seeking an additional strength, a supposedly moderating, balancing and "wise" one, with the indirect suffrage promoting the "notables" conservative tendency of seeking support. This quest for a moderating force will become apparent throughout the Moroccan parliamentary system history, either in an evident and explicit way (the bicameral parliament between 1963 and 1965) or tacitly (the unicameral parliaments preceding 1996) or expressly (the current bicameral parliament);

#### **1- THE "CLASSICAL BICAMERAL SYSTEM"**

The first Moroccan parliament was based on the bicameral system; it was made up of the House of Representatives and the Chamber of Advisors.

The House of Representatives is elected at direct universal suffrage for a four-year term. It represents the entire nation.

The Chamber of Advisors is elected at indirect universal suffrage for a four-year term. Two thirds of it are elected by an electoral college composed of communal councils and one third is elected by a college composed of representatives of professional chambers and trade unions. Regulated by a modern constitution aiming at establishing a representative democracy and rationalized parliamentary system, the Moroccan bicameral system, just like what used to be the practice in foreign bicameral systems, has granted enlarged powers to the House of Representatives, insofar as the Chamber of Advisors was not entitled to give confidence to or retreat it from the government, in the same way that it was not submitted to dissolution procedures.

This brief legislature ended up in a failure after twenty months. Many factors such as the weak government majority, the power of the opposition, splits, various stakes and general discontent, combined with the lack of experience in democracy practice made this young experience a failure which led, after the Casablanca events, to proclaiming the state of exception which lasted from 1965 to 1970 until a new fundamental law was adopted.

### **IV- THE "CONFUSION" BICAMERAL SYSTEM**

It is necessary to distinguish between the difficult phase of the 1970 parliament and the subsequent more balanced legislatures.

#### **1- THE "TOUGH" PHASE**

The constitution of July 30, 1970 abandoned the bicameral system and adopted the single chamber system. This constitution amendment is often described as a regressive movement, leading to the imbalance of powers and as a step backward for democracy compared to the 1962 text.

Therefore, while the parliamentary structure became single at the institutional level, it remained plural in its composition. The House of Representatives is elected for a six-year term: one third is elected at direct universal suffrage and two thirds at indirect universal suffrage by colleges representing communal councils, professional chambers and wage earners. Actually, representation that clearly and explicitly existed in the 1963 second chamber, is found in a latent and confused manner within the same structure, ending thus fears of its objections. The 1970 representation worsened the phenomenon when it only kept the one third proportion to be elected at the direct universal suffrage.

## **2- MORE BALANCED PHASES**

Subsequent legislatures of 1977, 1984 and 1993 were governed by the constitutions revised in 1972 and 1992 which made it possible to set a better institutional balance (1972) and even allowed an opening onto and adherence to the principles and values of the rule of law (1992). Regarding the parliamentary structure, the constitution maintains the unicameral system or the “confusion bicameral system” in that it provides for a different electoral representation origin but remains more in favor of the direct universal suffrage.

Therefore, two thirds of the House of Representatives, elected for a six-year term, are elected at the direct universal suffrage, and one third is elected by a college composed of communal elected members as well as members elected by colleges composed of professional chambers elected members and wage-earners representatives.

It is relevant to indicate that the bicameral system, be it explicitly or tacitly provided for, only expresses the relationship between the direct and the indirect ballot, between the supposedly “subversive” and “conservative” polling. Consequently, since 1963, both methods are in use, whether they are split in two chambers or enclosed in a single chamber. The 1996 constitution plays “a clear game” in making an ostensible and evident return to the bicameral system, serving undoubtedly strategic goals of regionalization but also a recurrent political objective relating to the afore-mentioned one third of the House of Representatives elected at indirect ballot, which deprives the House from its entire direct popular representation. In a memorandum, the Koutlah supported the bicameral system, accepting thereby the principle which would ease the litigious one third issue and also made proposals as to the substance for the establishment of a second chamber of reflection, moderation and consulting, especially in economic and social matters. This new experience encountered many difficulties that were behind this misunderstanding.

### **1- Assets of the bicameral system**

The political class, from all trends, agrees that the bicameral system, instrument of the western parliamentary system widely adopted in federal states as in unitarian states, has several virtues which could help in meeting many national requirements. First, the said indirectly elected third suspected of

“tampering” with the administration will disappear and the Moroccan political institutions will, at last, have a directly-elected chamber; secondly, in the new revised constitutions of 1992 and 1996 tending towards openness onto and adherence to the Rule of Law values, any concept of control and counter-power seemed to be opportune; finally, extending the representation in a second chamber to local councils, including the newly-created regions that were raised to the level of local councils in 1992, of the professional organizations and of wage-earners was an additional asset.

## **2- Weaknesses**

It is obvious that expectations were somewhat disappointed, notably because the bicameral system was viewed as a panacea while in fact it was only an implement of the parliamentary system. The misunderstandings are due to the fact that the elected members and political observers failed to note that this was not a bicameral system but rather a “superposition” of parliaments if not two parliaments.

His Majesty did urge the elected members in his speech to the parliament to endeavor for a solution to this situation by improving the bicameral system management and harmonizing the statutes, on the basis of structural control and to revise the commissions organization.

It is worth noting that this impression of superposition and redundancy is undoubtedly linked to the powers attributed by the constitution to the second chamber. It is actually vested with the same law-making power with, however, the House of Representatives making the final decision. As far as control is concerned, the second chamber is also entitled to censor the government and also to lead to its dissolution by the King. It can equally address warning motions to the government, a sort of political and media sanction without any legal result. Although the presentation of the government program by the Prime minister does not give the opportunity to the second chamber to express its opinion by voting, it remains all the same far from the unitarian states’ second chambers which are discreet, moderating and regulating and do not indulge in the feverish logic of government overthrowing and its consequences –dissolution. Would it be possible, even in political fiction, to imagine a Government being censored by the second chamber (which anyway did not give it its confidence) and resigning while it still has the first chamber confidence.

Is this concept and enhancement of the second chamber prerogatives justified by the electoral origin? The weaknesses are possibly related to the text, but they are more certainly related to men and political forces.

## **V- BICAMERALISM, A NEW FORM OF GOVERNING**

In this context of controversies over the functioning of the 1996 bicameralism, some think of modifying or reforming it; others rule that it is useless or even that it should be cancelled (legislative slowness, superposition of parliamentary commissions, double commissions, redundancy of questions...)

At a time the issue of our territorial integrity is going through new developments, institutional questions are largely debated, especially since the advent of the new reign. The second chamber issue will

inevitably resume an aura of legitimacy, a reason to be, and will participate in the achievement of a new form of governing, i.e. allocating larger prerogatives to the region, which is a more adequate frame and a consensual pattern likely to give to the perfecting of Morocco's territorial integrity a meaning both at the local and international scales.

## **A- THE U.N. PROPOSALS**

Morocco's position in this conflict has always been characterized by its adherence to the rules of international law and to international legitimacy and legality. In this sense, the rejection of the fourth path, i.e. the shearing of the country through the partition of its Sahara, obliterates every possible political progress and stability in the region. Given the aberration of the U.N. latest proposal for the settlement of the Moroccan Sahara issue, Morocco reiterates its adherence to the autonomy of regions within the national framework, especially that it boosts an ancient decentralizing tradition. In this perspective, the third path solution will only be for our southern provinces a continuation of the management of space and relationships with the central authority; while at the internal institutional level, it will bring additional reasons for a second chamber representing local entities.

## **B- RESUMPTION OF THE SECOND CHAMBER LEGITIMACY**

While devolving the representation of professional chambers and wage-earners to the economic and social council decreed by the 1992 amended constitution, no doubt that the constitution drafter will determine this representation modalities in accordance with mechanisms in force in comparative law; the level of prerogative sharing, the extent of tutorship, and eventually the consecration of a multi-storey and multi-level democracy, as is the practice elsewhere, called "historical autonomies".

As regards powers to be vested on the second chamber representing local autonomous authorities, it is definitely out of question to think of reducing its prerogatives, in the perspective of a larger regional autonomy. The sought autonomist and pre-federal character would then justify that large powers be vested on this chamber.

In conclusion, doesn't the history of the Moroccan parliamentary system tell a single story, that of the struggle for independence, the quest of institutional stability, the recent but irreversible conquest of human rights and the march towards economic and social development?"

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**Mrs Adelina SÁ CARVALHO, President,** thanked Mr Idrissi Kaitouni and invited members to put questions to him.

**Mr Pierre HONTEBEYRIE (France)** thanked Mr Idrissi Kaitouni for his welcome to Marrakech and put the following four questions to him about the Moroccan Constitution.

1. What the procedure was for amending committees?
2. What the information role was of standing committees in Morocco?
3. Whether the House of Representatives was the last House to decide on Bills and whether there was ever a Joint Committee to sort out difficulties?
4. Whether the House of Councillors could discuss warning motions and what that meant?

**Mr Mohamed Rachid IDRISSI KAITOUNI** said that the King took the initiative and asked for each constitutional amendment to be adopted by a referendum. National sovereignty was exercised by the representatives or by referendum. The King could make a proposal but the procedure which was followed was an automatic one.

Committees of inquiry worked similarly to those in France. Standing committees had a role to play in providing information. The Government expected to be called in to give information but MPs could also ask other experts to give their opinion.

Joint Committees did exist but so far had not met. It was thought possible that a Joint Committee would be convened for the first time to discuss the electoral code, because the Government had proposed a new system of voting.

Turning to warning motions, Mr Idrissi Kaitouni said that these were a novelty. The system did not lead to any sanction being imposed and had no legal basis. The Upper House issued such motions but they had no consequence. These motions in practice were never used.

He noted that the King could dissolve the Second House which was a very serious step. He thought, in summing up, that the current system could be improved by doing away with the two-fifths of that House coming from trade associations.

**Mrs Adelina SÁ CARVALHO, President**, called Sir Michael DAVIES to speak.

**Sir Michael DAVIES** (United Kingdom) thanked Mr Idrissi Kaitouni for his informative contribution and asked about the administration of Parliament and for further details about whether this administration was separate between the two Houses.

**Mr Mohamed Rachid IDRISSI KAITOUNI** noted that the UK delegation had just visited the Parliament which was still waiting for its new building. Both Houses had separate administrations with Mr Idrissi Kaitouni as the only element common to both Houses. Although at the present time he was Secretary General to both Houses, this was soon to change.

**Mrs Adelina SÁ CARVALHO, President**, called Mrs LAJOIE from the House of Commons of Canada.

**Mrs Marie-Andree LAJOIE** (Canada) thanked Mr Idrissi Kaitouni for his information and asked how members were able to leave their parliamentary groups.

**Mr Mohamed Rachid IDRISSE KAITOUNI** noted that parliamentary nomadism was particularly prevalent in Morocco. There was a strong link between a member and his constituency but MPs were in no way obliged to stay in the same party. The Constitutional Council might reject a law because it was based on a party list system. Different parties had different attitudes to admitting as members those who had not been elected under its banner.

**Mr Giuseppe TROCCOLI (Italy)** thanked Mr Idrissi Kaitouni. He thought that the Second Chamber in Morocco was made up in a very original way and noted that Italy was reviewing the way in which its Chamber was constituted. He was very interested in the Moroccan experience. He asked whether legislative powers entirely lay with the two Chambers or whether they were shared by regional authorities.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that countries around the Mediterranean region shared many problems and noted the success of the Spanish experience in creating regional authorities. This might be copied by Morocco. This might include delegating powers to regions in relation to particular types of law-making, while keeping central powers close to the Government. At present, no law could be made outside Parliament. There were some historic regions in Morocco which could form the basis of such devolution and he noted the difference in the rate of development between these regions.

**Mr Horst RISSE (Germany)** thanked Mr Idrissi Kaitouni for his description of the interesting developments in Morocco and asked two questions. The first one was for further details about national movement. He asked about its membership and its powers. The second question was about the bicameral system in Morocco and the tensions between the two Chambers, and problems relating to different majorities of the ruling parties in both Chambers. He asked about mediation between the two Houses.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that there was a system for mediating between the two Houses by way of the Joint Committee which up to now had never met. He noted that after a meeting of the Joint Committee, the House of Representatives version of any text would be the one which would be adopted because it was the House which was popularly elected.

The national movement developed in Morocco because it was a country with a long history which had for many years been under French and Spanish domination with Tangiers being an international port. The national movement was not a party as such, but was made up of several parties which struggled for Moroccan independence. Each party had its own vision for Morocco. The monarchy played a role in speeding up the achievement of independence and up until that moment many parties remained in the movement. Today the national movement had two main well established parties as its principal members.

**Mr Prosper VOKOUMA (Burkina Faso)** thanked Mr Idrissi Kaitouni for his presentation. He asked whether the Second Chamber was able to vote on a motion censuring the Government. How such a motion might be moved and what its effect would be.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that when bicameralism had been created, it had been a great concern of how political balance might be achieved. For some time, the system of Morocco had attempted to have only one House. It was possible for such a motion to be moved in the House of Councillors, but if the House of Councillors censured the Government, the Government would resign unless the House of Representatives voted to support it.

**Madame Hélène PONCEAU** (France) thanked Mr Idrissi Kaitouni and asked about the powers of the Questure. She asked what financial autonomy there was in the Assemblies and how far they could fix their budget. She asked who decided their budgets. She asked how the agenda of the Bureau was fixed and what the composition of the Bureau was.

**Mr Mohamed Rachid IDRISSE KAITOUNI** replied that the system had been copied from the French. The system of Questeurs was not very popular in Parliament. They had important management powers and could interfere in a wide range of areas. It was a system which provoked many arguments. The Questeurs did not behave as the ones in France did. He admitted that he was perhaps not too rational on the subject of Questeurs.

**Mr Georges BRION** (Belgium) asked what the powers and remit of the inquiry committees were.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that such a committee was set up by Parliament on the initiative of a parliamentary group. They could call evidence from witnesses and take expert opinion. The only limit was that there must not be legal proceedings involved in a particular case which they chose to examine.

**Mr Manuel ALBA NAVARRO** (Spain) thanked Mr Idrissi Kaitouni for his presentation and put two questions to him. The first was about the system of choosing a Prime Minister after an election, and the second was whether the Prime Minister was free to choose his cabinet.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that after the election in 1997, no party had a majority so a majority collected around a particular person which enabled him to form a Government. The King then named his Government on the nomination of the Prime Minister. The whole Government was invested with power by the House of Representatives. The President of the Council had important powers. In Morocco, the Prime Minister presided over the Government but not over the Council of Ministers.

**Mr Ibrahim SALIM** (Nigeria) asked two questions. First, what the reasons were for committees not sitting in public aside from reasons of security, and secondly about the ease with which people changed political party. He asked what the basis was for each of the political parties.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that the origin of the various political parties harked back to the creation of National Movement which was a coalition of very different groups. He noted that the Socialist Party, for example, had never admitted as a member anyone who had stood under a different party basis, but other parties were more flexible. Previously some parties had demanded that there should be a Constituent Assembly and others had not. That was one main difference between

them. There was a wide range of parties, and within this background there were people who changed parties quite freely.

He noted that private sittings sometimes left the door open to some members of the public, but also that many members disliked public scrutiny and so used the rule to sit in private.

**Mr Vahit ERDEM** (Turkey) asked about the audit function of the budget and how that was carried out by Parliament.

**Mr Mohamed Rachid IDRISSE KAITOUNI** said that voting on the Finance Bill was one of the most important elements of the parliamentary year. There was no public spending without the agreement of Parliament. Spending and income were controlled by Parliament and the Finance Bill authorised all public spending. In addition, Parliament voted for a Spending Bill which had to be verified by the Cours des Comptes. This dealt with all the spending undertaken by the Government.

**Mr Anders FORSBERG** (Sweden) noted that the population of Morocco was very young. He asked how young Moroccans were involved in political life.

**Mr Mohamed Rachid IDRISSE KAITOUNI** agreed that the population was very young. Over 26% of the population was under 20. He noted that there were many daily newspapers in the country, over 80, and all newspapers and all those involved in political life encouraged the participation of the young. Because the system in Morocco was monarchical, formerly young people who were mainly on the left, avoided political institutions. In the 1970s this had led to repression against the young and against the unions and so forth. Now, however, the King was only 28 years old and behaved in a different way from his father. He spoke about the representation of women. He was socially very conscious. The average of MPs was 43 years old. There had been much progress and over 78% of people had tertiary education. There was a wide representation of youth in Parliament. Very often children succeeded their fathers' constituency on their death. Sometimes a father and a son were both MPs at the same time or one of them was a member of the House of Councillors.

**Mr Brissi Lucal GUEHI** (Cote d'Ivoire) noted that the Government had a majority in the House of Representatives, but he asked if the King chose the Prime Minister from a party without consulting party leaders, what happened? He asked why the second House was vested with a power to censure the Government. He asked why bother to have a second House and wondered whether it was not too expensive?

**Mr Mohamed Rachid IDRISSE KAITOUNI** replied that democracy had a price. He thought it was not established that having a second House, although expensive, was a good idea because it created a diffusion of power. The second House allowed a wider range of people to be represented in Parliament. This meant that a greater sense of consensus in the country could be created and encouraged political controversy to be taken from the streets into Parliament.

He agreed, however, that the warning motions meant nothing and that they were not useful. The only useful motion was a censure motion.

The Prime Minister was chosen by the King on the basis of the electoral result, so at present when there was no majority the King could choose his own Prime Minister with a list of Ministers. The King could dismiss a Minister at the request of the Prime Minister.

**Mrs Adelina SÁ CARVALHO, President**, thanked Mr Idrissi Kaitouni for his presentation and all those who had asked questions.

## **8. Concluding Remarks**

**Mrs Adelina SÁ CARVALHO, President**, in closing the session, reminded members that the next session would start the following morning at 10.00 am with a communication from Mr Martin CHUNGONG on recent activities of the IPU, the first draft Report from Mr Ian HARRIS of Australia on Promoting the Work of Parliament, and a communication from Mr Prosper VOKOUMA of Burkina Faso on the parliamentary civil service in the case of Burkina Faso

**SECOND SITTING,  
Tuesday 19 March 2002 (Morning)**

**Mrs Adelina SÁ CARVALHO, President, in the Chair**

**The sitting was opened at 10.00 am**

**1. Introductory Remarks**

**Mrs Adelina SÁ CARVALHO, President**, welcomed members to the second sitting of the ASGP. She reminded members that the time limit for candidacies for elections to the Executive Committee was fixed at 11.00 a.m. on Thursday and that the elections would take place on the same day at 4.00 p.m. Letters supporting candidacies should be left with the Secretariat.

She noted that the orders of the day of this session were relatively full and that it was now time to begin to think about the orders of the day of the next session, and she hoped that many members would put forward proposals for subjects for communications or questionnaires. She asked that these be left with the Secretariat.

**2. Communication from Mr Martin CHUNGONG on the Recent Activities of the IPU**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Martin CHUNGONG, member of the Secretariat of the Inter-Parliamentary Union, to speak on recent activities of the IPU.

**Mr Martin CHUNGONG** said it was a pleasure to be among members of the Association again and to talk to them about the recent activities of the IPU, particularly in relation to the strengthening of parliamentary institutions. He said that he would also deal with the question of reform of the institutions of the Union.

In Ouagadougou he had taken part in projects for technical co-operation and assistance aimed at assisting parliaments to carry out their tasks. As had been mentioned in the Report of the Secretary General of the Union for 2001, the IPU had brought into being or set up eleven programmes. particular example of this was the case of East Timor to which Mrs Adelina SÁ CARVALHO had greatly contributed. This had played an essential role in allowing the constituent Assembly which was elected in 2001 to draft a Constitution for that country. The collaboration between the IPU and the Assembly of the Republic of Portugal had borne fruit. Other states had also contributed to this project such as Cape Verde, Canada and Mozambique. The IPU had also organised a programme which was aimed at improving human resources in the Uruguayan Parliament. It had had a budget for that of US \$100,000 provided by PNUD, the World Bank and the Inter-American Bank for Development.

The IPU had also set up a programme in Albania. That programme which was being finalised would include several themes such as education of members of parliament, of civil servants, assistance with documentation and so on.

The first phase of the programme of support for Gabon had been finished. The IPU had started a programme for educating in skills relating to taking notes of debates. The second phase (which was education of newly elected members of parliament and civil servants) was just beginning. Mr Martin CHUNGONG also mentioned programmes which had been completed in Equatorial Guinea, where the parliament would play a great role in the development of democracy in Burundi, Cambodia and Kyrgyzstan.

He made special reference to the contribution of the parliaments of France, Norway, Sweden, Benin, Cameroon, Gabon and Portugal, which had provided staff to assist in the programmes.

He mentioned the important event which took place in Mali, where a regional seminar had been held in October 2001 on the role of parliaments in the budgetary process. It had been a great success. Fifteen African countries had taken part. The seminar had been particularly beneficial for the Mali Parliament.

The first report setting out the results of the activities of the co-operation with the IPU had been sent to the various organs of the organisation and also to the PNUD which was a partner in most of the projects. This report would be made available to any members of the Association who wished to see it.

After the seminar in Mali, a similar meeting had been established for Asian states and twelve had taken part which were members of the ASEAN. The objective was to produce a manual on the role of parliaments in the budgetary process which would allow everyone to make comparisons.

In terms of academic studies, the IPU hoped to finish soon two projects. First was on reports between the Executive and Legislature on the scrutiny of government. He thanked those Secretary Generals who had sent in completed responses which were precise and detailed. The second project related to codes of conduct in parliamentary affairs. He also noted the 35<sup>th</sup> edition of the details of elections had been produced.

Turning to reform of the institutions of the Union, at that particular moment a final decision had been taken. Those discussions which had been started in Ouagadougou had not yet been completed. They had been continued within the Executive Committee at Geneva the previous January and also were being continued at that moment at Marrakech. The objective aimed at was to make the IPU more visible and its activities more relevant within the framework of the conduct of international affairs. In order to achieve this the Union wished to reinforce its links with regional inter-parliamentary organisations. It had been recognised that it had become necessary to re-organise the Union.

**Mr Martin CHUNGONG** finished his remarks by underlying the importance which the Secretary General's report to the Union had given to the activities of the Association.

**Mrs Adelina SA CARVALHO, President**, thanked Mr Martin CHUNGONG for his contribution. She said that the session in Marrakech was very important to the extent that it would contribute to the reinforcing of relations between the Union and the Association.

She thought that the co-operation between the two was functioning well. The Executive Committee of the Association had decided to propose as one of its important changes to the Rules, that the Association could in close co-operation with the IPU give legal and technical support to those parliaments which wished it. It was important that the Union could rely on the Association as a technical arm to carry out such co-operation. She underlined that she had not forgotten the idea of having a database of parliamentary experts who were ready to carry out tasks relating to such co-operation.

**Mrs Adelina SA CARVALHO, President**, thought that although East Timor was a very good example it was far from being the only one. The Executive Committee wished to bring the Association into a close relationship with the Union. As far as organising meetings of the Association was concerned, she noted the need to make a difference between sessions which had to be at the same time as the large conferences of the IPU and other meetings which could take place in Geneva at the same time as the Inter-Parliamentary Union Council in autumn. That second yearly meeting was also very important for the Association, even if elections could only take place in the Spring session. The Association had many points to discuss and it was important to keep the second meeting in the autumn.

She thanked Mr Martin CHUNGONG for what he had said about the website. The ASGP would continue to work on that point. In time, the web pages become fuller and would be able to inform those of what was happening in various parliaments.

**Mr Mamadou SANTARA** (Mali) referred to the important work by Martin CHUNGONG in the organisation and the success of the seminar in Bamako which he had referred to. He hoped that the work done there would be carried forward. As far as the content of the seminar was concerned, the very technical subject of that seminar had been very well explained by experts of considerable standing.

Such initiatives allowed members of parliament to increase their capacity to analyse particular subjects. He hoped that the work done in the seminar would be built on in the future.

**Mr Everhard VOSS** (Germany) asked what PNUD and certain national parliaments had done to assist those members of parliament who were newly elected and civil servants in the Assembly in Bulgaria. He said that the German Parliament had favourably responded to the request which had been made to it but was astonished at the lack of reaction which had followed. He thought that universities had been more involved than parliaments.

He also insisted on the importance of continuing the work done at conferences, such as the one which had been referred to in Mali. He reminded the Association of the presentation which he had made on

that subject in Burkina Faso. He asked what could be done to maintain those contacts which had been created once such seminars had been finished.

**Mr Martin CHUNGONG** mentioned the question of experts and the database. The IPU had sent out a questionnaire to the Secretaries General to collect information on those experts who were available in the different sectors of expertise in parliaments. He asked the Association to encourage its members to reply to the requests of the Union.

As far as the meeting of the ASGP in Geneva was concerned, he said that had been discussed by the Secretariat of the Union which saw nothing wrong with the idea. Quite the contrary in fact. The session in Geneva would take place in the International Conference Centre which had all the necessary equipment. Since the Association, as at normal conferences, would take responsibility for certain costs such as interpretation he did not see any problem.

He shared the opinion about ensuring that the work of seminars was carried forward. It was with this aim that the IPU was preparing for publication a document on the seminar in Mali. He said that contacts had been made with PNUD in order to support the parliamentary institutions in that country. As far as western initiatives relating to Bulgaria were concerned, he said that he would approach the authorities of the German Bundestag to reinforce the preparation necessary for that project. Assistance to parliaments had become an important activity of the IPU but sometimes the interests of the parliaments which were to be helped were only imperfectly taken into account and that point had to be improved.

**Mr Prosper VOKOUMA** (Burkina Faso) referred to the process of reform of the Association which the Executive Committee had started. He hoped that a calendar of changes would be set out. As far as technical assistance was concerned, he thought that colleagues who were making communications in the course of the sessions of the Association could collaborate as experts on particular subjects. He hoped that as far as his country was concerned, such experts could come and explain to newly elected members of parliament what a modern parliament was, what the role of the opposition was, and so forth. General elections in Burkina Faso would take place in the course of the next month. He hoped to be able to receive assistance from educators in June as much for the education of members of parliament as for civil servants.

**Mr Martin CHUNGONG** mentioned the procedure for reforms of the organisation of the IPU. Of course, as a result of this procedure, the Association would have a certain amount of time to adapt to those changes which would have been decided.

As far as inter-parliamentary co-operation was concerned, he was very pleased to have the support of the Secretary Generals. He thanked those present who had already taken part in such missions. He said that he would soon be leaving for Cambodia for several weeks to set up such a programme of co-operation. He recognised that it was difficult for Secretaries General themselves to go on such long-term missions. As far as Burkina Faso was concerned, he noted the request.

Turning to the recent remarks relating to lack of means for developing technical co-operation, he said that in the course of the last few months supplementary finance had been found, notably thanks to the United Nations Programme for Development and PNUD. Contact had been made with certain parliaments to send civil servants to the IPU. Mr BECANE, the Secretary General of the French Senate, had been interested in this move. He encouraged other parliaments which had the capacity to do the same thing.

**Mrs Adelina SA CARVALHO, President**, said that if the Association should remain flexible enough to follow effectively the changes within the IPU, it also ought to be able to keep its autonomy. As far as making particular staff members available for co-operation, she hoped that in the future parliaments who had sent such requests would be able to have more than two days to send somebody as was often the case.

**Mr Ognyan AVRAMOV** (Bulgaria) thanked the IPU for the assistance which it had given the Bulgarian Parliament. He said that the elections on 17 June 2001 had been the first in which a former sovereign had put himself forward as a political candidate and become Prime Minister. The former party in power, the UDC, was carrying out important internal reforms. He said that many intellectuals, among whom were a significant proportion of women, were involving themselves in the political life in Bulgaria today.

**Mrs Adelina SA CARVALHO, President**, thanked Mr Martin CHUNGONG for his contribution and for the replies which he had given to questions put to him.

### **3. First Draft Report of Mr Ian HARRIS, Secretary General of the House of Representatives of Australia on Promoting the Work of Parliament**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Ian Harris, Secretary General of the House of Representatives of Australia, to present his draft report.

**Mr Ian HARRIS** gave the following presentation:

"I am delighted to report to you the preliminary results from the questionnaire on Promoting the Work of Parliament which was circulated late last year.

You may recall that a draft version of the questionnaire was discussed at our meeting in Havana in April 2001. The discussion at that meeting led to a number of improvements in the questionnaire, for which I am grateful. The final version was distributed to all Secretaries General in October 2001 with a request that responses be provided by 14 December.

While many of you were able to provide responses by this date (thank you to those who did), some, quite understandably, were not able to meet the deadline. Indeed, I was still receiving responses as recently as last week. Please do not worry if you have not yet responded - there is still time to do so.

Today I intend to give you an overview of the responses received so far and, before our next meeting to provide you with a more complete analysis.

Included in the meeting papers is a table which summarises each of the questions in the questionnaire and tallies the responses that have been received so far in percentage form. I would like now to step through the main elements of this table.

The first section of the questionnaire deals with responsibility for public information.

The key findings in this area are that:

- 77% of those parliaments that responded have a public information or public affairs office, with the vast majority of these offices (that is, 87%) being distinct units within the parliamentary administration;
- most bicameral parliaments operate separate public information units, with only 20% reporting that they share such resources; and
- the staffing arrangements for these offices vary considerably, some having small offices of between 1 and 4 staff and some having large offices of more than 20 staff. The most common office size is between 5 and 9 staff (which 29% of parliaments report).

It is clear that public information offices are engaged in a very wide range of activities:

- from media liaison and support, to answering questions from the general public;
- from publishing information brochures and audio-visual material, to supporting educational seminars and guided tours; and
- from receiving public petitions, to preparing daily or sessional reports of activities.

It is important to note that a very large proportion (over 80%) of those parliaments without a separate public information office nevertheless provide public information services. In these instances, the services are provided by units with other, broader responsibilities.

It is interesting, however, that so many parliaments have chosen to establish separate public information offices. It does suggest a widely held view that there is value in co-locating such activities and allowing staff to focus on this set of responsibilities alone.

The next section of the questionnaire (comprising eleven questions) deals with providing public information.

The key findings here are that:

- most parliaments (64% of those that responded) do not provide information on the work of individual parliamentarians - an even greater proportion (80% of respondents) do not provide information on political parties;
- almost all parliaments produce public information documents, with 67% reporting that they produce a wide range of information about the role and history of parliament, about parliamentary practices and procedure, and about current activities and issues;
- there is a slight tendency not to charge for such publications, with 41% reporting they do not charge for any publications and 34% charging for all or some publications;
- about 1/3 of respondents conduct seminars or exhibitions to publicise the work of parliament - the topics for which vary widely, from seminars on basic parliamentary procedures and current public policy issues, to major exhibitions on the history of parliament; and
- almost all parliaments provide information services for visitors - including information brochures, guided tours and, in some parliaments, multi-media information displays.

Two general themes emerge from this section of the questionnaire:

- first, that the extent to which parliaments provide public information is influenced very directly by the resources available to support such activities; and
- second, that parliamentary web sites now play a central role in the distribution of information about parliaments.

There is little doubt that everyone recognises the value of publishing information documents and conducting seminars, exhibitions and visitor programs. What distinguishes those parliaments that provide extensive information services from those with more modest programs is not the value they attach to the services, but simply the financial resources at their disposal.

A good number of parliaments report that they would like to develop more extensive public information programs (and indeed, in some cases, have made plans to do so), but find themselves hampered by a lack of money.

There is also little doubt that parliaments have been quick to recognise the value of establishing and maintaining parliamentary web sites. For almost all countries, especially those with a large landmass and geographically dispersed population centres, the Internet has become an important adjunct to more traditional means of encouraging community awareness of parliament.

Media relations and publicising committees were the next two issues canvassed in the questionnaire.

The key results in this area are that:

- not surprisingly, nearly all parliaments (93%) use the media to publicise their work ;

- most parliaments (that is, more than 85%) use what you might call conventional means to do so (advertisements, press releases and press briefings), while some others also:
  - publish magazines or sessional reports of activities,
  - publish advice on the Internet,
  - provide broadcast services, including cable television channels, and
  - interestingly, publish advice on the national broadcaster's teletext service; and
- fewer than half of all parliaments (41%) have an identified media spokesman or liaison officer:
  - of these, 61% report that a parliamentary official performs this role, and 46% report that either the Presiding Officer or the Secretary General perform the role.

Two of the questions in this area sought to explore possible tensions between parliament and the media: question 15, asked whether the media was offended by the publicity work of parliament; and question 16, asked whether there had been a deliberate decision to bypass the mainstream media.

Judging by the responses, there has been little or no tension between parliaments and the media - indeed, quite the opposite: with a number of respondents indicating that the media greatly values the information services provided by parliaments.

There was considerable diversity of experience revealed in the next two sections of the questionnaire, dealing with the delivery of parliamentary proceedings by radio, television and the Internet.

- 86% of respondents report that parliamentary proceedings are broadcast on radio or television; and
- there is a fairly even split between those countries in which the media is compelled to broadcast proceedings (45% of responses) and those countries with radio and television stations dedicated to the broadcast of proceedings (51%).

The range of experience is exemplified by the fact that in some countries the national broadcaster covers proceedings (either in full or in part); in some countries proceedings are (or at least were) available on privately operated cable or satellite services; and in others, the parliament itself operates (or plans to operate) its own broadcasting services.

As indicated earlier, an overwhelming majority of respondents (96%) have established parliamentary web sites, almost all of which are managed and maintained by parliamentary staff and which provide access to a comprehensive range of information – including, in some instances, searchable databases.

A surprising 64% of parliaments report that they 'deliver proceedings via the Internet'. I

suspect that, in truth, this figure is somewhat inflated and includes not only the 'live web-cast' of proceedings, but also the publication of transcripts on the Internet.

Nevertheless, it is clear that many parliaments are actively exploring the potential of the Internet:

- 15% of those who reported they deliver proceedings via the Internet note that, as well as providing live coverage of current proceedings, 'video on demand' coverage of past proceedings is available; and
- 19% of all respondents report they provide interactive communication services, such as electronic opinion polls and on-line discussion groups.

There is no doubt we can expect further developments in this area.

The comment I made earlier about the impact of limited resources is particularly evident in the provision of computer-based communication services. A number of parliaments frankly admit that if more resources were available, more extensive (and experimental) use would be made of interactive communication services.

The last sections of the questionnaire to which I would like to draw your attention are those dealing with education services, other promotional activities and involving parliamentarians. The responses here also revealed some innovative approaches.

Almost 70% of parliaments provide educational services for young people and 1/3 of those that do not currently provide such services have plans to do so within the next twelve months. The services are many and varied, including:

- tours and subsidised school visits;
- teacher training programs and the production of curriculum kits;
- youth parliaments;
- publications aimed at young people, such as posters and comics; and
- interactive Internet sites.

The range of other promotional activities undertaken, which in some cases involve parliamentarians, includes:

- open days;
- participation in community and trade fairs;
- touring exhibitions on the work of parliament; and

- regional sittings of parliament.

My observation of many of the responses is that question 5 could have been better phrased. The question sought information on whether the interests of Members were defined and monitored. With the benefit of hindsight, I now see that many of the returns related to pecuniary interests and codes of conduct.

I conclude with two general observations.

First, it is clear from the responses received so far that many of us believe promoting the work of parliament should be one of our core objectives as parliamentary administrators.

If our systems of government are to be respected and sustained, they first need to be widely understood. In this regard, it is very heartening to see such widespread commitment to the task of promoting the work of parliaments.

Secondly, as we often remark at these meetings, there is an extraordinary degree of commonality in the issues being addressed by parliamentary administrations around the world. We should draw considerable comfort from this. It means that not only can we talk about common problems, we can discuss common solutions. The capacity to bring our collective experience to bear is one of the great values of this Association.

There is no doubt that we can learn much from each other when it comes to promoting better understanding of our parliaments.

In this preliminary analysis, I have sketched some of the general approaches that are being taken in this area. In my final analysis, to be circulated in the near future, I will fully report the views of those who have responded to the questionnaire, and also identify more specifically some of the ideas that have been implemented.”

\* \* \*

**Mrs Adelina SÁ CARVALHO, President**, thanked Mr HARRIS and invited questions from the floor.

**Miss Stavroula VASSILOUNI** (Greece) congratulated Mr HARRIS for having selected this particular subject and asked whether more details might be included on educational steps and relations with the media.

**Mr Ian HARRIS** acknowledged this point.

**Mr Anders FORSBERG** (Sweden) thanked Mr HARRIS and asked whether limits were placed on parliamentary administration in respect of its activities in this field. He noted that apart from general information there were more demands from parliamentarians for support for their own websites and he noted that there was a problem about the limits of responsibility for parliamentary administrations in this field.

**Mr Xavier Roques** (France) thanked Mr HARRIS for having embarked on this considerable task. He thought that promoting the work of parliament was a fundamental issue. There was a deep lack of understanding on the part of the public about the work of parliament. The media often published stories which were very partial in their viewpoint and it was useful to have a means of responding. He asked about the separation between promoting parliament as an institution and promoting the work of the majority party in parliament.

**Sir Michael DAVIES** (United Kingdom) thanked Mr HARRIS and agreed that promotion of parliament should not be political in any way. He noted that limited resources meant that recourse had to be had to the website as much as possible. The House of Lords in the United Kingdom had produced give-away stickers and bookmarks which had their website address on. The Committee Office of the House of Lords had its own media person. He noted that the previous Wednesday the House of Lords had had a very good debate on promoting the work of parliament and a distinguished list of speakers had taken part in the debate. He asked whether a distinction might be made between those respondents who had a Freedom of Information Act. In the United Kingdom, such an Act would come into force in full in 2005 although public institutions had to be registered to comply with it by the end of 2002 and publish their plans for so doing.

**Mr Horst RISSE** (Germany) thanked Mr HARRIS and said he hoped the report would summarise the results of the questionnaire in its final version and thus create an ideal set of arrangements which could set a benchmark for comparing work done in individual parliaments.

**Mr John CLERC** (Switzerland) thanked Mr HARRIS and apologised for not having replied to his questionnaire sooner. He noted that soon the Swiss Parliament's building would celebrate its centenary. This had been publicised by having a stamp printed and a cartoon strip featuring the parliament building and a son et lumière had been written especially. He invited colleagues to visit Bern even if only in a virtual sense via the Internet.

**Mr Arie HAHN** (Israel) thanked Mr HARRIS and asked about the tensions which existed between parliament and the media. He noted that in Israel, there was a very big tension between media journalists who were stationed in parliament and the parliament itself. He thought that the aim of journalists was to print gossip which would sell newspapers rather than to print information about the work which was actually done. There had been a debate on this. He noted that the Knesset broadcast every minute of each sitting and thought this was a very bad system because it emphasised how many seats were left vacant during debates. This meant that he was frequently asked why particular members of parliament were never there. He favoured a limit being placed on broadcasting. He thought Internet sites were very good and hoped that such sites would be developed further.

**Mr Robert MYTTENAERE** (Belgium), following what Mr ROQUES had said, referred to the conservation of parliaments and asked whether the parliamentary system had changed because of the presence of television in the chamber.

**Mr George CUBIE** (United Kingdom) congratulated Mr HARRIS on winning the Marketing Award and noted the difficulty with the product. In the United Kingdom there had been much agonising about the low public esteem in which politicians were held. In Westminster there had been a real effort to try to make the legislature more open to the public. There was a great expectation that topics such as citizenship should be put on the national curriculum.

**Mme Hélène PONCEAU** (France) thanked Mr HARRIS and referred to recent trends which dealt with the promotion, not only of parliamentary work, but also of cultural policy. The French Senate held art events which were very successful and even had held an exhibit about volcanoes. She thought such activities could contribute to the process of enhancing the image of parliament among the public. She asked whether such activities had been mentioned much in responses.

**Mr Carlo GUELF**I (Italy) congratulated Mr HARRIS and asked what he had done to evaluate action to promote parliaments. He noted that all parliaments were now organising their own websites but he did not have enough information about the results of such efforts. He wondered what relevance for the general public broadcasting live proceedings had. He thought it was good for journalists but otherwise its impact was questionable. He agreed with his colleague from the French Senate. In the last year, a very important Caravaggio exhibit had been put on in the Palazzo Madama.

**Mr Georg POSCH** (Austria) thanked Mr HARRIS and said that this discussion was extremely interesting from the Austrian point of view since at present the Austrian Parliament was re-organising its website. In Austria, when the work of parliament was promoted it was emphasised as being a forum for public discussion. Many exhibitions had been organised by a wide variety of people in parliament and he asked whether this new trend, that is to say, of increasing the visibility of parliament would enable parliament itself to be promoted better.

**Mr Ian HARRIS** noted the comments which had been made and thanked all those who had contributed to his research by answering his questionnaires. He noted that the origins of parliament did seem rather old-fashioned. He did not think it would be possible to distinguish between respondents who had a Freedom of Information Act and those who had not. He thought it might be possible to follow this up in a later questionnaire. He noted the proposal from his German colleague about creating a picture of an ideal strategy for promoting the work of parliament but thought that that was possibly for a later stage after consultation. He looked forward to taking a virtual tour of the Swiss Parliament.

Turning to Mr HAHN's point, he thought that there was not much tension between the media and parliament in Australia, but noted that MPs in Australia could be photographed in unguarded moments and these were published. The media was often guilty of making up news. His Belgian colleague had pointed out the impact of television on parliament and thought this was an interesting point which was well worth a supplementary question in his research. He had noted the effect of television on the standard of dress of members of parliament in Australia.

Mr CUBIE had mentioned the esteem in which parliament was held. He thought that parliament was often like a football match where fights among the spectators were criticised but closely watched by all those who were glued to the television.

Mrs PONCEAU's points, supported by colleagues from Italy and Austria, about how parliament could be a good corporate citizen was very interesting and worth a further question in the research.

His Italian colleague had also talked about evaluating the results and Mr HARRIS agreed that this was a very important part of the task.

**Mrs Adelina SÁ CARVALHO, President**, thanked Mr HARRIS and asked how to proceed. She wanted to know whether he thought it was a real first draft or whether he wanted to set a new deadline for responses. The next session was likely to take place in Chile with, she hoped, a meeting in Geneva in September. She asked what his plans were for carrying work forward.

**Mr Ian HARRIS** said that the Rules were in a state of flux. He thought it was too long a wait to circulate the first questionnaire and have it considered in Chile. He thought it would be better to proceed now. He would be happy to receive more responses and circulate a further version in six weeks time and for the final version of his report to be considered either in Geneva or Chile.

**Mrs Adelina SÁ CARVALHO, President**, agreed that it was an excellent idea to proceed with this matter by further work which was aimed at preparing a version to be discussed in Geneva and for the project to be completed in Chile. Mr HARRIS would allow six weeks for further responses and would send his final document by e-mail. Any further comments could be dealt with in Geneva with a final version of the report presented in Chile.

#### **4. Communication from Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso, on Parliamentary Civil Employees (the case of Burkina Faso)**

**Mrs Adelina SA CARVALHO, President**, invited Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso to take the floor to present his communication on the parliamentary civil service.

**Mr Prosper VOKOUMA** presented his communication as follows:

##### **“INTRODUCTION**

The autonomy of the Parliament and other powers such as the Executive and Judiciary have been officially recognised by the Constitution adopted by Referendum of 2<sup>nd</sup> June 1991. This autonomy stems from the principle that separates powers as written in the Constitution. It is the guideline of the organisation of the parliamentary assemblies. It is a three-level functional autonomy:

- Drafting of regulations
- Financial management
- Administration

Concerning the autonomy of regulations, each assembly establishes its own regulations. The same applies to the National Assembly for which the Constitution of Burkina Faso prescribes that *“Any new assembly pronounces on the validity of the election of its members notwithstanding the control of regularity done by the constitutional council. It establishes its regulations.”*

The regulations of the National Assembly is its by-law for the functioning of its activity.

Concerning the financial management, the National Assembly enjoys financial autonomy. Its Speaker manages the credits allocated (Article 93 of the Constitution).

Concerning the administrative autonomy, it uses broad specific characteristics in the recruitment and management of its personnel.

We should mention that in Burkina Faso until very recently this administrative autonomy was not affirmed. It was even questioned under the Second Recivil (1970-1974) given that the execution of the budget of the Assembly was subject to prior financial control from the Executive.

In any case, the administrative personnel of the Assembly until 1999 has been mostly secondment personnel or personnel put at the disposal of the National Assembly by the Government upon its request. Therefore, in its legitimate concern to preserve the administrative independence, the committee of the National Assembly adopted Resolution No.99-001/AN/BAN/PRES of 12 May, 1999 of the statute of parliamentary civil service.

This statute defines the principle of parliamentary administration autonomy, develops structures for its management, organises the career of its personnel and fixes the ethics rules applicable.

1. The statute of the parliamentary civil service gives administrative autonomy to the Assembly.

Prior to the adoption of Resolution No.99-001AN/BAN/PRES of 12 May 1999 concerning the statute of the parliamentary civil service, a large proportion of the administrative personnel came from the State civil service. The Executive had supreme control of all the personnel transferred to parliament. This personnel was either put at the disposal of the Assembly or on secondment at the Assembly.

Consequently, it continued to be managed by the statute of the State civil service, rated by the authorities of the Executive, and have its career depending entirely on the Executive. The latter, therefore, also had the power to call this personnel back at any time by putting an end to the secondment or releasing him from service.

It is obvious that in such a situation parliament did not have full control of the personnel that it employed. The effect of developing a parliamentary civil service is to ensure administrative independence of the Assembly from the Executive.

In Article 2 of the statute: *“Parliamentary civil servants are State civil servants with specific statute due to the specificity of parliament...The parliamentary personnel is under the exclusive authority of the Committee of the National Assembly. It cannot be under any other State institution or authority in accordance with the principle of separation of powers.”*

Therefore, they are not allowed to collaborate permanently with any other civil administration or private service

The logical order of things in this administrative autonomy is the establishment of specific structures of management of the administrative personnel.

## **2. Specific structures for the management of the parliamentary civil service**

The statute of the parliamentary civil service divides the personnel by employments, bodies; it defines the organs and their roles. These organs may have a supervisory mission or advisory role.

### ***2-1 The organisation of employments and bodies of the parliamentary civil service***

The civil servants of the parliamentary administration are divided into four (4) bodies which are sub-divided into three (3) scales of 1,2, and 3.

A body is made up of all the civil servants who practice the same levels of activities, the same conditions of recruitment and are called to the same grades. These bodies are:

- the body of parliamentary administrators,
- the body of parliamentary assistants
- the body of secretaries of parliamentary administration,
- the body of clerks of parliamentary administration

This division is done depending on the level of recruitment and employment; the bodies are divided into scales and grades. The grades sub-divided into steps.

### ***2-2 The organs of the parliamentary civil service***

The principal management organ of the parliamentary civil service is the Committee of the National Assembly. It is responsible for recruiting and incorporating parliamentary civil servants. The Committee can delegate its powers to the Speaker. The latter in his turn delegates some of his powers to the Secretary General who performs the daily management of the administrative personnel of the Assembly under the authority of the Speaker.

### **2-3 The advisory or participating organs of the parliamentary civil service**

According to the statute, there are four advisory organs:

- **The higher commission of parliamentary civil service**

It falls under the authority of the Chairmanship of the Speaker of the National Assembly and is composed of ten members representing the administration and personnel: five members by category.

According to the terms of Article 18 of the Statute, the higher commission of parliamentary civil service is *“problems of general interest about administration and parliamentary civil servants are submitted to it for its opinion or suggestions . Obligatorily, projects of statute reform are referred to it for its opinion.*

- **The joint administrative commission of the parliamentary civil service”**

The commission is under the authority of the Secretary General who acts as Chairman. It is composed of 12 members representing, on the one hand the administration and on the other hand the personnel. It has advisory powers. According to Article 24 of the statute, the joint administrative commission *“ can be consulted on all administrative issues involving a parliamentary civil servant. It gives opinions on promotions, training, and discipline and on any other issues submitted to it”*. It may be consulted on certain specific matters

- **The parliamentary health council**

Its competence concerns all parliamentary civil servants, regarding health matters. According to Article 34 of the statute, the health council of the State civil service remains competent on medical evacuation of parliamentary personnel.

- **The disciplinary council**

The composition, terms of reference, organisation, and functioning of the disciplinary council shall be enacted by the Committee of the Assembly.

### **3. Organisation of the career of the parliamentary civil servant**

#### **3-1 Entry in the parliamentary civil service**

Entry into the parliamentary civil service is subject to the candidate's admission to a test or competitive examination.

To this effect, the Speaker of the National Assembly appoints a board of examiners for selecting the candidates.

Access to the parliamentary civil service is also possible on according to qualifications; this is pronounced by the Speaker of the National Assembly. All candidates are required to meet six (6) conditions for access to the parliamentary civil service:

- Be of Burkinabe nationality,
- Enjoy civil rights and be of good morality,
- Be at least 18 years old and 35 years old at maximum,
- Performance of military service,
- Be physically and mentally fit,
- Has not been sentenced to more than 3 years in prison or 18-month deferred sentence.

The selected candidates receive a one-year renewable training period. During this period, the trainees must show that they are professionally qualified, of good morality and physically fit to the job intended for them. The administration of the National Assembly does the appreciation at the end of the training period. If the civil servant is positively appreciated he then officially nominated in his body of recruitment. Should it be otherwise, the training period shall be extended for another one-year term of office.

At the end of the training period, the parliamentary civil servant who aspires to an employment in the parliamentary civil service is either officially nominated or dismissed. The dismissal only takes place after two years of unsuccessful training period.

### **3-2 Progress in career**

The parliamentary civil servant can progress in his career in three (3) ways:

- regular promotion based on evaluation
- Admission to a professional competitive exam,
- Professional training course and promotion by seniority.

All parliamentary employees are evaluated each year by the Speaker of the National Assembly upon the proposal of his immediate superior . The mark is a criterion of advancement which varies according to the post and body of the parliamentary civil servant. This mark is given annually and is a prerequisite for advancement to a higher grade. Increase in grades corresponds to an increase in salary.

### **3-3 Ending of duties**

The parliamentary civil servant loses his post pending the following events:

- Retirement: this takes place at 60 for parliamentary administrators and 55 for all the other categories of servants;
- Resignation;
- Revocation or dismissal;

- Death.

#### **4. Professional Code of Ethics of the parliamentary civil servant**

It includes the obligations and duties of the parliamentary civil servant.

##### **4-1 Obligations of the civil servant**

The parliamentary civil servant is bound to the obligations provided for in the Resolution of the statute of Parliamentary service of 12 May 1999.

The obligations are comparable to those applied to the agents of government civil servants . However, the conditions of exercising one's work and contacts with the parliamentary groups of the majority or opposition add a specific character to these ethics.

These obligations that he must obey are:

- obligation ensure the service,
- obligation to obey hierarchy,
- obligation to ensure the responsibility to execute one's duties,
- obligations of professional morality,
- obligation of the exclusivity of the post,
- obligation to be available.

##### *4-1-1 Obligation to ensure the service*

According to Article 78 of the statute, the parliamentary civil servant is obliged to be at his post and carry out continually all the duties assigned to her/him.

Obligation to execute a service is primarily personal, i.e. the agent is obliged to maintain these employment-related duties personally. Unless legally provided for (rules related to interim period , temporary replacement and delegation) he cannot be substituted by another agent to carry the obligation of ensuring the Service.

##### *4-1-2 Obligation to obey hierarchy*

According to Article 76 of the statute, the civil servant is obliged in any circumstances to respect et make respect authority. Pursuant to Article 82, he owes respect and obedience to the senior in rank under the texts in use for the execution of the public service.

According to the terms of Article 85: "*Any parliamentary civil servant whatever his rank in the hierarchy is responsible for the execution of tasks assigned to him*".

Therefore, any agent put at the head of a service is responsible before his superiors in the realisation of objectives fixed for the service as well as the efficient management of human, financial, and material resources.

It is his duty to punish or provoke punishment due to abuses, negligence or dereliction of duties committed by agents under his responsibility.

#### *4-1-3 Obligations of Professional ethics*

They are obligations which are less direct and are related to the general attitude of a civil servant with regard to the service and its users.

These obligations are written in the Resolution of 12 May 1999 concerning the statute of the parliamentary civil servant and in the Penal code both of which constitute some sort of code of ethics. They include:

- obligation of probity,
- obligation of professional discretion,
- obligation political neutrality,
- obligation of loyalty towards the National Assembly,
- obligation of exclusivity.

#### **4-2 The rights of the parliamentary civil servant**

The parliamentary civil servant has three rights recorded in the statute (Articles 88-98) of the parliamentary civil servant, considering the numerous obligations imposed on him/her.

The notion of right here must be understood in a broad sense. It is the overall favourable measures designed for the benefit and in the interest of the civil servant. All these rights are comparable to the rights of government employees.

They include:

- the right to a remuneration,
- welfare benefits,
- promotion by seniority,
- promotion,
- job protection of the parliamentary civil servant,
- freedom of thought,
- right to strike.

##### *4-2-1 The right to a remuneration*

Pursuant to Article 95 of the statute “ *all parliamentary civil servants have the right to remuneration for work done...*”.

This right is part of the fundamental guarantees given to agents. Its restriction can only be done through the law.

The civil servant receives a salary as soon as he starts work in the assigned post, i.e. as of the date he comes on duty. He is paid a salary all through the duration of the career.

#### *4-2-2 The right to welfare benefits*

They are:

- annual administrative leave,
- exceptional authorisations or permissions for absence,
- sick leave, maternity leave
- training, specialist, or refresher courses,
- annual medical check-up,
- medical evacuation

#### *4-2-3 Job protection of the parliamentary civil servant*

The National Assembly has a general obligation to protect its agents. Therefore, it must ensure the protection of the parliamentary civil servant from all the acts detrimental to him/her due to or in the discharge of his duties. It must denounce the offences against him/her before the appropriate judicial officials. It is guarantor for the compensation for the damage fixed by the judgement.

Even if the parliamentary civil servant is sentenced for a personal error in the execution of his duties the National Assembly takes the legal liability.

#### *4-2-5 Freedom of thought*

Apart from his service, the parliamentary civil servant is just an ordinary citizen. He enjoys reservedly all the public, individual, and collective freedoms. He can form associations or professional workers union or be a member and occupy positions in the committee.

But in using all these liberties, he must respect authority and take into account the specific nature of the institution, public order, and constraints which characterise certain posts in connection with the National Assembly.

#### *4-2-5 The right to strike*

Parliamentary civil servant has the right to strike. He is using it to defend his interest within a framework defined by an order of the Committee of the National Assembly.

## CONCLUSION

As a structure and collection of legal rules designed for a smooth functioning of the administrative services of the National Assembly, with a calling to regulate the relations between the said Assembly and its staff, the statute of the parliamentary civil servant is in experimentation phase in Burkina Faso remains perfectible.

Practice makes perfect. The agents for whom it is designed find it already an element of emulation and professional promotion. For the decision-making bodies and authorities of the National Assembly, this statute contributes to ensure the administrative autonomy of the parliamentary institution by guaranteeing respect and separation of powers in keeping with the Constitution. “

\* \* \*

**Mrs Adelina SA CARVALHO, President**, thanked Mr Prosper VOKOUMA for his communication and invited participants to ask questions. She said that the subject which he had chosen could make a very good theme for a questionnaire and a report. She wished herself to put some questions. First of all, could a parliamentary civil servant carry out the duties of an assistant to a political group? Also had there ever been strikes within the Burkinabe Parliament and if so in what framework and how had the conflict been resolved? Finally, she remarked that a disciplinary council had been set up as well as an administrative committee which gave its opinion on questions of discipline.

**Mr Ibrahim SALIM** (Nigeria) said that among the organs of the Assembly of Burkina Faso, the Bureau was responsible for the organisation of recruiting staff and that it could delegate its powers to the Speaker of the Assembly. What was the nature of the composition of the Bureau? In cases of political differences, it might be difficult to prevent a certain subjectivity on the part of the Speaker of the Assembly. What were the safeguards which existed to protect staff when they depended on a political organ within the Assembly?

**Mr Jean-Ariel JOSEPH** (Haiti) referred to the similarities between the situations in Burkina Faso and Haiti. He underlined the influence of members of parliament on recruitment of staff. This meant that at each new parliament there were new staff and a loss of skills as people left. He also asked about the budgetary autonomy of the Burkinabe Parliament and its consequences for recruitment. In addition, he wondered whether there was a staff member who was responsible for links between the executive and the legislative power.

**Mr Mwelwa Ng'ono CHIBESAKUNDA** (Zambia) asked for details on the procedure for preparing the rules of the Burkinabe Assembly. If each parliament adopted its own rules, how was that done? As far as budgetary autonomy was concerned, once the Assembly had prepared its budget, could that be reduced by the Minister of Finance? Could the Executive in any case intervene?

**Mr Pierre HONTEBEYRIE** (France) referred to the fact that in Burkina Faso the Speaker of the Assembly reported on staff members. Was that a theoretical duty of his or did he actually carry it out?

What position did he hold in terms of being the direct hierarchical superior of each staff member? It was rare that there was a disagreement between people but that might not always be possible. Finally, he asked whether the report that the Speaker made was written or simply on the basis of a mark?

He also asked whether recruitment was by competition on the basis of a test? As far as the probationary stage was concerned which lasted for one year and could be renewed, if someone was dismissed, what procedures were employed and who applied them? He asked whether decisions relating to particular staff members in the course of their career could be judged by the courts?

**Mme Helene PONCEAU** (France) thanked Mr Prosper VOKOUMA for his communication. She said it was an extremely important subject relating to the independence of parliament. She asked for more details on how a career might unfold. She wondered what systems were in place to deal with staff members who changed service and moved jobs. What was the role of the Secretary General in that field? She asked how the different bodies of staff were defined in the exercise of their various duties.

**Mr Prosper VOKOUMA** said that parliamentary staff could not put themselves at the disposal of particular political groups. Political groups had to use their own secretariat. Their staff duties only applied to that political group and their members of staff working for political parties were no part of the state civil service. In Burkina Faso, individual members did not have staff. There were about ten experts who were civil servants who helped members of parliament with particular subjects.

The right to strike was recognised. Nonetheless, they had never been known in Burkina Faso. This right was governed by a rule set out by the Bureau which mentioned minimum service at least for those mainly responsible.

As far as the disciplinary council and the mixed committee were concerned, the CAP was a consultative organ, whose activities concerned the advancement and promotion of staff members. The disciplinary council met on a case by case basis. The two committees were presided over by the Secretary General who sent a report to the Speaker of the Assembly for a final decision.

The Bureau of the Assembly was the main management body. It was this body which gave directions and approved decisions. In practice, basic questions were examined by the Bureau and the responsibility for carrying them out was given to the Speaker of the Assembly.

There were no external safeguards for protecting staff. The relevant Statute governing staff employment was given to each staff member in order to ensure that he adhered to it in an explicit way by signing a document. If a staff member was sacked, he could go for appeal to the courts, but there had been no recent case of dismissal.

There was no sponsorship of staff members by members of parliament. Staff members remained in their posts whatever the majority was in parliament. It was a competent, neutral, effective administration, which could work with whoever was in the majority.

The National Assembly of Burkina Faso had its own financial autonomy. On a practical basis, the Head of State gave a framework letter and guidance on what sums were available. Members knew that they could not go too far beyond a certain point.

There were no links between staff members of the executive and the legislative. For a transitory period, certain staff members had wanted to be re-classed as parliamentary civil servants. That was the only link between the two administrations, apart from ad hoc meetings.

Each new Parliament adopted its own rules. But at the moment there was nothing more to do in that area.

As far as reports on staff members were concerned, a system had been prepared which included a report from the immediate superior, the head of the office and then the director of the office. But that report was sent to the Secretary General. The Speaker of the Assembly was the one who made the report in principle, but that was delegated to the Secretary General. There were 265 staff members in all. At the level of Secretary General, the report was in numerical terms and had a relationship with the promotion within the grade.

Recruitment without competition was going to be stopped. But starting from nothing in 1992 had meant that there had had to be a rapid recruitment of staff members. At the end of the probationary stage, the director of the service gave a written report on the new member of staff. Dismissal was possible in the case of that probationary stage not being completed satisfactorily, but there had never been such dismissal on that basis.

Difficulty for staff of moving was perhaps one of the biggest problems of the parliamentary civil service. Because of the small number of staff, sooner or later some problems came to the surface. It was necessary to move people to prevent them getting stale. Giving out particular tasks was decided by the Speaker of the Assembly at the suggestion of the Secretary General.

**Mrs Marie-Andre LAJOIE** (Canada) said that the same challenges were found everywhere. She asked who members of the CAP were and particularly hoped to know whether representatives on it of the staff were elected by the unions.

**Mr Anicet HABARUREMA** (Rwanda) was pleased to hear about a system which was based on an autonomous regime. He asked how this had been brought about. What advantages this had brought? He also asked whether the links between the executive civil service and the legislative civil service were completely broken.

**Mr Ian HARRIS**, Vice-President, (Australia) referred to a case concerning a lack of judgement relating to the code of conduct which had taken place in the last twelve months in Australia. He explained about the local authority which in its turn had complained about him to Parliament. Luckily his action against the local authority had not been regarded as having anything to do with his duties in Parliament.

**Mr Prosper VOKOUMA** said that the CAP was composed of the Secretary General, representatives of the cabinet of the president, the director of human resources who was the rapporteur, and two delegates from the staff and two delegates from the unions.

The strategy which led to this autonomy was the choice of having a democratic system.

The National Assembly was able to sign on its own staff. It provided for the budgetary posts. In Burkina Faso it remained possible to send staff members from parliament to the civil service of the executive if their jobs disappeared. That had been the first demand of staff.

Pay of staff in the Assembly was better than in the rest of the public service.

**Mrs Adelina SA CARVALHO, President,** thanked Mr Prosper VOKOUMA for his communication.

The sitting at ended at 1.30 pm.

**THIRD SITTING,  
Tuesday 19 March 2002 (Afternoon)**

**Mrs Adelina SÁ CARVALHO, President, in the Chair**

**The sitting was opened at 3.00 pm**

**1. Introductory Remarks**

**Mrs Adelina SÁ CARVALHO, President**, welcomed members to the third meeting of the Session in Marrakech.

She noted that tomorrow there would be some free time and reminded members that they were invited by their host Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives of Morocco, to visit one of the historic monuments of Marrakech which would be followed by lunch in a Kasbah with a swimming pool, about 20 kilometers from Marrakech.

She set out the programme for that day.

She then said that she would give way to her colleague, Mr Ian HARRIS, whom she thanked for having agreed to replace her as President of that particular sitting to allow her present the communication and reply to questions. She would be assisted in her presentation by two expert advisers, Professor Arnaldo MARTINS and Professor Joaquim SOUSA PINTO, whom she invited to join her and whom she also thanked for taking part and their assistance.

**Mr Ian HARRIS** took the chair.

**2. Communication from Mrs Adelina SA CARVALHO, Secretary General of the Assembly of the Republic of Portugal, on the Implementation of an e-library in the Parliament**

**Mr Ian HARRIS, Vice-President**, thanked the President and invited her to address the assembly.

**Mrs Adeline SA CARVALRO, President**, spoke as follows:

“It is an honor for me to present to you today the ways in which the Assembly of the Republic is addressing the need to electronically process and disseminate massive amounts of parliamentary information via the *Web* (*intranet* and *Internet*), in both text and graphic form.

Of special interest are the minutes of parliamentary debates conducted during specific historical periods in the life of the Parliament, from 1821 until present days. These periods can be organized as follows: The Constitutional Monarchy (1821-1910); The First Republic (1910-1925); The “New State” (1935-1974) and The Third Republic (1974-2002).

This ambitious project got under way in May 2000. It is to be accomplished in 2 planned phases:

1. A first phase, already concluded, covering the microfilming, digitalization and OCR (Optical Character Recognition) scanning of parliamentary debates from 1935 till 2002, and the development of a computer application for the storage, search and disseminate the aforementioned Web information.
2. A second phase, which started in July 2001, uses the same processes for inputting the minutes of parliamentary debates for the 1821-1925 period. Processing documents for this earlier period is particularly complex, since not only they are early documents written using XIX century spelling, but some texts are in manuscript form. When this is the case, texts are captured graphically and duly cataloged.

We expect the project to be completed by next year and we strongly believe that it will constitute an important tool for the study of Portuguese parliamentary history, thereby contributing to a better understanding of parliamentary life. We hope that it will bring citizens closer to their Parliament.

For the practical implementation of this project, we decided to work together with acknowledged Centers of Excellence in the field of innovative information technologies. The Portuguese Parliament, within the framework of a Protocol signed with the Portuguese Public Universities Network, has joined in partnership with the University of Aveiro – the ideal partner for the current project’s successful completion, as well as for other projects currently under development.

The experience achieved is naturally of mutual benefit: The Parliament profits from the dynamic addition of the university’s research capability, its capacity for innovation and its enthusiasm. By the same token, the University enjoys access to the Parliament’s wealth of research resources, while establishing a practical link to the working world, specifically in light of the demands of parliamentary activities.

Let me stress that this major national priority – the opening up of the workings of State administration to citizens via the tools of the information revolution – has been retained by Parliament as a one of the core objectives of our information policy. Specifically, the goal is for universal electronic access to parliamentary documents.

The current project will provide both internal and external users with a search gear for consulting these documents, which can be used for accessing digitally-available sources, but also, importantly, the integral texts in graphical format.

An added benefit is that the Assembly of the Republic will be able to provide for the conservation of original documents in optimal conditions in its Historical Archives.

It is now my pleasure to present to you our project partners: Professor Joaquim Arnaldo Martins, Director of the Center for Informatics and Communication Studies at the University of Aveiro, and Associate Professor Sousa Pinto, also from this Center. Afterwards, they will remain on hand to answer any questions you may have.

They will be making their speeches in English, so I would ask that you give them your full attention.”

## **PORTUGUESE PARLIAMENTARY RECORDS DIGITAL LIBRARY**

Joaquim Arnaldo Martins - Joaquim Sousa Pinto

*Dep. Electrónica e Telecomunicações /IEETA, Universidade de Aveiro, 3810 Aveiro – Portugal*

*E-mail::jam@det.ua.pt, jsp@det.ua.pt*

Key words: Digital Library, Portuguese parliament

Abstract: The first phase of the digitalisation of the Portuguese Parliament proceedings will cover the historical period between 1935-2000 and will sum up to around 200.000 pages. In this stage we intend to develop the mechanisms as well as the tools for the entire project of the Parliament Digital Library, which we predict will have up to one million pages. The process involves the microfilming of all the available material, the scanning of the material so as to obtain the image of the page as well as the use of an OCR - Optical Character Recognition - that recovers the original text, allowing to search in the original documents. The project concerns printed material only, manuscripts will be handled separately in a later stage. This project was initially aimed at the disposal of the Parliament Intranet, however this information is already accessible on the Internet. At this stage, the material is organized in small brochures with an average of 40-50 pages each and contains the speeches of members of Parliament. Each one of the pages is treated individually, so when the user is looking for specific information, he is drawn to the page or pages in which the expression is used. The visualization of the pages can be either in text mode or in the original text through digitalized image. Despite the granularity of the system being “page”, which means that each page is treated as a complete element, it is possible to print the entire document, in text or image, obtaining therefore a copy of the original document, because each page is wrapped with metadata.

## Introduction

The organization and structure of the information is closely related to the last two centuries of the Portugal history. There is a huge amount of information to process, so it was split into two main groups: from 1821 to 1934 and from 1935 to 2000. The first phase of the Parliamentary Digital Library focuses on three historical periods: the “New State”, the “Constitution Assembly” and the present political structure. The 2<sup>nd</sup> phase will go back to the beginning of the Portuguese parliamentary history. Other phases will follow with the inclusion of other relevant information about the Portuguese parliamentary history; an estimated figure of 1 million documents will soon be a reality.

For further details about the Portuguese parliamentary history, visit the web site:

<http://www.parlamento.pt>

## System architecture

The system architecture, presented in figure 1, has four basic modules: the Information System, the Indexing Service, the Web Server and the Interface with other systems.

The Information System is responsible for the information repository. It stores the image files, scanned from the original brochures, the text files, after being post processed with the OCR and added with metadata, and it maintains the relation between a text file and the correspondent image. This module also sends information to the Web Server Module when requested by the user.

The Indexing Service when queried by a user should answer with a list of documents stored on the Information System containing the query string. To perform such task the service pre indexes all documents and stores such information in internal tables. To disallow the system to index all words, this module has a stop word list that is controlled by the system administrator. This word list is not the same in all scenarios and must be tuned to promote smaller indexes and consequently faster answers to user queries.

The Web Server module makes the interface with the end users and with the Information System and the Indexing Service.

The Interface with Other Systems allows this system to exchange information with foreign systems: the

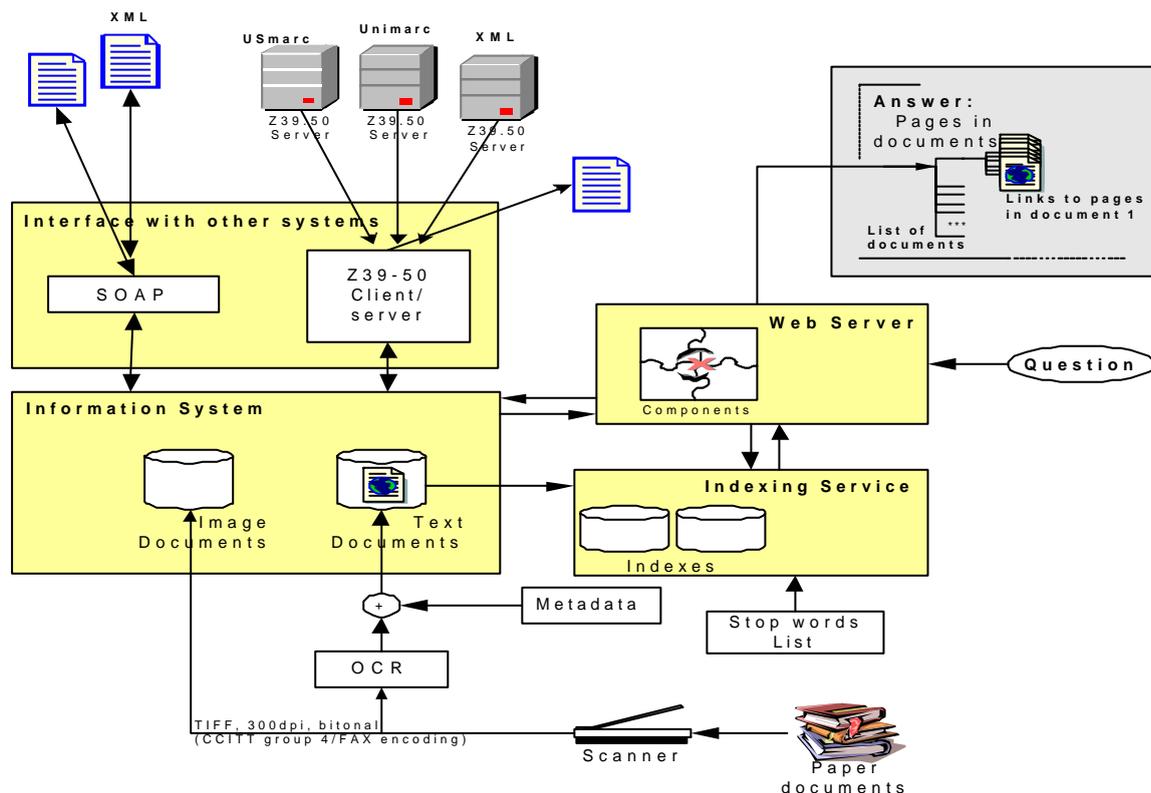


Figure 1 - Overall architecture

Z39.50 Server module allows other systems to query the Information System and a Z39-50 Client module to retrieve information on foreign systems; client and server modules to allow interaction with other applications using SOAP are also under development.

In the next chapters we will present the information structure used in the Information System and Indexing Service, the user interface developed for the Web Server.

## Hardware

There are several solutions for balancing loads of work required by web servers. Ingham's article [6] describes the various techniques that exist along with the advantages and disadvantages related to each one. The hardware structure we use lies on two web servers with different tasks: one is merely associated with the queries of users and the other is associated with the presentation of information to the user. To share the data among the servers we have used a shared SCSI bus configuration. All the hyperlinks that are presented as a result of a search and the navigation hyperlinks point to storage servers; the hyperlinks that allow the user to make new searches point to the query server. This method may allow the task division and if there are major asymmetries between the load distributions, the possibility of the HTTP redirect technique is simultaneously used with a different number of machines in each one of the sub-systems.

## Information structure

The data refers to the three historical periods presented earlier. During the period designated as the "New State", another assembly was conceived in 1954, this assembly was responsible for elaborating studies and technical reports for consultative purposes. This chamber was known as the "Consulting Chamber" (Câmara Corporativa). The proceedings that resulted from this chamber are a different sort of parliamentary information, so it has been separated from the latter. In the last three historical periods, there are three kinds of different information, which are placed in four different catalogues:

- National Assembly – refers to the parliament records in the historical period of the "New State" (1935-1974);
- Consulting Chamber – refers to the records produced by the Consulting Chamber in the historical period of the "New State" (1954-1974);
- Constitution Assembly – refers to the records produced by the Constitution Assembly in the period of June/75 – April/76;
- Parliament – refers to present records produced by the Assembly of the Republic, the recent name of the Portuguese parliament (1976-99).

The main advantages are that the amount of information in each catalogue is less and searches are quicker and more precise. Besides these advantages, each one of the catalogues is closely related to the social and political organization of a country in a certain historical period.

The main disadvantage is that when we need information about a subject related to several historical periods, the same question must be restated in each one of the catalogues and only then may all the answers be combined.

The information in each catalogue is presented in a tree diagram and according to the following:

Legislature (period up to 4 years);

Legislative session (period of a legislative year during a legislature);

Number of documents produced in each legislative session (in each legislative session the numbering of documents restarts);

Page in a document.

As far as the organization of information is concerned, the granularity of the system is "page". This is one of the system key points, which advantages are:

- The overload of the server is less since only the text that corresponds to one page, according to the user's request, will be sent, instead of 40-50 pages that normally form the entire document. The first trials of the system revealed that the user did not read the entire text; the user normally reads one or two pages, rarely are more than three pages of one diary read. These figures are similar to those referred in [1].
- The mental model is still the "diary page" and not an electronic document. There is a mapping process between the electronic document and the document on paper.

The disadvantages of this organization of information are:

- More requirements in management and organization of information in the server, therefore the system becomes more vulnerable to faults. Instead of having one document with 40 or 50 pages, we have 50 electronic documents - one per page.
- It is necessary to add extra data in each page, this will allow the system to recreate the diary each time a user accesses a page.

From the list of advantages and disadvantages, it is clear that the advantages will benefit the user of the system while the server must deal with the disadvantages; this is what we consider the correct option. Every page is stored simultaneously in two formats: text and image. For the text the HTML format was adopted, which allows keeping the original structure of the text, as well as to add a set of extra information after having accessed any page. A TIFF (Tagged Interchange File Format) with a

resolution of 300 dpi, bi-tone with the CCITT Group 4 /FAX encoding was adopted for the images of each one of the pages.

### Document metadata

It is necessary to add extra information to the document, so that we may handle it as a whole, after we have had access to one of the pages. In order to do so, a set of metadata fields is added to each page. The Dublin Core Metadata Initiative [2] set of qualifiers was used when possible. The qualifiers defined in the Initiative do not constitute a closed set, designed to meet all of the descriptive need of the implementators. The complete set of metadata fields adopted in this implementation, using the DCMI notation, is presented in Table 1:

<p><b>Element: Legislature</b> <i>Name:</i> Document Legislature <i>Identifier:</i> Legislature <i>Definition:</i> Numeric field with the document legislature. <i>Comment:</i> This value changes accordingly inside a catalog. In the catalog reporting to the present historical period, this value ranges from 1 to 7.</p>
<p><b>Element: Session</b> <i>Name:</i> Document Session <i>Identifier:</i> Session <i>Definition:</i> Numeric field with the document session. <i>Comment:</i> In each legislative session the diary numbering restarts. As described, a legislature usually has up to four sessions.</p>
<p><b>Element: Number</b> <i>Name:</i> Document Number <i>Identifier:</i> Number <i>Definition:</i> Numeric field with the brochure number. <i>Comment:</i> This element, associated with the previous two elements, completely describes a restarts document.</p>
<p><b>Element: Page</b> <i>Name:</i> Document Page <i>Identifier:</i> Page <i>Definition:</i> String field with the document page. <i>Comment:</i> The data in this metafield is twofold. When converted to integer, this value corresponds to the page number. By adding/subtracting the page number from 1 the next/previous page number is obtained.</p>
<p><b>Element: Limits</b> <i>Name:</i> Document Limits <i>Identifier:</i> Limits <i>Definition:</i> String field with the document limits. <i>Comment:</i> This metafield combined with the previous metafield, allows the navigation through the document.</p>
<p><b>Element: Created</b> <i>Name:</i> Created <i>Identifier:</i> Created <i>Definition:</i> Date field with the date of the parliamentary session. <i>Datatype:</i> W3C-DTF <i>Comment:</i> This metadata field is as defined in Dublin Core Qualifiers [3].</p>
<p><b>Element: Issued</b> <i>Name:</i> Issued <i>Identifier:</i> Issued <i>Definition:</i> Date field with the issued date of the brochure by the National Press. <i>Datatype:</i> W3C-DTF <i>Comment:</i> This date is usually the next weekday after the parliamentary session.</p>
<p><b>Element: DocSerie</b> <i>Name:</i> Document Serie <i>Identifier:</i> DocSerie <i>Definition:</i> Numeric field with the number of the document series. <i>Comment:</i> The parliament has several documents series: The 1<sup>st</sup> series (parliamentary sessions); The 2<sup>nd</sup> series (parliamentary commissions).</p>
<p><b>Element: Keywords</b></p>

<i>Name:</i>	Keywords
<i>Identifier:</i>	Keywords
<i>Definition:</i>	String field containing the keywords for the brochure.
<i>Datatype:</i>	Eurovoc Thesaurus [5].
<i>Comment:</i>	This field has all the qualifiers associated with the entire brochure. This allows thematic searches.
<b>Element: PagCategory</b>	
<i>Name:</i>	Page Category
<i>Identifier:</i>	PagCategory
<i>Definition:</i>	String field used to classify the data in different pages of a brochure.
<i>Comment:</i>	Up to now the pages are classified as “summary” and “diary” but in the future new values/ behaviors could be added.

Table 1 – List of metadata fields added to each page.

## User interface

Due to the organization chosen for the information (granularity of information is “page”) documents are in brochures and it is possible to view them in text and/or image mode, special attention was given to the interface with the user. This will allow the user to easily go to another page of the brochure or switch the visualization mode of the document, therefore switch between text and image mode, without losing the search context initially proposed.

Besides the handling of information, the utmost attention was also given to the search system, which enables the user to have access to the information.

## Searching for information

The indexing engine used, indexes documents in several formats and allows Boolean searches in the body of the document and/or in the attributes of the indexed documents. The format used for storage and indexation of documents is HTML. Although the documents are not directly exposed, this format has the advantage of allowing the addition of new fields of information specification (metadata fields), without changing the structure of the information. It is possible for the user to search according to:

- Free text in the documents, with no restriction;
- Free text in the summary pages of the documents. This search looks for the expression we intend only in the pages, in which the attribute PagCategory = summary. In this case the expression we intend to search, is sought for in the attribute Keyword. Eurovoc Thesaurus defines the terminology dictionary associated to this field. There is a special interface for this type of search; the hierarchy structure of thesaurus is graphically presented and the user only has to choose the expression he intends;
- Brochure. In this search, the user besides indicating the number of the brochure he intends to view, he should also indicate the legislative session because this numbering restarts in each legislative session.

All these searches are associated with a catalogue and subdivided in legislatures. A search through all legislatures in the entire catalogue presents a considerable degree of possibilities/ freedom and shows all the pages, which contain the occurrence. It is essential to bear in mind that the catalogues are organized in a tree diagram by legislatures, legislative sessions and by the number of brochures. If the user intends to make a search related to two or more legislatures, the effectiveness of such a search is compromised by the internal organization of the catalogues and the search in all legislatures is too vast. However, we must bear in mind that crossing and relating information is decisive and imperial when it comes to history. A search that allows crossing information in a catalogue between two dates was developed. This search operates without the difficulty imposed by the internal chronological structure of the catalogue.

Any given expression we may intend to search is sought for as a whole, as a phrase. In order to search for the word mode the user will have to select the checkbox presented on the right of the search expression. The system will look for the exact combined expression “constituição revolucionária”, whereas in word search mode the search expression would be equivalent to “constituição OR revolucionária”.

## Information presentation

After a search is implemented the user may immediately begin the exploration of information through the activation of hyperlinks accessible in the response window. For example, if the user chooses a hyperlink from page 116 from diary number 7, he will view the contents in text mode. In the upper part of the window there is a bar that locates the document in time (legislature, legislative session, record number, date of session and publication date) and also reveals the location inside the brochure (present page and limits of the brochure). This bar allows the navigation inside a document, through the hyperlinks to the first page, the last page and the previous or following page. There is a checkbox on

the right hand side of the control bar that allow the user to switch between the visualization of the page in text or image mode as well as print either one or both of these options.

As it is obvious, the pages are neither stored with a predefined control bar nor with the research text introduced by the user. This processing has to be done in real time. On the other hand, there is no real interest in sending information from the metadata fields to the client. In order to process a text page and allow the presentation of the control bar, an ActiveX component was developed. The full pathname, the expression we intend to search and the search mode (phrase or word) for the text highlighting procedure are the input parameters of the component. As output parameters there is the highlighted text, which varies according to the search expression and the search mode, a list of names of the metadata fields and another list of the values of those same fields. Owing to its architecture, this component adapts to any possible present or future scenario and presents the advantages of the omission of information of the metadata fields for the client and allows that the physical location of the documents being processed is out of range of the web server as well as the net spiders.

For the storage of images, because the original documents only contain text, we have adopted the format TIFF (Tagged Interchange File Format) with a resolution of 300 dpi, bitone with the CCITT Group 4 /FAX encoding. This resolution is considered a compromise between the size presented by files and the success rate of document OCR, after some exhaustive tests. The main advantage of this format is lost less. The original documents have the size of 2472 x 3489 pixels and occupy an average size of 90KB after coding.

The main disadvantage of this format is that the browsers do not automatically interpret it. In order to overcome this limitation, there are two possible approaches: to convert the format to one supported by the browser or to develop a plug-in capable of visualise TIFF.

The first approach is followed in JSTOR [1]. They produce screen-resolution page images in GIF format, which are readable down to about 60 dpi. We made some experiences about this last approach and we have decided to simply convert the format and send the client the image in its original size.

Two reasons led to the abandon of this option: the first is associated with the increase of the amount of information transmittable to the client and the second and most important is related to the way the browser handles images. When the browser is required to reduce the size of an image the rendering algorithm is applied to the image and it is resized, which results in a poor image. The suitable algorithm for such a situation is one that resamples the image and develops intermediate grey levels; this increases the visual comfort of the user. Due to the inadequate way the browsers treat the redimension of images, we have decided to build a Plug-In/ActiveX Viewer that supports several formats of the image (BMP, TIFF, JPEG and GIF) and that is able to resize or resample the image, according to what is requested.

The Plug-In/ActiveX Viewer transfers the image via HTTP to the client's disc and then presents it in its native format. The component was designed to support different graphic resolutions (640x480, 800x600 e 1024x768) and several types of image zooms of the image. When compared to the procedure followed in JSTOR, the amount of information transferred is bigger but the effort in server management is smaller. On the other hand, the resample of an image is a task that involves image processing; with the methodology used, the effort is passed on to the client.

### **Document printing**

The pages that form the brochure are handled individually, the printing of the entire document would require the user to handle each one of the pages and then press the print command. This procedure is acceptable in some cases, especially when the user needs extracts of precise information. However, when the user needs a complete copy of a document, this task can be very difficult because the average number of pages per document is 40-50 and some documents have up to 120 pages. Once more a Plug-In/ActiveX was developed, it allows the user to print the document in text format or the images of the original format, at once. In any case what the component does is to transfer all the files to the client and prints them one by one just as the user would have to do. Navigation elements are taken from the bar situated on the top of the page when printing text.

For printing images, the possibility of an application of a visible watermark over the image, as is referred to in [6], is now being tested. Images are transferred to the client side; all watermarking procedures are located on the client side. We may always question the safety of the process if it is done on the client side; the watermark and the files are transferred to temporary files in the user's disc and are immediately erased after printing in a continuous process. The possibility of catching images on the client side is completely out of the question.

### **Conclusion**

This communication has described the implementation of an information system in the Portuguese Parliament which will allow the access to parliamentary diaries since 1821. Electronic records of this

sort do not exist; therefore the development of a page-by-page image and text file is being implemented.

As far as the organization of information is concerned, it is separated into historical periods, designated as catalogues. In each catalogue, the information structure is organized by page, there are, nevertheless, functionalities in the system that allow the user to navigate inside a brochure. This form of partition of information allows quicker responses for the user because less information is transferred each time and the mental structure is kept the same. The documents present a similar structure to those of the original paper documents, this factor is extremely important in order to avoid rejections of the system.

The low granularity of the system based on the page metaphor, and the associated metadata model, proved to be the key point of this flexible and scalable system.

The system is not closed and there are functionalities that allow exporting or importing data to other systems as well as presenting information from remote systems.

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**Mrs Adelina SÁ CARVALHO, President**, thanked the speakers for their contribution. She noted that the project had involved working with very old texts on extremely thin paper. These were wearing out very quickly. The library had always been the poor relation of Parliament, and many papers had been allowed to become quite spoilt. This was regrettable as the whole part of the history of Parliament was possibly going to be lost. She welcomed the new project because it made research in this area possible and would make up for the eclipse of much parliamentary history during the period of the dictatorship in Portugal.

**Mr Ian HARRIS, Vice-President**, thanked Mrs SA CARVALHO.

**Mr Mwelwa Ng'ono CHIBESAKUNDA** (Zambia) asked what the total cost of restoring the information was and asked whether it came from the annual budget of parliament or from the university. He asked whether parliamentary staff was being trained in conservation work.

**Mrs Adelina SÁ CARVALHO**, replied that she was not sure where the money was coming from. She had a bad memory for figures but thought that the cost was about 0.5 Escudos per page. Parliament paid the university to do the work. She hoped that in the next financial year, she would see further work being carried out. It was a very easy system to use for anyone with a reasonable education in computing. She referred to the number of searches that had been carried out in the last months. On average, seventy-five searches had been made per day via

the Internet. She also referred to the Intranet system where there was an unknown number of hits.

**Mrs Marie-Andrée LAJOIE (Canada)** thanked Mrs SA CARVALHO and noted that the Parliament in Canada was attempting something similar. In Canada previously there had been various different systems for producing documents and these had now been replaced by one common system. She asked what method was being used to produce the parliament's record and asked whether the system could produce text and image. She also asked whether a copy of the presentation was available.

**Mrs Piedad Garcia ESCUDERO (Spain)** noted that a similar process was being followed in Spain. At first in the Senate, the system had originally been too rigid and the new system had been created. She referred to the importance of conservation and said that whenever old documents were asked for the text was automatically digitilised. The Cortes had also taken on digitilisation of reports of debates. She thought it was a good idea to include images on the system.

**Mr Bas NIEUWENHUIZEN (Netherlands)** asked two questions. The first was how the project was managed and the second was how many staff were involved in updating information.

**Mr Everhard VOSS (Germany)** made three points. He noted that Mrs SA CARVALHO hoped the project would bring citizens closer together but asked what provision was being made for older, less computer-literate people. The second question was whether the system took into account the fast changes in the IT world and he asked how long the scheme would last. The third question was to what extent it would be possible in African Portuguese speaking countries to take advantage of this system.

**Mrs Stavroula VASSILOUNI (Greece)** said that the Greek Parliament had also taken similar work. A private company was undertaking it under the direction of the Greek Parliament. She asked what plans there were to extend this to other work and whether all work would be put on open access on the Web. She also asked how much would be translated into foreign languages.

**Mrs Adelina SÁ CARVALHO, President,** replying to the questions, said that in reply to the Canadian member the Portuguese used the same system as the Spanish Parliament which was very expensive. It took a year to find out how many people actually bought the document. There was no attempt to replace this by public access on the Internet. Professor PINTO commented that the photographs were high resolution on the system but low resolution on the Internet. As far as the treatment of text was concerned it was possible to copy or select text and put it on a notepad.

**Mrs Adelina SÁ CARVALHO, President,** in replying to her Dutch colleague said that there was an agreement between Parliament and the universities by which universities could be asked to report on specific subjects. It was even possible to select the particular people who would do it. This was done by the Speaker on the suggestion of the Secretary General. This decision was very important and it was equally important that the university respected the time limit set. There were about twenty staff devoted to the project. Access to archives was becoming more and more electronically based and so there was less need for access to books and less photocopying.

Mr VOSS had put an interesting question and obviously there was a generational difference in the use of electronic equipment but she noted that many people who were considerably older than she was had become very expert on computers. It was still open to people who did not like computers to use the books. It was just that there was more chance for people to get what they wanted if there different forms of access. She thought that Portuguese universities were the best organisations for supporting this system because a system which involved hiring outside providers would mean that they would quickly become like civil bureaucrats. She thought that if it was required to have advanced level work, it was necessary to go either to universities or to business. She noted that Portuguese Africa was catered for by helping them preserve their historic documents

Turning to Mrs VASSILOUNI's question, she said that other plans were being developed although there were budgetary problems. As far as translation was concerned, it would cost a great deal of money to translate all the documents. There was, however, translation into English, French and Spanish of the website only. Anything further would be too expensive. CD Roms were also being produced.

**Mr Ian HARRIS, Vice-President**, thanked Mrs SA CARVALHO and Professors MARTINS and SOUSA PINTO.

**Mrs Adelina SÁ CARVALHO, President**, thanked her Portuguese colleagues.

### **3. Communication from Mr Jean-Claude BECANE, Secretary General of the Senate of France, on Use by the French Senate of New Technology in Legislative Procedure**

**Mr Jean-Claude BECANE** said that from 12 December 2001 the Bureau of the French Senate had established the information base AMELI, which had been operating internally between the sittings service and the service of committees from the start of October.

Now all of the amendments put down by Senators, or Groups, or Committees, or the Government, were computerised. In order to arrive at this, three years of preparation had been necessary, which had been the result of close co-operation by the three services, the sittings service, the committee service and the service for information and new technology, with the assistance of an outside company which had been an expert final source of information relating to software and computer languages.

This project completed the paperless legislative chain from proposal of a public or private member's bill and its lodging with the Bureau of one of the Assemblies to its promulgation as law.

All the links in that chain had been previously available on line on the site of the Senate or the National Assembly (initial texts, reports, adopted texts and so on), with one exception, the marshalled list of amendments. That missing link had been done by the distribution of a paper within the Palais du Luxembourg.

That state of affairs might seem surprising because the amendments had a most important place in the French parliamentary system. Under the Constitution of the Fifth Republic: "Members of Parliament and the Government have the right to amend" (Article 44 of the

Constitution), Each amendment is examined in public session following a procedure which allows an intervention by at least the proposer of the amendment, the committee and the Government.

The priority given to the Government in the Orders of the Day under the Constitution in relation to texts for discussion meant that the insertion of important amendments was marked in the contribution of the Senate to the preparation of the law. Each year in the Senate, five thousand amendments more or less on average were put down, half of which came from committees. In the preceding session, 2000-2001, over 60% had been adopted by the Senate and the National Assembly had kept over half despite the difference of political majority.

In these conditions, putting on line amendments concurred both with the modernisation of working practices of the Senate and the recognition of the senatorial role in the preparation of the law.

## I THE TWIN PURPOSE OF AMELI

### A. The Functional Purpose: submitting amendments on line

The basic concept of AMELI was that it should be used as an IT method of putting down amendments. Now every Senator and the Government could put down amendments on paper (sent directly or by fax) or by electronic means, by connecting with the Internet site or Extranet site of the Senate ([www.senat.fr](http://www.senat.fr)). With AMELI, the proposer of an amendment gets to a screen relating to formal presentation of amendments, which are distributed by the sitting service, and which assists in preparation of amendments with the use of rolling lists for names of proposers and the article numbers in the text.

If desired, the person putting down the amendment could consult on the screen the text to be amended. Therefore any Senator could exercise the right to amend at any moment wherever the Senator may be, be it in their office within the Senate or their department or territory.

Proposal of an amendment was made secure by the use of a pass word which was particular to any member. In addition, in order to prevent any difficulties relating to transmission within the internal or external network, the person putting down the amendment was asked to inform by telephone the sitting service of the fact that one or several amendments had been put down.

The introduction of AMELI had not required any change in Article 48 of paragraph 2 of the Rules of the Senate: "No amendments or sub-amendments will be taken except those in writing signed by one of those members proposing the amendments and placed with the Bureau of the Senate"; in fact, electronic submission was done by sending a written electronic script with a signature which was authenticated by the use of a pass word.

Revision of the Rules was avoided because the proposal of new amendments by way of AMELI remained, apart from the committees, something that was only available for the Senators, Groups and the Government. This meant that the system of the presentation of the AMELI base had been made as attractive and simple as possible. AMELI was an inter-active system. It would only be regarded as a success if a large proportion of amendments came in by way of AMELI. The traditional method of putting down amendments would remain but should become less usual since it would involve a re-arrangement of the data by the sitting service. This produced obvious risks and inconveniences, not least because of the speed with which

amendments could be distributed. The time limit for putting down amendments was fixed most often at five o'clock on the evening before a debate.

#### B. The purpose of informing: consultation of the sitting dossier in real time

Going on line allowed the publication of amendments to be broader and faster. Senators, Government, and all those who followed the work of parliament (journalists, pressure groups, citizens) would be able to consult amendments in real time. Previously the bundle of amendments was available only in paper form within the precincts of the Palais du Luxembourg. Up till now amendments had been available in theory but were now more readily accessible to everyone at any time and in any place, because they were on the Internet or Intranet network.

Senators or their assistants now could carry out simple searches of amendments with the aid of a wide range of key words (article number, name of the proposer, name of the amendment and so on). Searches could also be made on the full text relating to what was to be amended. This was an important result because certain texts might spark off submissions of many hundreds of amendments.

To prepare their speeches in public session, Senators or the Government members could consult or print all or part of the bundle of amendments in the order of submission or, once the marshalled list of amendments for the sitting had been prepared in the chairman's dossier, in order of discussion. The marshalled list of amendments was also available on site.

Next to the Chair in the sitting there were three computers, one for the sittings division, two for the legislative division. In the course of the sitting the legislative division was linked direct to AMELI and the fate of amendments (adopted, rejected, held back ...) was automatically put on AMENDA, which was a statistics base organised by the sittings office. The bill adopted by the Senate was put on line as the Senate deliberated on the bill. A few moments after the end of the sitting, the numbered law was put on the Senate site in order to give the information at the earliest opportunity to all those who were interested in the legislative process, particularly journalists and press groups.

AMELI was a live public sitting, and it was a live preparation of the law.

The whole legislative dossier, including amendments, and all stages of the legislative procedure were now immediately consultable on this site.

## II A GLOBAL PROJECT FOR PUBLIC SITTINGS: SYNERGY RELATED SERVICES

AMELI was not just another gadget or a project which was only for the sittings service, since the data on AMELI might be picked up by other administrative bodies to improve or accelerate publication of the work of the plenary sitting.

Thus the body which reports the sitting and which publishes the next day the report of the session, uses the list available on the site to integrate the amendments which are over about a third of the content of the report of the debate. This use reduces the risk of error and facilitates preparation of the report which can be published as soon as possible and also involves a cheaper method of producing the report.

One day when the management of the Official Journal has modernised its practices and software, which at the moment are incompatible with everyone else's, it is hoped that use of the AMELI data will lessen the delay in publication of the final report of debates. At present, reporters communicate with the Official Journal office, not on the network but by pneumatic tube, the last in Paris.

In time, AMELI would be of assistance for the Senate archives. Record keeping of cyber amendments will occupy much less space than the paper bundle and AMELI will make much easier any kind of research work. For example, it would be possible to find, for each Senator, the number and text of amendments which were put down in that Senator's name since the creation of AMELI. This will also mean it could be used to establish some sort of indication of the work a Senator has done for those who wish it.

These are the main attractions of AMELI which, as no-one can doubt, will have a great future.

Internally, AMELI has produced better co-operation between all those involved in the legislative process. It has permitted the Senate to deal with queries citizens, locally elected politicians, associations, press and other actors in the economic and social life much better. It has meant that parliamentary work has been made more visible and readable as was always wished by the Speaker of the Senate, who has called for a more transparent and accessible Senate nearer to the citizen whether or not they are connected to the Web.

**Mrs Adelina SA CARVALHO, President,** thanked Mr Jean-Claude BECANE for his communication.

**Mr Pierre HONTEBEYRIE** (France) said that work was being done in the National Assembly to establish a similar system to that in the French Senate, which should be finished in 2003. The reason for the difference in time-scale from the Senate was because of the difference of situation between the two French Assemblies.

Introducing a paperless system had two aims, the first being to put texts at the disposal of all citizens. Furthermore, as far as internal work was concerned, linked to the legislative procedure, the use of digitised documents avoided too great a use of paper. As far as that was concerned, the situation in the National Assembly was much more difficult than in the Senate for several reasons. The main reason related to the volume of amendments. Whereas in the Senate about 5000 amendments were proposed in any year, the volume in the same period in the National Assembly was from between 10,000 to 12,000. Furthermore, whereas in the Lower Chamber the time limit for putting amendments was fixed at the start of the general discussion, in the Senate that time limit expired on the day before the text was due to be examined in public session at five o'clock. It was important to be able to have all the dossier in front of one before the discussion. Taking account of these two problems there was a risk that amendments would not be on the site until after they had been debated. That reduced the utility of such an operation.

Nonetheless, it had been decided to proceed with digitisation. It was for those in politics not just to look at the number of amendments but to change the time limit for proposing them.

The situation was changing rapidly. Jean-Claude BECANE had mentioned the missing link: that was in the procedure. It is only when that will be dealt with in the National Assembly that the system will be effective.

**Mr Carlo Guelfi** (Italy) informed his colleagues that amendments would be able to be put on line in the Italian Senate in a few months time. That created a procedural problem because amendments could be proposed in the course of a sitting. Therefore it was necessary to make arrangements for computers to be installed in the Chamber.

He said that Italy was perhaps one of the only countries to have a genuinely bicameral system. He said that on average, for each draft bill, there were about 2,000 amendments. That number could sometimes be as much as 5,000. As a result of this most of the time for debates was given up to voting to the detriment of what you might call proper discussion, even though most of the amendments were rejected.

**Mr Jean-Claude BECANE** recognised the difference which existed between the National Assembly and the Senate in France. It was by taking account of its own particular system in the Upper Chamber that the Senate had been able to overcome these difficulties.

**Sir Michael DAVIES, former President**, (United Kingdom) wondered how amendments could be verified if they could come from different places. He also wanted to know how digitalised amendments could be discussed in public session. Would everyone have a screen in front of him?

**Mr Jean-Claude BECANE** said that amendments were deposited as before with the sitting service, which would assess their admissibility and decide where they fitted into the bill before publishing them. In the course of the public session, members could also make use of paper copies of the amendments in the bundle of documents as before.

**Mr Georg POSCH** (Austria) referred to the computerisation of amendments in the Austrian Parliament. That had created many detailed problems. He thought it would be particularly useful to find some method of communication that was more concrete in order to compare the systems. He said that five or six parliaments had the same changes in mind: Spain, Portugal, France, Austria, etc. It was interesting to know what problems were encountered by such parliaments but he thought work was necessary to be done on those questions which were of common interest. That could be a principal theme of the next meeting. He thought there was no parliament in the world which had finally got rid of the written word. He thought that Switzerland had probably got further down the road towards digitalisation. Nonetheless, no parliament had totally completed the process. Mr POSCH indicated his desire to present a communication on that subject at the next opportunity.

He thought that the main problem with bringing such change about was a political one. Those who asked for digitalisation of work and a paperless working practice held back at the final moment.

He thought that further discussion on a more technical level would be very useful.

**Mr Manuel Alba NAVARRO** (Spain) said that in many countries the right of amendment belonged both to each member of parliament and to the government and that was the case in Spain where it was also the right of groups in parliament.

He asked how control of groups working on amendments was carried out. He also asked whether in the French Senate the administration gave its members computers and other assistance with communication. Finally, he wanted to know whether digitalisation applied also to other documents, like draft private members' bills or questions.

**Mr Jean-Claude BECANE** said that at that moment any Senator, like any member of staff of the Senate, had a computer which was given to them by the Chamber. He said that in France the right of amendment belonged to the Government, the committees and also to members of the House and to groups, even if in the last group it wasn't particularly clear who could act. There was no obligatory check by groups on amendments put down by their members.

**Mr Prosper VOKOUMA** (Burkina Faso) said that in West Africa the introduction of a paperless legislative process was not on the agenda for technical reasons, and because the practice of putting down amendments was not the same. In Burkina Faso, an amendment was registered with the Secretary General who sent it to the Speaker of the Assembly then to the committee. Sometimes it involved rather a complicated process. This would not be improved with the introduction of new technology.

**Mr Anders FORSBERG** (Sweden) mentioned projects which were being carried out in his own country. These aimed at making all information available on the Internet. He thought it was necessary to compare experience, because everyone was committing mistakes in this area, which had financial and budgetary consequences that were not negligible.

**Mr Jean-Claude BECANE** said that three services were concerned with the AMELI system: the sittings service, the committee service and the information technology service. But in fact many of the staff members of the Senate were involved. That said, he thought it was not just a project but a whole service which was fully functioning. There was no political master who was particularly in charge of such questions.

**Mr Everhard VOSS** (Germany) asked what the initials AMELI stood for.

In response, **Mr Jean-Claude BECANE** said that he had already indicated during the course of his speech; that it was an acronym for the term "amendments on line" in French.

**Mr Manuel Alba NAVARRO** (Spain) proposed to organise a meeting in Spain of those who were responsible for information services in the various parliaments, to study this subject. He thought that a technical meeting would be particularly useful.

**Mrs Adelina SA CARVALHO, President,** welcomed this proposal which she thought was a very good idea.

**Mrs Marie-Andree LAJOIE** (Canada) agreed with this proposal. She thought that the various people in different parliaments in the political world who were responsible for such methods would agree on such a proposal. She thought that there was an important change in the way in which parliaments were working. Previously they had just provided publications, now they were increasing this greatly. It was a great challenge to know how to manage such a mass of information put in the public domain and it was also necessary to watch its effect on staff.

She wondered whether the Government also put down amendments in electronic form.

**Mr Jean-Claude BECANE** said that they did. He said that the Senate had called a meeting of all the parliamentary representatives of the ministries in order to explain the AMELI system to them. It had been absolutely necessary to do this. The administration had got all the parliamentary groups represented in the Senate, with one exception, to agree to submit their amendments in a paperless form. In total about three quarters of amendments were put down in the Senate in that way: all of those coming from committees, half of those put down by Senators themselves and rather fewer than half of those from the ministries.

**Mrs Adelina SA CARVALHO, President,** thanked Mr Jean-Claude BECANE for his communication.

She invited Mr Ian HARRIS, Clerk of the House of Representatives of Australia to present his communication on the celebration of the 100th anniversary of the Australian Federation in the Australian Parliament.

#### **4. Communication from Mr Ian HARRIS, Secretary General of the House of Representatives of Australia, on the 100<sup>th</sup> Anniversary of the Australian Federation in the Australian Parliament**

**Mrs Adelina SÁ CARVALHO, President,** invited Mr Ian HARRIS, Secretary General of the House of Representatives of Australia, to take his place to present a communication on the celebration of the 100<sup>th</sup> Anniversary of the Australian Federation in the Australian Parliament.

**Mr Ian HARRIS** said that his presentation was supposed to have been given in 2001 but had been delayed. He had prepared some slides, only two of which were in words.

Three Houses had been occupied by Parliament. In 1901 to 1927 in Melbourne, in 1927 to 1988 the previous Parliament House in Canberra and in 1988 a new one which was designed to last 200 years. It was based on a structure which was tunneled into a hill.

The history of Australian Federation was that it was voted in to start in 1900. The progress of creating it had not been easy because there had been strong rivalry between New South Wales and Victoria. As a result it was provided that Canberra, the capital of the Federation should be at least 100 miles from Sydney.

Its history was deeply rooted in the United Kingdom but the new Houses adopted colours which were based on Australian plants. So the eucalyptus green was used for the House of Representatives and the red of gum tips was used for the Senate.

In 2001, Parliament in Australia was much bigger and much more diverse than its predecessor in 1901. He noted that 2002 also marked 100 years of female suffrage in Australia.

The main celebration had taken place in a parliamentary sitting in Melbourne. The Commonwealth Parliamentary Association conference had been held later that year in the same place. A CD Rom had been produced, a six part documentary for television and a book on the various images, etc. it used. There had also been various regional sittings.

**Mrs Adelina SÁ CARVALHO, President,** thanked Mr HARRIS.

## **5 Concluding Remarks**

**Mrs Adelina SÁ CARVALHO, President,** said that the work that day was now drawing to a close and announced that work would continue on Thursday 21 March at 10.00 am with the following orders of the day: a communication from Mr Pierre HONTEBEYRIE, Secretary General of the National Assembly of France, on time reserved for non-government business; a communication from Mr Fridrik OLAFSSON of Iceland on the policy and strategy for the information services of the Icelandic Parliament; a communication from Mr Mwelwa CHIBESAKUNDA of Zambia on the election of the Speaker and Deputy Speaker in the Zambian Parliament – lessons from other jurisdictions.

**FOURTH SITTING,  
Thursday 21 March 2002 (Morning)**

**Mrs Adelina SÁ CARVALHO, President, in the Chair**

**The sitting was opened at 10.00 am**

**1. Introductory Remarks**

**Mrs Adelina SA CARVALHO, President**, welcomed members of the Association to the fourth sitting. She hoped that they had had a very good day yesterday at the visit and lunch given by Mr IDRISSI KAITOUNI. She reminded members that elections for the vacant posts on the Executive Committee would take place that afternoon, and that the final time for candidates to come forward with their written applications was at 11.00 am that morning.

She informed members that the Executive Committee, in accordance with Article 11 of the present Rules, had decided to hold a meeting on 25, 26 and 27 September next at Geneva concurrently with the Inter-Parliamentary Union Council which would replace the normal autumn session. She invited members to think about subjects for communications for next September.

**2. Communication from Mr Pierre HONTEBEYRIE, Secretary General of the National Assembly of France, on Time reserved for non-government business**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Pierre HONTEBEYRIE to take his place to present his communication on time reserved for non-government business.

**Mr Pierre HONTEBEYRIE** said that the Constitution of 1958, Article 48, 3<sup>rd</sup> paragraph, guaranteed the position of private members' time in the orders of the day and that the Rules of the National Assembly provided that in addition to orders of the day giving priority to government business, it could set its own orders of the day. In practical terms this meant that almost all the orders of the day related to government matters. He noted that between 1968 and 1995 in a normal year the number of private members' bills which became law rarely exceeded ten, whereas in any year government bills which became law could be numbered in the hundreds. This led to a situation which many members found hard to accept.

So when the Constitution was revised in 1995, for unconnected reasons, at the suggestion of various members, a change was made to allow the Assembly to settle its own priority on its orders of the day at one sitting a month.

Quite apart from the changes to procedure which this led about, this change illustrated how parliamentary assemblies could function to bring about reform. He would examine first the measures which had to be taken to put the change into effect, secondly the ways and forms which the measures took and thirdly how the new measures worked.

## **I Bringing the new procedure into effect**

Bringing the Constitutional reform into effect required several measures relating to the principal stages of legislative procedure.

### **1. Insertion on the orders of the day**

Article 48 of the Constitution laid down only in its new paragraph 3 that one sitting a month would be reserved for orders of the day fixed by each assembly. Normally, apart from requests from the government, a matter is not put down for public session until the assembly has decided on the proposal from the Conference of Speakers, which receives requests.

One of the first questions to be decided was who would receive such requests.

It was decided by analogy with what happened with supplementary matters on the orders of the day, that chairmen of permanent committees who had received texts before their examination in plenary session, or chairmen of groups to which the authors of such proposals might have an interest in such matters, would be the ones to make the requests. Nonetheless and differently from what happens with supplementary matters on the orders of the day, requests to the Conference of Speakers by such chairmen of groups would not be put to formal decision by the assembly, since a vote by a hostile majority against such a proposition would be to obstruct the procedure which should take place under the Constitution.

### **2. The sitting reserved to orders of the day for private members matters**

A more delicate question was which day should be reserved for the sitting for non-government business.

Up till 1995, the National Assembly divided its time according to its Rules to the almost exclusive examination of government bills or to questions to members of the government. Matters were complicated by the fact that in addition to the one day a month given for parliamentary or private members initiatives, a second sitting would be provided for supplementary orders of the day.

For this reason, at the start of the parliament, non-government business was put down for at first Friday morning and then Friday morning and afternoon. This fourth weekly sitting day, even on a monthly basis was both against the practice of the assembly and outside its Rules. It was also disliked by the members, even though it had rapidly become the occasion most exceptionally on which a majority of members of the opposition had managed to reject a draft private members bill put down in the orders of the day at the request of the majority party.

An alternative was to allocate two sittings on Thursday morning each month. This came out of government time. This was hardly more favourable because that took away from the time usually taken up by party meetings or oral questions to which party groups were particularly attached.

The final solution which was adopted was to allocate each month one sitting of Tuesday morning to respond to the new constitutional demands and one sitting on Thursday morning for

the supplementary orders of the day. In response to this the time for oral questions on Tuesday morning was extended so that instead of ending at 1.30 pm it ended at 4.00 pm.

As far as dividing up the various sessions between the parties was concerned, because there were nine sitting months, there were nine days to be divided up between five or six political groups that were registered. Each political group saw itself as entitled to one of those monthly sittings. Two additional sittings were given to the group with the most members and one additional sitting to the group with the second most members. The three majority groups therefore had five (3 + 1 + 1) sittings and three opposition groups four (2 + 1 + 1).

Each monthly sitting is reserved for a group according to a rule which takes account both of the number and the principle of alternating between majority and opposition groups.

### **3. Organization of the sitting**

As far as the Tuesday morning once a month sittings were concerned, the Rules of the Assembly set out that sittings in the morning start at 9.00 am and end at 1.00 pm. Several measures had been taken to ensure that the debate should end within its time limit of four hours or at some stage before that. So it was decided that general discussion, that is to say speeches by party representatives, would be fixed at one and a half hours to allow the rapporteur from the committee and the ministry the time to speak as well as to allow time for debate on the various articles and amendments.

However, the Assembly Rules allow that any text might give rise to three procedural motions relating either to the unconstitutionality of the proposals, to suggest that they be rejected in their entirety or to refer them to a committee and such a motion gave a right to the mover to speak for an hour and a half as well as giving right to the relevant committee and the government to speak, and to each party group for five minutes to explain their reasons for voting in a particular direction.

Clearly, full use of these rights would obstruct the examination of a text according to the constitutional rule. For that reason it was decided that such procedural motions would be time limited to a quarter of an hour for the mover.

Other changes were made to guarantee that the debate could take place in its entirety. Normally a text sent off to a committee would not be put back to plenary session on the basis that the committee would reflect the political composition of the entire Assembly and therefore there would be no point in repeating any votes in plenary. In order to bring into effect the new constitutional rule it was decided to revive an old and little used rule which allowed examination of texts in public session even though they had been examined in committee.

A further change was made relating to the terms of Article 40 of the Constitution which prevented proposals by members of either House to lessen the charges imposed by government or to create another public charge. If such a proposal was declared to contravene this rule, procedure on that immediately stopped, and any member of the House or any member of the government could demand at any time that the Assembly vote on that rule.

In order to prevent this from obstructing the procedure under Article 48 of the Constitution, it was decided that this question would only then be taken in plenary session at the end of the general debate.

#### **4. Contents of the orders of the day**

The drafting of the third paragraph of Article 48 of the Constitution is in very general terms and leaves a lot of scope for initiative as far as setting out the orders of the day were concerned. Most of such orders of the day relate to private members' bills. Nonetheless, there is no reason why they should not take the form of questions to the government or debates on general themes or even on draft government bills.

So far no party has used the possibility of debating a draft government bill and only two have used it to talk about the organization of debates. In addition, on only two occasions has this new procedure been used for proposing the creation of committees of inquiry.

#### **5. The procedure to be adopted**

As has been seen, the time allowed for non-government business was a sitting of four hours but for private members' bills to become law they had to be adopted in identical terms by the National Assembly and by the Senate. This raised the question of the future of those texts which were being examined, apart from the monthly sitting which was guaranteed to them under the Constitution. The practice had rapidly grown up that groups requested examination of a text in the course of a sitting. Nonetheless, it might be that one sitting was not enough to finish examination of that text. From this two situations could occur. The party group might decide to give up the next sitting which it had at its disposal to pursue the discussion in course. The government in turn might decide to pick up the idea and put it down for government business. It went without saying that this second course of action was usually taken when the private members' proposals had been put down by the majority party and that the first situation was mainly reserved for propositions by the opposition.

Rather more difficult to solve is the problem of what happened to texts which had been adopted by the National Assembly. When the procedure was put in place in previous legislatures and when there was a majority which was the same in both houses, it was decided to base the procedure on an exchange of letters between the respective speakers of each house, on the requirement for one Assembly to take charge of a particular matter. It was worth noting that neither the speaker of the National Assembly nor that of the Senate had the power to intervene directly in the choice of which initiative could be put on the orders of the day. Nonetheless, of course, both speakers maintained a certain power of influence.

The fact that under the present legislature the majority in power in each house was different made it less certain that one or other of them would be able to place a particular matter on its orders of the day.

There was a similar correspondence between the Speaker of the National Assembly and the Prime Minister underlying the interest in involving the government in pursuing the examination of texts produced by both Assemblies. Nothing prevented the government from putting in the orders of the day a matter raised under the non-government business procedure. Obviously it was more likely to do this relating to a matter coming from its own party than from the opposition.

## **II. The nature of the decisions undertaken**

All the above showed the number and complexity of the decisions which were demanded as a result of the new constitutional disposition. It was worth examining some of these.

As far as changes in the Rules of the Assembly were concerned, three only were required to be introduced as a result of the new third paragraph of Article 48. One was relating to the decision about the date of the monthly sitting which would be set by the Conference of Chairmen. The second change related to those who were able to put forward propositions on the orders of the day. As we have seen this related to the chairmen of the party groups and chairmen of committees. The third consisted of fixing on Tuesday mornings, in alternance with oral questions, the monthly sessions reserved to private members' initiatives.

All the other decisions which had to be taken were taken by the Conference of Chairmen. Under the Rules of the National Assembly, the Conference of Chairmen had the power to fix the orders of the day relating to organisation of general debates on texts and debates on declarations of the government, or fixing and arrangements for oral questions. The Bureau of the Assembly had all powers to organise the deliberations of the Assembly under the Assembly Rules.

This, however, was not applied in respect of non-government business. This was a result of modern practice that all the relevant questions were dealt with at the Conference of Chairmen. Furthermore, the Conference of Chairmen met every week, much more frequently than the Bureau. This meant that it could take decisions when they were required. Finally, it also included the chairmen of party groups, unlike the Bureau, who were therefore associated with important decisions directly concerning the way in which they carried out their duties.

None of the decisions taken in the Conference of Chairmen had given rise to a vote. They had always been on the basis of consensus between representatives of the majority and the opposition. Furthermore, these decisions were decided in the presence of a member of the government, and who therefore was able to intervene relating to matters which might affect the prerogative of the Executive.

The decisions of the Conference of Chairmen had been inspired by a double preoccupation: to assure the effectiveness of the constitutional arrangement and to guarantee the rights of the opposition.

For example, the Conference of Chairmen took decisions to make sure that the time limit of four hours for a sitting was observed. In addition, it ensured that there was a fair division of time between the various party groups. From time to time, the Conference of Chairmen departed from the letter of the law, for example by reserving only for chairmen of party groups the possibility of requesting matters to be included in the orders of the day and to exclude chairmen of permanent committees, contrary to the terms of Article 48 of the Rules.

Furthermore, the Constitution only set down that the orders of the day should give priority to non-government business. The Conference of Chairmen had in fact established that only such matters should go down on the orders of the day for those sittings.

In addition, in order to observe the constitutional monthly sittings pattern, because of interruption of the work of the Assembly or, as in this year, for the reduction of the length of the

session because of presidential or parliamentary elections, a so-called monthly sitting might in fact take place several times in a particular month, or in turn not actually take place during one particular month at all.

### **III Analysis and conclusion**

The new procedure was by no means negligible.

The most visible result was the great increase in the number of private members' bills adopted as law in comparison with government bills. Before the constitutional revision of 1995, the first represented at best hardly 10% of laws agreed. Henceforth the number has risen to the order of about 30%.

Nonetheless, this should not create any sense of illusion. Draft bills put down by the government were very often long and complex texts. They might contain one hundred articles or more. By contrast, private members' bills usually aimed to solve a particular problem. They had no ambition to respond to deep seated problems with society, or to regulate complex matters, or to reform entirely a large section of the law. So the largest body of law created in each year by parliament remained of government origin. It was not easy to make a statement about the type of private members' bills which were examined in the framework of the new sittings arrangements. Nonetheless, there were some interesting statistics. In the present legislature, that is to say, between October 1977 and February 2002, 76 texts had been examined in the course of 71 sittings, to which the third paragraph of Article 48 of the Constitution applied, and 26 sittings under the rules relating to additional parliamentary sittings. In total 76 drafts had been examined, of which 70 were started by members and 6 resulted from a transmission from the Senate.

Thirty-three draft private members' bills were agreed to which became law and there were two proposals for creations of a committee of inquiry, with the majority groups being the originators of 27 of those proposals. 26 texts had been disagreed to, of which 22 were put forward by opposition groups. Finally, 15 texts were still pending in one or other Assembly.

There was always a stock of private members' bills waiting in the Assembly which might be put on the orders of the day, but frequently when the time came for the sitting which had been allocated to them political groups would put forward new drafts in an effort to seize on newsworthy topics.

Many of the draft motions put forward by opposition groups aimed to put the government and its majority in difficulty, to criticise government policy in one or other area and to reflect public opinion.

Propositions put forward by majority groups had a different aim. Nonetheless, it might happen that some political groups would take the opportunity to put forward a question which the government itself was not ready to see debated, or at least did not wish to be debated at that particular time. It might well be that the government uses this procedure for putting forward, under the form of a private members' bill, a particular draft, usually limited, which it wishes to see progress quickly. The parliamentary procedure which applied was, in fact, rather more relaxed. Such drafts were subject to the filter of financial admissibility, but they were not examined by the Council of State and were not required to be agreed to by the Council of

Ministers, as formal government bills were before they are placed with the Bureau of each Assembly.

For various reasons described above particularly because of press interest private members' draft laws tend to be debated by more numerous groups of members than is normal. It was necessary for members to demonstrate both that they supported proposals coming from their own ranks and for members of the majority group to be in sufficient number to oppose in votes which were contrary to their political programmes.

The monthly sittings of private members' proposals had thus become one of the more exciting moments in the life of the National Assembly. Even if, because of the parliamentary arithmetic, various proposals, particularly from opposition groups, had no chance of succeeding, nonetheless they allowed a discussion in the presence of a minister who was in charge of the matter, a lively debate and a discussion which would end with a vote.

Previously the rationalised parliamentarism of the Fifth Republic did not permit such procedures and the Rules essentially limited debates to government matters. Henceforth, such sittings based on private members' initiatives were rather more similar to the procedure which took place under the Third and Fourth Republics. These sittings had undoubtedly contributed to an opening up of a new type of freedom of debate within the National Assembly.

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**Mrs Adelina Sá CARVALHO, President**, thanked Mr Pierre HONTEBEYRIE for his interesting communication and invited members to ask questions.

**Mr Jean-Claude BECANE** (France) said that the constitutional arrangements applied equally to the Senate. Within the Second Chamber the rules set down, nonetheless, that the sitting given up to non-government business should last for an entire day. That allowed the orders of the day to include more than one private members' bill and indeed to organise oral questions with a debate. Furthermore, it was not on any particular fixed day.

**Mr Pierre HONTEBEYRIE** recognised that the same disposition gave rise to different practices within the National Assembly and the Senate.

**Mr Prosper VOKOUMA** (Burkina Faso) thought that political groups complained that they did not have enough time to prepare laws. He asked whether the establishment of a single annual session of nine months influenced the decision to create, on the orders of the day, a section for non-government business. He explained that in his country, private members' bills were mainly about questions relating to the status of parliamentary members.

**Mr Pierre HONTEBEYRIE** said that previously the French Parliament had had two annual sessions, each one of three months' length. Nowadays, members were only willing to sit for three days a week so there was always not enough time. The time for examining private members' bills resulted from a re-organisation of the time for oral questions without debate.

**Mr Mamadou SANTARA** (Mali) said the question of the orders of the day and the priority of particular matters on it was different in Mali. In order to draw attention to the urgency of a particular draft bill, the government which was represented at the Conference of Chairmen, had to put in a written request. He asked whether the loss of power by the Bureau in favour of the

Conference of Chairmen was a move of influence from the sitting to the Conference which decided the orders of the day. He thought it should be possible for a member to raise the question in plenary session about the examination of a motion relating to admissibility. He said that in France, such a motion could only be discussed at the end of the general debate. He thought that was rather an odd application of the rule.

**Mr Pierre HONTEBEYRIE** recognised that normally the orders of the day should be submitted to the Assembly, but it was true that in France that was never discussed. Everything was either accepted or rejected. If it were possible to refuse inclusion of a particular point of a private members' initiative on the orders of the day, then the new disposition would be made inoperable. When a private members' draft bill was deposited, its financial admissibility was examined in a liberal way. It is still possible to have a debate, unless the government raised Article 40 of the Constitution. In such a case the Bureau of the Committee on Finances was consulted. If that agreed with the government, then the private members' draft bill disappeared. Any private member could use this procedure. For this reason it was decided by general agreement that the question of financial admissibility should be examined at the latest possible stage.

**Sir Michael DAVIES, former President** (United Kingdom) said that although the British Government in theory had no right of priority in the orders of the day in the House of Lords, obviously the reality was very different. He asked whether a private member could put something on the orders of the day for plenary sitting without its being examined in advance by the committee. Further, was it possible to examine a question and debate it without its being supported by a text? Finally, he wanted to know what the term "rationalised parliamentarism" meant?

**Mr Pierre HONTEBEYRIE** said that any member could put down a private members' bill. Out of 577 members, only 6 belonged to a political group. Nonetheless, it was only on the basis of a report from the committee that there could be a presentation in public sitting on a private members' motion. It was only possible in France to examine draft government or private members' bills and resolutions, for example, calling for the creation of committees of inquiry and so on. The notion of rationalised parliamentarism was difficult to explain in a few words. It was a typically French notion. There had been several Constitutions since 1875, Third, Fourth and then the Fifth Republic. The final periods in the Third and Fourth Republics had been characterised by great governmental instability. At that time there was no limit on the number of committees. Today, the Constitution limited the number of committees to six in each chamber. It was no longer, for example, possible to vote on simple motions because these previously led to the fall of governments. When the government organised a debate, that could only be followed by a vote for that reason. So a constraint on the power of parliament and reinforcement of the powers of government were the essence of rationalised parliamentarism.

**Mr Carlos GUELFY (Italy)** said that in Italy there was a sense that the powers of government were increasing as parliament was finding increasing difficulty in scrutinising its activities. He thought that private members' motions were an important method of scrutiny. This had been tried in Italy where in particular there was an opposition day and the opposition could propose the subjects. Clearly, these did not lead to agreement unless they were on uncontroversial matters.

**Mr Pierre HONTEBEYRIE** thought that the new arrangement was a very good thing for the National Assembly. It had revived the political debate about subjects which the government

did not feel it was necessary to examine or deliberate on at any particular moment. Even if a negative vote ended the work done it nonetheless had the merit of shining a light on a particular subject.

**Mr John CLERC** (Switzerland) asked about the circumstances in which the reform had come to be. According to the communication, it seemed that it had rather been the fruit of circumstances. What was the principal matter which had led to the constitutional revision? What types of texts are adopted? What were the subjects dealt with? Furthermore, each time that France changed its Constitution, it moved away from the De Gaulle and Michel Debré model, and he wondered whether it was insidiously returning towards the Fourth Republic.

**Mr Pierre HONTEBEYRIE** said that the reform was a corollary of the establishment of the single annual session in 1995. Discussions about constitutional matters often led to the adoption of arrangements which were different from those originally thought of. Some thought it was a useful opportunity as all reform required the agreement of numerous parties between parliament, government and the President of the Republic. A compromise acceptable to everybody was always looked for in order to avoid the initial project from being blocked. Generally, that was greed to when dealing with texts which were put forward by private members and which related to particular subjects. As far as a probable return to the Fourth Republic was concerned, there was a basic difference. At present there was a majority based system. Previously, small parties in the centre could make the difference in supporting or not large parties. It was true that there was a move away from the founding fathers of the Fifth Republic. Thus the system of two sessions for three months each was aimed to prevent control of the government by the Assembly. With the single session of nine months, this control henceforth was re-established.

**Mr Everhard VOSS** (Germany) mentioned the impossibility of being able to increase a public charge on the basis of a private members' bill or an amendment. He asked who decided whether this rule was infringed or not and how that worked in practice in parliamentary life?

**Mr Pierre HONTEBEYRIE** said if that disposition disappointed members it did not limit them in their powers as much as they thought. Amendments were sent to the Committee on Finance. Its Chairman decided on admissibility with regard to Article 40 of the Constitution. Of course, he was assisted in this by a number of staff. As far as private members' bills were concerned, there was a first form of filter within the Bureau of the Assembly. Whether the draft bill was examined or not, it might still be opposed by the government on the basis of admissibility when it came up for debate. At that moment it was the Bureau of the Committee on Finance which decided.

**Mr Ibrahim SALIM** (Nigeria) was astonished that there were so many restrictions relating to the examination of motions in France. He wondered whether the government alone could reflect the interests of the people rather than include the opposition which equally had a role to play.

**Mr Pierre HONTEBEYRIE** said that it was still the case that there were other means for members of parliament to speak. Furthermore, draft members' bills which were not debated could still be published and gain publicity. Each week there were two sittings where there were questions to the government. The procedure relating to committees of inquiry could also satisfy certain aspirations. Finally, control of the government if reinforced by the development

of specific inquiries. No means alone was sufficient, but as a totality they could allow scrutiny of the government.

**Mr Hans BRATTESTÅ** (Norway) compared the orders of the day of parliamentary origin with the English term non-government business. He said that although Norway had a strictly government regime, that did not prevent the development of draft private members' bills. This allowed a member to publish at a small cost his opinions, even if they did not reach a happy conclusion in terms of procedure. This took up the time of ministers who had to be present in the chamber when they were being examined. He asked about the practice in France. What rank of minister had to be represented in the public session.

**Mr Pierre HONTEBEYRIE** replied that it was the practice that a member of the government should always be present in the course of a debate. For the most part it was the minister who was responsible for the matter concerned. The government would argue in favour or against the private members' draft bill. It could propose amendments. The practice was therefore that the government was always represented and could put forward its opinions when private members' draft bills were being examined.

**Mrs Adelina SÁ CARVALHO, President**, thanked once again Mr Pierre HONTEBEYRIE for his communication. She wished to underline that it would probably be his last speech as a members of the Association, because in the course of the following summer he would retire and leave his duties in the French Parliament. She emphasised how his contribution to the Association has always been pertinent and rich. She recognised his complete knowledge of parliamentary life and also of his great kindness. It was with great sadness that she would see him leave. Pierre HONTEBEYRIE had been, until recently, a member of the Executive Committee of the Association, and his work as a member of that body had always been extremely appreciated. Nonetheless, in losing in the near future a colleague she knew that she was keeping Pierre HONTEBEYRIE as a friend. She was convinced that many present would share this feeling.

### **3. Communication from Mr Fridrik OLAFSSON, Secretary General of the Parliament of Iceland on Policy and Strategy for the Information Services of the Icelandic Parliament**

**Mrs Adelina SÁ CARVALHO, President**, invited Mr Fridrik OLAFSSON to take his place to deliver his communication.

**Mr Fridrik OLAFSSON** thanked the President and said that his presentation would be unconventional because he had planned to make a presentation that would cover similar ground to that of Ian HARRIS but he did not wish to repeat everything that Mr HARRIS had said. Instead he had decided to talk about information technology in Iceland which was one of the leading IT nations in the world.

He noted that Iceland had a very small population. It had a large area in proportion to the number of its inhabitants. It also had a large territorial area which extended over the sea. This had been obtained after the Cod War with Britain. Luckily this did not lead to full war which might have meant Iceland taking over the UK!

One of the main factors for IT being so strong in Iceland was the relative isolation of Iceland. It had first been settled in 1872 and life had been hard and very isolated. In the last decade, Iceland had participated more in world affairs and when the technical revolution had come along this had been very welcome. The Prime Minister, for example, was an eager bridge player and used the Internet to play bridge. He pushed through legislation to privatise banks and ensured a more ambitious plan to make Iceland a world leader in the IT field. 78% of all Icelanders therefore had access to computers through the Internet, 65% had access to the Internet at home, 52% used the Internet almost daily, 79% had a mobile telephone. Parliament had tried to assist in this process and a network had been established to send speeches and other matters relating to Parliament to remote areas. In a survey conducted by Harvard University in the previous year, Iceland had come out as being very well prepared for Internet connectivity, second only to the USA. A network had been built with fibre-optic cable and broadband was widely available. Parliamentary sessions were transmitted on television via the Internet.

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**Mrs Adelina SÁ CARVALHO, President,** thanked Mr OLAFSSON.

**Mme Hélène PONCEAU (France)** thanked Mr OLAFSSON and asked about the future development of new technology. She wondered whether this would change the methods of meeting. She asked whether there might be teleconferencing or use of meetings via the Internet.

**Mr Fridrik OLAFSSON** said that these were under consideration. Thoughts about how technology could be used included the extension of e-democracy or direct elections using the new technology.

**Mrs Jacqueline BISHEUVEL-VERMEIJDEN (Netherlands)** asked what the cost was of putting information on the Internet. She also asked about the effect on staff. Were they busy with feeding information onto the Internet every day? And finally, she asked how quickly it was possible to put information on the website.

**Mr Fridrik OLAFSSON** said that in most cases the information went onto the website on the same day. There was some information which had to be entered more slowly. Staff were active on a daily basis in this area. A whole division of staff was employed to do this. The cost of putting information on the Internet was hard to estimate and he did not have the figures to hand.

**Mr Anders FORSBERG (Sweden)** thanked his colleague. He noted that there were regular contact among Nordic nations and Iceland was very far advanced. The fact that Parliament had developed its work so far had a strong effect on other areas of government.

**Sir Michael DAVIES (United Kingdom)** asked whether there was a policy of the Icelandic Parliament to encourage the use of the Internet and asked whether any subsidies were given to this end.

**Mr Fridrik OLAFSSON** said that the Government had a policy of encouraging the Internet. One of the main reasons for embracing new technology was to have access to the rest of the

world. There had been no concrete suggestions made for subsidies to be given for this however.

**Mr Mwelwa CHIBESAKUNDA (Zambia)** asked what services were provided to MPs. Did they get free computers? If they did not get free machines it was difficult for developing countries where there was always a hard choice between the need for new technology and other demands such as medicine for the villages.

**Mr Fridrik OLAFSSON** said that computers in offices for members were free but if they wanted a home computer they had to get one at their own cost although at a reduced price. If a member wanted to set up a website he was helped to do so with free technical advice.

**Mr Ian HARRIS (Australia)** praised the presentation and looked forward to hearing from Mr OLAFSSON again. He asked whether members of parliament could take laptops onto the floor of the Chamber which would allow them to remind each other of previous inconsistent statements.

**Mr Fridrik OLAFSSON** said that up to that time it was not allowed to take laptops into the Chamber, but that it was possible it might be allowed in the future.

**Mrs Adelina SÁ CARVALHO, President,** thanked Mr OLAFSSON.

#### **4. Communication from Mr Mwelwa CHIBESAKUNDA, Secretary General of the National Assembly of Zambia, on the Election of the Speaker and Deputy Speaker in the Zambian Parliament: Lessons from other Jurisdictions**

**Mrs Adelina SÁ CARVALHO, President,** invited Mr Mwelwa CHIBESAKUNDA, Secretary General of the National Assembly of Zambia, to take his place to present his communication on the election of the Speaker and Deputy Speaker in the Parliament of Zambia.

**Mr Mwelwa CHIBESAKUNDA** gave the following presentation:

“In Zambia, and indeed, in many parliaments, if not all in the Commonwealth, the election of the Speaker and his Deputy is the first duty of the House after general elections or when the two positions are vacant.

As it is now well known, Zambia held its tripartite elections; for the President, Members of Parliament and the Local Government, on 27 December 2001. The results of the elections produced the following composition in the House:

Movement for Multi-Party Democracy (MMD)	69
United Party for National Development (UNPD)	49
United National Independence Party (UNIP)	13
Forum for Democracy and Development (FDD)	12
Heritage Party (HP)	04
Patriotic Front (PF)	01
Zambia Republican Party (ZRP)	01

The Movement for Multi-Party Democracy (MMD) won the Presidential elections.

After the swearing in of the new President (of Zambia) into office, he decided to summon the first meeting of the House and this took place on 25 January 2002.

According to the practice of the House, that was also the day for the election and swearing in of the Speaker and the Deputy Speaker, as well as the swearing in of all Members of Parliament..

The House met at 0900 hours. As laid down in the Rules of the House, I, as the Presiding Officer, read the Proclamation summoning the new Parliament. After reading this, I then went on to give to the House the following guidelines and explanations.

And I quote:

“Hon. Members, let me preface my address to you by congratulating you, on behalf of the staff of the National Assembly of Zambia, and indeed on my own behalf, for your successful election to this August House during the 27 December 2001 general elections.

### **Quorum**

In line with Standing Order 20(1) of the House, I am satisfied that a quorum which as per requirement is ‘one third of all the Members of the Assembly besides the person presiding’ is present. It is therefore, my honour and privilege to call the House to order.

### **Electing a Speaker**

My principal duty is to preside over the election of the Speaker and the Deputy Speaker of the National Assembly of Zambia. You will, in due course, learn that, this is the only time a Clerk acts as Presiding Officer in the House.

In the Zambian Parliament, the Office of the Speaker is established under Article 69(1) of the Constitution of the Republic of Zambia and the office bearer is elected by Members of Parliament. The election of the Speaker of the National Assembly is the first business that a new Assembly transacts at its first meeting. I will now quote two provisions of Article 69 for purposes of the business of the House this morning. I quote:

“69(2)(B) The Speaker shall vacate his office when the National Assembly first sits after any dissolution of the National Assembly.”

This is the first sitting of this House after dissolution, and

“69(3) No business shall be transacted in the National Assembly (other than the election of the office of the Speaker) at any time when the office of the Speaker is vacant.”

It is important for the House to have a Speaker, as the office of the Speaker has the position of highest authority in the National Assembly and represents all Hon. Members in all its powers, privileges, immunities, proceedings and dignity.

## **Election Procedure**

There are many striking similarities and significant differences in the processes used to elect Speakers in Commonwealth Parliaments.

### **The Case of India**

In India, the procedure for electing the Speaker of the Lok Sabha is enshrined in Rule 7 of the Rules of the Procedure and Conduct of Business. According to this rule, the election is held on a date as the President may fix and the Clerk sends a notice of that date to every Member. Another feature of the procedure in India is that the names of the candidates for the Speakership are known before the election. Any Member may give notice in writing, addressed to the Clerk of the Lok Sabha, of a motion that another Member be chosen as the Speaker of the House. According to Rule 7(2) of their procedure, the notice must be seconded by a third Member and accompanied by a statement by the Member whose name is proposed in the notice that he is willing to serve as Speaker, if elected.

The proposer and seconder of a candidate do not make any speech while proposing and seconding a candidate. The candidate also does not make a speech expressing his willingness to accept the office. Once a candidate is declared elected as Speaker of the Lok Sabha, he is conducted to the Chair by the Prime Minister and the Leader of the Opposition. The Speaker thereafter, conducts the proceedings as Speaker of the Lok Sabha and not Speaker-elect requiring recognition by any other authority.

### **The Case of the United Kingdom**

In the United Kingdom, an election for the office of the Speaker in the House of Commons is held at the start of every new House, irrespective of whether the Speaker in the previous House has been retained as a Member. The Member presiding over the election of the Speaker of the House of Commons has the discretion to call upon any proposer to present a candidate's name. The mover and seconder of the candidate for the office of the Speaker in the House of Commons are by custom back-benchers. The candidate who is declared elected as Speaker of the House of Commons is conducted to the Chair by the mover and seconder. At Westminster, a candidate elected to the office of Speaker remains Speaker-elect and does not commence conducting the proceedings as Speaker of the House of Commons until he or she is granted royal approbation.

### **Similarities and Differences**

#### **(A) Procedures**

Unlike in the United Kingdom, in India, the Member presiding over the election of the Lok Sabha's Speaker does not call upon the proposers at his or her discretion, but according to the order in which all notices of motion for the election of the Speaker were received.

In India, unlike in the United Kingdom, it is not customary for the mover and seconder to be back-benchers. On a number of occasions, the motion for the Speakership in the Lok Sabha has been moved by the Prime Minister and seconded by a Minister.

(B) Contested Elections

Since 1952, there have been 13 general elections each in India and the United Kingdom, which have consequently led to reconstitute their lower Houses and 17 elections in each country for the Office of the Speaker. In India, except on four occasions, the Speaker has been elected unanimously. Similarly, the numbers of contested elections in the House of Commons have been four for the same period.

**The Zambian Situation**

Hon. Members, those who have had time to read the recently launched book entitled “The Parliament of Zambia” may be aware of the number of those who have held the office of the Speaker in our country since the time of the Northern Rhodesia Legislative Council in 1948. There have been 6 of these, but hardly any was contested. In this regard, the election of the Speaker has been guided by Standing Orders 3(1), (2), (3) and (4). Standing Order 3(1) empowers the Clerk to be the Presiding Officer for the election of the Speaker and the Deputy Speaker as already alluded to at the beginning of my address.

Standing Order 3(2) vests the Clerk with the power as Presiding officer to indicate a Member who wishes to propose “to the House a person from among persons who are qualified to be elected as Members of the Assembly but are not Members of the Assembly” to name such person to “take the Chair of this House as Speaker”. The Clerk similarly indicates the seconder of such a proposal.

Taking precedents in the procedure and practice of electing a Speaker from other Commonwealth Parliaments and indeed from our own experiences, the following rules will apply:

- a) All names proposed for election to the office of Speaker must be seconded for their candidature to be valid;
- b) The seconder and mover will not make any speech while proposing and seconding a candidate;
- c) Similarly, the candidates proposed for the office of Speaker will not make any acceptance speech; and
- d) In the event of more than one candidate being proposed and seconded for the two posts i.e. Speaker and Deputy Speaker, I will explain the procedure to be followed for the election of the two office holders.

I now call for proposals for the office of Speaker and Deputy Speaker.

In response to my invitation for proposals, the following were made from the floor of the House:

For Position of Speaker

- 1. Amusaa K Mwanamwambwa (Government side)
- 2. F S Hapunda (Opposition side)

For the Position of Deputy Speaker

1. Mr S G Mwila (Government side)
2. Mr M D Lungu (Opposition side)

Shortly after the names of the candidates for the two positions had been proposed, I informed the Members of the rules and explanations for the election of the Speaker and Deputy Speaker.

I quote:

“In view of the fact that the proposals for the post of Speaker and Deputy Speaker are more than one, I wish to outline the following explanations and procedures, which will be followed:

- I. The person who will be elected as Speaker shall become a Member of the National Assembly after his election and not before.
- II. Article 63(2) of the Constitution of Zambia states and I quote:  
  
“(2) Subject to the other provisions of this Constitution, the election of Members of the National Assembly shall be direct, by universal adult suffrage and by secret ballot and shall be conducted in accordance with the provisions of this Constitution and as may be prescribed by or under an Act of Parliament.
- III. The current parliamentary practice in most Commonwealth Parliaments, if not all, for example, the United Kingdom, Canada, Kenya, Malawi, Australia, Tanzania and Trinidad and Tobago, just to mention a few, is that because of the importance attached to the officer of the Speaker and to maintain maximum transparency and freedom of choice on the part of Hon. Members, the elections are conducted through secret ballot.
- IV. I am aware of the fact that Standing Orders No. 3 and 4 state that, and I quote:  
  
(3) If only one person is proposed and seconded as Speaker, the House indicates by the cry of ‘hear, hear’, that the motion is passed without question put.  
(4) If more than one person is proposed and seconded as Speaker, the Clerk shall, successively in the order in which the persons have been proposed and seconded, put the question, ‘that (naming the person) do take the Chair of this House as Speaker’, until one such question is decided in the affirmative. Such question shall be decided like other questions, provided that in the event of there being an equality of votes, the question shall be decided in the negative’.

The definitions contained in the Standing Orders state that the Speaker includes the Deputy Speaker. However, the provisions of the Standing Orders quoted above, are not provided for in any Article of the Constitution of Zambia.

- V. The Constitution of Zambia makes it quite clear that the supreme law of Zambia is the Constitution and if any other law, regulations, or orders are inconsistent with the Constitution, that law, regulation or order shall be void.
- VI. In view of what I have stated above, I have no other alternative, but to follow the provisions of the Constitution and elections for the two positions will be conducted by secret ballot.

I would like to remind all Hon. Members that the current practice in Zambia is that all Members of this House, Councillors, Mayors or Chairpersons of Municipal Councils are elected by secret ballot. This is therefore, quite clear. The positions of Speaker and Deputy Speaker even require the applications of the provisions of the Constitution.”

Before I could finish giving these explanations and rules for the election of the Speaker and Deputy Speaker, several opposition Members rose from their seats, started banging on the table in the House and throwing plastic water bottles towards the Presiding Officer and Members of the ruling party.

There was total confusion and disorder in the House. I tried several times to restore order, but without success. I then suspended the proceedings for the election of the Speaker and his Deputy for 20 minutes with the hope that there would be some cooling of tempers.

Unfortunately, even after 20 minutes, the situation was uncontrollable. The opposition Members were insisting on the conduct of the election by a show of hands. There had already been threats made in the media that any of their Members in the House who would not vote for their candidates would be punished by being expelled from their respective political parties.

As the situation became worse, I informed the House that I had no alternative, but to refer the matter to the High Court to interpret my decision that the election of the Speaker and his Deputy be conducted by secret ballot. I did so through the office of the Attorney General.

The following week, when all interested parties appeared before the Judge of the High Court, lawyers for the opposition Members raised a number of preliminary issues. This new development compelled the Attorney General to ask for postponement of the hearing of my petition as some complaints, which were raised, were that some of the interested parties had not been served with the necessary papers of the case. After all the lawyers had consulted the Judge in the Chamber, it was decided that the case be heard on 14 February 2002.

This was seven days before the ninety days required by the Zambian Constitution, that when Parliament is dissolved, the new Parliament must meet 90 days after dissolution. When I got this information about the Court sitting on 14 February 2002, I referred to the provisions of the Zambian Constitution and I was convinced beyond doubt that the matter would not be concluded on the set date, but that other issues would again be raised and thereby lead to another adjournment in order for the new President to be caught up with the requirement of the 90 days. If this had happened, the country would have had to go for fresh elections with an interim government being appointed. I cannot say now how this interim government would have been put in place.

In view of the above, I therefore advised the Vice-President who had already been sworn in and also in his capacity as Leader of the House, that Parliament should reconvene on 5 February 2002 for the election of the Speaker and Deputy Speaker. Meanwhile, the matter had to be withdrawn from the High Court through the notice by the Attorney General. I further advised the Leader of the House to get the matter sorted out politically, on the ‘Floor of the House’.

When the House reconvened, I decided that elections would now be conducted in the Chamber Lobbies, instead by ‘Show of Hands’ or ‘Acclamation’.

At the commencement of the meeting of the House, I made the following statement, and I quote:

“Hon. Members, as you are now aware, the Attorney General discontinued the High Court petition seeking the interpretation of the Constitution with regard to the election of the Speaker and Deputy Speaker by way of secret ballot in order for the House to make progress on important business before it.

In view of this, let me inform the House that Hon. Members must consider the scope of the election of the Speaker and Deputy Speaker in the spirit of Standing Order No. 25 of 1998 as ‘an urgent motion ...’ that must take precedence over any other ‘orders of the day’.

Since enough has already been said and written on the election of the Speaker and Deputy Speaker since 25 January 2002, I will now proceed with the election of the Speaker and Deputy Speaker.

Nominations made on 25 January 2002 are still valid. The following are the nominees:

For the election of the post of Speaker

1. Mr F S Hapunda
2. Mr Amusaa K Mwanamwambwa

For the election of the post of Deputy Speaker

1. Mr M D Lungu
2. Mr S G Mwila

Before I do so, the bells will ring for three minutes to enable any Members who are outside the Chamber to return to their seats [pause].

The election for the two posts will now take place at the same time through the two lobbies; one on my right and the other on my left. I wish to appoint two tellers for each lobby. These are:

Right Lobby

1. Mr M S Mulanda MP
2. Mr E M Hachipuka MP

Left Lobby

1. Hon P K Kalifungwa MP
2. Mr G M Samukonga MP

I will now ask all Hon. Members who support the election of Hon Amusaa K Mwanamwambwa as Speaker and Mr S G Mwila as Deputy Speaker to proceed to the lobby to my right through the back door for the election, and those who support Mr F S Hapunda as Speaker and Mr M D Lungu as Deputy Speaker to proceed to the lobby on my left through the back door for the election.

Elections were hence, conducted with three Members from the opposition and the one independent Member joining the ruling party and the following were elected:

- Hon Amusaa K Mwanamwambwa as Speaker; and

- Hon S G Mwila as Deputy Speaker.

The swearing in of the Speaker and Deputy Speaker took place the same day followed by the swearing in of all Members of Parliament.

I decided to give you this background to the election of the Speaker and Deputy Speaker in the Zambian Parliament in order for me to also learn from you, what happens in your respective Parliaments when such elections are held.

The Zambian experience has indeed left a number of questions unanswered. For instance what many Zambians up to now cannot understand is why on earth did some of their Members of Parliament accept the election of Members of Parliament by secret vote but opposed the election of the Speaker and Deputy Speaker by the same secret ballot?

The system of voting by secret ballot is a common practice in all democratic countries. Not only does it enable people to exercise their choice secretly and freely, but it also protects them from any form of “back lash”.

I cannot say how the two Presiding Officers in the Zambian Parliament (i.e. the Speaker and the Deputy Speaker) feel when they know that some of the Members in the House campaigned and voted against them! So far the dust is settling down.

The two Presiding Officers, having served in the same positions during the last Parliament, are carrying out their duties in a most impartial manner as if nothing happened during their elections.

\* \* \*

**Mr George Cubie (United Kingdom)** thanked Mr CHIBESAKUNDA who had described a Clerk’s nightmare. He noted that Zambia followed the old Westminster system where there had been few contests. Normally, there had only ever been one candidate. The situation had changed dramatically in 2000 when twelve candidates stood. Procedure had also changed in one significant way. The Clerk no longer presided over the election. A senior member, the Father of the House, presided. Sir Edward Heath presided over the last election when he was 84. Faced by twelve candidates, he said he had no power to change the procedure of the House. This was faced with a wall of noise but happily no water bottles. He had to choose the order in which the names were taken. In fact, he chose first Mr Martin. There was grave dissatisfaction with the procedure which followed. The Procedure Committee examined the procedure for the election of the Speaker and looked at other procedures especially in Canada. Now, a new procedure had been adopted whereby a ballot was put forward with a secret vote, although the choice of having a secret vote had only been taken by one vote. In 2001, the new Speaker was re-elected unopposed so the new procedure had not yet been tested.

He had two questions. The first was what review there had been of the current procedure and the second was whether he would like to be relieved of the duty of presiding over the election.

**Mr Mwelwa CHIBESAKUNDA** said that some reforms of the procedure were being carried out. One reform was to change to a secret ballot for the election of the Speaker. He said that he would be very happy to be relieved of that particular task.

**Mrs Marie-Andrée LAJOIE (Canada)** said that this was the type of clerkly adventure that everybody could commiserate him on. In 1986, reform had led to a secret ballot for the election of the Speaker in Canada. This gave the added advantage to Speakers that their peers voted freely for them. One concern was that there should be no active campaigning for the position and in order to formalise this a recent rule had been brought about to allow speeches in the House by the candidates. This had not been seen yet. In Canada, all members were candidates for the speakership unless they positively withdrew their names. The idea of using the father of the House, who was known in Canada as the Dean of the House, had been copied in Canada.

**Mr Kaspar HAHNDIEK (South Africa)** said that in his country the election of the Speaker was presided over by the Chief Justice. The Clerk was never put in such a difficult position. Elections were by secret ballot. No lobbying was permitted in advance of an election. The assumption was that the majority party would decide its candidate.

**Mr Pierre HONTEBEYRIE (France)** said usually the system in the National Assembly was quite calm. It was presided over by the oldest member. There was a secret ballot. There might be up to three rounds. Usually the longest time was taken for the votes. When the President was elected he made a speech.

**Mrs Adelina SÁ CARVALHO, President,** said that this was like Portugal.

**Mr Brissi Lucas GUEHI (Côte d'Ivoire)** said that in his country the election was presided over by the oldest member. Candidates emerged as a result of discussion with the parties. He asked what would happen to the Clerk if there were problems in the House in the way in which he ran the election. He asked about the request for guidance from the High Court about the procedure for the election and whether or not this interfered with the autonomy of Parliament.

**Mr Mwelwa CHIBESAKUNDA** said the Clerk was appointed by the Head of State and this was ratified by the House. The House could do nothing to the Clerk. The reference to the High Court seemed quite simple and was able to be made or withdrawn at any time.

**Mr Robert MYTTENAERE (Belgium)** said the system in Belgium was very like that in France. The House had a fortnight to choose the Speaker. They avoided using the oldest member because experience had indicated that this might be the newest member elected.

**Mr Prosper VOKOUMA (Burkina Faso)** said that Burkinabe practice followed the French system. A special session was called where the oldest member assisted by the two youngest members formed a Bureau d'Age assisted by the Clerk to proceed to the elections. When the Speaker was elected the Bureau's job ended immediately.

**Mr Ibrahim Mohamed IBRAHIM (Sudan)** congratulated his colleague on his escape. The first sitting in the Sudan was presided over by the oldest member. A rule had been passed defining how elections should be held and the ballot was secret.

**Mrs Adelina SÁ CARVALHO, President,** thanked Mr CHIBESAKUNDA for his presentation and said that Mr ASSOUL of Algeria was unable to make his communication during that session. Mr Constantin SAVA of Romania no longer wished to present his communication orally and therefore the remaining orders of the day for the session were:

The revision of the rules

Elections

Communication from Mr Carlos MANUEL of Mozambique

Other matters:

Admission of new members

Administrative and financial questions

Presentation of the draft orders of the day for the session in Geneva in September

That meant that the sitting should proceed to the election at 4.00 pm but in the interim could deal with the remaining orders of day at that session if the meeting agreed.

**Sir Michael DAVIES (United Kingdom)** said he would be very happy if it were possible to finish on that day but noted that many had commitments which meant that they would have to leave at 6.00 pm that evening. He noted that there might be no-one left at the end of the meeting, especially since the ballot took half a hour and then there had to be time for counting.

**Mr Manuel ALBA NAVARRO (Spain)** asked who the candidates were.

**Mrs Adelina SÁ CARVALHO, President,** said there will necessarily be elections since there were various candidates.

**Mrs Adelina SÁ CARVALHO, President,** summoned the Executive Committee to meet at 2.45 pm that afternoon to approve the requests for membership of the Association. The meeting would end at 6.00 pm.

The session ended at 1.25 pm.

**FIFTH SITTING,  
Thursday 21 March 2002 (Afternoon)**

**Mrs Adelina SÁ CARVALHO, President, in the Chair**

**The sitting was opened at 3.00 pm**

**1. Introductory Remarks**

**Mrs Adelina SA CARVALHO, President**, welcomed participants and said that that afternoon would be given up to the general revision of the Rules of the Association and then elections.

She said that Mr Constantin SAVA, Secretary General of the Senate of Romania did not wish to present his communication orally but that he would deal with any requests for information in writing and that he would respond in the same way. Also Mr Carlos MANUEL, Secretary General of the Assembly of Mozambique had let it be known that he wished to change his contribution on the re-organisation of the Secretariat of the Assembly of the Republic of Mozambique and that he would present his communication in Geneva next September.

**2. General Revision of the Rules**

**Mrs Adelina SA CARVALHO, President**, invited members of the Executive Committee who had all taken part in the preparation of the new Rules to join her on the platform

She said that the Association of Secretaries General of Parliaments had a long history which had started at the dawn of the Second World War.

The main goals of the Association were to facilitate personal contact between its members, all of whom managed the services of their national assemblies. It was also designed to pursue study relating to the law and procedure of parliament. One of the Association's basic purposes was to propose measures to improve working methods and practices of different parliaments.

The ASGP had one particular characteristic. Although it remained proud of its autonomy which nobody disputed, nonetheless it remained a consultative organ of the Inter-Parliamentary Union.

The world had considerably changed since the Association had been started. In the course of the last few years, the fall of the Berlin Wall, the destruction of the Soviet Empire, changes in South East Europe, had all led to an increase in the number of countries who were members of the Association and had contributed to the diversity and complexity of the political situation.

At the same time, the growth of the role of parliaments which were traditional structures of democracy required support for emerging democracies to allow them to ensure that parliaments remained in the service of the state and the rule of law and control of the executive.

This idea was not a new one. Pierre-Paul Royer-Collard, a French lawyer writing at the eve of the French Revolution, declared that “the day when the ministers of the King will be those who belong to the Chamber will be the day when we have a Republic”.

The appearance of new democracies at the same time had changed the form of democracy. Thus the Western European model, although important, was no longer the only model followed and the citizens of those states which had gained independence or their liberty were choosing new forms of administration. These new forms might sometimes surprise Secretaries General of older countries. Nonetheless, it was yet another reason to fall back on the primary objective of the Association which was to create a method of working together to enforce parliamentary democracy.

**Mrs Adelina SA CARVALHO, President,** said that this analysis had led the Executive Committee to work towards a draft of a new Rules of the Association. This work had been carried out as transparently as possible and she reminded members that she had already made a presentation on this subject in Ouagadougou. Afterwards, the Secretaries General had been invited to send their draft amendments to the Joint Secretaries. They had included most of these in a document which had served as a working basis for an early meeting of the Executive Committee the previous week. The fruit of that co-operation had been circulated to members last Monday as well as a comparative table which had set out all those amendments received.

The aim was not to change the goals or functioning of the Association. The changes proposed by the Executive Committee were only to adapt the status of the Association to the changes which were taking place in order to allow the ASGP better to pursue its tasks. Furthermore, the Executive Committee would have taken more time with this work if a particular imperative linked to the reform of the functioning of the IPU had not been placed on it. The Union planned to change the organisation of its conferences. On the basis of working more in committees and using regional meetings, the Union planned henceforth to have only one conference a year. Between two conferences an Inter-Parliamentary Council would take place in Geneva. This situation still being at an evolutionary stage, it was necessary to change the Rules of the Association and its method of working to be flexible enough to cope with the changes which were taking place.

**Mrs Adelina SA CARVALHO, President,** drew the attention of participants to the main changes contained in the draft which had been sent to them the previous Monday and which had been approved by the Secretariat of the Inter-Parliamentary Union.

The first Rule had been aimed to extend the objectives to co-operation with parliaments who wished for legal or technical support. This would develop in collaboration with the IPU, of which the ASGP would make up a sort of technical and advisory arm.

Rule 3 set out what sort of parliamentary assembly would be eligible for membership of the Association. As now, those candidates who were Secretaries General who managed the parliamentary services or international parliamentary assemblies would be accepted. Of course, this meant assemblies who had true permanent staff. The ASGP had no interest in those who worked for temporary organisations.

Rule 4 gave a new definition for Secretary General which was the person who managed all the parliamentary services and this allowed the Rules to conform with practice. The drafting

underlined that it had to mean the person who exercised effective responsibility for the administration and not those in the name of whom such powers were exercised, such as the Speaker of an assembly for example.

Rule 9 provided for the status of observer within the Association to be given. Until now that practice, although current, had no basis in the Rules. The emphasis was put on the fact that observers could only be accepted within the general principles and conditions relating to admission contained in the Rules of the IPU.

Rule 11 related to the probable single annual session of the IPU. It was important that the Association should permit its members still to meet twice a year otherwise its work would be reduced in usefulness. Such an intermediate meeting would take place at the same time as the Inter-Parliamentary Council of the IPU at Geneva. The Secretariat of the Union had indicated that it hoped that the Association would agree to that proposal and that the technical arrangements for such a meeting created no problems.

Rule 21 related to a very interesting proposal by the Secretaries General of Sweden and Sudan, who suggested that meetings should include debates on themes to be decided in advance by the Executive Committee. This type of activity would go well with reports and communications as at present. It could be the means by which the Association could create a collective view on problems which were frequently encountered.

As far as elections were concerned, it was proposed that all votes would be arranged at the spring conference. Further, it set out those conditions under which the exercise of the interim powers of the President would be carried out, if the President was absent or unable to act.

The other changes were in some cases drafting and in some cases of some consequence.

If members accepted the proposed changes the Association would be better able to carry out its functions within its traditions, but at the same time taking account of the changing world in which everyone lived.

**Mr Hans BRATTESTÅ** (Norway) underlined that he had done a lot of work on reform of the Rules. He largely supported the project which took into account the various changes that were taking place. He thought that the matter was urgent. Nonetheless, he would have suggested a faster method for adopting reports. He thought that members were perhaps rather too serious in their working practices.

**Mrs Adelina SÁ CARVALHO, President**, agreed. Nonetheless, she thought that the Rules as they were allowed a convenient method of working. She thought that if the amendments proposed were adopted it would be possible to be able to react in a more flexible way. She thought that the working practices could then be equally reformed.

**Mr Mwelwa CHIBESAKUNDA** (Zambia) asked why Rule 3(1) provided for the possibility of admitting members who came from countries who were not members of the IPU.

**Mrs Adelina SÁ CARVALHO, President**, reminded members that that was already the case in the Rules in force. There was no point in discussing that because there was no amendment put forward to it.

**Mr Mwelwa CHIBESAKUNDA** (Zambia) thought that the terms of Rule 4 were too general. In certain countries a minister might be in charge.

**Mr John CLERC** (Switzerland) asked whether the debate was one of general principle or whether already debate had started on the details. He asked whether time would be given up for debating the matter in detail.

**Mrs Adelina SÁ CARVALHO, President**, said that she had received various proposals for amendment in the course of the last months. They had been closely examined and for the most part included in the draft which was submitted to the conference. She thought it was better to discuss the whole thing together because it would not be possible to accept new amendments since the time limit for their submission had passed some time ago. The Executive Committee had adopted the draft in a consensual way and it should be taken as a whole.

**Mr John CLERC** (Switzerland) thought that it was not parliamentary to limit debate to a global examination.

**Mrs Adelina SÁ CARVALHO, President**, said that it would be possible to vote on the Rules, rule by rule, but not to put down new amendments.

**Mrs Jacqueline BIESHEUVEL-VERMEIJDEN** (Netherlands) asked for an explanation of Rules 7 and 17. She thought that a time of three years for a mandate was insufficient.

**Mr Everhard VOSS** (Germany) asked how many amendments had been taken into consideration. He thought only the text presented by the Executive Committee should be taken into account and no other.

**Mr Chistoph LANZ** (Switzerland) proposed to discuss the draft rule by rule.

**Mrs Adelina SÁ CARVALHO, President**, said that members had at their disposal a comparative table with all the amendments which had been received, which also indicated what their fate was in terms of being included in the final draft. The Executive Committee had tried to come to a compromise on each of the elements of the draft. She asked members whether they agreed with the Swiss proposal to discuss the draft rule by rule.

**Mr Prosper VOKOUMA** (Burkina Faso) thought that the excellent work put before the Association was the fruit of a long process and he thought it would be better to agree to it by acclamation and rely on any detailed amendments to be done later if necessary.

**Mr Ibrahim SALIM** (Nigeria) agreed. He thought that a motion should be voted on whether to vote rule by rule or to proceed to a global vote.

**Mrs Adelina SÁ CARVALHO, President**, put that proposal to a vote.

By 28 votes to 7 against, the conference decided to proceed to a global vote on the draft.

The draft was put to the vote.

By 38 votes in favour, 2 against and 5 abstentions, the draft amendment of the Rules presented by the Executive Committee was adopted.

### **3. Elections to the Executive Committee**

**Mrs Adelina SA CARVALHO, President**, said that four posts were vacant within the Executive Committee to replace: Mr Ian HARRIS, who had been elected Vice-President at the session in Havana, Mr Robert MYTTENAERE and Mr Mamadou SANTARA both of whom were arriving at the end of their mandate when that conference finished, and Mr Giuseppe TROCCOLI who had resigned from the Executive Committee

**Mrs Adelina SA CARVALHO, President**, thanked sincerely those who were leaving the Executive Committee for their contribution. She said that she had notice of six candidates for the four vacant posts, and they were:

- Mme H  l  ne PONCEAU, Secretary General of the Questure of the Senate of France
- 
- Mme Emma LIRIO REYES, Deputy Secretary General of the Senate's Legislative Services of the Philippines
- 
- M. Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso
- M. G.C. MALHOTRA, Secretary General of the Lok Sabha of India
- M. Anders FORSBERG, Secretary General of the Riksdagen of Sweden
- 
- M. Pavel PELANT, Secretary General of the Senate of the Czech Republic

**Mrs Adelina SA CARVALHO, President**, said that the electoral rules and the list of those persons able to vote had been placed on the tables at the entrance to the hall and that the Joint Secretaries were available for any questions relating to that.

She suspended the sitting for some minutes in order to allow the final preparations for the vote.

*Sitting suspended.*

**Mrs Adelina SA CARVALHO, President**, invited those persons able to vote to take a voting slip from the table in front of the tribune and then asked them to return to their places to fill it in. She said that they should tick the boxes corresponding to the candidates of their choice to the limit of four posts available, or expressing an abstention or no vote. Those candidates who got the most votes would be elected in accordance with the electoral rules. Rule 2 only allowed for one round of voting. She invited the Vice-President, Mr Mohamed Rachid IDRISSE KAITOUNI to take his place on the platform to assist in the organisation of the elections.

She invited those persons able to vote to go towards the platform, asked them to give their name to the Joint Secretary who would then tick their name on the list of those able to vote, before putting their voting slip in the ballot box.

(The counting of votes was carried out by the Joint Secretaries and the Vice-President.)

**Mrs Adelina SA CARVALHO, President,** announced the result:

Fifty-six valid votes were cast and the following members were elected:

Mme Hélène PONCEAU (France) - 46 votes  
Mr Prosper VOKOUMA (Burkina Faso) - 43 votes  
Mr Anders FORSBERG (Sweden) - 39 votes  
Mrs Emma Lirio REYES (Philippines) - 29 votes

**Mrs Adelina SA CARVALHO, President,** invited the new members of the Executive Committee to stand.

#### **4. New Members**

**Mrs Adelina SA CARVALHO, President,** said that she had received four requests for membership of the Association, namely:

Mr BOURHAN DAOUD Ahmed                      Secretary General of the National Assembly of  
Djibouti  
(This country was joining the ASGP for the first time)

Mr Faisal DJAMAL                                      Deputy Secretary General of the  
House of Representatives of Indonesia  
(replacing Mrs Sitti Nurhajata DAUD who had  
become Secretary General)

Mr Daadankhuu BATBAATAR                      Secretary General of the State Great  
Hural of Mongolia  
(replacing Mr Baasangombo ENEBISH)

Mr Hugo Rodriguez FILIPINI                      Secretary of the Senate of Uruguay  
(replacing Mr Jorge MOREIRA)

#### **5. Administrative and Financial Questions**

**Mrs Adelina SA CARVALHO, President,** told participants that the system of dealing with late payers had resulted in a rise of 5% of collection of subscriptions. She said that these efforts should continue and asked those members who had not yet paid their subscriptions to do so.

## **6. Orders of the Day for the meeting in Geneva**

**Mrs Adelina SÁ CARVALHO, President**, proceeded to read the draft orders of the day for the meeting in Geneva.

1. Second Draft Report of Mr Ian HARRIS, Clerk of the House of Representatives of Australia, on **Promoting the Work of Parliament**.
2. Communication from Mr Ibrahim Mohamed IBRAHIM, Secretary General of the National Assembly of Sudan, on **the Sudanese Parliament**.
3. Communication from Mr Carlos MANUEL, Secretary General of the Assembly of the Republic of Mozambique, on **the Re-organisation of the Secretariat of the Parliament of the Republic of Mozambique**.
4. Communication from Mr Vyacheslav KOVAL, Secretary General of the Verchnovna Rada of Ukraine, on **the new convocation of the Ukrainian Parliament; ways of improving effectiveness**.
5. Communication from Mr G.C. MALHOTRA, Secretary General of the Lok Sabha of India, on **Ethical Standards for Members of Parliament**.
6. Debate on the consequences of new technologies on parliamentary work.
7. Communication from Mr Martin CHUNGONG on recent activities of the IPU.
8. Discussion of supplementary items (to be selected by the Executive Committee in Geneva).
9. Administrative and financial questions.
10. New subjects for discussion and draft agenda for the next session in Santiago, Chile (Spring 2003).
11. Presentation by Mr Carlos HOFFMANN, Secretary General of the Senate of Chile, on the organisation of the Santiago Session.

**Mrs Adelina SÁ CARVALHO, President**, said that communications must reach the Joint Secretaries in both languages of the Association, that is to say English and French before the opening of each session. Some participants had asked why communications distributed on the tables were only in one language or sometimes why no written documents had been made available to accompany communications given orally from the platform. The President wanted to underline the requirement in the Rules relating to provision of such information in both languages.

## **7. Closure of the Session**

**Mrs Adelina SÁ CARVALHO, President**, said that the Moroccan session was coming to its end. She thanked in particular in the name of all participants Mr Mohamed Rachid IDRISSE KAITOUNI, the Secretary General of the House of Representatives of Morocco, who had been an excellent host all week and who had ensured that they all had had excellent working

conditions. She also included in her thanks all those staff who had assisted her and who had contributed to the success of that conference.

**Mrs Adelina SÁ CARVALHO, President**, thanked also the two interpreters who had, once again, had shown great professionalism, notably when they had had to translate debates sometimes on matters of considerable technical difficulty. Finally she thanked all those participating for their contributions, their interventions and their questions, which had made the exchanges so interesting.

The session closed at 5.30 pm.