

II. The management by Parliaments of their historic buildings.

Communication by Mr Michel COUDERC (France), Beijing Session (September 1996).

Before giving the floor to Mr COUDERC, the President reminded members of the Association of the procedure on supplementary items: according to this procedure, the Speaker began by presenting the question which interested him, outlining the situation in his own Assembly, then other members were called to respond to this contribution, to put questions to the speaker, and above all, to explain to the Association how the problem raised by the speaker was dealt with in their own Parliament.

Once this explanation had been given by the President, Mr Michel COUDERC spoke as follows:

"The Assemblée Nationale, like other parliamentary assemblies, consists of an official "seat", which is in fact composed of buildings themselves well equipped and furnished. From an initial institutional and functional point of view, these estates constitute the surroundings and equipment for the work of the deputies, but, from another viewpoint, which is that of their conservation and management, they are to be considered as historic buildings.

This second conception is more modern than it might appear. The old notion of "heritage" has been restored to an important position in France since 1980, declared "heritage year". What does this mean? The "patrimoine" in the French sense is not only a collection of goods passed down to a certain person by inheritance and which is considered to be of some value. This civil conception is now extended to public objects considered in their most precious historical aspect; a "national heritage" is spoken of. It is under this heading that the property and furnishings of the Assemblée Nationale are managed and displayed to advantage. Thus on Saturday 14 and Sunday 15 September 1996, the Assemblée opened its doors, along with all the great Palaces of the nation, to a large number of people both from France and elsewhere.

However, the existence, management and the policy pursued in this area are not without a certain number of peculiarities and paradoxes.

1. The existence of the historic buildings of the Assemblée Nationale

1. *Its material existence*

The Assemblée occupies and manages five properties divided into two categories:

- historic buildings: the Palais Bourbon and the Hôtel de Lassay, built in the eighteenth century; premises of the Congrès in the Palace of Versailles (the Midi wing - seventeenth century and end of the nineteenth century);
- three modern buildings in the 7th arrondissement.

In total more than 41,000 square metres of land (more than 41 hectares), that is to say 174,000 square metres of useable space and 1,310 offices (not counting Versailles).

These buildings are of course equipped both with works of art in some of the historic buildings and with functional furnishings for all offices. They are supplied with modern equipment and made secure. This is to say that the very material existence of this heritage imposes a management appropriate to "historic monuments", in other words one responding to the maintenance and conservation of works of art, and at the same time to the requirements of the most modern technical management (from electricity, heating and air conditioning to fire and security precautions).

The variations in the number of deputies and of political groups, and the growing need for the most modern equipment (television, fax, air conditioning, etc.) impose both architectural and technical constraints which are sometimes difficult to reconcile.

2. *Its existence in law*

Paradoxically, a collection of buildings of such importance and value does not have a legally autonomous existence: the Assemblée is not the owner of its estates. This paradox is explained by the absence of a 'legal personality' for the parliamentary assemblies in French law. It is the State, a legal person, which can carry out in relation to these estates arrangements related to property law.

For all that, the Assemblée acts in practice but also in law as if it was the legal person with property rights. In fact the administrative and financial autonomy which it enjoys, in accordance with an order of 1958 which has the status of law, authorises it legally and practically to carry out all the acts which an owner could effect with respect to his properties. However, to purchase

buildings, as was the case on several occasions for the modern properties, the Department of State Properties must contribute as a party to the sale.

Otherwise, for all acts of management, and in cases of litigation, it is the parliamentary administration and in the last resort the President/Speaker of the Assemblée Nationale, who is considered to be representing the State.

2. The management of these buildings

The management of this heritage falls to the administrators ('Questeurs') of the Assemblée Nationale who take decisions collectively concerning in particular the signing of contracts. The 'Questeurs' in fact have at their disposal total control over financial matters. They hold these powers from the order of 1958 as well as article 15 of the Rules of the Assemblée, which states:

"The 'Questeurs', under the direction of the Bureau, have responsibility for financial and administrative services. No new expenditure can be made without their prior agreement."

Of course, with regard to 'heritage' decisions of great importance (acquisition of new properties, restoration work on a large scale in offices assigned to parliamentary activity, for example offices near the chambers), it is the Bureau which takes the decision on the basis of a report from the 'Questeurs'.

To provide this management, the Secretary General of the Questure relies on the Buildings Service on the one hand and, on the other, on the Secretariat for affairs relating to property, programmes and contracts. The first is responsible for the maintenance of buildings and the conservation of furnishings, makes preliminary studies for alterations and works, and possibly fulfils the role of project manager. The second prepares the programming and financing of works, and provides on behalf of the manager of the programme, that is to say the 'Questeurs', control and oversight of the various activities. The Secretary General of the Questure has the responsibility to collate and present to the Questeurs the relevant files for a decision.

3. Policy towards these buildings

Does there exist apart from questions of everyday management, a genuine heritage policy? Today the answer is possibly yes, at least with regard to decisions of principle and their initial implementation. This policy has several axes:

1. Two directives which will constitute long term plans (of about ten years) are already issued or on the way to being issued. There is a directive on technical matters which consists in putting in place the most modern and trustworthy equipment for water and electricity in all the buildings managed by the Assemblée. There is also a directive on heritage matters which takes account of the historic aspect of the oldest buildings, that is the Palais Bourbon and the Hôtel de Lassay, as well as the wing of the Congrès at Versailles.

2. The work is essentially that of the restoration of properties but also of the conservation of furnishings and, if possible, of the enrichment of art works. In this regard, an inventory of works of art (pictures, sculptures, etc.) lent by museums or owned by the Assemblée, is brought up to date and revised. In parallel, the inventory of furnishings of art is also revised and brought up to date. The follow-up to these inventories will be pursued through modern techniques of information gathering and processing.

3. Finally, a policy of the systematic opening of the Palaces to visitors, who are also citizens, has been pursued for a number of years. This is accompanied by programmes of exhibitions, some of which directly concern the conservation and treasuring of this heritage.

The most striking initiative in this regard is the opening of a permanent exhibition - which one could describe as a museum - of the parliamentary institution at Versailles. In this enterprise, instigated by the President, Philippe Séguin, there participate both the Senate, and, in its running, the administration of the Palace of Versailles. Finally, the publishing of works presenting systematically the architectural and artistic aspects of the different palaces of the Assemblée completes this heritage policy".

*
* * *

The President, Mr OLLÉ-LAPRUNE, thanked Mr Couderc for the clarity and interest of his contribution and gave the floor to members of the Association wishing to comment on the general question of the management of their historic buildings by parliamentary assemblies.

Mr Guiseppe TROCCOLI (Italy) said that the problems presented by Mr COUDERC in relation to the management of historic parliamentary buildings were also found in approximately similar terms in the Italian parliament. The latter also had an 'open doors' policy, which covered the Senate as well as the Chamber of Deputies. Mr TROCCOLI added that this policy had to date met with some success since on each occasion several thousand people had come to

the Parliament. Thus, in 1995, nearly 50,000 persons had come to look at an exhibition of pictures held in the Parliament's offices. He explained that the Senate and the Chamber of Deputies enjoyed full legal status and that they had come to work in close collaboration with the Ministry of Public Affairs in those matters concerning the management of their buildings.

In concluding, he tackled the question of the application of Community directives in such matters, noting that the Italian parliamentary buildings dated essentially from the seventeenth century, which made it difficult to bring these premises into line with the standards laid down by Brussels.

Mr Hermann NYS (Belgium) said that it was the Bureau of the Senate which was enabled, in his country, to take all decisions of significant importance in questions concerning the historic buildings of the Assembly. Like the French Parliament, the Belgian Parliament was not legally the owner of its buildings. To carry out a coherent policy in the management of the buildings, the Questeurs of the Parliament in Belgium depended particularly on the Buildings Service, which was in charge of the management of property and contracts. He also emphasised the success enjoyed by the "open doors" policy (which took place on 21 July, the national day), a policy tested by his Assembly, and noted that the number of visitors bordered on 50,000 per year.

Mrs Claudia Lyra NASCIMENTO (Brazil) recalled that the city of Brasilia had been judged to be part of the public heritage by UNESCO, which meant that to carry out works, including works within the premises of Parliament, the parliamentary administration had first to obtain the opinion of the chief engineer and of the town architect of Brasilia. She pointed out that this initial opinion was of obligatory effect in the case of the Brazilian Parliament and asked the following question of Mr COUDERC: Did there exist in French law a statute forbidding the organisation of works which could alter the interior or exterior aspects of the French Parliament?

Mr Michel COUDERC (France) answered that the Palais Bourbon (the seat of the French Assemblée Nationale) was not classed as a historic monument which meant that its buildings could in theory escape the protection of the Department of Historic Monuments. Mr COUDERC noted, however, that in practice the Assemblée Nationale always tried hard to respect strict rules in management of its historic buildings. Moreover, the architect for historic monuments responsible for the 7th arrondissement in Paris would certainly not accept any change to the Palais Bourbon. Mr COUDERC in this regard recalled that when there had been the question of constructing a new building in front of the Palais Bourbon, negotiations had taken place in 1968, with André Malraux, then Minister of Culture, to determine in particular the number of floors of the

proposed building, with the aim of respecting the environment and the surrounding setting.

Regarding the restoration of the offices within the Palais Bourbon, the architect of the Assemblée Nationale always collaborated in a close and constructive manner with his colleagues in the Historic Monuments Department, which meant that in reality the Assemblée Nationale respected the legislation concerning historic monuments even though it was not obliged to comply with it.

Mr Manuel ALBA NAVARRO (Spain) mentioned the difficulty encountered by a number of parliamentary assemblies in freely managing their buildings. He said that the exposition of Mr COUDERC had reminded him of a lively debate in Spain concerning the legal status of parliamentary assemblies. A professor of law well regarded in Spain had maintained that the State alone was the owner of the parliamentary buildings, a statement which the Clerk of the Parliament had for his part contested. Mr ALBA NAVARRO mentioned the existence of an article in the internal Rules of the Spanish Senate which provided for financial, and even legal autonomy, in matters concerning its estates, authority in the matter resting finally with the President/Speaker of the Chamber. In other words, the management of its buildings had to be carried out directly by the parliamentary assembly without pressure from the City Council of Madrid in particular.

He added that his Assembly preferred to pay the taxes on property and to be considered as responsible for the management of these properties, rather than not to pay tax and be seen to deny the possibility of managing its own premises.

Mr Mien Francis MOUFONDA (Congo) said that in his country the Parliament did not own its premises and that their manager was in the Congo's parliamentary system only the President/Speaker of the Assembly, the Questeurs only being accountants. He asked Mr COUDERC what room for manoeuvre did the President/Speaker of the French Assemblée Nationale enjoy in matters concerning the management of parliamentary buildings.

Mr Michel COUDERC (France) explained that, unlike what occurred in many African countries, the President of the French Assemblée Nationale was not the only manager. He said that this rule did not result in any "bullying" of the President of the Assemblée for when improvements appeared necessary the President could directly request the Questeurs to allow in the Assembler's budget for the funds necessary for such and such restoration or action. As for the most important decisions they were for the most part the result of a dialogue between the President and the Questeurs, which meant that there were no impositions of the authority of the Questeurs against that of the President/Speaker.

Mr Robin DOUGLAS (South Africa) said that the buildings of his Parliament had been classified as historic monuments of his country which he of course considered as an honour but which also involved a great responsibility. For the time being in South Africa, the State was the owner of the parliamentary premises. In the future, the South African Parliament would control a budget for the maintenance of its buildings, and one of the objectives of the parliamentary administration was to be able in due course to be in charge of the management of all the buildings of the Assembly, which could be the case from the next budgetary year (1997).

Sir Michael WHEELER-BOOTH (United Kingdom) said that the Westminster Parliament had been confronted by the same type of problem as that experienced by the other Parliaments. He recalled that the British Parliament was a royal palace and that for many years the administration of Parliament had been able to manage its buildings as it wished without having to take account of aesthetic or architectural guidelines. He explained that in 1965 the Crown had decided that the two Chambers would thenceforth be in charge of the management of their Palace: they had become de facto owners of these buildings and would carry out, in the interior of these premises, operations of restoration and modernisation as they wished.

He added that the situation had developed for Parliament was now obliged to abide by legislation on the environment, on heritage and culture which was more and more precise, detailed and important: Parliament had progressively found itself in the position of the 'biter bit'. It had in fact itself created the laws on architectural standards which from now on applied equally to the management of its own premises. Even if the parliamentary administration remained relatively reticent in taking account of the numerous remarks and requirements of conservation, it was obliged to make many compromises in modernising the parliamentary buildings, computerizing the offices, or installing safety doors against fire.

Mr Berislav ZIVKOVIC (Croatia) said that for its part the Croatian Parliament sat in a baroque palace built in the middle of the eighteenth century and it had been necessary to call in architects to modernise certain sections of the buildings.