

III. Powers of the Speaker/ President in the Chamber

A. Introductory note for topical discussion at the Cyprus session, April 1990, by Mr. Donato Marra, Secretary General of the Italian Chamber of Deputies

In Italy the powers of the President of the Chamber of Deputies are contained in Rule 8 of the Rules of Procedure. It mentions not only his duties of representing the Chambers and of supervising the administration of Parliament, but also solemnly affirms that the President shall guarantee the good conduct of business by upholding the rules of procedure. It provides that the President shall call speakers, direct and control the debate, maintain order, put the Question, set the order of votes, explain the significance of a vote and announce its result. This Rule as well as the almost identical Rule 8 of the Senate, is thus both a general principle and a keystone of the system. It is the basis of a general function of guaranteeing the correct running of the parliamentary institution in all its proceedings, including the plenary sittings. This duty is more directly regulated by a series of other rules which are based on this principle.

The first group of powers, of major importance, concern the organisation of business. Apart from the general power of summoning the Chamber of Deputies for ordinary or extraordinary sessions, set out in Rule 29 of the Rules, the task of drafting the programme (Rule 23) and the Order of Business (Rule 24) and of presenting them for debate and vote in the Assembly, is given to the President of the Chamber when the Chairmen of the political groups have not agreed unanimously on them. This duty is given to the President under the rules as an impartial guarantee of the good conduct of business and a point of balance between the interest of the majority and those of the opposition. The Assembly has either to accept or reject the President's proposal but cannot amend it unless the President himself accepts amendments as a mediator in order to avoid the majority taking over the time guaranteed for the submission of the opposition's proposals. This procedure is followed equally for changes to either the order of business or the time-

table. This practice has also been applied in decisions about adding new subjects to the order of business by way of analogous interpretation of Article 27 which gives the President the corresponding authority over the timetable.¹

In setting the order of business the powers of the President are more limited. If a timetable has been agreed he has to follow it; if on the other hand it has not, he makes a proposal which can be put (even at the request of a single Member) to a vote (and those present can amend his proposal). In practice setting the hour for starting business, for technical interruptions and the closure of the sitting (Rule 26) are left to his discretion. Since 1981 (the year in which the timetabling was introduced even without unanimous approval of the political groups) the absence of an acceptable timetable is exceptional. Since, formerly, it was exceptional for the Assembly to agree to an order of business different from that put forward by the President, the significant role he played as a mediator between the political groups was already recognized in practice.

Besides the President also has powers to ensure the carrying out of the order of business and the timetable. He can rule on the points of order and on the order of business without putting matters to a vote (Rule 41). Such a power is used in practice to avoid specious requests being used as a way of adjourning into Committee, postponing a discussion or suspending the Sitting, that is to say disrupting the order of business: proposals which are made with the sole aim of disrupting business, even though a timetable has been approved by a large majority or with the support of all the parliamentary groups.² Obviously this power has to be exercised cautiously so as not to disturb the political balance in the Assembly which remains master of its own order of business. In practice the President of the Chamber of Deputies tends to put to a vote matters which have essentially political importance (and by so doing clearly gives the parliamentary majority responsibility for the decision) or when new matters arise which could not have been taken into account fully when the original timetable was set or when it is governed by previous decisions of the Assembly itself.

¹ In the Senate on the other hand things are not arranged on the basis of an unamendable decision of the President but each decision is taken by a majority vote whether they refer to changes to the weekly plan of work put forward by the President (Rule 54) or amendments to the timetable in cases where the necessary unanimity of the leaders of the political groups is not achieved (Rule 55). Otherwise normally no change is proposed or accepted to the recommendations of the President.

² The President of the Senate has similar powers under Rule 92.

Even if the President does not have general power to control debates he can nonetheless, when there is no agreement among the Leaders of the parliamentary parties, arrange for the debates on the financial and economic planning report, budget instruments and Bills related to it by dividing up the total time available for one part equally among the political groups, and for another part in proportion to the size of the groups.³

Another group of powers provides for the orderly conduct of debate.

The principal power—a general disciplinary one under Rule 41 and other relevant rules—is to rule on Points of Order (any question concerning the compliance with the Rules). Although the precise terms of Rule 41—which speaks of Points of Order at the same time as challenges to the order of business—envisages the ability of the President to put the Question to a vote, the practice has developed, and been reinforced, that it is the full responsibility of the President, who is the only possible guarantee of the enforcement of the Rules, which otherwise depend on the support of the absolute majority of the Assembly.

The President sets the list of speakers, alternating between those who are against and those who are in favour of a proposal, namely those speakers belonging to the different parliamentary groups. He declares that speakers who are not present when their turn arises are passed over (Rule 36); he reminds speakers to adhere to the time allocated and the subject under debate and can call them to order when speaking (Rule 39). He rules on the admissibility of requests for the floor (speaking rights) which arise incidentally or for personal reasons when an MP wishes to speak because he feels his conduct or his opinion have been misrepresented (Rules 41 and 42); the President has the task in time-limited debates to give the floor to one speaker from each group and in exceptional cases to allow other speeches (Rule 45).⁴ It should be emphasized that the President has the discretion to ensure the right to speak for those MPs wishing to express dissenting opinions. While on the one hand Rules 83 and 85 (which respectively deal with general debates and consideration of clauses of Bills, recognise that someone who disagrees has a right to speak, they do, on the other hand, give the President the unchallengeable right to make the practical arrangements and set the time limits to ensure the

³ Rule 84 of the Senate Rules gives the President general powers to fit the speaking time into the timetable when there has not been agreement on the allocation of the debate.

⁴ The President of the Senate has the same powers under Rules 84, 90 and 92.

conduct of business.⁵ Following a recent change, the President has been given the power to distinguish preliminary (i.e. not open to debate) or suspensive Questions put forward by different members of the same group in order to allow a separate explanation (Rule 40).

The President can allow derogations from the time limits set by the Rules. He can, in effect, increase for one or more speakers or each group the prescribed time limits for the length of speeches during a debate on the consideration of amendments to Bills if their particular importance makes this necessary (Rules 39 and 85).⁶ In particular he can give more time for the introduction or reply of those who put down interpellations if the matter has exceptional political importance (Rule 138). He can waive the deadlines for tabling and Printing of amendments if the debate has gone on longer in Committee than expected, and in the printing of Committee Reports on matters on the Chamber's agenda just as he can also put a limit on the tabling of some amendments to amendments tabled during the sitting by the Government and the Committee (Rule 86).⁷

The President also has important powers over voting. Not only does he put the question but he explains the significance of votes and sets the order in which they will be taken (see Rule 8 and Rules 87 and 113) but he can, when there are many amendments which differ only in respect of numbers or graduated changes, set the way in which they will be dealt with thus altering the order of votes when he considers it appropriate to do so to save time or for the sake of clarity (Rule 85 sub-paragraph 8).⁸ Also for the sake of clarity, he can call for an electronic vote where a vote by show of hands; is envisaged, and call for a check ballot (Rule 53). He can also, in case of irregularity, annul a vote and order it to be held again immediately (Rule 57). He can also decide whether a secret vote should take precedence over a public vote, where doubts arise on the matter under discussion (Rule 49)⁹ and he can judge whether a motion, by its content, should be considered as a motion of censure on different Ministers and ought therefore to be voted by roll-call (Rule 115).

⁵ In the Senate Rules 84 and 109 did not seem to give the President the same powers of control and setting the practicable arrangements and the time limits for speeches.

⁶ For the practice in the Senate see Rule 89.

⁷ Rule 100 of the Rules of the Senate gives the President some of the powers.

⁸ This latter priority also applies to the President of the Senate by Rule 102, sub-paragraph 4.

⁹ The powers of the President of the Senate are contained in Rules 114, 118 and 113.

Other presidential powers are those concerning the preliminary admissibility of each type of parliamentary instrument or bill which is tabled in the Assembly or which ought to be presented or sent to it. First the President does not read anonymous or indecorous texts (Rule 33). He declares inadmissible items of business which contain amendments which have been rejected (Rule 88). He rejects items for the agenda, amendments or additional articles which contain disorderly phrases or which contain points beyond the scope of the discussion, or which have already been dealt with in previous proceedings (Rule 89). He declares inadmissible amendments and additional articles which are not within the terms of a Statutory Instrument. He removes from draft financial legislation provisions which are not within its terms (Rule 120). He rules out of order proposals for the Finance Bill of the State Budget which have not been rejected in the Committee and which are not in accordance with the general direction of economic and financial policy (Rule 122). He also declares inadmissible questions, motions or interpellations whose form is irregular (Rule 139).¹⁰

The President has considerable powers to maintain order in the Chamber in order to ensure good conduct of business." He can be asked by a Member to appoint a Committee of Inquiry if allegations against a Member's honour have been made during debate (Rule 58). He can call to order Deputies who are using non-parliamentary language or whose behaviour is interrupting the debate or the proceedings (Rule 59) and where such behaviour is repeated, or in particularly serious cases, he can order expulsion of the Member from the Chamber for the rest of the Sitting (Rule 60). In cases of complete disorder he can suspend the Sitting or adjourn it (Rule 61). He exercises these necessary powers for maintaining order within the Chamber and can order the Police to enter the Chamber (Rule 62). He can order the clearing of the public galleries if there is disorder there, either in part or completely (Rule 64).

It should be remembered also that the Presidents of both Chambers have a series of minor powers which can be used in the course of debates. He can adjourn, at the request of the Chairman of the Budget Committee, the consideration by the Assembly of amendments while awaiting the opinion of that Committee. He can adjourn for a short time the discussion of amendments presented by the Government or the Committee during a Sitting (Rule 86) or

¹⁰ In Rule 100 of the Senate Rules the President can rule inadmissible amendments which are inconsequential.

" The President of the Senate has similar powers.

adjourn the final vote on a Bill to a future Sitting (Rule 91). He has wide powers in relation to various forms of parliamentary review (questions etc.) on governmental action, in particular in relation to the Rules established for deadlines and the tabling of business.

In conclusion I believe the topical discussion on the powers of the President in the Chamber should seek replies above all to the following questions:

- should the limits of discretionary powers of the President be increased or reduced?
- should a distinction be made in this respect between those powers relating to good conduct of debates and those concerned with the setting of the Order of Business?
- in view of the powers given to the President, are the quorums necessary for his election adequate?

B. Topical discussion: extract from the minutes of the Cyprus Session, April 1990

The Powers of the President in the Chamber

Mr. TRAVERSA spoke on behalf of Mr. Marra as follows:

In Italy the powers of the President of the Chamber of Deputies, are enshrined in Article 8 of the Rules of Procedure. These refer not only to his duties in representing the Chamber and in governing its internal administration but also solemnly affirm to the President "to ensure the good conduct of work, in accordance with the Rules". The Article also provides that "the President calls speakers, directs and moderates the debate, maintains order, puts the question, sets the order of votes, explains the significance of votes and announces the result of votes".

The powers of the President can be divided into six categories:

(1) Powers connected with setting the work programme

The President has the general power to summon the Chamber of Deputies for Ordinary or Extraordinary sessions. If the leaders of political groups do not reach an unanimous agreement on the work programme and order of business it is up to the President to decide these matters and make a proposal to the Assembly. It should be pointed out that the Assembly has the choice only to accept or reject the proposal from the President; it cannot amend it.

This is to prevent the majority overriding the allowance made for the minority in the President's proposal.

The President's powers in setting the agenda for each sitting are limited. Once an overall programme of work has been agreed the President has to comply with it. If no such programme has been agreed he puts a proposal to the Assembly. The start time, time for technical breaks and the closing of the Sitting is left for him to decide. Since 1981 (the year in which the programming of business was introduced without requiring the unanimous support of political groups) it has been exceptional for the overall timetable not to be met.

The President has additional powers to ensure that the agenda and the programme of work are achieved. He can rule on points of order and challenges to the work programme without needing the support of a vote in the Assembly (Article 41).

Naturally the exercise of these powers requires caution in order not to upset the political equilibrium in the Assembly which itself remains master of its own business. In practice the President tends to put to a vote in the Assembly questions which have great political importance so that the different positions of the minority are set out clearly. This applies especially to points which have newly arisen and have not been decided on in the past. If the leaders of the political groups do not reach agreement, it is up to the President of the Chamber of Deputies to organize debates on the budget and on draft laws relating to it, and dividing the total time available among the different political groups and sub-groups within parties.

(2) Powers relating to the conduct of debates

The President's main powers relate to deciding on points of order and challenges to the order of business. Although the President can refer a matter to be decided by the Assembly itself the practice over the years points to the President taking full responsibility for the application of the rules of procedure of the House.

The President has responsibility for:

- (a) setting the list of speakers, alternating between those who are in favour and those who are against and those who represent different political groups;
- (b) announcing names of speakers who are not present when their turn to speak arrives;

- (c) calling speakers to order and keeping them within the time limits;
- (d) deciding whether a request to intervene in a debate is in order;
- (e) within the constraints of limited debates to call speakers from each political group and exceptionally to allow other speeches.

With regard to the right to speak in general debate and on draft legislation, it is generally recognized that those who want to express an opinion different from that of their political group have a right to speak.

The President has power to set down without challenge the practical arrangements and time limits to ensure effective conduct of the Assembly's business.

The President of each Chamber can, in addition, vary the limits provided by the rules according to the importance of the subjects discussed. He can increase for one or more speakers from each group the time they are allowed to speak in a particular debate or on amendments. He can equally give more time for the presentation for interpellations and comments on the response received. He can also change the time limits on presentation and notice of amendments and on publication of the report of the Committee and on the presentation of sub-amendments to amendments presented during a Plenary Sitting by either the Government or the responsible Committee.

(3) Powers in relation to votes

Not only does the President put the Question but he also explains the significance of votes and determines the order in which they are taken. In cases where there are many different amendments involving a variety of options he can set the order in which votes are taken the way he considers best for the purposes of economy or clarity. He also has the power in case of irregularity to cancel a vote and to have it taken again immediately. He also has to decide whether or not a secret vote should be allowed or whether a motion constitutes a motion of censure against different Ministers and therefore should be subject to a roll-call vote.

(4) Powers of the President concerning the preliminary examination of the admissibility of parliamentary documents

The President can declare inadmissible proposals which reproduce amendments already rejected by the Chamber. He rules on the acceptability of motions, amendments and new clauses on the basis of whether they are within the scope of the debate or the legislation, taking into account previous proceedings of the Chamber. He forbids the readings of motions which have

not been signed or which are out of order. He rules out of order amendments and new clauses which are beyond the scope of the Bill (draft law). He withdraws from draft legislation items which are beyond its normal scope. He declares inadmissible motions tabled in the Chamber to financial legislation and the state budget which have not been considered in Committee.

(5) Powers to main order in the Chamber during sittings in order to ensure good conduct of proceedings

The President can appoint a Committee of Inquiry in response to a request from a Deputy whose honour has been challenged. He can call to order Deputies who use non-parliamentary language or who otherwise impinge on the freedom of discussion and order in the Chamber. In extreme cases he can order that a member be excluded from the Chamber for the rest of the sitting. In case of complete disorder he can suspend the sitting. He exercise powers to maintain order within the Chamber and can, if necessary, order the police into the Chamber or have spectators excluded from the public galleries.

(6) Secondary powers

The President can adjourn the consideration of amendments pending the opinion of the Budget Committee if its Chairman so requests. He can adjourn debate on amendments presented by the Government or by a Committee during a sitting or adjourn the final debate on a draft law to another sitting. He has vast powers in relation to debate on motions, interpellations and questions.

In conclusion, said the Rapporteur, I believe that a discussion on the powers of the President of the Parliamentary Assembly give rise to a member of question:

Is it opportune to increase or to reduce the limits of his discretionary powers?

Should a distinction be drawn between the powers designed to ensure the good running of debates and the powers concerned with setting the order of business?

Given the powers of the President of the Chamber are the quorums necessary for his election adequate?

Mr. LAUNDY (Canada) described the position of the Speaker of the Canadian House of Commons. The main differences between the Canadian Speaker's powers and those described by Mr. Traversa were that the Cana-

dian Speaker had, with only two exceptions, no responsibility for setting the order of business. The two exceptions concerned the Speaker's power to allow a debate on an urgent matter to take precedence over other business for a particular day. The other exception was the Speaker's power to allow a Member to raise a question of privilege. If the Speaker rules there is a prima facie case a matter of privilege is usually referred to the appropriate committee. Apart from these two exceptions, it was the Government which was solely responsible for setting the order of business. On the other hand, the time allocated for other business gave an opportunity for subjects to be raised by the Opposition.

The House of Commons was master of its own procedure and the Speaker was responsible for applying and interpreting its rules. The Speaker's decisions had an obvious impact on procedure but it was the House itself which took the initiative in making changes to the rules. On the three questions raised by Mr. Traversa, Mr. Laundy said the discretionary powers of the Speaker would probably not be diminished in Canada. This power was not very great anyway, particularly in dealing with Members who misbehaved. For example, a member of the Government had been called to order in account of his behaviour once and this in the end led to the resignation of the Speaker. The Speaker only had power to suspend a Member from the sitting and this was a fairly limited power. The second question did not really arise for the reasons already given. On a third point, Mr. Laundy said that the legitimacy of the Speaker was not so much a function of the quorum of his election but the whole procedure used for that election.

Mr. KIRBY (Canada) said that the Speaker did not deal with legal problems which arose in Parliament or legal proceedings taken against Members. These were matters for the Attorney General. The problem was to know whether cases before the Courts should be dealt with by the Attorney General. The police had been accused of taking out arrest warrants against Members of Parliament for seizure of documents. This was wider than the subject raised by Mr. Traversa which really concerned proceedings in the Chamber rather than in Parliament as a whole.

Mr. KLEBES (Council of Europe) said that the powers of the President of the Parliamentary Assembly of the Council of Europe were close to those described by Mr. Laundy of Canada, given that the President had little influence on the order of business. On procedural matters the President was in a strong position because he was responsible for the good conduct of business and the dignity of the Assembly. The first draft of the Order of Business was prepared by the secretariat, on the basis of the work of the different

committees. The Bureau (comprising the President and Vice-President and leaders of political groups) considered the draft Order of Business and proposed a final Order of Business either to the Standing Committee (which acted on behalf of the Plenary in between sessions) or, when the Assembly was in session, to the Assembly itself.

Mr. LYON (France) said it was important to distinguish between the position of the President of the Assembly and those of Vice-Presidents. The authority of the President was greater than that of Vice-President, although both were responsible for applying the rules. In the French system the President of an Assembly was elected for five years, whereas Vice-Presidents were elected each year. The question had arisen whether the President could intervene in a debate. After much debate in France, the general attitude was that the President should not intervene and thereby encroach on the role of the Chairman of the responsible Committee and the rapporteur. Thus the President has only rarely spoken in debates. In cases of difficulty in interpreting the rules the President calls a meeting of the Bureau and particularly difficult cases are dealt with by the Assembly itself

Mr. IDRISSE KAITOUNI (Morocco) said that a distinction should be drawn between the powers of the President of the parliament and the powers of the presidency in the Chamber itself. In Morocco the President was elected half way through the legislative term. The Italian example showed the distinction which should be drawn from between the administrative powers in advance of a sitting and those during the sitting itself. In advance of a sitting problems were sorted out at meetings of the Bureau or by the Parliament itself or in the conference of chairmen of political groups and committees. Even on current matters under debate, the powers of the President were decided before the sitting. There remained only the power to call the chairman of a political group to raise a matter at the beginning of a sitting. With regard to the conduct of sittings themselves, the situation in Morocco was identical to that in France and the President dealt with points of order, points of information etc.

Mr. NYS (Belgium) said that there was a distinction between the powers of the President and those of the Vice-Presidents in the Belgian Senate. In 1967 the Rules Committee of the Senate had to give an opinion on the powers of the President to intervene in debates. The President could only speak to announce the start of a debate, to call a vote or to return to the main issue. If the President wanted to speak in the debate he had to leave the Chair. This provision did not, however, apply to the Vice-Presidents.

Mr. LIMON (United Kingdom) said the Speaker in the UK House of Commons had similar powers to his opposite number in Canada, especially with regard to allowing an emergency debate. Although an emergency debate was usually allowed about once a year, the application for one gave a backbencher an opportunity to speak for three minutes and draw attention to the subject which concerned him. The Speaker's other powers included:

(1) Selection of amendments. The use of this power, when the House was discussing legislation, reduced the opportunities for filibustering.

(2) Since 1988 the Speaker had a new power to impose time-limits on debate. The House had reluctantly accepted this provision after a number of experiments. It could be exercised by the Speaker on main debates such as the second reading of Bills, opposition day debates and Government motions. The Speaker had to decide at the start of the debate whether the number of people who wished to speak justified him limiting speakers for ten minutes only during certain hours (usually around the middle of the debate). He could later relax the rule and allow people to speak for longer but he could not impose the limit once the debate had begun.

(3) The Speaker's power to "name" a Member was similar to that in Canada but different in that the Government still had to move a motion on which the House could vote. The Speaker's authority was undermined if a substantial minority challenged his naming of a Member.

(4) Judging points of order was a difficulty for the Speaker because he could not tell whether it was a valid point of order until he had heard it. They were becoming a regular feature of proceedings after Questions in the afternoon and many were not at all relevant.

Dato WAN ZAHIR (Malaysia) said that the disciplinary powers of the President were set out in Article 58 of the Rules. Such powers were only used when the impartiality of the President was in question and debates became very political.

The PRESIDENT said that in Cyprus the Order of Business was drawn up by the President of the House. Once it had been proposed, any Member could suggest an addition and the matter was decided by the House. In practice the Order of Business was first drafted by the secretariat and in most cases their proposal was accepted by the President. Only on important matters did the President invite the party spokesman's views on how the matter should be treated. The powers of the President were set out in Article 8 of the Rules. On the one hand he dealt with maintaining order, compliance with procedure, announcing the results of votes and the conduct

of the debates. He was also responsible for the running of the Assembly and all budgetary matters. He represented the Assembly on official occasions, both when the House was sitting and in between sessions. Since the Government was not represented in Parliament it had no say in setting the Order of Business.

Mr. TRAVERSA said there was considerable discussion about the role of the President of the Assembly, which had developed over the years. The basic question was whether the President was impartial. Some thought that the President should carry out the plans of the parliamentary majority. Others thought that he should be above, party politics and should take no part in debate. The task of setting the Order of Business was now decided collectively. Previously the work programme had been decided unanimously by the twelve political groups. This rule had been modified so that although the agenda was agreed by majority vote, rights were given to the minority. The President simply proposed a draft programme to the Assembly. The Government played an important role in the meetings of the heads of political groups but did not necessarily demand a majority in the Chamber. There were thus contacts between the majority and minority in setting the Order of Business.

With regard to the quorum, Mr. TRAVERSA said that the quorum should be raised if the President was to be elected unanimously; otherwise, if the President was to be chosen on a majority vote a simple majority of members present would be sufficient. Mr. Traversa agreed that generally the President had greater authority than the Vice-Presidents. In Italy the term of office was the same but the quorum for election was different. Also the President could not speak in the debate or vote. The President's powers were important when the Chamber was sitting. Otherwise the President could only summon meetings of the chairmen of political groups and arbitrate between the majority and minority in setting the Order of Business. He was interested that in the UK the Speaker had the important power of being able to select amendments in order to counteract obstruction. In Italy the President's discretionary powers were limited by the rules, which did not cover the selection of amendments.

Mr. IDRISSE KAITOUNI wondered if there was a correlation between the Italian parliamentary system, which required a high quorum for the election of President, and the governmental instability. The administrative powers of the President were an important aspect of the President's duties.

Mr. MAHRAN (Egypt) spoke as follows:

It gives me pleasure to make my contributions to the current debate on the powers of the Speaker of Parliament (inside sittings), the theme which was submitted by Mr. Donato Marra, the Secretary General of the Italian House of Representatives. I lay before you the rules which govern the powers granted to the Speaker of the People's Assembly of Egypt in running the Assembly sittings in accordance with the Assembly Rules of Procedure.

- The Speaker opens sittings, presides over them and declares their closure.
- He runs the debates, gives permission to speak, defines the topic to be considered and draws the attention of the Member speaking to keep himself within the limits of that topic. In case of deviating from it, the Speaker may move that this Member be prevented from speech on that subject until the end of the sitting. No Member may speak in the sitting except after asking to speak and after being given permission by the Speaker to do that. The Speaker may not withhold permission to speak except for a reason required by the provision of these Rules.
- He may clarify or ask for clarification of a certain matter he thinks obscure. He submits all matters to vote. It is he who declares the resolutions adopted by the Assembly.
- The Speaker may express his opinion by participating in the debate held on any matter. He, then, has to give up the office of chairman; and may not resume the chairmanship except after the closure of the debate he participated in.
- The Speaker may convene any of the Assembly committees to a meeting to consider an important or urgent matter. The Speaker presides over the committee's sittings which he attends.
- The Speaker may entrust any or both of the Assembly deputy Speakers with some of his powers. He may delegate one of the two deputy Speakers to preside over some of the Assembly sittings.
- The Speaker may assign at the beginning of each ordinary session six members, two of whom alternately assist the chairman of the sitting in those proceedings entrusted to them.
- The Speaker may make sure that the quorum is reached to begin a sitting. He may close the sitting during the vote on bills where the quorum is not reached.

— The Speaker declares the agenda of each sitting and communicates it to members and to the Government in ample time before the sitting is held. The Assembly Bureau which is chaired by the Speaker lays down the agenda of sittings according to the scheduled plan—while inserting the bills submitted by the Government and studied by competent committees, as well as important current issues.

— *While considering bills*, no one may speak on the motions for amending bills other than the member who submitted the motion, the spokesman of the Opposition, the Government, the Committee rapporteur and chairman. The Speaker, however, may permit to speak the representative of the parliamentary bodies of parties and other members unless the Assembly decides otherwise.

— *While debating questions*, no one, other than the member who submitted the questions, may ask for clarification from the competent Minister or comment on his reply. However, the Speaker may, where the question bears on a matter of public importance, permit—according to his discretion—the Chairman of the Committee within whose competence the question lies or any other member to make brief comment on the Minister's reply.

— Where the Speaker does not deduce the opinion of the majority by show of hands, he puts the matter to the vote by sitting and standing in which case supporters stand. Where the result is not clear, he asks the opposers to stand. Where the result is still unclear, he puts the matter to vote by roll-call.

Mr. TRAVERSA agreed that under the Italian system the quorum for the election of President was very important. In 1971 the Chamber of Deputies had agreed a new rule to replace the rule which had applied since 1946. This new rule was inspired by the principle of unanimity and gave priority to parliamentary groups rather than to the individual Member. The quorum for the election of the President was changed from an absolute majority to a qualified majority of two-thirds of the Members of the Chamber. This was the highest possible quorum and is similar to that required for the election of the President of the Republic. The system of unanimity had not proved workable and had paralysed the running of the Chamber and the conduct of business. After ten years' experience this impossibility was recognised and the rules were changed. Procedural changes were apparently underway for a fixed speaking time and the conduct of debate. A number of rules had been introduced in recent years to limit obstruction. Two conclusions could be drawn from recent experience. The running of parliament had become an important government priority and the presidency of the Chamber had, in recent years, been held by a member of an opposition party. This was a

unique example of a parliamentary system with this type of presidency which had overcome a number of parliamentary crises. It was impossible to know whether the way the rules had operated and the relative parliamentary stability would have been possible if the President had come from the majority. In conclusion Mr. Traversa said he hoped he had addressed all the points raised about the powers of the Speaker in the Chamber during sittings if not in advance of sittings.

The PRESIDENT thanked Mr. Traversa for his participation in the discussion.

IV. Composition and role of the Bureau

A. Introductory note for topical discussion at the Budapest session, March 1989, by Mr. Ilunga Kabulu, Secretary General of the National Assembly¹ of Zaire

I. Introduction

1.1 In many countries the election of members, the setting up of parliament, its organisation and running are governed by the constitution.

1.2 In countries which have recently become independent the clarification of fundamental aims and the pursuit of a policy capable of achieving those aims accounts for the relative frequency of changes in basic laws and constitutions.

1.3 In the Republic of Zaire the evolution of parliament has taken place in two stages:

- (i) period of a classical parliamentary regime with two chambers and separation of legislative and executive powers as in the basic law (1960 to 1964) and the constitution of Luluabourd (1967).
- (ii) The period of the institutionalisation of the party (1974 to date). The party has become the sole institution of the country. All other institutions, including parliament, have become organs subordinate to the party (Article 32 of the Constitution).

1.4 As the sole institution of the country the party in Zaire is the only body for inspiration, direction and decision. Its aims are not discussed by subordinate bodies. Parliament is responsible for passing laws which are expressly referred to it. The President of the party, who is in law the President of the Republic, is the key figure for decision-making in all branches of

¹ Formerly, Legislative Council.

the party (Article 35 of the Constitution). In this context the parliamentary rules in Zaire are derived from several sources of which the most important are:

- (i) the Constitution;
- (ii) resolutions and state decisions of the higher organs of the Party (effectively rules of constitutional importance) made by:
 - (a) the President,
 - (b) the Congress,
 - (c) the Central Committee,
 - (d) the Policy Bureau.
- (iii) The organic law of the country has some impact on legislative procedure.
- (iv) Ordinances deal with the administrative and financial rules of Parliament.
- (v) The rules of procedure of the Assembly and the decisions of the Bureau govern the implementation of parliamentary procedure.
- (vi) Parliamentary practice is also significant.

Among the documents coming from these sources, some have affected the duties of the President of the Legislative Council. These are:

- (i) Ordinance No. 68/011 of 6th January 1968 concerning financial law modified by Ordinance No. 69/061 of the 5th December 1969. When this Ordinance came into force, designating Ministers as accountable for their respective budgets (Article 26), it constituted a new step in the administration of public finance. In this context the Legislative Council adopted a rule of procedure on the 3rd December 1970 which entrusted the administration of its finances to the President of the Legislative Council.
- (ii) Ordinance No. 023 of 4th July 1973 relating to the rules of procedure of the 3rd December 1970 and the 23rd June 1973. In the same way this Ordinance transferred the personnel responsibilities from the Secretary General to the President of the Legislative Council and defined the role of the Bureau of the Legislative Council.

II. The composition and role of the Bureau of the Legislative Council

A. *Period of classic bicameral Parliament with Senate and House of Representatives.*

A.I. Composition

The Bureau of the two Chambers in each case comprised:

the President,
two Vice-Presidents,
the Secretaries,
the Questors, and
the Secretary General.

A.2. The responsibilities of members of the Bureau

The responsibilities of members of the Bureau were as follows:

- (i) to organize parliamentary work, particularly summoning the Assembly and its Committees;
presiding over the Assembly, the conference of Chairmen and, where necessary, the Committees; and
selection of speakers, order of speakers, choice of amendments etc.
- (ii) keeping order in the Assembly;
- (iii) providing direction and control of all the Assembly services;
- (iv) announcing the decisions of the Assembly;
- (v) speaking on behalf of the Assembly and in accordance with its wishes.

To these ordinary duties should be added one specific task, namely the responsibility of the President of the Senate to act as temporary President of the Republic in case of a vacancy.

Vice-Presidents had in the same way to substitute for or represent the President in his absence, particularly at public sittings. The Secretaries assisted the President of each sitting in the reading of documents which had to be communicated to the Assembly, the signing by the President of the Minutes, reading the roll-call, listing speakers etc.

The Questors were normally five in number elected from among members of the Assembly and they were responsible for the financial administration and control.

At this stage the Secretary General was responsible for personnel and financial matters, the archives of the Assembly, the budget of the Assembly (which was submitted to the Bureau for approval by the Assembly) and as a permanent member of the Bureau to act as its Secretary (Article 83 to Article 90 of the Rules of Procedure of the Chamber of Deputies in the edition of the 28th February 1966).

B. The new regime of supremacy of the Party

Under the regime of the second Republic parliamentary procedure was made more flexible by the creation of a single Chamber called the Legislative Council.

B.I. Composition of the Bureau

Composition of the Bureau was fixed by the rules of Procedure adopted on the 3rd December 1970 as follows:

- the President,
- 2 Vice-Presidents,
- 4 Secretaries (for the first two legislative terms, reduced to 2 thereafter).

The Questors and the Secretary General were no longer members of the Bureau.

B.2. Responsibilities of Members of the Bureau

Besides the duties of directing parliamentary work, members of the Bureau have assumed responsibility for (apart from internal parliamentary control) certain tasks previously carried out by the Committee of Questors and the Secretary General. Among these new tasks are:

- (i) the control of services previously exercised by the Committee of Questors;
- (ii) general administration of finance and staff (now the responsibility of the President);
- (iii) the first Vice-President assists the President in the administration of finance and deals with material needs of MPs and transport of MPs and staff as well as provision of fuel for the Legislative Council, and supervises the maintenance of the building;
- (iv) the second Vice-President of the Legislative Council is the only member of the Bureau who does not have specific administrative

tasks and his sole duty is to substitute for the President in the organisation of parliamentary proceedings;

- (v) the first Secretary has under his responsibility the work carried out by the Studies Committee and the administration of the staff of the Legislative Council; .
- (vi) the second Secretary is responsible for the Polyclinic, the Restaurant and the Canteen in the National Assembly and is concerned with visits and protocol problems of MPs.

Conclusion

1. These are the different functions carried out by members of the Bureau of the Legislative Council in different stages of the development of Parliament in the Zaire.
2. The Secretary General of the Legislative Council of Zaire wishes on behalf of his President to have information about the composition and role of the Bureau or directing body of other parliaments and submits this introductory note for the topical discussion to members of the Association for the session to be held in Budapest in March 1989.

The Legislative Council has always appreciated the depth and consistency of documents produced by the Association and is grateful in advance for what would be learnt from the exchange of information in the topical discussion.

B. Topical discussion on the composition and role of the Bureau

Extract from the minutes of the Budapest session, March 1989

Mr. ILUNGA reviewed the introductory note which had been circulated in advance of the meeting.

The PRESIDENT thanked Mr. ILUNGA for his presentation and asked him some detailed points on the political system in Zaire.

Mr. ILUNGA said that the recent political history of his country could be divided into two periods: the period of the classical parliamentary system and the period of the institutionalisation of the Party. Between 1960-1967 parliament comprised two Chambers and the system of government provided for a separation of powers between the Legislature and the Executive. Since June 1967 (the Revolutionary Constitution), and particularly since 1970, the system had become increasingly dominated by the Party. The Party had become the principal institution of the country to which all others, including parliament, were subordinated (Article 32 of the Constitution).

Mr. ILUNGA continued that parliament could now be considered as no more than an executive arm of the Party. Two situations arose: first, decisions were imposed by the Party and parliament had no choice but to ratify them; secondly, parliament had greater freedom to propose or amend draft Bills put to it. All inhabitants of the country were members of the Party by right. Members of the central committee under the political bureau were appointed by the President of the Republic. Although the President had originally come to power in the coup d'état he had subsequently been re-elected. Legislative elections were controlled by the Party which effectively dominated the choice of candidates.

Mr. HJORTDAL (Denmark), suggested that if a questionnaire was prepared on this subject, it should include a preliminary question about the nature of the political regime in the country replying to the questionnaire.

Mr. MBOZO'O (Cameroon) said that in the case of Zaire to change the composition and role of the bureau would challenge the very nature of the political regime.

Mr. ILUNGA said that, apart from the political regime in his country, there were still rules governing the composition and role of the bureau of parliament.

Mr. RYLE (U.K.) asked for details of the role of the bureau in organising the legislative work, in administrative and financial matters and in responsibility for parliamentary staff.

Mr. ILUNGA said that the bureau's role was above all to organise parliamentary work and, particularly, to summon the Assembly and Committees. It was also responsible for order in the Assembly, announcing the decisions of the Assembly, speaking on behalf of the Assembly and in accordance with its wishes. However, since the period of institutionalisation of the Party, the bureau had undertaken new functions, namely the control of services previously exercised by the Committee of Questors^ general administration of finance and staff of the Legislative Council (which is now the responsibility

of the President), supervision of maintenance of the building, as well as the polyclinic, the restaurant and the canteen of the Legislative Council. These new functions were shared among members of the bureau. In staff matters the Secretary General had no more than a right of proposal and not of decision.

In response to Mr. BAKINAHE (Rwanda), Mr. ILUNGA referred to the role of the President of the Legislative Council in the political system in Zaire. He said the President was in some ways the 'whip' of the Assembly with responsibility, as a member of the central committee of the Party, for dragooning the Members of parliament.

Mr. AMELLER (France) asked whether the Questors and the Secretary General were members of the bureau.

Mr. ILUNGA said that during the period of the classical parliamentary system 1960-1967, the bureau of each chamber comprised: the President, two Vice-Presidents and the Secretaries. The Questors and the Secretary General attended meetings of the bureau. Since the institutionalisation of the Party the composition of the bureau had been fixed by the rules of procedure adopted on the 3rd September 1970 and they now comprised: the President, two Vice-Presidents and four Secretaries.

Mr. CHARPIN (France) asked how the Secretary General was appointed.

Mr. ILUNGA said that originally the Secretary General had been elected by the Deputies from amongst themselves. Under the new regime the Secretary General was appointed by the President of the Republic.

Mr. IDRISSE KAITOUNI (Morocco) asked if, as a result of the reduction in the administrative powers of the Secretary General, he was not really fulfilling the role of head of the private office of the President of Legislative Council.

Mr. ILUNGA said that he played no such role and that the Secretary General had only an advisory role on administrative matters which were now governed by the members of the bureau and, particularly, the President.

In reply to a question from Mr. RYLE, Mr. ILUNGA said that the President was responsible for general financial matters and was assisted in this task by the first Vice-President who dealt with the material needs of MPs, their transport, staff, provision of fuel etc. Financial responsibility was, above all, exercised by the President.

Mr. NDIAYE (Senegal) said that generally African countries drew on parliamentary rules established long ago by European countries and he doubted whether some of them would benefit from the experience of countries with a completely different political system. In Senegal the bureau of the parliament had two roles: first as leader of the legislative orchestra (summoning to parliament committees, setting the order or business etc.); secondly it had an administrative role of supervising the running of parliament and these duties it carried out with the advice of the Secretary General.

Mr. BAKINAHE said that the role of the bureau in Rwanda was identical to that in Senegal.

Mr. KHAIR (Jordan) said that the problems of the composition and role of the bureau had often been raised in the Jordanian parliament, particularly when the House of Representatives had been dissolved. In effect the Constitution of Jordan provided that when the House of Representatives was dissolved the Senate ceased to work. As a result the question of the role of the bureau of the Senate during this period had been raised. Article 5 of the Standing Orders of the House of Representatives provided that the bureau comprised: the President, two Vice-Presidents and two Assistants of the President. Article 6 set out the duties of the President. Article 7 stated that the Vice-President would carry out those tasks in the absence of the President. The composition of the bureau of the Senate was identical to that of the House of Representatives. The rules of the Senate also provided a procedure for selecting members to represent the Senate in delegations to international conferences.

Mr. MAHRAN (Egypt) said that the bureau's task was to supervise the activities of the Chamber and its committees. It had to assist Members in their parliamentary duties and advise different committees on how to proceed. It co-ordinated the different committees works in accordance with the rules of procedure.

The bureau of the Assembly comprised: the President and two Vice-Presidents. They were all elected by absolute majority at the first meeting of the ordinary annual session. The President and the Vice-Presidents carried out their duties throughout that session. At the beginning of each ordinary session the bureau of the Assembly set out a work programme for the Assembly and its committees. This agenda had to be submitted for the approval of the general committee of the Assembly. The bureau could refer a particular study to a committee and could decide to submit to the Assembly the committee's recommendations. The bureau also had to propose the agenda for meetings, in accordance with the work programme for the session, and invited the

Minister for parliamentary relations to attend its meetings during which the final agenda was fixed. The President had to announce this agenda, having checked that it fitted in with the wishes of Members of Parliament and the government.

The bureau was also responsible for the composition of parliamentary delegations. It dealt with questions whether presidential decrees or decisions of the Prime Minister were in accordance with the law or rules of procedure and other matters needing the approval of the Minister of Finance. When the Assembly held a confidence vote on the Prime Minister, the bureau produced a report containing the final decision of the Assembly and the facts on which it was based. The President submitted this report to the Assembly. After approval it was presented to the President of the Republic. When the latter provided a reply the President gave it to the bureau at a meeting held as quickly as possible. The bureau prepared a recommendation and submitted it to the General Committee. The report of the General Committee was submitted to the Assembly within ten days of the President's reply.

The bureau also dealt with all questions of organisation and finance. It prepared the detailed estimates for parliament two months, at least, before the beginning of the financial year. The President of the Assembly submitted the draft at the Finance Committee. The bureau of the Assembly had also to approve the accounts of the previous year within thirty days. The bureau, in consultation with the General Committee, made provision for Members to exercise their responsibilities. It set out the sums to cover expenditure. The bureau, on the proposal of the President, laid down protocol rules for official meetings. The Standing Orders of the Assembly could only be amended on a proposal from the bureau or from at least fifty Members. The request had to cover the article to be amended and the reasons for the amendment. The bureau took its decision by a majority of Members present. Only the Secretary General and any other entitled person was able to attend meetings of the bureau.

After further discussion it was decided that Mr. ILUNGA should produce a mini-questionnaire for circulation to members of the Association. The rapporteur would then make a statement of the results of the mini-questionnaire at the autumn session in London.

C. Results of the mini-questionnaire on composition and role of the bureau of parliaments, compiled by Mr. Ilunga Kabulu, Secretary General of the Legislative Council of Zaire

Presented at the Cyprus session, April 1990

I. Introduction

1.1 I would like to have spoken personally to each of my fellow Secretary Generals who have been kind enough to reply to the mini questionnaire for a number of reasons:

- to thank them for their assistance;
- to clarify certain replies or seek additional explanations.

1.2 Taking into account the limited number of replies and in order to compile a greater understanding of the subjects, I have tentatively put forward some preliminary conclusions from this study.

1.3 In order to overcome any weakness with regard to the number of replies I have also studied available documents containing information relevant to this mini-questionnaire.

1.4 I have noted with interest the variety of information received. In classifying them and listing them I have retained the same order as used in the mini-questionnaire.

1.5 Edited in this way, this document does not pretend to reveal new or sensational facts. Nevertheless like all such papers produced to date by our Association it is of great interest in that:

- (i) it shows that things are rather different from what might be imagined;
- (ii) it leads one to abandon false problems whose inertia often prevented action;
- (iii) it provides, at least as a pool of information and means of exchange, the experience of actual practice described and set out clearly which is essential for any effective action;

- (iv) it throws light on relations between matters which we assume happened by chance or by mistake.

II. Analysis of the Replies

2.1 This paper, which is submitted for the session at Nicosia is the result of reviewing the replies from the Parliaments which are listed in the annex. The mini-questionnaire concerned mainly the organisation of Parliament and especially relations between the Bureau and the Secretary General. It covered several themes, set out as follows:

1. *Composition of the Bureau*
 - 1.1 Number of posts
 - 1.2 Variation in the number of posts
 - 1.3 Reasons for variation in the number of posts
2. *Functions of Members of the Bureau*
 - 2.1 Individual
 - 2.2 Collective
3. *Position of the Secretary General*
 - 3.1 Member of Parliament or official
 - 3.2 Duties of the Secretary General
 - 3.3 Relations between the Secretary General and Members of the Bureau
4. *Supervision of Activities of Members of the Bureau*

This paper covers in general the results of the questionnaires while a separate annex sets out the position in each Parliament which replied to the questionnaire.

Composition of the Bureau

It is clear from the replies received that the Bureau (which could simply be called the directing body of a parliament) carries out its role indirectly through the specific duties performed by its Members, which fall into three categories—

1. The President who exercises authority as head of the Assembly and therefore its Leader.

2. The Questors assist the President in his relations with the administrative services to ensure their proper functioning.

3. The Secretaries assist the President in the conduct of sittings.

In addition to these posts in many parliaments there are substitutes called, depending on the Parliament, "Vice-" or "Assistant-".

4. The annexed table I gives the position in each Parliament for the composition of the Bureau.

Some Parliaments, such as the United Kingdom, New Zealand and India do not have a Bureau in the sense of a directing body but there are within these Assemblies committees comprised of all the leaders of political parties who decide the general administrative policy of the Assembly.

In other respects the number of Members of the Bureau varies considerably; in particular there are more or less Vice-Presidents or Secretaries (see annex table I).

The reasons which cause these variations are as follows:

(i) election of members of the Bureau by a majority vote often excludes minority groups. On the other hand election by proportional representation ensures the representation of minority groups. Some parliaments have sought to ensure this broad representation by increasing the number of posts and reserving a minimum for different political groups.

(ii) In the European Parliament changes in the number of posts in the Bureau is caused by new states joining the European Community.

(iii) In the Netherlands the change in the number of Members of the Bureau is tied to the number of seats held by different political parties. This procedure is designed to ensure that the proportional representation is maintained.

The Duties of Members of the Bureau

The duties of members of the Bureau are set by the different legal instruments of each Parliament. They fall into two categories: those duties exercised by individual members and those carried out collectively.

In many parliaments the duties of the Bureau, although described in different ways, are as set out below (see annex table II). Given the detail of the replies it has not been possible to group all the Assemblies in accordance with the duties of their Bureau. Colleagues could improve this work by adding any omissions and amending those points which have not been properly recorded. These are the duties which have come to my attention.

The duties of individual Members:

1. President of the Bureau

- (i) to act as the temporary President of the Republic;
- (ii) to refer to the competent body any draft or amendment whose legality is disputed by the Executive whilst it is being considered in parliament;
- (iii) to organize parliamentary business;
- (iv) to summon and preside over the Committee of Chairmen;
- (v) to control debates in public sittings—
 - to set the order of speakers;
 - to check who is entitled to speak;
 - to decide the order of amendments;
 - to propose the closure;
 - to ensure that procedure is followed;
 - to maintain security of the assembly;
 - to call someone to speak or to tell them to cease doing so;
- (vi) to represent the Assembly abroad;
- (vii) to direct and monitor the operation of parliamentary services;
- (viii) to sign administrative decisions.

2. The Vice-Presidents

- (i) to substitute for or represent the President in his absence;
- (ii) to chair working groups and delegations.

3. The Questeurs

- (i) to be responsible for administrative organisation (staff, equipment, buildings), finance (proper accounting, expenditure, procurement).

4. Secretaries

- (i) to assist the President at sittings on voting, reading documents, roll-calls, etc.;
- (ii) to verify the minutes of each sitting.

The collective Duties of a Bureau

- (i) to decide on the procedural propriety of draft bills;
- (ii) to organize parliamentary business;
- (iii) to arrange the organisation and running of services and staff in accordance with procedure and to decide the rules relating to the accounts of the Assembly; allocate tasks to specific MPs or delegations;
- (iv) to set rules governing relations with the press;
- (v) to organise co-operation between parliament and outside bodies.

Summary of the Duties of the Secretary General

4.1 Different titles are used in different countries (Secretary General, Head of the Secretariat, Clerk, Officer of Parliament). But in almost all cases he is the highest official responsible for the direction of the different parliamentary services.

4.2 In some cases he is appointed by the Assembly or by the Bureau or by the President of the Republic on the nomination of the Bureau.

4.3 In all the replies received there is no individual Deputy or Senator who carries out the duties of the Secretary General even if he is responsible for the efficient running of those services to the Questors or the Bureau of Parliament.

4.4 The principal functions of the Secretary General in relation to the Bureau and to Members of Parliament are set out in table III of the annex and are as follows:

- (1) the Secretary General assists the President of the Parliament in all circumstances during and outside sittings;
- (2) he provides advice on law, practice and parliamentary procedure;
- (3) he takes the minutes of meetings and draft decisions;
- (4) he looks after the archives;
- (5) he attends meetings of the Bureau.

4.5 His principal tasks on a purely administrative level are also set out in table III of the annex and are as follows:

- (1) he directs the administration of parliament;

(2) he accounts for the good running of the services to the President, to other members of the Bureau or the Questors;

(3) he is responsible for the appointment and deployment of staff under his direction;

(4) he draws up and submits to the Bureau a draft parliamentary budget;

(5) he authorises certain expenditure within the limits of his powers.

With certain exceptions (the Italian Chamber of Deputies and the National Assembly of Cameroon and the Parliament of Ethiopia, where the Secretary General is at the same time a member of the Bureau), our enquiries shows that he attends meetings of the Bureau as an adviser, consultant, expert, technical assistant or observer.

Control over the Bureau

4.6 In some parliaments the Bureau and its activities are the subject of some form of control but in others they are not. In the sixteen parliaments where there is some form of control this is not governed by a specific law except for in the Greek Chamber of Deputies. A list of ways used to exercise control varies from country to country (see annex table IV) and includes:

- (1) discussion of the Bureau report on its activities in the Plenary;
- (2) consideration in the plenary of the accounts and budget of the parliament;
- (3) a deputy cannot discuss directly with members of the Bureau particular matters;
- (4) non re-election of a member of the Bureau.

It is rare for these controls to give rise to tension between the Bureau and other Members of Parliament. The situation in Greece is particular because a censure motion can bring the term of office of the Bureau to an end.

Even if the activities of the Bureau are not subject to legal checks and controls, its Members nevertheless, as Members of Parliament, are subject to the same discipline as other Members who are not on the Bureau.

Nonetheless scrutiny of the activities of the Bureau is different from that applies to government in the sense that there are neither political nor penal sanctions which apply.

**List of the Parliaments whose countries replied
to the questionnaire**

- | | |
|--------------------------------|-------------------------|
| 1. Federal Republic of Germany | 16. France |
| 2. German Democratic Republic | 17. Greece |
| 3. Australia | 18. India |
| 4. Austria | 19. Italy |
| 5. Belgium | 20. Jordan |
| 6. Cameroon | 21. Norway |
| 7. Canada | 22. New Zealand |
| 8. Central African Republic | 23. European Parliament |
| 9. Council of Europe | 24. Netherlands |
| 10. Cyprus | 25. Portugal |
| 11. Republic of Korea | 26. United Kingdom |
| 12. Denmark | 27. Sweden |
| 13. Egypt | 28. Switzerland |
| 14. Ethiopia | 29. Tunisia |
| 15. Spain | 30. Zaire |

**Annexes: Tables resulting from the mini-questionnaire
on composition and role of the Bureau**

**(Updated to June 1990, following Cyprus session of April
1990)**

List of Tables:

- | | |
|------------|--|
| Table I: | Composition of the Bureau |
| Table II: | Responsibilities of Members of the Bureau |
| Table III: | Responsibilities of the Secretary General |
| Table IV: | Methods of parliamentary control on the activities of Members of the Bureau. |

Table I: Composition of the Bureau

No.	Country	Posts on the Bureau	Variation of posts	Reason for variation
1.	Federal Republic of Germany (Bundesrat)	No formal Bureau but a Presidium comprising President, 3 Vice-Presidents and a Standing Committee (11 Members)	Invariable	Not applicable (N/A)
	Federal Republic of Germany (Bundestag)	Presidium comprising President and 4 Deputies. These are all Members of the Council of Elders	No change in Presidium since 1961	N/A
2.	German Democratic Republic	President, Vice-President, other Members mandated by Parties	Variable	Linked to the number of parties
3.	Australia (Senate)	No Bureau; directing authority is the President assisted by officers of the Senate. For administrative matters the Standing Committee comprising the President and 8 Senators	Invariable	N/A
	Australia (House of Representatives)	No Bureau. The Speaker is the directing authority	Invariable	N/A
4.	Austria (Federal Council and National Council)	President, 2 Vice-Presidents	Invariable	N/A
5.	Belgium (House of Representatives)	President, 5 Vice-Presidents, at least 4 Secretaries (currently 8) and Chairmen of Political Groups (usually Vice-Presidents)	Variation in the number of Secretaries only	Increase number of secretaries to reflect minority representation in the Chamber
	Belgium (Senate)	President, Vice-President, Secretaries, Questeurs	Invariable since 1930	N/A
6.	Cameroon	President, 1st Vice-President, 3 other Vice-Presidents, 2 Secretaries and Questeurs	* <i>Not often</i> - has not changed since 1973	Increase in the number of Deputies from 150 to 180
7.	Canada	House of Commons: Speaker, Deputy Speaker and Members from other Parties (5) including Leader of the Opposition and 2 members of the Government	Variable	To ensure representation of the Opposition
8.	Central African Republic	President, Vice-President and 9 other Members (posts not specified)	Invariable	N/A

No.	Country	Posts on the Bureau	Variation of posts	Reason for variation
9.	Cyprus	President, Clerks and Administrative Clerks	Invariable	N/A
10.	Council of Europe	President, 14 Vice-Presidents and Chairmen of Political Groups (if not also Vice-President, they are non-voting)	Variable	Increase in the Bureau size is due to the increase in membership
11.	Republic of Korea	Standing Committee comprising 26 Members reflecting the political composition of the Assembly	Variable	To ensure representation of political groups
12.	Spain	Congress of Deputies: President, Vice-President, 4 Secretaries	Invariable	N/A
13.	Ethiopia	President of the Republic, Vice-President of the Republic, 3 Vice-Presidents of the Council of State and Secretary of the Council of State	Invariable	N/A
14.	Egypt	President and 2 Vice-Presidents	Invariable	N/A
15.	France (National Assembly)	President, 6 Vice-Presidents, 3 Questeurs, 8 Secretaries	Invariable	N/A
	France (Senate)	President, 4 Vice-Presidents, 3 Questeurs, 8 Secretaries	Invariable	N/A
16.	Greece (Chamber of Deputies)	President, 15 Vice-Presidents, 3 Questeurs and 1 Secretary	Variable	To ensure the representation of Political Parties
17.	India (Lok Sabha)	No Bureau; Speaker is directing authority assisted and advised by the Secretary General	N/A	N/A
	India (Rajya Sabha)	No Bureau	N/A	N/A
18.	Italy (Chamber of Deputies)	President, 4 Vice-Presidents, 3 Questeurs, 2 Secretaries	Post of 1st Secretary variable	Representation of all Political Groups
	Italy (Senate)	President, Vice-President, 3 Questeurs, 4 Secretaries	Variable as to 1st Secretary	Representation of all Political Groups
19.	Jordan	President, 2 Vice-Presidents, 2 Assistants to the President	Invariable	N/A

No.	Country	Posts on the Bureau	Variation of posts	Reason for variation
20.	Norway	President and Vice-President of the 3 parts of Parliament (total 6)	Invariable	N/A
21.	New Zealand	No Bureau; Speaker is the directing authority; on administrative matters a Commission of Members is responsible	Variable	No reason given
22.	European Parliament	President, 14 Vice-Presidents, 5 Questeurs (non-voting). Enlarged Bureau of the Chairman of Political Groups	Variable	New States joining European Community
23.	Netherlands	President, 1st Vice-President and 6 other Vice-Presidents	Invariable	Representation of Political Parties
24.	Portugal	President, 4 Vice-Presidents, 4 Secretaries and 5 Assistant Secretaries	Invariable	N/A
25.	United Kingdom (House of Lords)	No form of Bureau — informal discussions between Party Leaders direct the business	Variable	—
	United Kingdom (House of Commons)	No Bureau; business arranged by Government in consultation with other Parties; Speaker presides over a Commission for administrative matters	Variable	—
26.	Sweden	The Speaker, 3 Deputy Speakers, representatives of each Party, Chairmen of Standing Committees and Deputy Chairman of Administration Board (all MPs)	Invariable	N/A
27.	Switzerland (both Chambers)	President, Vice-President and Scrutators (8 for the National Council, 2 and a deputy for the States Council)	Invariable	N/A
28.	Tunisia	Presidents and Vice-President, 7 Chairmen of Committees and 7 Rapporteurs	Invariable	N/A
29.	Zaire	President, 2 Vice-Presidents, 2 Secretaries	Invariable	N/A
30.	Denmark	Presidium: President and 4 Vice-Presidents; Standing Orders Committee: Presidium plus other Members (total 21)	Invariable	N/A

No.	Country	Posts on the Bureau	Variation of posts	Reason for variation
31.	Ireland	No Bureau. Speaker is directing authority advised by the Clerk	—	—
32.	Japan (House of Councillors and House of Representatives)	25 MPs representing political Parties and Groups	Unchanged since 1947 (House of Councillors). 1 increase (House of Representatives)	To ensure representation of small parties

Table II: Responsibilities of members of the Bureau

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
1. Federal Republic of Germany (Bundesrat)	Direct Plenary Sitings; appoint, promote, retire senior officials with the consent of the Bundesrat; represent the Bundesrat abroad	Substitute for the President in his absence; advises the President on the conduct of business			Draw up the Budget; take decisions on internal matters not considered in the Plenary
Federal Republic of Germany (Bundestag)	Presides over meetings; senior appointments; contracts				Advising the President on discharge of his duties
2. German Democratic Republic	Direct parliamentary work; summoning meetings and setting Agenda; external relations				- As for the President
3. Australia (Senate)	Maintaining order in debate; appointment of staff; supervision of parliamentary services				
Australia (House of Representatives)	Presiding at meetings; supervising administration of House				
4. Austria (National Council and Federal Council)	Organisation of parliamentary business; and sitting dates; external relations				Advising the President on the discharge of his duties
5. Belgium (House of Representatives)	In general; represents the Assembly and directs parliamentary business; opens and closes Sitings; calls speakers; maintains order; puts issues to the vote; exercises disciplinary powers	Exercises powers of President in the Chair when he is absent	Appoint and control parliamentary staff and deal with equipment, ceremony and expenditure	Supervise the Minutes, read out communications to the Assembly, note Resolutions, conduct roll-call votes and record results	Propose the candidates from different parties for appointments made by the Chamber; appointment of parliamentary staff (with Questeurs); handle administrative matters (with Questeurs)

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
Belgium (Senate)	Maintaining order and rules of procedure, conducting debates, calling speakers, announcing results of votes	Replace the President in his absence	Matters of ceremony, administration and expenditure and appointment of staff	(As above)	Referring matters to permanent Committees and approving reports of Questeurs
6. Cameroon	Presiding over the Bureau and Conference of Chairman; directing Plenary debates	Substitute for the President in order of precedence and carry out his duties in his absence	Control of administrative and financial services, preparation of draft budget of Assembly	Supervise production of the Minutes and read official documents, draw up list of speakers, conduct votes and supervise ballots	Presiding over meetings of the Assembly and the organisation of its services. Representing the Assembly at public events
7. Canada (House of Commons)	Presiding over an internal management Committee	Substituting for the President in his absence			All administrative staff and financial matters; budget of the House; expenditure of Committees
8. Central African Republic	Directing the work of the Assembly	Substituting for the President in his absence			Assisting the President in his duties
9. Cyprus	Keeping order during Sittings; directing debates; putting matters to the vote and announcing results; carrying out the decisions of the House; appointing employees; representing the House at official occasions; acting as spokesman for the House				The President is assisted by parliamentary staff who read documents, record names of speakers and the results of votes etc.

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
10. Council of Europe	Directing the work of the Assembly; organisation and conduct of debates, opening, suspension and closure of Sittings; proposing sitting times; enforcing rules of order, calling speakers etc.; presiding over the Bureau and the Standing Committee; representing the Assembly at outside events	Attendance at the Bureau, replacing the President in case of need; representing the Assembly at external events			Preparing the Order of Business, the timetable and the work programme; referring matters to Committees; considering applications for emergency debates; inviting guests from other Parliaments; maintaining international parliamentary relations; budgetary matters of the Assembly, working methods of Assembly
11. Republic of Korea					Standing Committee is responsible for conducting the proceedings and applying the rules of the Assembly
12. Spain	Co-ordinating the work of the Bureau; representing the Congress; good conduct of the work of the Chamber; presiding over debates; authorising expenditure; maintenance of the rules of proceedings	Replacing the President in his absence; performing specific functions, delegated by the President		Recording decisions of the Plenary; assisting the President to maintain order in debates	Drawing up and carrying out of the budget for Congress; authorisation of expenditure
13. Ethiopia	Representing the Council of State; directing and co-ordinating its activities; calling and presiding over Plenary meeting; ensuring the carrying out of laws passed and decisions taken	Presiding over Plenary meetings; putting forward policy proposals; reporting to the President		Supervising and recording of decisions of the Assembly; preparing the work programme; carrying out the budget; organisation of secretariat and administration of staff; reporting to the President	Considering matters to be submitted to the Plenary; following the carrying out of decisions to the Plenary; and reporting on activities to the Plenary

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
14. Egypt	Presiding over the Assembly; representing it at outside events; maintaining security and order; summoning Committee meetings; international parliamentary relations	Substituting for the President in his absence			Setting work programme; supervising the work of the Assembly and its Committees; submitting matters to the Assembly; general responsibility for all parliamentary matters
15. France (Senate)	Presiding over debates and all legislative and administrative matters	Substituting for the President in his absence	Direction of administrative services	Conduct of votes — collective responsibilities; all procedural and administrative matters and making regulations for the running of the Assembly's business	
France (National Assembly)	Maintenance of security, order and good conduct of the Assembly's business; appointing 3 of the 9 members of the Media Council, being consulted by the President of the Republic about dissolution of the Assembly	Substitute for the President in presiding over debates; chairing special committee set up to address particular issues	Financial and administrative services of the Assembly	Proper conduct of votes, noting results and supervision of the Minutes	Full range of powers for presiding over the Assembly; deciding on the organisation and running of the Assembly's services
16. Greece	Deciding and directing the work of the Chamber; deciding the timetable; supervising the Questeurs and Secretaries in the carrying out of their tasks; transmitting to Ministers Bills passed by the Assembly;	Their responsibilities are set out in the Rules of the Chamber; specific tasks can be given to them by the President.	Questeurs assist the President on matters of the organisation and running of parliamentary services; help the President maintain order in the Chamber and ensure that the President's decisions are carried out	Assist the President in the running of Sitings, supervise the Minutes, assist the President in the conduct of votes	There are no collective responsibilities

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
17. India	<p>presiding over the Committee of Chairmen; setting the Order of Business; announcing the opening and closure of Sittings; maintaining order; calling speakers etc.; putting matters to the vote and announcing the results; announcing the decisions of the Chamber; correcting the work of the parliamentary services; recruiting staff; supervising expenditure; representing the Chamber in legal matters and internationally</p> <p>There is no Bureau in either the Lok Sabha or the Rajya Sabha</p>				
18. Italy (Chamber of Deputies)	Presiding over the Chamber	Substituting for the President in his absence or carrying out specific tasks delegated to him	Responsibility for administration in the Chamber, protocol and financial matters	Responsible for the Minutes, reading out decisions and registering votes	Approving the Budget and Accounts of the Chamber; appointing the Secretary-General; decision on disciplinary measures proposed by the President against a particular Deputy
Italy (Senate)	Represents the Senate as the President; directs debates and supervises activities of Questeurs	Substitute for the President in case of absence	Supervise the different services of the Senate; draw up the Budget and Accounts and manage the Funds of the Senate	Assist the President in conduct of debates, carry out roll-call votes, check the results of votes and supervise the Minutes	Administer the activities of the Senate (as for Chamber of Deputies above)

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
19. Norway	Presiding over debates; supervise the administration of Parliament; advise the King	Substitute for the President in his absence			
20. Jordan	Presiding over Sitzings; occasionally presiding over Committee meetings; announce the result of votes; signing the Minutes; submitting draft laws to the Assembly	Substitute for the President in his absence		They assist the President; draw up the Minutes, record votes, and maintain order in the Chamber	Noi specified
21. European Parliament	The President can delegate to a member of the Bureau specific tasks; presiding over debates	Substitute for the President	Financial and administrative matters		All matters about the secretariat general in the activities of committees; financial arrangements for Members; budget of the Parliament; decision on study visits in member states; the enlarged Bureau deals with the business of the Plenary (agenda, timetable etc.); international parliamentary relations
22. Portugal	The President presides over the Bureau and Plenary sittings	Substitutes for the President; and Vice-President of the Standing Committee		Recording names of those present; reading the Minutes; draw up list of Speakers; signing the Minutes (and be Assistant Secretary's substitute for Secretaries)	Declare whether a Member has lost his mandate; ensuring the good conduct of parliamentary services; dealing with problems of interpretation (of parliamentary rules?)

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
23. United Kingdom (House of Commons)	(There is no Bureau)				
United Kingdom (House of Lords)	(There is no Bureau)				
24. Netherlands	Presiding over the Chamber and setting the Order of Business; presiding over the Bureau; presiding at meetings with representatives of the staff	First Vice-President substitutes for the President in his absence and presides over the Committee on Verbatim reporting. The second Vice-President substitutes for the President and presides over the Staff Committee			Budgetary matters; appointment of 3 Directors; decision on official travel abroad by MPs
25. Tunisia	Presides over Bureau; speaks for the Assembly with the Head of State; enforces the rules of procedure	Substitutes for the President			Setting the draft Order of Business for Plenary Sittings; all administrative and financial matters; the good conduct of the Chamber's business
26. Switzerland	Representation of the Council in external matters; control of business and enforcement of the rules of procedure for the maintenance of order			Tellers: conduct of votes and elections	Appointment in consultation with political groups of Committees and Delegations and business to be considered by them
27. Sweden	The Speaker controls meetings of the Chamber; and is a member of the Speaker's Conference	Substitutes for the Speaker when he is absent			The Speakers's Conference is a group of advisers for the Speaker

Country	Responsibilities of the President	Responsibilities of Vice-President	Responsibilities of Questeurs	Responsibilities of Secretaries	Collective Responsibilities
28. New Zealand	The President directs debates				
29. Zaire	Directs debates; maintains order, enforces the rules; calls speakers, announces the result of votes; supervises the finances and general administration; and summons committees	Substitutes for the President		Conduct roll-call votes, read out documents; list speakers, record votes and resolutions, receive amendments tabled	
30. Ireland	(There is no Bureau)				
31. Denmark	Conduct of proceedings; supervision of internal administration				Overall responsibility for staff relations, administration and finance
32. Japan (House of Councillors and House of Representatives)					Administration, rules of procedure, advice to the Speaker

Table III: The responsibilities of the Secretary General

No.	Country	Responsibility and role of the Secretary General
1.	Federal Republic of Germany (Bundesrat)	<i>Official</i> Directs the secretariat under the authority of the President; gives instructions to all staff; advises and assists the President in the conduct of his duties; drafts the President's decisions; on the instructions of the President distributes draft legislation to the Committees responsible for reporting to the Plenary.
	(Bundestag)	<i>Official</i> He is not a member of the Bureau but attends the meetings of the Presidium as an observer, runs the administration and is first adviser on procedure.
2.	German Democratic Republic	<i>Head of the Secretariat of the People's Chamber</i> Responsible for the administration of Parliament; not a member of the Presidium; appointed by the Presidium; attends the meetings of the Presidium as an expert adviser, he submits to the Presidium the budget for approval, is responsible for the Minutes and the security of the parliamentary buildings.
3.	Austria	<i>Official</i> He directs the administration; he is not a member of the Conference of Presidents but takes part in their meetings, is a parliamentary official and adviser.
4.	Belgium (House of Representatives)	<i>Clerk (Official)</i> Appointed by the Assembly; assists the President on all occasions; keeps the Minutes of meetings and reports the decisions; carries out the decisions of the Chamber (summoning meetings, printing and distribution of documents, letters etc.); maintains the archives and records of all Bureau and Committee meetings; directs the staff. He is not a member of the Bureau but assists it as an adviser.
	Belgium (Senate)	<i>Clerk (Official)</i> Directs the services of the Senate and is responsible for all staff; works daily with the President who he assists at Plenary sessions; prepares the Order of Business; is not a member of the Bureau but attends its meetings as an adviser.
5.	Australia (Senate)	<i>Clerk (Official)</i> He advises the President and other Senators on parliamentary law and procedure; he is Chief Executive of the Parliamentary Administration. He is not a member of the Bureau.
	Australia (House of Representatives)	<i>Clerk (Official)</i> Advises the President on matters of procedure; is responsible for the administration in the Chamber, there is no Bureau but the Clerk and his Deputy meet daily with the Speaker to discuss forthcoming proceedings and other business.

No.	Country	Responsibility and role of the Secretary General
6.	Cameroon	<i>Official</i> Directs the administrative services of the Assembly and draws up the Budget which he proposes to the Bureau. He is an ex-officio member of the Bureau and attends its meetings as an expert on all matters in which he is involved.
7.	Canada (House of Commons)	<i>Clerk (Official)</i> The principal adviser to the President on parliamentary procedure; gives advice to Members on all aspects of parliamentary practice; prepares certain documents such as the Minutes, parliamentary calendar, and the Order of Business; attends to the rules for debate and announces the results of votes and ballots; carries out administrative responsibilities, such as supervision of his staff and chairing the Administrative Committee of the House; he is the Secretary of the Bureau but not a member of it.
8.	Central African Republic	<i>Official</i> Directs parliamentary services; takes the Minutes of meetings and maintains the archives; he is not a member of the Bureau but attends its meetings as an adviser.
9.	Cyprus	<i>Official</i> Advises the President on procedural matters and administers, supervises and co-ordinates various services of the House, is not a member of the Bureau but always attends their meetings in an undefined capacity.
10.	Council of Europe	<i>Greffier (Official)</i> He is elected by the Assembly; directs the parliamentary services and assists the President during debates and otherwise; he ensures that the decisions of the Assembly, the Bureau and the Standing Committee concerning organisation of the Assembly's work are carried. He is not a member of the Bureau but attends its meetings as an adviser.
11.	Republic of Korea	<i>Official</i> Administers the business of the Assembly. He is not a member of the Bureau but attends its meetings as an adviser.
12.	Spain	<i>Official</i> He advises the President, takes the Minutes etc. He attends meetings of the Bureau as an adviser but is not a member of it.
13.	Ethiopia	<i>Secretary General is a Member of Parliament</i> He signs the Minutes, he is a member of the Bureau and attends its meetings as such.
14.	Greece	<i>Official</i> Appointed by the President. He assists the President in running the services of the Chamber and carrying out such powers as the President delegates to him.

No.	Country	Responsibility and role of the Secretary General
15.	India (Lok Sabha)	<i>Official</i> Permanent official working under the supervision of the President. His main task is to advise the President and Members of Parliament on the law and procedure and to authorise expenditure; he is responsible for preparation of the Minutes, etc.
	India (Rajya Sabha)	<i>Official</i> Advises the Speaker and Members on law and procedure, takes the Minutes of meetings; acts as Accounting Officer for expenditure, supervises the administrative work of the House; printing of Bills and documents etc.
16.	Italy (Chamber of Deputies)	<i>Official</i> A member of the Bureau, attends its meetings as an adviser. His main tasks are: taking the Minutes; preparing the Order of Business; maintaining the archives; being the legal representative of the administration of parliament; making recommendations to the President about appointments within the staff and moves between different services; and is the head-of the parliamentary staff.
16.	Italy (Senate)	<i>Official</i> Adviser of the President in procedural matters and head of the administration; he attends meetings of the Bureau as an expert consultant.
17.	Norway	<i>Official</i> He is the head of the Storting administration and secretary of the Presidium which he attends as an adviser, although he is not a member of it.
18.	United Kingdom (House of Commons)	<i>Clerk (Official)</i> Principal adviser on the law and practice of parliament; Chairman of the Board of Management which covers all parliamentary services; responsible for control of parliamentary expenditure. Although there is no Bureau he meets daily with the Speaker and his deputies to advise on all procedural and administrative matters.
	United Kingdom (House of Lords)	<i>Clerk (Official)</i> Directs the administrative staff of parliament; advises on points of procedure, keeps records of the House, is responsible for the texts of Acts of Parliament and accounts for the expenses of the House. There is no Bureau but the Clerk and his officials are consulted on matters of parliamentary procedure and administration by the "usual channels".
19.	European Parliament	<i>Official</i> Carries out all the decisions of the Bureau; manages the budget of the secretariat; prepares reports for the Bureau; organises procedure. He is not a member of the Bureau but attends meetings of the enlarged Bureau as Secretary General as an expert on procedure and administration.

No.	Country	Responsibility and role of the Secretary General
20.	Portugal	<i>Official</i> Co-ordinates and directs the parliamentary services; makes proposals to the Bureau about the organisation of staff; authorises expenditure within his powers; is responsible for staff; is a member of the Administrative Council but not a member of the Bureau.
21.	Switzerland (Both chambers)	<i>Official</i> Directs the secretariat of the Assembly and co-ordinates their activities; assists Members in their parliamentary duties; assists the Presidents of the two Chambers and the Chairman's Committee; prepares for meetings; draw up the parliamentary budget, reports on financial administration to the Questeurs; handles staff appointments and other matters.
22.	Netherlands	<i>Official</i> Proposes the parliamentary budget to the Bureau; appoints all officials except for the most senior ones; advises on procedural matters; is responsible for the maintenance of the building.
23.	Tunisia	<i>Official</i> Organises sittings and committee work; co-ordinates the technical services of parliament; he is not a member of the Bureau but attends its meetings as an expert adviser.
24.	Sweden	<i>Official</i> Directs the administration of parliament. He is called to meetings and may participate in the discussions of the Administrative Board and acts as Secretary to the Speakers's Conference.
25.	New Zealand	<i>Clerk (Official)</i> He may attend meetings of the Parliamentary Service Commission.
26.	Zaire	<i>Official</i> He is appointed by the President of the Republic; he directs the administrative services and the procedural offices; he is accountable for the good running of these to the President of the Legislative Council. He is responsible for all aspects of command, provision, organisation and control.
27.	Egypt	<i>Official</i> Responsible for the secretariat. Directs parliamentary services, finance and technical matters. He is not a member of the Bureau but he is the only official who may attend its meeting, which he does as an adviser.
28.	France (National Assembly and Senate)	<i>Greffier (Official)</i> He is appointed by the Assembly and assists the President in all matters, takes the Minutes of meetings, records decisions, carries out decisions, maintains the archives of the Bureau and Chairman's meetings and directs the personnel of parliament.

Table IV: Methods of parliamentary control on the activities of members of the Bureau

No.	Country	Control procedure
1.	Federal Republic of Germany (Bundesrat)	The Bundesrat comprises members from the Lander parliaments and so parliamentary procedure is different from that in other parliaments. The President is elected for a one year term and no conflicts have arisen concerning the Bureau.
	(Bundestag)	No reply.
2.	German Democratic Republic	Not applicable.
3.	Austria	No reply.
4.	Belgium (House of Representatives)	The only sanction (political or moral) is that a member may not be re-elected.
	Belgium (Senate)	Not applicable.
5.	Australia (Senate)	The President of the Senate is answerable, through the relevant committees, to the Senate for the administration.
6.	Cameroon	There is no specific control but members are subject to the same disciplinary procedures as all members.
7.	Canada (House of Commons)	No special procedure governs control of the members of the Bureau but they are subject to the same powers as all Deputies.
8.	Central African Republic	Not applicable.
9.	Cyprus	Not applicable.
10.	Council of Europe	Given the special character of the Assembly, which comprises representatives appointed by national parliaments, there is no direct form of control but the Bureau and Standing Committees submit progress reports to the Assembly at each session.
11.	Republic of Korea	Members of the Bureau are subject to the same procedures as all members of the Assembly.
12.	Spain	If a member or a group disagrees with a decision it can ask for it to be re-considered. The Bureau does not take a final decision before it has heard suggestions of Party spokesman. On administration matters, resolutions of the Bureau can be the subject of an appeal to the Bureau itself.
13.	Ethiopia	Control of the members of the Bureau is exercised through the accountability of the Bureau to the Council of State and the National Shengo.
14.	Egypt	No special control but members of the Bureau are subject to the same powers as other members.

No.	Country	Control procedure
15.	France (Senate)	Not applicable.
	France (National Assembly)	Not applicable.
16.	Greece	If 50 Members propose a motion, the Chamber of Deputies can vote to censure the President or a member of the Bureau and his dismisses them from office. Such a motion cannot be tabled within 6 months of a similar motion having been tabled and rejected in respect of the President and within 3 months in respect of any other member of the Bureau. An absolute majority of members of the Chamber is required for such a motion to be passed.
17.	India (Lok Sabha)	Not applicable.
	India (Rajya Sabha)	Not applicable.
18.	Italy (Chamber of Deputies)	The opportunity for control arises during examination of the budget and accounts of the Assembly.
19.	Norway	There is no particular control over members of the Bureau.
20.	Jordan	No particular procedure but Members can express their opinions in the House or raise issues with the President.
21.	European Parliament	The decisions taken by the Bureau and the enlarged Bureau can be debated in the Parliament.
22.	Portugal	There is no specific control but the decisions of the Bureau can be debated in the Plenary.
23.	Switzerland	No control.
24.	United Kingdom	Both Houses - not applicable.
25.	Tunisia	No control.
26.	New Zealand	No response.
27.	Sweden	Some of the decisions have to be submitted to the Parliament for decision after committee consideration.
28.	Netherlands	Not applicable.
29.	Denmark	The Presidium is subject to parliamentary control undertaken by the entire Folketing.
30.	Zaire	No response.
31.	Ireland	No response.
32.	Japan (House of Councillors)	No specific control but Members of the Bureau are subject to the same powers as other MPs.

V. Changing Parliaments in Changing Political Systems

A. Introductory note for topical discussion at the Uruguay Session, October 1990, by Mr. Wojciech Sawicki, Secretary General of the Senate of the Republic of Poland

Today a transfer from open or concealed dictatorship to true democracy becomes noticeable in many countries. In this process parliaments, constituting the major source of law in democratic states, have an important role to play. In those countries they are either just being established or being transformed to reflect the will of citizens in a much better way than they have done so far. As Parliament changes its role and nature, many problems need to be solved and many questions need to be answered.

Electoral system

When Parliament constituted a screen for dictatorship, its composition was determined by the political interests of the dictator. Even if it was formed in elections, those were only make-believe elections where electors did not perceive any tie with the elected and were not interested in their later activity. In turn the elected did not feel they indeed represented their electors. New parliaments are established in genuine democratic elections. The very electoral procedure, i.e., the number of members elected in a district, the way the country is divided into districts, greatly affects Parliament's representativeness and public confidence in Parliament's decisions. For instance, certain district divisions combined with electoral regulations based on the majority principle may, in single member districts, deprive national minorities of any representation. The proportional representation system reflects the convictions of the electorate more adequately, yet it introduces many small parties to Parliament, thus complicating parliamentary work and posing a threat of cabinet crises. Electoral regulations have an impact also on the relations between deputies and their electors and on the style of parliamentary work. Proportional representation strengthens the position of political parties; thus in the electoral campaign the stress is inevitably laid on their programmes.

To be re-elected the deputy has to be, first of all, loyal to his own party. With the majority principle, the result depends more on the personality of the candidate and his personal tie with electors, and as a deputy he has to cultivate this tie. He will often become the highest appeal instance in conflicts between citizens and administration, and to reply to electors' letters he will need a large staff. Electors usually want to know the position taken by their representative, the things he said and the way he voted. Therefore, it is very important to keep the public well informed about the speeches delivered and the roll-call voting patterns. The present parliamentary staff may not be prepared to meet this requirement since so far it has been dealing with unanimous votes and speeches which were prepared in advance in writing and often edited by and consulted with the political authorities. Now much more information than before is offered to the public by the radio and television. There should be facilities for recording and transmitting both sessions and interviews with particular deputies. The parliamentary staff has to learn how to support members of Parliament through adequate publicity and contacts with mass media. Usually foreign assistance is indispensable to achieve that.

New deputies

Whatever the way in which new deputies have been elected a great majority of them have no experience in parliamentary work whatsoever. Accordingly they need to be urgently trained and acquainted with the parliamentary procedures and experiences of other parliaments. The social standing of deputies is changing now. Until recently deputies were either key political figures, performing important functions in the state and party authorities and treating Parliament as their additional duty, or the so-called "representatives of the society", who actually had an ornamental function of validating claims that Parliament is representative. The present members of Parliament must treat their work here as their main and most important occupation. In this way a group of professional politicians-parliamentarians is being formed. Thus it is necessary to determine the level of their earnings, allowances, retirement pensions and the amount of official reception expenses as well as costs of running an office and the like. On the one hand, members of Parliaments should be remunerated well enough not to be forced to take another paid job. On the other hand, the states embarking upon the difficult path of democratization are usually faced with economic problems and with a fall in the living standards of their citizens. Hence, the Parliament adopting particularly lucrative remuneration for its members may evoke resentment of the society. It is all the more important as generally after the years of Parliament serving as a window-dressing institution the society is not convinced that a well and effi-

ciently working Parliament is so crucial for the whole state and its future fate, that it really pays to allot even big sums for it out of the state budget (the more so as these outlays are rather modest as compared with the total budget, while generally the role of the Parliament cannot be overestimated). The parliamentary rules and regulations should specify precisely the means the deputy may use in his work. For instance, using public money to support one's own party and to finance electoral campaigns should be rendered impossible.

Changing the window-dressing Parliament into a decision-making body

Window-dressing parliaments did not take any real decisions. At best they were able to a very limited extent, to suggest minor modifications to proposals of the Government ruling party authorities or President. A democratic Parliament begins to actually supervise the executive authority. Therefore, supervisory bodies appointed by Parliaments (in Poland—The Chief Board of Supervision) should be restored to their proper positions, the system of parliamentary questions and interpellations should regain its due standing, and a fair analysis of Government budget proposals and their execution should be made. All this necessitates the setting up of a special parliamentary body responsible for preparing economic, legal, sociological, financial and other analyses. A genuine Parliament in a democratic state resolves in a sovereign way questions of greatest importance for the state. Deputies should be aware that their errors may cost the whole country very dearly. At the same time, particularly at the first stage of system transformation, a great number of laws, concerning many areas has to be adopted. The legislative process should be initiated with much care to ensure both fast proceedings and good legislation. It must be clear who has the right to propose new bills—the Government, each deputy, a group of deputies, each party or perhaps still somebody else. For a bicameral Parliament, in addition, rules of cooperation between both Houses should be determined, possible differences in the political profile of the Houses taken into account. Usually this question is linked to more general decisions concerning the distribution of powers. The parliamentary rules and regulations have to be precisely codified so that deputies will not waste time on formal disputes. The staff has to be equipped with technical means (computers, printing devices) to be able to prepare quickly all the materials needed by the deputies in their work.

The state rules in a dictatorial way failed to be law-observing. Even though laws have been developed according to the dictator's will, the administrative decisions frequently took the upper hand. The authorities did not always cared to publish legal regulations. Now it has to be changed. Al-

though the task of ordinary editing, compiling and publishing of legal acts should be Government's responsibility, Parliament may be forced to initiate these activities. In a democratic state Parliament normally exerts a real influence on appointments decisions by passing judgements on candidates for Government posts and sometimes for judiciary, military, diplomatic and other ones. For this precise rules of conduct in individual cases are required, for instance, with respect to the way interviews should be organized. Then, parliamentary staff has to prepare dossiers and for which special data bases are necessary.

A genuine Parliament, quite naturally, has among its members representatives of various political factions, which have to co-operate in spite of the differences dividing them. In a window-dressing Parliament possible divergences in attitudes were settled elsewhere. Now we have to develop a system of reaching compromises and settling disputes in accordance with political culture.

Parliamentary staff

Parliamentary staff has to retain political impartiality and secure for all deputies, irrespective of their political affiliation, equal service. This will often require a change in the hitherto encountered attitudes, since formerly the staff was selected according to the criterion of political loyalty to those in power. Adequate personnel training is essential, the staff usually not being prepared to perform the new more demanding duties. On the one hand, the staff formerly working in Parliament often do not know basic techniques of parliamentary work. On the other hand, there are newcomers without any former experience. In such a situation training assistance from foreign parliaments is necessary.

Referring to the above comments, I think that it would be worthwhile to try to find answers to the following questions:

1. How can the parliaments of "old and experienced" democracies help the "young" ones without intruding upon their national or regional parliamentary traditions?
2. Do elementary permanent (universally applicable) principles of the democratic Parliament exist? What are they?
3. What functions should be performed by the parliamentary staff to make the operation of a democratic Parliament efficient?

B. Introductory note for topical discussion at the Uruguay Session, October 1990, by Mr. Rafael Quiroz, Secretary of the Congress of the Republic of Venezuela

Technological and Communication advances have made the world a little village where events that occur in other places, no matter how remote they may be, can be seen and heard immediately by the majority of those who have access to these modern communication systems. This new situation that permits this closeness of men of all races, credits and political ideologies, unexpectedly brings the people of the world in the direction that the big powers wish to imprint in the historic evolution of the world. In other words, the recent history can be described as a phenomenon guided by those who play chess-game of strategies that will change the direction of our civilization, depending on their geopolitical and economic interests; but this orientation has been influenced by the increasing pressures being exerted by the national sectors, which inspired on the doctrine of self-determination of the people, have succeeded in making the decisions taken by the powers more flexible, after the division of the world among the victorious powers following the second world war. The geopolitical interests disputed there are well known to all of us, so it is not necessary to refer to them nor the consequences that this division brought to the countries of peripheric characteristics that revolve around the big powers. Today, a decade away from the 21st century, not only has man seen technological, social and political transformations, but has observed the evolution towards a modern-consolidate civilization characterized by the comforts produced by that technology, when it is employed to help in the civilization of men.

These brief considerations have the objective of demonstrating how the political changes taking place in the world, as a consequence of the social pressures, help the world awake and orient its natural condition to the fight for well-being, freedom and self-determination.

A number of phenomena illustrate this decade's history, for one, the turns taking shape in the socialist orbit, that is going from the rigid centralism toward a political, economic and social opening that characterizes the actual Soviet regime, through the application of a model of political and social participation when taking decisions, made evident in "Perestroika" and "Glasnost". This new direction of global and local relationships, naturally has had a categorical impact on the political scenery of the third world. In the case of Latin America and the Caribbean, an evolution towards a total political

democratization of the governments has taken place, with the only exception being the Cuban regime of Fidel Castro.

As a result of these processes of change and evolution towards schemes of organization and political participation, we observe the emergence of clear definitions regarding organization of the public powers; from them, the Legislative Power, which today constitutes the most important organ of the state, in virtue of its exclusive attribution of dictating the law, its mission includes establishing the rules that will guide the social organization, the juridical regime under which citizens must live and the political orientation in its most broad sense, so the state meets its highest objectives of collective life.

This consecration of the democratic principles is a product of the conquests made during the French Revolution, which the world celebrates today because of its great contributions to humanity and that consecrated for the world civilization, the political and social democracy.

The administrative structures of the modern parliaments are constituted not only by the quota, sides that corresponds to each-political organization that are part of parliamentary structure, as is the case of the Venezuelan parliament, but also professional profiles are defined for each administrative representative for each political group with representation in the parliament. In addition, the modern technological evolution must not be eluded or postponed due to its application of facilitating the parliamentary work, through the installation of sophisticated mechanisms in the area of information management and communication; that way for a more efficient and effective yield from the parliamentary regime will be obtained, so that once an issue has been decided the results of that measure may be obtained. This variable, the advanced technology of communication, applied to the different processes, constitutes today one of the fundamental pillars of the work of legislative techniques of the parliaments approaching the threshold of the year 2000.

C. Topical Discussion: Extract from the Minutes of the Punta del Este session. Autumn 1990

The PRESIDENT said that it appeared that, all over the world, the institution of parliament was becoming more important in the politics of many countries. For Secretaries General this gave rise to new demands and new solutions. He hoped that the topical discussion would share experience and draw conclusions which were valid across the whole world and not just in

one region. He thanked Mr. Sawicki of Poland and Mr. Quiroz of Venezuela for their introductory notes to the topical discussion.

Mr. SAWICKI said that most central and eastern European countries were coming back to democracy and facing the question "what does democracy mean?" After being trapped in the traditional omnipotence of one party states, central and eastern European countries were trying to establish the key democratic criteria. In the last forty years or more the meanings of all the words in the political vocabulary had been changed.

The transition to democracy could be a time of danger. Democratic institutions and attitudes were weak in post-communist societies. This gave rise to dangers of populism and the pursuit of illusions of equality. There was also a temptation for those coming into power to tackle difficult problems with the direct measures used by their predecessors because the democratic institutions were too weak to deter them. There was also the danger of nationalism.

In Poland there was a great constitutional debate about the division of power between parliament and the government. The Senate having been restored recently, there was still debate about whether parliament should be bicameral or unicameral. A new constitution was under discussion but essential questions (such as which form of election system should be used) had not been resolved. Within the parliament itself a complete change had been required in the Standing Orders. The vast majority of newly-elected members had no previous parliamentary experience. Only three of the one hundred Senators had ever been in parliament before and 400 of the Deputies were new. This gave rise to huge problems of information and training. There was also the question of what facilities should be provided for the Deputies both in parliament and in their constituencies and the number of staff that they ought to have at public expense.

A further issue was how the traditional supervisory bodies through which parliament monitored the executive could be made more effective. This involved not just procedural matters such forms of questions and supervision of budget but also matters of resources such as the research and analysis and the parliamentary library. The library of the Czechoslovak parliament had books only in the Czech, Slovak and Russian languages. Starting a new parliament was a major problem. It was important to ensure that staff were politically impartial. Staff of the previous parliament had been selected on a basis of political loyalty and had no knowledge of how a real parliament functioned. Newcomers into parliamentary service had no special experience either. The increase in parliamentary activity and in staff would require more technical equipment, such as copiers and computers, all of which gave rise to

financial and decision-making problems. The pay of MPs had yet to be set and the numbers of their staff determined. At present it was intended that each MP would be given three staff at public expense.

Mr. QUIROZ (Venezuela) said that recent political changes in Latin America made changes in parliamentary systems inevitable. Military dictatorships were being replaced in most of the countries where they had existed. Cuba was the only exception to this. There was a constant evolution towards parliamentary democracy in all countries, with Chile being the most recent to change. In Venezuela the democratic process had started thirty years ago and democratic attitudes and public debate had never been suppressed. Central America was also going democratic, although the process was not necessarily solid; Costa Rica was the most stable democracy in that part of Latin America.

All these changes caused the task of parliament to be revised. Greater participation in democracy gave rise to higher expectations of what Parliament could achieve. One of the major issues to be faced was the question of economic policy and the size of the state sector. This was inextricably bound up with the move towards a parliamentary democracy. In many countries economic policy was moving towards a market economy where the precise role of the state in industry was a matter for acute debate.

Parliament's traditional roles of legislation and scrutiny had to be enhanced. In Latin America there was often no legislation on certain areas of national policy. Decisions about the precise role of parliament were having to be taken in a much shorter timescale than the hundreds of years in which some other countries had to evolve their parliamentary systems of government.

Another problem facing parliaments in Latin America was how they should respond to scandals concerning abuse of public funds. Traditionally parliament assumed a role of guardian of public finance but in many cases it did not have the procedures to carry out that role effectively. On the other hand it could not be seen to be doing nothing in face of financing scandals.

The PRESIDENT thanked Mr. Sawicki and Mr. Quiroz for introducing the topical discussion and invited comments from the floor.

Mr. LAUNDY (Canada) said that democracy was a fragile plant which needed to be nurtured carefully. There had to be checks and balances. Total efficiency was not compatible with proper democracy. It should not be forgotten that Hitler came to power constitutionally but in the end the only democratic rights left were the right to vote for one party and the right to obey the police. The choice of electoral system was critical but there was no

ideal system. Canada used simple majority voting and single constituencies which meant that a party could win just 45% of the vote and achieve an absolute majority of seats from the House of Commons. Minority parties were unlikely to win any seats unless their votes were concentrated in one area. On the other hand proportional representation systems were complex and could produce difficult results.

In response to Mr. Sawicki's question he said that parliaments of old and experienced democracies could be open in their willingness to make contact and have exchanges with newly emerging democracies but they should not tell the latter what to do. All systems had their advantages and disadvantages (as Canada was seeing at the moment with the Senate opposing a Tax Bill). Canada had allocated funds to enable officials and Members of Parliament from newly emerging democracies to visit Canada to study its system and learn from its problems.

On Mr. Sawicki's second question there were some basic principles of democracy which he would emphasise: (i) open and free elections; (ii) unfettered opposition; (iii) an independent judiciary.

On the third question, the tasks of parliamentary staff were multifarious. It was important that they be politically neutral, dedicated to the service of parliament and expert in their relevant fields, such as procedure and parliamentary (as opposed to governmental) administration, that they be distinct from Members' personal staff and that they provide impartial research and information services.

Dr. ALZUBI (Jordan) wondered how long the transitional period referred to by Mr. Sawicki would be expected to last and what were the political and social implications.

Mr. ASTARLOA (Spain) said that there were reasons to be optimistic about the transition to democracy in many countries around the world. But it was important that the long term objectives be clear. Spain had been through that process itself over the past fifteen years. On the difficult question of electoral systems Spain had opted for different systems for the two Chambers. The Congress of Deputies is elected on a proportional national system, while the Senate is elected on a majority system. It was important to recognise the need for guaranteed rights for minorities to encourage constructive opposition. Any increase in parliamentary activity inevitably required more staff, equipment and facilities. In Spain the legislative burden of the national parliament had been reduced to a certain extent by decentralisation of state competences to the regions.

The process of evolving an active parliamentary democracy was very complex and things could not be changed overnight. In particular the ways of thinking of voters, politicians and parliamentary staff had to be adjusted. In Spain some of the staff of the previous parliament had stayed on and new staff had been recruited. A careful examination had been undertaken of the historical experience and practice in other countries in order to develop common-sense rules of procedures and practice. He thoroughly endorsed the benefits of exchanges of experience with other countries. Political neutrality of parliamentary staff was essential so that Members could trust the staff.

He agreed with Mr. Sawicki that there were problems of transition. There was a danger of public opinion, initially very favourable to an active Parliament, losing enthusiasm. This could be a problem for all parliaments. They should recognise that they did not have to be the centre of attention or provide a lively show all the time. The problems of transition would soon merge into the everyday problems faced by established parliaments.

Mr. FLOMBAUM (Argentina) said that parliamentary experience was expensive and often came too late. There were great benefits in exchanging information between parliaments to enable a sustained parliamentary democracy to be built. Across the world parliaments were evolving into a new era giving rise to new needs for staff and technology. The Association had an important role to play in assisting this. Any challenge to the position of parliament was essentially a challenge to democracy itself.

Mr. GARCIA (Venezuela) said that, in the worldwide expansion of democratic practice, there was a trend towards presidential systems of government. Parliaments needed to establish mechanisms to ensure that they played a positive role in the separation of powers. Restrictions on parliamentary budgets placed constraints on development and modernisation. Latin America had become accustomed to interruptions in democracy when democratic institutions had failed to achieve economic and social change. These aspects had to be taken into account if democracy was to be properly entrenched.

Mr. CHARPIN (France) said democracy needed to adapt to change. He recalled that Marshal Pétain had come to power through the choice of the French Parliament. All systems had their faults and none could easily be exported to another country. The most an old and established parliament could do was to welcome officials and MPs from newly-emerging democracies and leave it up to the visitors to decide what did and did not work well in the host country. France, for instance, was still alternating its electoral system between proportional representation and majority systems.

In conclusion, Mr. QUIROZ said that he agreed with Mr. Laundry, that democracy was a fragile plant that needed to be protected. Often the pace of change was too quick to allow careful preparation.

Mr. SAWICKI said the kind of assistance described by Mr. Charpin was exactly what was needed. Each country had to make its own decisions. No time could be set on the length of the transition period. He would add to Mr. Laundry's list of essential principles for democracy, the existence of a free and independent press and media. Open and free elections had not yet been achieved for the Polish Sejm. Poland had been paying the price of being the first country in central and eastern Europe to move away from communism and therefore had to compromise on the electoral system with the communist party. New elections were likely to take place in early 1991 and they would be fully free and open. One of the distinctions between newly emerging democracies in eastern Europe and those in Latin America was that the former had to break away from the communist economic system. He was particularly grateful for the co-operation Poland had received from the Parliaments of Canada, UK, USA, France and Germany.

Mr. FARACHIO (Uruguay), speaking later, said that he had been absent from the topical discussion because he had been present at the signing ceremony for an agreement for the exchange of information between the Chilean and the Uruguayan Parliaments. This was a practical demonstration of the way parliaments in different stages of development could assist each other. He did not agree with what had been said by Mr. Quiroz earlier about Venezuela being a leading example of democracy in Latin America. Most Latin America countries had strong democratic traditions and all had suffered other forms of government in recent years. Uruguay had a 160 year history of parliamentary democracy and was once again at the forefront of Latin American respect for democracy and human rights. He was loyal to the tradition of Latin American integration and very much regretted that the IPU had not made Spanish an official language. He hoped there would be more action in future for mutual parliamentary co-operation in Latin America.