

**MINUTES OF THE AUTUMN SESSION**

**OUAGADOUGOU**

**10-13 SEPTEMBER 2001**

**ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS**  
**Minutes of the Autumn Session 2001**

**Ouagadougou**  
**10-13 September 2001**

**LIST OF ATTENDANCE**

**MEMBERS PRESENT**

Mr Boubeker Assoul	Algeria
Dr Allauoa Layeb	Algeria
Mr Diogo De Jesus	Angola
Mr Dmitry Shilo	Belarus
Mr Robert Myttenaere	Belgium
Mr Georges Brion	Belgium
Mr Prosper Vokouma	Burkina Faso
Mr Carlos Hoffmann Contreras	Chile
Mrs Danica Orcic	Croatia
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Farag El-Dory	Egypt
Mr Samy Mahran	Egypt
Mr Pierre Hontebeyrie	France
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Rex Owusu-Ansah	Ghana
Mr Boubacar Bangoura	Guinea
Mr Albino Fonseca	Guinea-Bissau
Mr Madelain Fils-Aimé	Haiti
Mr G. C. Malhotra	India
Mr R. C. Tripathi	India
Mrs Sri Sumarjati Haryanto	Indonesia
Mr Antonio Malaschini	Italy
Mr Sheridah Al-Mosharji	Kuwait
Mr Abdul Al-Risaihan	Kuwait
Mr Nanborlor J. Singbeh	Liberia
Mr Mamadou Santara	Mali
Mr Mohamed Idrissi Kaitouni	Morocco
Mr Moussa Moutari	Niger
Mr Ishwar Upadhyay	Nepal
Mr Bas Nieuwenhuizen	Netherlands
Mrs Jacqueline Bisheuvel-Vermeijden	Netherlands
Mr Rafael De Guzman	Philippines
Mr Oscar Yabes	Philippines
Mr Bogdan Skwarka	Poland
Mrs Adelina Sá Carvalho	Portugal
Mr Byeong O Kim	Republic of Korea

Mr Gheorghe Stan	Romania
Mr Francisco Silva	Sao Tomé e Príncipe
Mr Sindiso Mfenyana	South Africa
Mr Dhammika Kitulgoda	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Edmund G Bleau	Suriname
Mr Ulf Christoffersson	Sweden
Mr Kipenka Msemembo Mussa	Tanzania
Mr James Warburg	Tanzania
Mrs Sirilak Panbamrungrit	Thailand
Mr Chinda Chareonpun	Thailand
Togo Mr Dinkpeli Kantoni	Togo
Mr Vyacheslav Koval	Ukraine
Mr Milan Lucic	Yugoslavia
Ms Helen Dingani	Zimbabwe

### SUBSTITUTES

Mr Peter Keele (for Mr I Harris)	Australia
Mrs Bontsho G. Disele (for Mrs C Mompei)	Botswana
Mr Philippe Ventujol (for Mr J Priestley)	European Parliament
Mr Jacques Rauline (for Mr J-C Bécane)	France
Mr Everhard Voss (for Mr P Eickenboom)	Germany
Mr David Lev (for Mr A Hahn)	Israel
Mr Yuji Nakamura (for Mr H Horikawa)	Japan
Mrs R A Ahmadu (for Mr I Salim)	Nigeria
Mr Louis Nsengumuremyi (for Mr A Habarurema)	Rwanda
Mr Michael Pownall (for Mr P Hayter)	United Kingdom
Mr José Pedro Montero (for Mr H Catalurda)	Uruguay
Mr Tran Quoc Thuan (for Mr V Mao)	Vietnam

### OBSERVERS

Mr Lucas	Côte d'Ivoire
Mr Joern Stegen	Council of Europe
Mr Keijo Koivukangas	Finland
Ms Cait Hayes	Ireland
Ms Luisa Accarino	Italy
Mr Etienne Shneider	Luxembourg
Mr Jorge Valdes	Mexico
Mrs Ipi Cross	New Zealand
Mr Nunõ Paixao	Portugal
Mrs Cristina Dumitrescu	Romania
Ms Adriana Badea	Romania
Mrs Marie-Josée Boucher-Camera	Senegal
Mr Peter Valdner	Slovakia
Mr Ueli Anliker	Switzerland

Mr Narongpon Pinyo	Thailand
Ms Nutthomol Pongroj	Thailand
Mr Rauf Bozkurt	Turkey
Mr Ignatius Kasirye	Uganda
Mr Vladimir Aksenov	Union of Belarus & Russian Federation

## APOLOGIES

Mr Ian Harris	Australia
Mrs Constance Mompei	Botswana
Mr Gary O'Brien	Canada
Mr Takis Hadjiouannou	Cyprus
Mr Julian Priestley	European Parliament
Mr Jean-Claude Bécane	France
Mr Georg-Berndt Oschatz	Germany
Mr Arie Hahn	Israel
Mr Yoshihiro Kamazaki	Japan
M Fukumaru Tani	Japan
Mr Hiseo Horikawa	Japan
Mr Pierre Dillenbourg	Luxembourg
Mr Ibrahim Salim	Nigeria
Mr Constantin Sava	Romania
Mr Anicet Habarurema	Rwand
Mr Sune K Johansson	Sweden
Mr Paul Hayter	United Kingdom
Mr Mario Farachio	Uruguay
Mr Colin Cameron	Western European Union
Mr Eike Burchard	Western European Union
Mr Vu Mao	Vietnam
Mr Mwelwa Chibesakunda	Zambia

**TABLE OF CONTENTS** –

**FIRST SITTING - Monday 10 September 2001 [pm]**

1.	Opening of the Session.....	7
2.	Elections to the Executive Committee .....	7
3.	Agenda.....	7
4.	New members .....	9
5.	Presentation by the host Secretary General on the Parliamentary System of BurkinaFaso.....	10

**SECOND SITTING – Tuesday 11 September 2001 [am]**

1.	Introductory Remarks .....	32
2.	Communication from Mr Martin CHUNGONG on the Recent Activities of the IPU .....	32
3.	Communication from Mrs Adelina SÁ CARVALHO (Portugal) on Timor Lorosae – Mission to the Interim Parliament .....	34
4.	Communication from Mr Everhard A. VOSS (Germany) on Interparliamentary co-operation .....	35

**THIRD SITTING – Tuesday 11 September 2001 [pm]**

1.	Suspension of the sitting (events in the United States) .....	39
----	---	----

**FOURTH SITTING – Wednesday 12 September 2001 [pm]**

1.	Introductory Remarks .....	40
2.	Words of welcome to the conference in Marrakech from Mr Mohamed Rachid IDRISSI KAITOUNI, Secretary General of the House of Representatives of Morocco .....	40
3.	New Members .....	41
4.	General revision of the Rules .....	41

**FIFTH SITTING – Thursday 14 September 2001 [am]**

1.	Introductory Remarks .....	45
2.	Communication from Mr Rex OWUSU-ANSAH (Ghana) on the Change of Political Baton in Ghana and how it impacted on the Legislative Arm of Government.....	45
3.	Communication from Mme R A AHMADU (for Mr Ibrahim SALIM) (Nigeria) on Appropriation Procedure – An Aspect of the Budgetary Process in a Parliamentary Democracy: the Experience of the National Assembly of Nigeria .....	50
4.	Communication from Mr G C MALHOTRA (India) on Strengthening Democracy – the Role of the Opposition in the Indian Parliament.....	59
5.	Communication from Mr Vyacheslav KOVAL (Ukraine) on the participation of the Supreme Rada in the work of international parliamentary organisations .....	62
6.	Honorary Membership .....	64
7.	Administrative and Financial Questions.....	65
8.	Examination of the draft Agenda for the Spring Session 2002 – Marrakech.....	65
9.	Closure of the Session.....	66

**FIRST SITTING,  
Monday 10 September 2001 (Afternoon)**

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

**The sitting was opened at 3.30 pm**

**1. Opening of the Session**

Mrs SÁ CARVALHO, President, welcomed the participants to the Ouagadougou session of the Association and thanked in particular Mr Prosper VOKOUMA, the Secretary General of the National Assembly of Burkina Faso, who was hosting the conference.

She informed those members present that a conference of speakers of European parliaments was to take place at the same time in Stockholm which would oblige several colleagues from that part of the world, including herself, to leave with regret the meeting of the ASGP early on Wednesday evening. For that reason she asked that the Association should change its usual working practices by bringing its work to a conclusion after four days. With that in mind she proposed that a meeting should take place on Wednesday afternoon in order to finish the work of Thursday and therefore not disadvantage too much those whose obligations obliged them to leave.

**2. Elections to the Executive Committee**

She indicated that there was one vacant post on the Executive Committee as a result of the election in Havana of Mr Ian HARRIS of the House of Representatives of Australia, who was Vice-President of the Association. She proposed that the vote should take place on Wednesday afternoon at 5.00 p.m. To allow this to take place she placed the deadline for proposing candidates at Tuesday at the same time.

**3. Agenda**

She read out the draft orders of the day as follows:

**Monday 10 September**

AFTERNOON SESSION

**(1400 hrs**      Executive Committee meeting)

**1530 hrs**      Opening session of the ASGP

Presentation by Mr Prosper VOKOUMA, Secretary General of the National Assembly, on the Parliamentary System of Burkina Faso

Tuesday 11 September

## MORNING SESSION

- (0900 hrs** Executive Committee meeting)
- 1100 hrs** Communication from Mr Martin CHUNGONG on recent activities of the IPU
- Communication from Mrs Adeline SA CARVALHO, Secretary General of the Assembly of the Republic of Portugal on Timor Larosae – Mission to the Interim Parliament
- Communication from Mr Everhard A. VOSS (Germany) on interparliamentary cooperation

## AFTERNOON SESSION

- 1500hrs** Communication from Mr Mr Boubeker ASSOUL, Secretary General of the Popular National Assembly of Algeria on parliamentary democracy
- Communication from Mr Vyacheslav KOVAL, Secretary General of the Parliament of Ukraine on the participation of the Supreme Rada (parliament) in the work of international parliamentary organisations.
- 1700 hrs** **Deadline for nominations to the vacant post on the Executive Committee.**
- Report on the work done on the revision of the Rules of the ASGP by Mrs Adelina SA CARVALHO.

Wednesday 12 September

## MORNING SESSION

- 0930 hrs** Visit to the Wildlife Park at ZINIARE, followed by a visit to the Granite Sculptures at LAONGO.
- 1215 hrs** Lunch hosted by Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso at LAONGO.
- approx**

## AFTERNOON SESSION

- (1430 hrs** Meeting of the Executive Committee)
- 1530 hrs** Communication from Mr Pierre HONTEBEYRIE, Secretary General of the National Assembly and of the Presidency of France on time reserved for non-Government business.



**After 1700 hrs** Election to the vacant post on the Executive Committee to replace Mr Ian HARRIS who was elected to the post of Vice-President during the session in Havana.

### Thursday 13 September

#### MORNING SESSION

**1000 hrs** Communication from Mrs R.A. AHMADU (on behalf of Mr Ibrahim SALIM, Clerk of the National Assembly (Nigeria)), on Appropriation Procedure – An Aspect of the Budgetary Process in a Parliamentary Democracy : the Experience of the National Assembly of Nigeria.

Communication from Mr G.C. MALHOTRA, Secretary General of the Lok Sabha (India), on Strengthening democracy – Role of the opposition in the Indian Parliament.

New members.

Honorary membership

Administrative and financial questions.

Examination of the draft agenda for the Spring Session 2002 – Marrakech (Morocco).

Closure

*The Orders of the Day were adopted.*

#### 4. New Members

**Mrs SÁ CARVALHO**, President noted that the Association had received several applications for membership, none of which seemed to raise any difficulties.

##### Mr Valenti MARTI CASTANYER

Secretary General of the General Council of Andorra  
(replacing Mr Carles SANTACREU COMA)

##### Mr Carlos HOFFMANN CONTRERAS

Secretary General of the Senate of Chile  
(replacing Mr José Luis Lagos LOPEZ)

**Mrs Siti Nurhajati DAUD**

Deputy Secretary General of the House of Representatives of Indonesia (replacing Mr Edo WASDI)

**Mr Takeaki ISHIDO**

Deputy Secretary General of the House of Councillors of Japan (replacing Mr Yoshinori KAWAMURA who has become Secretary General)

**Mr Moussa MOUTARI**

Secretary General of the National Assembly of Niger (replacing Mr Ngoudo DAGOUL MALAM)

**Mr Oscar YABES**

Secretary of the Senate of the Philippines (replacing Mr Lutgardo B. BARBO)

**Mr Gheorghe STAN**

Deputy Secretary General of the Chamber of Deputies of Romania (replacing Mr Florea COJOC)

**Ms Marcia I.S. BURLERSON**

Deputy Secretary General of the National Assembly of Suriname (replacing Mr Fulgentius A. HOOPLOT)

**Mr Kipenka Msemembo MUSSA**

Clerk of the National Assembly of Tanzania (replacing Mr George F MLAWA)

**Mr George CUBIE**

Clerk of Committees of the House of Commons of the United Kingdom (replacing Mr Charles WINNIFRITH)

*The candidacies were approved.*

## **5. Presentation by Mr Prosper VOKOUMA on the Parliamentary System of Burkina Faso.**

Mrs SÁ CARVALHO, President then gave the floor to Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso, to enable him to make a presentation on the Burkinabe parliamentary system.

Mr Prosper VOKOUMA spoke as follows:

“According to the provisions of Article 78 of the Constitution of 2 June 1991, Parliament comprises the National Assembly and the House of Representatives and Article 79 says that the members of the National Assembly called “members of parliament” and the members of the House of Representatives, “Representatives”.

Pursuant Article 80, the members of parliament are elected by direct, equal, and secret universal suffrage. They exercise legislative power.

The Representatives on their part are elected by indirect suffrage. The House of Representatives plays an advisory role .

The functioning of the parliamentary system of Burkina Faso rests on two pillars the principal of which is the National Assembly; the latter performs the essential part of the parliamentary activity: voting of laws, authorising tax and control of government action. The second pillar is the House of Representatives whose mission is of importance although different from the one of the National Assembly.

Therefore, we should like to make our talk on these institutions as exhaustive as possible: their structures, functioning , missions. We begin with the National Assembly

## **I- THE NATIONAL ASSEMBLY**

The National Assembly is renewed completely at the end of each parliamentary term: At the beginning of each new term, it decides on the validity of its members notwithstanding the control performed by the Constitutional Council. It establishes its rules and regulations. The number of Members of Parliament for the term that began in 1997 is 111.

### ***The mode of election and nature of the term office of the Members of Parliament***

Candidatures are presented obligatorily by organisations or political parties. All candidates must be of Burkinabe nationality of 28 years minimum on the date of the elections and enjoy all his/her civic rights. Once elected, members of parliament are vested with national term of office; although each of them is elected from a constituency, they represent the nation as a whole. They decide freely on how to perform their term of office. A member of parliament is not legally bound to a commitment since nothing is mandatory.

Apart from the regular end of term, the term of office of a member of parliament can come to an end by the resignation or physical degeneration of the regular member, death or acceptance of certain duties, especially with the government.

In the event of vacancy of seats at the National Assembly, deputies are called upon to fill them by order of their registration on the list of the substitutes. Partial elections can be organised when necessary, except during the last third of the legislative term.

### ***Incompatibilities***

The members of parliament cannot perform their term of office at the same time with another civil service, as a member of the Conseil Supérieur de l'Information (Higher Council of Information). They are also not allowed to carry out during their parliamentary term a mission assigned to them by the government without prior authorisation of the Committee of the

National Assembly; nor are they authorised to perform management duties in State enterprises and national public establishments.

Finally, there are many private activities for which the members of parliament cannot perform freely, to prevent them from taking advantage of their position. Thus, they cannot occupy positions as head of enterprises, chairing the board of directors, delegate administrators, assistant managing directors or managers in certain companies.

### ***Measures to guarantee the performance of the term of office***

A member of parliament cannot be prosecuted, tracked, arrested, detained or judged for his/her opinions or votes cast by him in the execution of activities. This freedom is used during debates in public sessions or in committees, during written questions, law proposals and the drafting of reports.

However, if the member of parliament is caught red-handed, he is subjected to the common law. Members of parliament are not actionable unless authorised by at least one-third of the members of the National Assembly during sessions or by the Assembly Committee outside sessions.

The members of parliament receive subsistence allowance for the numerous charges and fees incurred in the execution of their term of office.

## **1.1- Structures of the National Assembly**

There are all the legislative structures that support the essential part of the parliamentary work and administrative structures that take care generally of the administration of the Assembly.

### **1.1.1- The legislative structures**

They include:

- the committee of the National Assembly;
  - the conference of presidents;
  - the commissions;
  - the parliamentary groups.
- The committee of the National Assembly

Election of its members and powers:

The committee of the National Assembly is elected at the beginning of each parliamentary term immediately after the adoption of the rules and regulations and the validation of powers by an absolute majority of the members of parliament. The age-related committee is the body in charge of organising this election.

This committee is composed of the oldest member of parliament and two youngest members of parliament who act as secretary of the session until the election of the committee is completed.

For this election, the committees of the administratively composed groups must hand in the electoral list of their groups to the age-related committee for the counting of votes. These lists are subject to publication. After the publication of electoral lists, any parliamentary groups or collection of parliamentary groups may present a candidate. Even a non-administratively formed group, with four members of parliament at least can also present a candidature. The declarations of candidature are deposited at the secretariat of the age-related committee, at least one hour before the opening of the session for the election of the speaker and posted immediately.

The speaker is elected by a vote for a single member; it is a secret vote by absolute majority in the first ballot and by simple majority in the second ballot. At the closing of votes, the session secretaries counts the ballots and the oldest member announces the result. The speaker is elected for the duration office. He is re-eligible.

The other members of the committee are elected for a one-year renewable term of office in the same conditions as the Speaker.

#### ° Composition of the committee

The committee of the National Assembly is composed of:

- a speaker who is the president of the National Assembly,
- five vice-presidents
- eight parliamentary secretaries;
- one first questeur (administrative and financial officer)
- one second questeur

In the event of vacancy of the speaker of the National Assembly due to death, resignation or any other cause, he is replaced through election 15 days following the vacancy if the Assembly is sitting. Should it be otherwise, the Assembly has all the rights to meet for the election of a new speaker.

If the vacancy is due to the resignation of all the committee members, the age-related committee ensures the interim and calls for the election of a new Assembly committee.

#### ° Powers of the National Assembly Committee

The National Assembly Committee has all the powers to organise and manage the services of the National Assembly in the conditions defined by the regulations. It decides on the organisation and running of the services, modes of enforcement, interpretation, and execution of the regulations and represents the National Assembly in all public ceremonies. The Speaker chairs the meetings of the Committee and the Conference of chairpersons. He is the chief of the National Assembly's administration and is, therefore, the authority who gives orders for the execution of the budget allocated to the institution. He is assisted in his duties by the vice-presidents by order of election ranking.

The parliamentary secretaries supervise the drafting of minutes. They register names of the members who ask for the floor, check the result of the voting, ascertain the votes, open the ballots and in general, assist the speaker at the rostrum. If the secretaries are absent, they are replaced by two members of parliament.

The First Questeur (Administrative and Financial Officer) and the Second Questeur under the high supervision and control of the Committee are responsible for the financial services and administrative issues involving the members of parliament.

- Conference of Chairpersons

It is composed of the Speaker of the National Assembly, the vice-presidents, the chairpersons of the general commissions, general rapporteur of the finance commission and budget, the chairpersons of the relevant special commissions and the presidents of parliamentary groups. The Government is represented by the Parliament Affairs Minister.

The Conference of presidents is convened by the Speaker on the date and time fixed by him for the review of the agenda of Assembly meetings and for making proposals concerning the rules of the agenda. The Conference fixes the agenda of the National Assembly following the order fixed by the Government : debate of popular petitions, projects submitted by the Government and proposals accepted by it.

- The committees

The National Assembly is composed of seven (7) general committees along which it can form its temporary special committees on its own initiative or at Government's request for specific purpose. The general committees are:

- the **finance and budget committee** in charge of financial, budgetary and estate issues;
- the **economic affairs committee** is responsible for industry, cottage industry, mines, energy, economy and trade;
- the **rural development and environment committee** is in charge of environment, hunting, fishery, water, agriculture and livestock;
- the **infrastructure and communications committee** is responsible for public works, transport, housing, town planning and communication;
- the **foreign affairs and defence committee** generally termed as strategic because brings together traditional sectors of sovereignty of the nation: international relations, external policy, co-operation, general organisation of the defence, security, and the military...
- the **general and institutional affairs committee** is in charge of matters related to the Constitution, regulations of the Assembly, immunity of parliamentarians, justice, domestic affairs...
- the **employment, social and cultural affairs committee** is responsible for education, health, arts, customary and religious affairs, sports, etc.

The committees are the information organs of the National Assembly whose role is essentially technical and preparatory. They are responsible for helping the National Assembly in its decision-making by sending it reports accompanied by proposals.

Each committee is master of its work which it organises according to the law.

They meet during sessions at the invitation of the speaker to deliberate on affairs referred to them by the National Assembly, for immediate review or on issues included on the agenda of the said Assembly.

Government members can be heard by the committees following a request made by the president of the committee concerned and transmitted to the Government through the Parliament Affairs Minister. Vote in committee sittings are done by a show of hands or by ballot. The president has no casting vote.

- Parliamentary Groups

In the parliament, the groups are composed of parliamentarians with the same political opinions, in such a way as to constitute approximately the representation of the parties within the parliamentary institution.

In Burkina Faso, the rules of the national Assembly provides that members of parliament can be organised into groups by political affinity.

The groups are constituted after submitting a declaration to the Speaker of the National Assembly of their membership and indicating the list of their members as well as the name of their president. A group must be composed of four members at least.

The groups form a necessary machinery of the parliamentary life, especially for the appointment of members of the various committees. They also form a network for disseminating instructions and the stance of the party on issues raised during sessions.

#### 1.1.2 Administrative structures

The organisation and functioning of services of the National Assembly are governed by the provisions of Resolution No.2000-001/AN/B of 9 March 2000 concerning the rules and regulations of the administration of the National Assembly.

According to these regulations, the services of the National Assembly are as follows:

- services of the chairmanship,
- services of the Questeurs,
- services of the general secretariat.

These services have one internal organisation and ensures the running the National Assembly's administration.

The entire services are put under the authority of the Speaker of the National Assembly, who defines their tasks according to the assignments.

- The administrative assignments of the Speaker of the National Assembly

As head of the administration of the Assembly, all the services are under his /her authority. He convenes and chairs meetings of the Committee of the Assembly and the Conference of presidents.

He appoints the Secretary General following the approval of the Committee, appoints and dismisses general directors and service directors of the Assembly. He does the appointments for all the other services of the Assembly. The Speaker can delegate powers for any matters

related to the administrative assignments, especially to the Administrative and Financial Officers and the Secretary General.

The Speaker is in charge of ensuring the internal security of the Assembly. He appoints the palace major and fixes the number of military personnel deemed necessary for the security. This personnel are put under his/her orders.

He sees to the smooth running of the structures and services of the Assembly and takes the necessary measures for the internal control and inspection in keeping with the autonomy of the parliamentary institution.

The Speaker maintains institutional relations of the National Assembly with the Executive and Judiciary. The relationship between the ministerial departments are established by the Speaker, President of the Parliament. International relations are established and conducted by the Speaker himself assisted by the Secretary General.

- Administrative assignments of the Questeurs

They carry out the following assignments, under the authority and control of the Speaker:

- preparation of the budget to be presented before the finance and budget committee;
- follow-up of running expenditures within the framework of the budget;
- control of the finance and accounting services according to the distribution of tasks fixed by the Speaker in consultation with the Assembly Committee;
- management of the National Assembly property.

In general, all the decisions with financial incidence must bear the signature of the First Questeur or Second Questeur depending on the circumstance.

The First Questeur is the director of the administrative and financial service

- Administrative assignments of the Secretary General

The Secretary General is appointed by the Speaker in consultation with the National assembly Committee. He runs and co-ordinates the whole services of the National assembly; he is accountable to the Speaker for the smooth running of services and ensures their linear control.

It sees to the execution of regulation texts and the smooth functioning of procedures applicable or in use in the National Assembly.

He defines the criteria of performance of the various services and periodically informs the Speaker of the realisation of missions assigned to them.

He prepares the meetings of the National Assembly Committee and the Conference of presidents and attends them unless otherwise instructed by the Speaker of the National Assembly.

The Secretary General assists the Speaker in sittings. He disseminates the instructions of the Speaker and controls their execution. He controls the execution by the directors and heads of service of administrative decisions taken by the elected officials of the Assembly.



He organises meetings of co-ordination of directors and heads service convened to study matters related to the administration of the Assembly, or likely to have important repercussions on the running of the parliamentary institution.

He is responsible for the management of the entire staff.

He sees to the correct follow-up of relations with the administrations and bodies outside the Assembly, essentially state services.

The Secretary General is assisted in the exercise of his duties by general directors and service directors.

In the event of absence or difficulty, the Secretary General is replaced in his duties by an interim secretary general appointed by the Speaker of the Assembly. The interim shall not exceed three months.

The entire administrative services of the National Assembly are occupied by agents from a specific civil service that had to be developed in order to preserve the autonomy of the Parliament from the rest of the established constitutional powers such as the Executive and the Judiciary.

- Legal status of agents of the Parliamentary Administration

When the National assembly was re-installed in 1992, the first agents were state civil servants sent on secondment or put at the disposal of the institution. To build the staff and give parliament specific competence, recruitment of personnel was done progressively, the results being two types of personnel with a mixed legal scheme. For the harmony of the status of the personnel and to make its management more coherent due to the constraints of parliamentary work, it was necessary to adopt the status of the civil service of the Burkina Faso Parliament.

Through Resolution No.99-001/ANBAN/PRES of 12 May 1999, the civil service of the Burkina Faso parliament was created. According to the terms of Article 3 of this resolution: "Any persons employed for a permanent job, and appointed officially to a post in the grade of the hierarchy of the body of the National Assembly is a parliamentary civil servant of Burkina Faso Parliament."

This personnel is put under the exclusive authority of the National Assembly Committee which can delegate all or part of its powers to the Speaker of the National Assembly. The current management of the personnel is delegated to the Secretary General by the Speaker.

The conditions for entering the parliamentary civil service of Burkina Faso include the following:

- Be of Burkinabe nationality,
- Enjoy civil rights and be of good morality,
- Be at least 18 years old and 35 years old at the most,
- Performance of military service,
- Be physically and mentally fit.

Recruitment is done through competitive exams or test, and admission by qualifications is an exception. Official appointment is subject to a one-year probationary period.

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

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

The parliamentary civil servant enjoys the rights and freedom attached to his identity and type of employee: the right to strike, the right to form or be a member of associations or workers unions.

The parliamentary civil servant has the following grounds for appeal to have his rights be recognised or to restore his rights: submission for an out-of-court settlement, disciplinary complaint, submission for a legal settlement.

He is compelled to respect the specificity of the parliamentary institution and devote all his professional activity to the National Assembly while respecting a certain number of obligations. These include the duty to preserve secrecy, obligation of dignity, neutrality and efficiency.

All the legal structures and instruments described herein aim at allowing the National Assembly to fulfil its constitutional attributions.

## **1-2 The constitutional assignments of the National Assembly**

According to Article 84 of the Constitution, the National Assembly votes laws, authorises taxation, and controls the action of the Government.

### **1.2.1 How is the law voted?**

The law is voted by the National Assembly. The area of the law is limited by Article 101 of the Constitution. It is composed mainly of: public liberties, nationality, status and capacity of persons, determination of crimes and offences, tax, budget, as well as the fundamental principles of organising the national defence, administration, local governments, teaching, property system, law, labour and social security.

The other subjects concern regulations and, therefore, fall within the competence of the executive power.

### **1.2.2 The legislative procedure**

#### ***The initiative***

The initiative of the law is taken concurrently by the members of parliament and the Government. The initiatives originating from the Government are called "bills" and initiatives from parliament, "private bills".

Bills and private bills are recorded at the presidency of the Assembly. With private bills, the Assembly Committee analyses them to see if they are receivable under Article 120 of the Constitution, since members of parliament are forbidden by it to take initiative that might entail the increase of expenditures or an increase of public revenues.

Similarly, the admissibility of private bills are studied from the viewpoint of Article 101 of the Constitution which determine the area of the law.

Article 98 of the Constitution gives the people power to initiate laws by petition. The petition is a proposal drafted and signed by at least fifteen thousand (15 000) persons with the right to vote as provided for by the law. The petition is deposited with the National Assembly Committee.

### ***Placing a question on the agenda***

The agenda of the Assembly comprises firstly the discussion of popular petitions, bills and private bills, oral questions.

The agenda is examined by the Conference of presidents composed of: the Speaker, vice-presidents, presidents of general commissions, the General Rapporteur of the Finance and Budget Committee, Presidents of the interested special commissions and Presidents of the parliamentary groups.

The Conference of Presidents prepares the agenda composed primarily of discussion of bills and private bills on the agenda of priority set by the Government.

### ***Examination in committee***

Generally, the bills or private bills are sent to one of the seven general committees or exceptionally to a special committee.

When a bill is submitted to one general committee for examination of content, one or several other general committees may equally ask to give their opinion thereof.

The committee(s) referred to designates a rapporteur who, after analysing the text containing its (their) conclusions, submits to his colleagues a draft report or opinion, depending on the circumstance.

After deliberation, the committee adopts the report or opinion which recommends that the text, most often modified by amendments, should be adopted or rejected.

### ***Examination in public sitting***

Discussion on the bill is done on the text proposed by the Government, discussion on the private bill is done on the text proposed by the committee.

The debate begins with hearing the Government represented by the relevant minister and sometimes by the Prime Minister and with the presentation of the report of the committee which examined the substance and, if necessary, the committee or several other committees which gave their opinion on it. This is followed by the general debate during which speakers who had previously registered are given the floor.

However, the adoption of certain motions of procedure, exception of admissibility, previous question, may cause the text to be rejected even before it gets to general debate. The adoption of a motion of sending the bill back to a committee, after discussion, is simply to adjourn the debate.

After the closing of the general discussion, the Assembly examines the text by article. The Chairman of the sitting puts the text to discussion and to vote by article, proposed amendments, then the article itself; when the different articles have been examined successively, the chairman puts the whole bill or private bill to vote.

### ***Votes***

Votes are normally done by show of hands and by standing or sitting when there is doubt.

Ordinary public ballot may be resorted to at the request of the chairman of the group, the committee which examined the content, the Government or on the decision of the chairman of the sitting.

The personal appointments (elections of committee members, members of the High Court of Justice, etc.) requires the use of secret ballots.

### ***Means of action of the government during the procedure***

Government members have access to the National Assembly and the general committees and can take part in debates if they so desire. They can also make amendments just like members of parliament.

If a private bill or an amendment appears to the Government as a bill of regulatory nature and not related to law, it may question its admissibility. The Speaker of the Assembly can pronounce on its admissibility. In case of dispute, the Constitutional Council is referred to either by the prime Minister, or the Speaker of the National Assembly. The Constitutional Council has eight days to decide.

The Government may also be opposed to any proposal, report or amendment, the provisions of Article 120 of the Constitution forbidding the diminution of public resources and the creation or increase of public expenses.

If the Government desires, it can ask for the blocking of a vote, i.e. ask the Assembly to pronounce by a single vote on all or part of the bill or private bill.

In emergency, the Government can obtain from the Assembly obligation to pronounce on a bill within fifteen days; this deadline can be extended to forty days in the case of Finance Act. At the end of the period, the law is promulgated in the form of an order.

### *1.2.3 – Competence on international issues*

The National assembly intervenes in the area of foreign policy by examining bill that authorise the ratification of a treaty or an international convention negotiated by the Government.

### *1.2.4 Revision of the Constitution*

The initiative of the revision of the Constitution can be taken by the majority members of the National Assembly. This prerogative is shared with the Head of State and the people by petition.

All the bills are submitted to the National Assembly for appreciation after the opinion of the House of Representatives.

The National Assembly can adopt the bill of revision without resorting to a referendum, if it is approved by the qualified majority by three-quarters (3/4) of the it members.

## **1.3 – Control of Government action**

The control of Government action is the second part of the mission of the Assembly.

### *1.3.1- Questions*

Under this term comes a whole lot of procedures offered to the members of parliament to ensure their control and information on the activity of Government and Administration in order to get information of all nature.

There are a range of questions:

- *Oral questions with debate*

The question is put to a minister. The latter responds in conformity with the time allocated to him by the Speaker. After the reply of the minister, the Speaker organises the debate according to the list of orators registered. The minister may reply and the those who asked the questions can have the floor again.

- *Oral questions without debates*

The question is read by the Speaker. The minister replies. Then the person who asked the question gets the floor for four ten minutes. The minister may reply. No other intervention is possible.

### **Written questions**

Written questions posed by the members of parliament to ministers aim at obtaining relies to specific subject or getting more information from the Government on one political point or another.

Written questions are drafted, notified, and published . The answers of the ministers must be published in the months following the publication of the questions.

### **Question current events**

Questions on current events are deposited at the Presidency of the Assembly not later than to hours before the time set by the Conference of Presidents, depending on the character of the event and general interest.

Questions are put summarily to the Government. The latter replies.

The questions that have not been retained can be transformed into oral questions without debate on the request of their author.

#### *1.3.2- Parliamentary investigation commissions*

In addition to their intervention in the parliamentary process these commissions participate in the control of the action of the executive power.

To this effect , they can , on the request of their chairman, have recourse, using non legislative agendas, to hearing government members, and civil servants subject to authorisation from their ministers.

The control of government action is possible through investigation commissions. The work of these commissions may be on specific facts or the management of public services or national enterprises. The work of investigations commissions are temporary by nature. Their mission ends after three months of their formation whether a report has been established or not.

The mission of the investigation commission comes to an immediately when a judicial information is open on the issue under investigations.

#### *1.3.3 – Discussion and vote of the budget*

The vote of the Finance Act , annual forecast act and authorisation of resources and permanent expenses of the State is a privileged means of control of government action.

The budget discussion is prepared by the Finance and Budget Committee which is referred to on matters of content.

The rapporteur on the Finance and Budget Committee is in charge of following the entire budget issues.

The documents and data to enable the performance of budget control of ministerial departments or verification of accounts of national enterprises and semi-public companies are communicated to the general rapporteur of the Finance and Budget committee by the relevant authorities.

The settlement law which set definitely the expenditures and revenues of the past financial year is also another form of budget control.

### 1.3.4-Debate on the programme or declaration of the Government's general policy

Pursuant to Article 103 of the Constitution, the prime Minister presents directly to the members of parliament the situation of the Nation at the opening of first session of Assembly. The overview of is followed by debate does not rise to a vote.

However, when the Prime Minister makes the Government accountable for its programme or general policy declaration a debate is organised to this effect. This debate is sanctioned by a vote for approving the programme or declaration (Article 116 line 2 of the Constitution).

If the programme or declaration are not approved, the Prime Minister must submit the resignation of his government to the Head of State (Article 117 of the Constitution).

This resignation is ascertained by the handing over to the Speaker of the Assembly during public sitting a document entitled "Motion of censure" followed by the signatories.

The vote is done by public ballot at the rostrum. The adoption of the motion of censure must obtain the votes of the majority of the members of the Assembly. If adopted, the Prime Minister must submit his Government to the Head of State.

In case the motion is rejected, the signatories cannot table another before one year period.

## **II THE HOUSE OF REPRESENTATIVES**

The House of Representatives is the second house of the parliament of Burkina Faso. Its composition, assignments, and functioning are governed by Articles 78, 79, and 81 of the Constitution on the basis of which the Organic Law No. 049-98/AN of 18 November 1998, related to the composition, assignments and functioning of the House of Representatives was adopted.

### **II.1-Composition**

The members of the House of Representatives called "Representatives". The House of Representatives is composed of Representatives of structures and/or social and professional organisations elected by indirect suffrage according to terms and conditions specific to each structure and/or organisation represented. The term of office of the Representatives is three years renewable. It is free of charge except for the members of the steering committee. However, all the members are given session allowances during sessions.

The legal measures that prevent persons from exercising as Representatives aim at persons who have not met legal prescriptions for the military service. Certain are deprived of their rights to be eligible for representative duties: they are people who have been sentenced for crimes, persons with judicial records and those who do not have good reputation.

Similarly, persons who have acquired Burkinabe nationality through marriage and naturalised foreigners cannot be Representatives before a ten-year period at least, at the end of which they become citizens definitely. The law determines the number of Representatives to appointed by structure and/or social and professional organisation.

The protection of the term of the representative is guaranteed by parliamentary privilege.

## II.2 Assignments

The House of Representatives has mainly an advisory role.

The Government, National Assembly, and steering committee of the House of Representatives itself refers to it for its opinion on a bill or private bill of national importance.

Regarding certain matters, the opinion of the House of Representatives is needed as provided for in the Constitution, such as:

- the referendum (Article 49),
- the dissolving of the National Assembly (Article 50),
- the application of exceptional powers of the Head of State (Article 59).

The House of Representatives always pronounces on the issues submitted to it for legitimate opinion.

## II.3- Functioning

The House of Representatives is composed of Steering committee and work committees. The Steering committee is composed of a chairman, a vice-chairman, a general rapporteur and presidents of the general committees. The general committees of the House of Representatives correspond to those existing at the National Assembly. Each committee elects a chairman and a session secretary within the committee.

To accomplish the activities assigned to it by the Constitution and the law, the House of Representatives meets by right each year in two ordinary sessions whose duration is limited to thirty days. These two sessions are held simultaneously with the sessions of the National Assembly. It may also meet for special sessions when convened by its Speaker, upon the request of the Head of State, the Prime Minister or two-thirds of its members for a specific agenda. The special session cannot exceed fifteen days.

The Speaker of the National Assembly communicates with the House of Representatives personally or by written messages sent to the Speaker of the House of Representatives. The presidents of committees of the National Assembly have access to the House of Representatives and its committees.

At the beginning of each parliamentary session, the House of Representatives receives a copy of all the bills and private bills submitted to the National Assembly Committee for examination during the session. It can ask the National Assembly to give any comments or explanations deemed useful.

The Conference of presidents of the National Assembly draws the attention of the House of Representatives to the bill and private bills for which the National Assembly would like to have its opinion. The request is addressed to the Speaker of the House of Representatives by the Speaker of the National Assembly.. When the opinions of the House of Representatives are required, they are obligatory and are subject to a report sent to the Committee of the National Assembly . Each report is allocated to the competent committee by the Conference of presidents. Each member of parliament receives a copy.



## CONCLUSION

Every political system is necessarily the end-product of a process. Therefore, the political system of the 4<sup>th</sup> Republic of Burkina Faso is the result of forty years efforts marked by three constitutional regimes and six unconstitutional ones. If the very stormy past of this political history has contributed to temper the passions of the actors, it should be noted that the constitutional text has also largely helped close two parliamentary terms without interruption. This is something we had never achieved in the past. We can, therefore, conclude that although there is much left to be done the legislative part of this parliamentary system, at least, is functioning well."

\* \* \*

**Mrs SÁ CARVALHO**, President, thanked Mr Prosper VOKOUMA and invited those in the hall to put questions. She herself wanted to have better details about the extent of the financial autonomy of Parliament. She wanted to know whether the budget of the Assembly was at its discretion or whether the government fixed the overall amount.

**Mr Prosper VOKOUMA** indicated that the Assembly effectively had budgetary autonomy. It adopted its own budget on the proposal of the Finance Committee. After adoption, the amount was written into the general budget of the State.

**Mme Hélène PONCEAU** (Senate, France) asked for details about the procedure concerning the budget report of the Assembly and how it was dealt with by the Finance Committee. She also wanted to know about the respective powers of the Speaker and the Questeurs relating to expenses. Was the first Questeur limited in power by decisions of the Speaker.

**Mr Prosper VOKOUMA** indicated that a budgetary committee, presided over by the first Questeur, sent an account to the Speaker. When the Bureau had read the draft that was sent to the Finance Committee, the Government and particularly to the Minister of Finance.

The President was responsible for the credits of the Assembly. The Questeurs were only executives.

**Mr Mamadou SANTARA** (Mali) noticed that the situation in Burkina Faso had a lot of similarities with other countries and parliaments including Mali. Nonetheless, in his country the system of alternates did not exist. Every vacancy gave rise to a by-election. Furthermore, Mali had a unicameral system. Nonetheless, at that time, consideration was being given to a revision of the Constitution, which would include creation of a second consultative chamber.

He wanted to put two questions. The first was about absenteeism among deputies. He referred to the high rate of absenteeism among those charged with committee work in Mali and he noticed that there was no way of dealing with this since the rules did not speak of a quorum and there were no financial sanctions which had ever been applied. He asked whether Burkina Faso had a system which was more active in this regard.

The second question was about the powers of the Speaker of Parliament and the President of the Assembly. What were the links with the House of Representatives and whether the President of Parliament could summon a joint meeting with the two chambers.

**Mr Prosper VOKOUMA** said that Burkina Faso had a voting system which was list-based with first candidates and alternates. He noted that sometimes some alternates put pressure on the first named to give up their place to them. This system, which has its advantages and disadvantages, placed a limit on by-elections and costly electoral campaigns.

As far as absenteeism was concerned, this was a general political problem. It had been decided to strike where it hurt so, with this in mind, a roll call was carried out at the start of each plenary sitting by the Secretary General who had an attendance list. That was sent to the President and the Questeurs for a decision. In theory, those who were absent without excuse, would see a reduction in their pay. Attendance lists were also used for committee meetings. Every deputy had to be a member of one of the committees and presence at the meetings was also obligatory.

Finally, in Parliament, only the National Assembly had a legislative power. The House of Representatives had only consultative power and the opening of the sessions was presided by the President of the Assembly. There was no system of congress as in other countries.

**Mr R.C. TRIPATHI** (India) said that some of the questions which he had wanted to raise had already been dealt with by the representative from Mali. Nonetheless, he wanted to have some further explanation of the concept of "good" reputation. Such a concept often differed according to the person. It was very difficult to make an objective judgement about the morality of someone.

**Mr Prosper VOKOUMA** said that this was a genuine difficulty but it affected everyone in the same way. The problem was effectively one of objectivity in terms of the inquiry, all the more so because the representatives were named by the organisations to which they belonged. Non-governmental organisations, women's organisations, sport organisations, the army, the police, the traditional chiefs, each one defined its own method of designation within the quotas which were set. The lists were then sent to the President of the National Assembly who then forwarded them to the President of the Republic.

**Mr Pierre HONTEBEYRIE** (National Assembly, France) wanted to put five questions.

What were the respective roles of the National Assembly and the House of Representatives in the validation of mandates at the start of the parliament?

Second, whether the adoption of the rules at the start of a parliament was a simple formality to confirm the pre-existing rules or did this involve a more complete revision?

Third, was there a complementary orders of the day?

Fourth, in this system involving only one deliberative chamber, where the House of Representatives intervened in certain cases to register an opinion, at what stage did a draft law become final?

Five, in what cases was it obligatory to include discussion of a public petition in the orders of the day?

**Mr Prosper VOKOUMA** said that adoption of the rules at the start of a parliament was based on a revision of the pre-existing rules, during which changes were introduced. This maintained the continuity. But it was part of the procedure and small revisions allowed a refinement of the practice of the House.

As far as the orders of the day were concerned, there was no system of complementary orders of the day. There were drafts, draft laws, private members' bills and public petitions.

There was no system of shuttle in the procedure relating to the examination of the text. The Speaker's conference decided to send drafts to the House of Representatives for their opinion. It was a current practice and in certain cases the conference drew the attention of the House of Representatives to the importance which the Assembly placed at receiving its advice on certain subjects. This is the case, for example, when dealing with agricultural reform or reform of land ownership. In a recent case concerning the last point, everybody recognised the quality of the proposals of the representatives. The members of the professions represented, as well as the customary chiefs, often had a fairer vision of the possibility of reform.

Another example of the usefulness and effectiveness of the work of the House of Representatives related to the struggle against sexual mutilation. This had only been able to be conquered from the moment when the House of Representatives was involved in the affair. Their message was therefore much better passed down than those of the deputies or even of the Government. This House was therefore particularly useful for everything which relates to questions of society, culture, or attitudes.

It is not made up of intellectuals in the western sense of the term but of people who are immersed in the realities of the country, the advice of whom has often shown itself to be pertinent in seeking reform of the structure of society. There is no partisan loyalty in this Chamber. Everybody tries to get a common point of view. The principal of geographical representation allows all tribes to be represented. Therefore it is the harmonisation of habits and cultures. The House of Representatives helps to forge a harmony between the peoples and to establish the Burkinabe nation.

Once this has been explained, it is clear that there is no shuttling of bills between the two Chambers. The opinion given by the House of Representatives is sent to the Assembly Committee which is responsible for the subject, as well as to all deputies. The report in public sitting also mentions this opinion.

As far as public petitions are concerned, this is a system which often is merely theoretical. Nonetheless, there are two petitions which are being examined at the moment. The first relates to the abolition of the death penalty, and the other is on an amnesty for all crimes or political offences committed since 1996.

**Mr Everhard VOSS** (Bundestag, Germany) asked what the legal status was of the parliamentary administrative officials and what conditions of service they had. He also put several questions.

How many candidates competed for employment in parliament and what proportion of those were women?

What was the proportion between the number of posts open for competition and the total number of candidates?

How many people failed to get past their probationary period?

**Mr Prosper VOKOUMA** said that the last recruitment had been in January 2001. A total of 31 posts had been available in different categories: legal staff, editors, secretaries, drivers, liaison staff .... 1200 people had applied for posts in all categories together. The list of those recruited was based on merit. All posts were open without consideration of sex. And furthermore, without any system of quota operating, 80% of those categories had a woman passing out top of each competition. Just as the IPU did, the Assembly indicated that all jobs were open to male and female candidates. He noted, for example, that the delegations welcomed to that conference were often driven by female drivers.

There was very little loss at the end of a recruitment. Since 1999 there had only been one person who had left and that had been someone who had been dismissed rather than had failed the probationary period.

**Mr Ishmar UPADHYAY** (Nepal) asked how representation of women in the Assembly was encouraged. He also asked what the obligations were in parliament relating to code of conduct, declaration of property, inheritance, etc. Was there a procedure for dissolving parliament and if so what was the practice relating to it.

**Mr Prosper VOKOUMA** said during the Parliament of 1992-97, the Assembly had seven women out of 111 members. Today there were eleven. This matter was being debated and a women's association as well as several parties were leading a campaign for increasing the quota in elections. Some were asking for stricter measures and wanted an account to be taken of the proportion of women in order to determine the level of budgetary support allowed to each party. Parties were demanding proportions of between 15 and 25% of female candidates for the general elections of May-June 2002.

Nonetheless, in reality it was quite different and if in large towns the question might be solved, in the countryside it was very different and there were difficulties in finding women who wanted to stand for election.

Declarations of inheritance only related to members of the Government or the Head of State. There was a proposal which was aimed at extending this to all elected officers.

The dissolution of the Assembly was one of the prerogatives of the Head of State. Before pronouncing such a measure, he had to consult the Speaker of the Second Chamber.

**Mr Lucas** (Ivory Coast) said that the Inter-Parliamentary Council had just readmitted that morning the Republic of the Ivory Coast as a member of the IPU after a suspension of two years. And it gave him great satisfaction to take up his place again as a member of the Association. He indicated that a reform of the administration of the Assembly of his country was in course and that there was a problem between the respective powers of the Secretary General and the Questeurs. There was also a certain conflict relating to the powers of the Cabinet of the Speaker and the Secretary General.

**Mr Prosper VOKOUMA** thought that such questions were frequently recurring. In Burkina Faso they had been better arranged in the course of the second Parliament than during the first. The rules were written in a more clear way, although the practice was not necessarily quite as clear. Everybody had to co-operate with good faith. All those who held power had to find some sort of compromise. As far as that was concerned there were big problems in Burkina Faso. The Questeurs had understood that they had to delegate their powers to enable them to be travel to their constituencies. Nonetheless, they were all powerful within the Assembly, but only during one parliament. That had not always been the case but the situation had largely improved.

Relations with the Speaker's Office had become much clearer since the adoption of a Statute on the Parliamentary Civil Service in 1999. The staff of the Cabinet was considered as political and was therefore not affected the Statute. Once again, it was necessary for frank collaboration. In Burkina, the Director of the Speaker's Office could take up on an acting basis the task of the Secretary General when the Secretary General was absent. All correspondence was with the Secretary General and everything that went to the President went also to his office.

The Secretary General summoned a co-ordination meeting with all directors of the services. The Director of the Speaker's Office took part as well sometimes did the Questeurs and even the Speaker. This allowed any difficulties to be settled at an early stage.

**Mrs SÁ CARVALHO**, President, welcomed, in everyone's name, the colleague from the Côte d'Ivoire.

**Mr Nsengu Muremyi** (Rwanda) wanted further details on the conditions attached to setting a budgetary limit for Parliament. Who fixed this, what was the role of the Finance Minister in this respect and what were his hours in executing the budget? Because of problems of receiving money in Rwanda the entire execution of the budget had not been possible and the action of the Minister of Finance had set up certain difficulties in respect of this.

As far as the status of the Secretary General in Burkina Faso was concerned, did he have the right to belong to a political party? And was he recruited as a result of an open competition?

**Mr Prosper VOKOUMA** said that every year the Budgetary Committee reported to the Finance Committee. This report was put into the general budget of the State. Necessarily, this involved bargaining between the President of the Republic, the Speaker of the Assembly and the Prime Minister. The system had functioned correctly since 1992. It involved sensible links between the Finance Minister and the Assembly.

As far as the status of the Secretary General was concerned, since 1992 the first holder of the post remained for nine years and the present had been in post for 18 months, and rumour suggested that he was more political than his predecessor. There had been no competition procedure for that post. The Speaker of the Assembly had submitted the candidate to the Bureau who had approved it. The criteria for appointment was based on the legal capacity of the applicant. Until now, the Secretary General did not advertise his political loyalties and served all members equally. The majority was made up of 99 members out of the 111 in the Assembly. In fact the Secretary General was more useful to the Opposition members because the members of the Government party had other sources of support. In distinction to many countries, the Burkinabe members of parliament did not have parliamentary assistants who

were attached to them specially. There were ten assistants in total who helped each of the members who asked for assistance. They were mainly used for drafting points of view. As far as the Secretary General was concerned, although nothing was written down about this, it was agreed that his personal opinions should not appear in the way in which he carried out his functions.

**Mrs SÁ CARVALHO**, President, reminded the plenary that Mr Prosper VOKOUMA was more than just a politician, he was also a diplomat.

**Mr Prosper VOKOUMA** said that he had certainly been one previously.

**Mr Allaoua LAYEB** (Algeria) asked what the state of a draft law was if it came about that it was rejected by the House of Representatives in a system where there was no shuttle between the two Houses. Furthermore, what happened to the Government programme if the Assembly voted against its adoption.

**Mr Prosper VOKOUMA** reminded the plenary that in the Constitution of Burkina Faso, the House of Representatives had only a consultative role. It could therefore only give its opinion and could not vote against a draft law. As far as the Assembly was concerned, it had already happened that it might be difficult about adopting a draft law. In that case, usually a system of bargaining was adopted. So for example, it might be thought in a particular case that a draft law had not been thought through properly or the subject properly examined. Therefore it would be sent to the competent committee. In the course of the last few years, three or four drafts have been the subject of that sort of difficulty in the National Assembly. For example, that was the case of the Charter of Political Parties, which tried to prevent "nomadism" in this area, and to set down the rules governing the passing of a member of parliament from one party to another. This draft had not been agreed to. As far as the programme of the Government was concerned, there are different mechanisms for confidence votes, censure votes or blocked votes.

**Mr Albino Fonseca** (Guinea-Bissau) focussed on the question of budgetary autonomy of the Assembly and said that in his country there were numerous stages to cross before the budget was adopted in plenary session. Up to that time there had been no real autonomy in parliament in the budgetary sphere. On the basis of his experience of the practice in Portugal which was like that in Burkina Faso, he wanted to know what strategies had to be used to maintain this precious autonomy.

**Mr Prosper VOKOUMA** thought that budgetary autonomy of parliament was one of the bases for the separation of powers. The National Assembly had to have a free hand to play its role to the full while remembering that it was not disconnected to the rest of the State or society.

**Mrs Marie-Josée BOUCHER-CAMARA** (Senegal) suggested that the IPU and the ASGP prepared a document on the functions of a secretary general of an assembly and in particular on his relations with a speaker. She thought that there could only be a balance when each one knew his own respective roles and functions and the roles and functions of the other.

As far as the return of ministers to the Assembly at the expiry of their executive functions was concerned, she thought that a choice was taken when one accepted such responsibilities. She wondered how it could be allowed that alternates who had even been elected had to leave the Assembly when a minister wished it.

She noted that in Senegal recently the practice had started up of naming a correspondent member of parliament in each ministry who was charged with relations with the Assembly.

**Mr Prosper VOKOUMA** asked Mrs SÁ CARVALHO, President, to respond to the difficult question of defining the ideal secretary general.

Return of ministers at the end of their duties to the Assembly to which they had been elected was a corollary of having a system of alternates. They were the main holders of the title and certainly this only applied in ministers who had come from the Assembly and not to those who had never been elected as members.

Even though in Burkina Faso ministers had taken note of the system in Senegal of having a parliamentary correspondent in a ministry, the Government in Burkina kept the system of having one ministry charged with relations with Parliament. As far as the latter was concerned, the authorities of the Assembly were in no way troubled by having only one interlocutor in the Executive.

**Mrs SÁ CARVALHO**, President, reminded that the ideal secretary general was somewhere in the heavens. She reminded the plenary that a report had been published in the year 2000 by the Association at the suggestion of Italian colleagues on the powers of the holder of this office. She suggested that Mrs BOUCHER-CAMARA refer to the comparative tables of that report to get a response to her question. It would probably be interesting to study the evolution of this question over the years but basically it was essentially a question of personalities.

**Mr Antonio MALASCHINI** (Senate, Italy) asked how the Assembly of Burkina Faso dealt with public opinion. Did the Assembly have a television or radio channel, were the sittings open to the public?

**Mr Prosper VOKOUMA** said that although the Assembly of Burkina Faso was trying to organise and modernise its methods of communication, it did not have a radio or television channel for the reasons of cost.

Nonetheless, the Assembly did have an Office of Communication and Public Relations which was placed directly next to the Secretary General. This Office had a team and a monthly journal "*La Voix du Parlement*" whose director of publication was the Secretary General.

A lobby system of parliamentary journalists had been set up from the start of the year and all sittings of the Assembly was open to this lobby. The delegation of Burkina Faso, at the conference of the IPU in Havana, had invited the President of that lobby group to join it. Furthermore, the staff of the Assembly helped in covering public sessions.

Closed sittings had only been ordered once or twice to debate internal questions. Journalists had reserved places in telephone cabins and that was perhaps only a start but nonetheless the movement towards opening up had begun.

Finally, the Parliament of Burkina Faso took part in the francophone parliament of youth under the patronage of the Association of Francophone Parliaments (APF).

**Mrs SÁ CARVALHO**, President, thanked Mr Prosper VOKOUMA for his presentation.

**SECOND SITTING,  
Tuesday 11 September 2001 (Morning)**

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

**The sitting was opened at 11.00 am**

**1. Introductory Remarks**

**Mrs SÁ CARVALHO**, President, welcomed delegates to the second meeting of the Ouagadougou session. She reminded members that the time limit for proposing candidates for elections to the Executive Committee was fixed at 5.00 p.m. that afternoon and that the elections would take place on Wednesday after 3.30 p.m. Letters proposing candidates should be placed with the Secretariat.

Between now and Thursday, the Association would have to think about the orders of the day for the next session. She looked forward to receiving, by way of the Secretariat, proposals from a wide range of members relating to subjects for a communication or questionnaires for the Marrakech conference.

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

**Mrs SÁ CARVALHO**, President, invited Mr Martin CHUNGONG to take his place on the platform to present his communication on recent activities of the IPU.

**Mr Martin CHUNGONG** said that he was glad to be present to discuss the activities of the IPU. The Secretary General of the IPU had hoped to be at the Association's meeting to talk about developments in the Union. As usual, in the first annual session, he had presented a communication on the work of the IPU which was firstly about the common work of the IPU and secondly on IPU reform.

As far as work on legislative and parliamentary oversight was concerned, there had been an enthusiastic response to the request for answers from parliaments and those responses were now being analysed. He hoped to have a report prepared by the end of the year and he would put the material so far collected on PARLINE. He thanked those who had responded and urged those who had not yet done so to do so soon.

As far as supporting parliaments was concerned he was glad to see that the President was going to make a presentation on East Timor. He would not deal at length with that mission but noted that it had led to support for the Constituent Assembly which would convene on that Monday. This included teaching on constitutional matters as well as providing other support. The President and the Portuguese Parliament had provided a great deal of personnel. He noted that as far as Uruguay was concerned, the report on their activities was ready.



There would be a seminar organised in Mali in November on the budgetary process from gender perspective. He noted that this was a little considered field and it followed a similar session in Nairobi the previous year for English-speaking nations. There would be a further one in Asia next year. He hoped to prepare a handbook on engendering the budget.

Projects on information technology had been hugely developed in the last few years. He wanted to take this forward especially in the context of financial difficulties of the IPU. He was in the process of developing a centre to provide for continuing information via information technology on parliamentary matters. He wanted to transform the way in which data was held in order to make it more accessible. This would be taken forward further once the IPU moved to its new premises which would be able to carry a more modern framework to support IT.

He had met the co-secretaries in Geneva earlier in that year. The institutional link between the IPU and the ASGP was useful and should continue. He noted that the IPU Bulletin had been replaced by a quarterly review and that this should contain references to the work of the ASGP in much the same way as the previous Bulletin had. He thought perhaps that a report on proceedings should be provided which would be included in the review. This might also take the form of a section in the Secretary General's report which would relate to ASGP matters. He emphasised the importance of keeping an institutional link between the two bodies.

The speaker also discussed the content of the IPU's website. He noted that Mr BRATTESTÅ had suggested that the minutes of the ASGP be kept on line. It was a matter for the Association what it wanted to be published. It would be possible to put the minutes on line but not in HTML format. If he received it in electronic form, he would see what he could do.

He had also discussed with the co-secretaries, the possibility of making the ASGP review more attractive, as well as involving the ASGP in study areas such as gender partnership. One further measure that he thought of was developing a roster of human resources in parliaments who might assist with study projects, in particular noting those with special technical expertise.

Turning to the structure of the IPU, he said that it was necessary for the IPU to change. Members had decided that it had to modernise and strengthen its links with regional bodies and there was to be a special session of the IPU on reform. This would impact on the ASGP, chiefly because of the move to one annual assembly with a Governing Council meeting two or three times a year and more frequent committee meetings possibly in Geneva. There would be increased pressure on IPU staff to deal with these new arrangements and he appealed to member parliaments to attach staff to the IPU to assist.

\* \* \*

**Mrs SÁ CARVALHO**, President, said that these were very great and swiftly carried out reforms which would have a serious effect on the ASGP. She welcomed the idea of closer co-operation which, however, meant that the ASGP was being asked to do more for less money. She noted that the ASGP had a very small secretariat. Following the meeting in Geneva, the co-secretaries and she had met in Lisbon to discuss ways forward. This would probably lead to an alteration to printing arrangements. She hoped that the IPU would bear in mind that the ASGP would need to be supported in the future.

**Mrs Jacqueline BIESHEUVEL-VERMEIJEN** (Netherlands) asked for further information about work on projects.

**Mr Martin CHUNGONG** said that they were at the concept stage and he had talked to various nations. He thought that they would be functional after the move to the new premises in 2003.

**Mme Hélène PONCEAU** (Senate, France) asked for further information about putting the ASGP work on the website. So far, there was none. She wondered whether ASGP reports should be on the website.

**Mr Martin CHUNGONG** said that there were a lot of things on the website which referred to the ASGP. The ASGP had a website of its own. Older reports were a problem because they were not stored in electronic form, but new ones were on the web. The publication of the minutes of the ASGP were a matter for the ASGP but this could be done in PDF format.

**Mrs SÁ CARVALHO**, President, said that the ASGP was also looking at its work in similar lines and looking for ways to improve its working practices.

She thanked Mr CHUNGONG for his contribution.

**Mrs SÁ CARVALHO**, President, asked for a senior member of the Executive Committee to take over as chairman.

### **3. Communication from Mrs Adelina SÁ CARVALHO, Secretary General of the Assembly of the Republic of Portugal on Timor Lorosae – Mission to the Interim Parliament**

**Mr Robert MYTTENAERE** took the Chair and invited Mrs SÁ CARVALHO to speak, but noted that questions to be put back to after Mr VOSS had spoken.

**Mrs SÁ CARVALHO**, President, said that Timor Lorosae was a miraculous country. It was the symbol of the will of a small country to emerge as a nation. It was a small place next to Indonesia which was a very large country. For those aged over 40 in Timor Lorosae there was strong fondness for Portugal which was almost incomprehensible since Portugal was the former colonial ruler. Timor had gained its independence as part of the 1974 revolution in Portugal.

The situation during the transitional period recently had shown that the United Nations could a country in a time of peace. There had been a high voter turn-out despite the mountainous terrain and remoteness of many villages. There was a strong will to learn the rules of democracy. 93% of the population had voted and this gave everybody a real lesson in democracy.

The "National Council" had been a transitional body which had come to an end when the party, of which Mrs SÁ CARVALHO had been a member, arrived in Timor Lorosae. That party had gone there to see what resources Timor had. Human resources presented a serious problem, since those who had left Timor did not wish to return because the wages in East Timor were much lower. There was a need to find some way of taking advantage of the knowledge of those East Timorese abroad, mainly in Portugal and Australia. It had been necessary to design a new parliament in ninety days and this had to be done without a Constitution having been

prepared. It was likely that the constitutional model put forward by Fretilin would be similar to the one finally agreed for East Timor.

On a political level it may seem difficult to create a democracy if one party emerged as overwhelmingly powerful. She thought that the system in East Timor was nonetheless democratic because there was a common sense of building a new country and she shared the United Nation's optimism about the future for East Timor. She thought that it was likely that a Constituent Assembly would become the new Parliament and that there would be new elections for a President. Once the Constitution had been drawn up, the Government would be solely East Timorese.

She noted that the background of members of parliament in East Timor was very varied. The Portuguese Parliament had seconded some officials to East Timor in co-operation with the IPU and the United Nations and had sent an expert to take part in drafting the Constitution. Australia had been very supportive of East Timor.

She concluded by saying that the President of Fretilin had been asked what he would do first when he became Prime Minister and he had said that he would go to Indonesia. She thought that this boded well for the future.

**Mr Robert MYTTENAERE** said that the conference had discovered that the Mrs SÁ CARVALHO was something of an adventurer.

**Mrs Sri Sumarjati HARYANTO** (Indonesia) thanked Mrs SÁ CARVALHO and noted that the Indonesian people responded favourably to the peaceful outcome of the vote and hoped for continuing co-operation with their new neighbour. She noted the problem of over 200 East Timorese refugees in Indonesia and she hoped that Portugal would help to solve this. ation.

#### **4. Communication from Mr Everhard A. VOSS, Germany, on Interparliamentary co-operation**

**Mr Robert MYTTENAERE** invited Mr VOSS to speak on interparliamentary co-operation.

**Mr Everhard VOSS** (Germany) described the various methods of interparliamentary co-operation carried out by the Bundestag.

He referred to the interparliamentary support programmes which had as an aim providing the experience of the Bundestag to help build the rule of law. This had been started in the 1990s in new countries in Eastern Europe. This was an important co-sponsored project with the French National Assembly. It had established seminars which had been held in various countries and further seminars would be held. Those attending had usually been invited by the Secretary General of the parliament. There were also mixed missions comprising members of parliament and officials. There was a working group established with the Duma on various matters and this was done on the decision of the President of the Council of Elders in the German Bundestag.

Political foundations were also involved in this process. The aim of these foundations was to build up understanding of the rules of parliament. Staff exchange programmes were a very

important part of this process. Those who had been on such staff exchange programmes were able to contribute. Such exchanges took place with various countries, either annually or biannually and there was increasing interest in this.

There was also an interparliamentary internship programme which would aim to show young people how parliaments worked. This was done in conjunction with Hamburg University and invited people from Eastern Europe, France and the United States. Those taking part had to be academics not older than 30. They received an allowance. Members of parliament gave them space in their offices and they were involved in the University.

Political foundations were linked to political parties so young internees got a wide view of politics. Those taking part were selected by a member of parliament, a professor and an official and there was a large number of applications. Interns were sponsored by individual members of parliament and an internship lasted for five and a half months. France had been involved because of the 1963 Treaty and the US was involved because of the 300<sup>th</sup> Anniversary of German immigration to the US coast. The scheme was so included to school children aged 16 – 18 and 18 – 22 year old students who were on exchanges which aimed to improve their vocational skills. Eleven thousand youngsters so far had taken part in this.

Such programmes were implemented by way of an approach to the Secretary General. There was a division of twelve people which dealt with international relations and was financed by the Bundestag. Political responsibility for this was with the Council of Elders. The Speaker welcomed and said goodbye to all those taking part in such schemes.

\* \* \*

**Mr Robert MYTTENAERE** thanked Mr VOSS and noted in the context of the amendment of the Rules of the ASGP that one of the objectives of the ASGP was to include international co-operation. His report had shown that one way this was clearly in effect

**Mr Prosper VOKOUMA** (Burkina Faso) thanked Mr VOSS. So far Burkina Faso had worked with political foundations rather than parliaments but hoped to work with the Bundestag in the future. He particularly wanted to thank Mr Voss because the Speaker of the Bundestag had contributed to the present conference by way of giving photocopiers.

He wondered whether it would be possible to establish a study of those programmes for co-operation which were continuing and to list their objectives. This would be a very useful thing to collect. He noted that Mr SANTARA and he and others had spent three weeks in Quebec which he had found very useful. He thought that Burkina would benefit from the support of other countries in a similar way and noted that there were similar joint projects run with Rwanda and Burundi.

**Mr Pierre HONTBEYRIE** (National Assembly, France) gave some examples of further co-operation between the French National Assembly and the Bundestag. He said that co-operation had been strengthened under the TACIS programme of the European Union directed to the Duma which had started in 1995 and had run for 5 years. There also were internship programmes by which students studied at university and worked with parliamentarians. Six students were taken each year from each country that participated. There was also a programme of exchange students which involved shorter visits. Exchange programmes also took place between civil servants. Originally these were aimed to be for one year but actually

tended to last longer than that. Such visiting civil servants had the same conditions as other colleagues. He noted that there was a German intern and for the first time a French intern to the Bundestag, and he noted the positive nature of such exchanges.

**Mr Robert MYTTENAERE** asked whether language was a problem.

**Mr Everhard VOSS** (Germany) said that it was not because everyone was asked whether they spoke French or English and if not they were provided with interpreters.

**Mr Rex OWUSU-ANSAH** (Ghana) noted that one of his colleagues was going to go to Germany. There were strong links between Germany and Ghana. He wondered why donors had to do the work to find people interested and asked whether the ASGP or the IPU could provide details of what was available.

**Mr Martin CHUNGONG** said that the IPU already promoted the discussion of technical assistance to parliaments and was collating details about the activities of what was done in the sphere of international co-operation. It was quite difficult to get information on what parliaments were doing but he hoped to report before the end of the year.

**Mr Ishwar UPADHYAY** (Nepal) noted after the elections in East Timor the overwhelming majority being taken by one party. He asked what the differences were between the various parties' proposals in respect of the Constitution.

**Mr Madelain FILS-AIMÉ** (Haiti) noted that East Timor was on the right road to democracy because of the UN's work. He thought that outsiders from the region should not try to interfere in East Timor, but those countries who were from within the region should be first in line to give assistance. He noted that the high turnover of members and officials in parliament meant that there was a constant drain on trained personnel. He also noted the need for training those who were potential MPs.

**Mr Robert MYTTENAERE**, answering for Mr CHUNGONG and Mr VOSS who had left, said that there were two major problems and one of them was that members of parliament frequently left. The second problem was that who was to decide on those to be trained: was it a matter for political parties in emerging countries perhaps? In Haiti, many officials left after an election but although this was a loss for parliament they did take their skills to other areas.

**Mr Rex OWUSU-ANSAH** (Ghana) asked what would happen if the system in Timor Lorosae could not be made to work within 90 days. In 1992 in Ghana, when the Constitution was being drafted, there was a body of information about the make-up of a country for those framing a Constitution. He asked who was to decide on the model for the Constitution.

**Mrs SÁ CARVALHO**, President, noted Mrs HARYANTO's point and said that the problem of refugees was being worked on. The Indonesian Speaker was coming to Portugal and hoped to assist in resolving the problem.

As far as Mr UPADHYAY of Nepal's point was concerned, there was also a very small party in Timor with a long history of fighting alongside Fretilin. Before the election all the parties agreed to accept the result of the elections, but just at the end of the elections some of them said that they suspected the motives of the UN which annoyed the United Nations. The differences between Fretilin's proposal and those of the other parties was unknown because only Fretilin's

plan had been published. It had been publicly available since 1975. There was a general consensus that a solution had to be worked out.

Turning to the point made by Mr FILS-AIMÉ of Haiti, she said that those who were there to assist in building a country should not try to influence politicians. When she had been in Timor Lorosae there had been some confusion about her role, which was only one of being an IPU-appointed expert. But there was never to be any political discussion.

Turning to the point made by Mr OWUSU-ANSAH of Ghana, she said that all parties had agreed on a 90 day period and that was irrespective of whether there was enough time or not. They were all keen for the United Nations to go and the United Nations itself was keen to leave. Also she pointed out that 90 days meant the end of that current year which coincided with the First Declaration of Independence. She thought that the majority represented by Fretilin was probably enough and that there would be no need to rewrite the draft Constitution, although it had to be debated. Experts were there to provide information. It was proposed to have constitutional experts available to help and find the final drafting of the Constitution.

**Mr Robert MYTTENAERE** thanked Mrs SÁ CARVALHO for her communication.

**THIRD SITTING,  
Tuesday 11 September 2001 (Afternoon)**

**Mrs Adelina SÁ CARVALHO in the Chair**

**The sitting was opened at 3.00 p.m.**

**Mrs SÁ CARVALHO**, President, suspended the sitting immediately in order to allow members to inform themselves about the grave events which had just happened at New York.

The sitting resumed at 3.45 pm.

**Mrs SÁ CARVALHO**, President, suggested that the ASGP should suspend its work until the following just, just as the IPU conference had done, in solidarity with the people and authorities of the United States who were the victims of a tragedy. She said that the Executive Committee would meet on the following morning with their colleague Prosper VOKOUMA, who was hosting the conference. She asked everybody to be present on the following day at 9.00 am in the plenary hall.

She invited everyone to think about the victims and their families and said that it was terrible to see what certain people were capable of. But it was necessary to keep hope, even though the world was more and more hard and sad.

The sitting was closed at 4.00 pm

**FOURTH SITTING,  
Wednesday 12 September 2001 (Afternoon)**

**Mrs Adelina SÁ CARVALHO in the Chair**

**The sitting was opened at 3.40 p.m.**

**1. Introductory Remarks**

**Mrs SÁ CARVALHO, President**, asked the participants to excuse the lateness of the opening of the sitting because of a longer than expected meeting of the Executive Committee. She told the members of the Association that she had sent, in the name of all of them, a telegram of support to colleagues in the Congress of the United States of America.

She asked the conference, as proposed by Mr Carlos Hofmann CONTRERAS (Chile), to observe a minute's silence in memory of the victims of the attack against the World Trade Centre in New York.

She hoped to be able to make use of the presence at that day of the Vice-President of the Association, Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the Moroccan Parliament, in order to be able to ask him to present the arrangements for the next conference which would take place in March 2002 at Marrakech.

**2. Words of Welcome regarding the Marrakech conference by Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives of Morocco**

Mr Mohamed Rachid IDRISSE KAITOUNI regretted that, in the tragic present circumstances, he would not be able to proceed to present in quite the same way the conference. He associated himself with the condolences sent by the President.

He hoped that the session in Marrakech would allow the continuation of the work which was undergone in Ouagadougou. He hoped that the important duties which awaited the members of the Association in Morocco would not prevent them from seeing there spring in its best season. He hoped everyone would have an agreeable stay in Morocco. It would be possible for everybody to see the recently made progress by Morocco in democracy, human rights and social rights, as well as benefitting from the legendary hospitality of the Moroccan people.

**Mrs SÁ CARVALHO, President**, confirmed that, on the return from an official visit by the Speaker of the Assembly of the Republic of Portugal to Morocco, she had been delighted by its beauty and she declared herself certain that the conference there would be a success.

**Mr Madelain FILS-AIMÉ** (Haiti) mentioned the difficulties about obtaining a visa for Morocco since that country had no consulate in Haiti.



**Mr Mohamed Rachid IDRISSE KAITOUNI** said that those leaving from European countries had no need of a visa to arrive in Morocco, which was also true for any African countries. As far as others were concerned, it would be possible to obtain this document without difficulty on their arrival.

**Mrs SÁ CARVALHO, President**, pointed out the great changes in the work of the conference and reminded everyone that the elections to the Executive Committee had been planned to put in place a replacement for Ian HARRIS who had been elected Vice-President in Havana. Two candidates had been put forward but problems with delay in receiving the candidacies which meant that there were difficulties over their orderliness, meant that she wished to suggest that this election should be put back to the meeting in Marrakech. She particularly hoped that Mr MALHOTRA from India would understand and also the delegate from Chile so that they would be able to support this proposal.

*It was decided.*

### **3. New Members**

**Mrs SÁ CARVALHO, President**, then presented the candidacy of Mr Carlos MANUEL, Secretary General of the Assembly of Mozambique, as a member of the Association. *That application for membership was approved by the Assembly.* Mrs SÁ CARVALHO congratulated the new member.

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

She then told the conference that Mr Boubeker ASSOUL, Secretary General of the National Assembly of Nigeria, who had been planning to present a communication that afternoon had suddenly had to leave Ouagadougou. She hoped that his contribution would be presented in Marrakech. Furthermore Mr Rex OWUSU-ANSAH from Ghana had asked that his presentation be put back to the meeting of the following day in the morning.

She finally wished to tell the Association about the work on revising the Rules and in particular the consequence of the probably agreement by the IPU to one annual meeting of the General Assembly. She reminded that everyone that at the conference in Havana, it had been decided, in principle, that the Rules should be revised and that this should take account of the new realities relating to the diversity in the world of parliaments in order to improve, facilitate and energise the working practice of the Association, and to harmonise the two official versions of the text in French and English.

Several suggestions for reform had been received from South Africa, Australia, the German Bundestag, the Council of Europe, the European Parliament, France, Mali and Portugal. Other countries had announced that they would be sending in their suggestions. For that reason it was hoped that all those who wished to send their remarks to the Co-Secretaries would do so before the end of next October.

She noted that very few of these propositions were contradictory. They all touched upon the definition of the objectives of the Association, its working practice in plenary and the Executive Committee.

The Executive Committee had started, in accordance with Article 31 of the Rules, an examination of the proposals in the course of the present session and would present a report at Marrakech. In this connection, Mr Mohamed Rachid IDRISSE KAITOUNI had proposed to organise a special meeting of the Executive Committee two days before the session next March in Morocco. It would be useful if there was a solid draft to adopt at the next general assembly. The Executive Committee considered that it was important that the changes which would be put forward should be the fruit of a basic consensus within the Association. Also, the Association was confronted with a problem, which although not really new had been recently developed, which required rapid reaction. This was the intention of the IPU to hold in the future only one plenary session a year, although increasing the number and frequency of meetings of committees and organising each year in Geneva an intermediate meeting of the Council and of the Executive Committee.

The ASGP had to discuss this question but after the proposition from the Secretariat of the Union had been adopted by the Council, it would also need to think about the consequences of such a measure on its own working practices. She reminded members of the terms of Article 10 of the Rules, that the Association should hold two sessions a year concurrently with the IPU conferences, at the same place as the conferences.

The working practice of the Association was well adapted to the objectives which it had set itself. The twice yearly meetings allowed both communications to be heard and also for work to be done in reasonable conditions on the draft reports prepared by members. The discussion within the Executive Committee had been very important but everybody should understand that international political conditions were not exactly favouring a peaceful examination of these questions on that day. For that reason the Executive Committee asked members of the Association to trust it to present a complete draft at the Marrakech meeting which would take into account all the proposed changes and bring them into one piece of work.

Budgetary questions were, of course, directly linked to reform of the working practices. For the year 2002, the contribution of the IPU to the Association was going to go down 11%, that is to say by 14,000 Swiss Francs. Despite that reduction, the organisation would be able to carry out its activities without too many difficulties in the coming year. Nonetheless, it was necessary to watch out for the future in a prudent way.

The Executive Committee would propose various alternative solutions at the conference at Marrakech. If the IPU decided to hold only one plenary meeting a year, then the Association would be obliged to take this into account. But since the Union was to develop its own work in the Council and in the committees, the Association would try to adapt itself to this as far as its means allowed it. Therefore, the Association could in its turn create intermediate structures between two plenary conferences.

The task that faced the Association was huge: it would be necessary to work up to the month of next March in order to find reasonable solutions. She invited members to address their suggestions to the Co-Secretaries at the earliest opportunity. Nonetheless, it was necessary to remain optimistic. Since 1996 at the conference at Istanbul, the question of reducing the number of plenary meetings of the IPU to one a year had been a recurrent theme. Everybody knew the indispensable character of the work of the ASGP within the IPU and for that reason the work of the ASGP would continue in the same way.

The probable ending of one of the two annual sessions of the IPU would no doubt give rise to a development of a thematic style of work and a regional activity in the Union. At the same time, budgetary constraints to which the Association, like the IPU, was subject, did not allow easily the makings of two plenary meetings a year, not least because such an approach would tend to disconnect the activity of the Association from that of the Union of which it was a statutory organisation.

The Executive Committee had been examining several possibilities and she wanted to present briefly the two principal possible courses of action. She noted that they were not completely opposed to each other.

It would be possible to limit the Association to one plenary meeting a year, but naming for each piece of work an ad hoc committee of several members which was charged with assisting the work of the member who was rapporteur for a draft report. That committee could meet between the two annual meetings, at the same time as the Executive Committee of the Association. This light structure could debate, along with the Executive Committee, just like a plenary session, questionnaires and draft reports. Its composition would depend upon the theme of the report. The final second reading of reports would, of course, remain an exclusive prerogative of the plenary session. Such meetings could take place on average over two days, either at Geneva at the seat of the IPU or at the Assembly of the country from which the rapporteur came.

The other possibility was to base the functioning of the Association on that of the IPU, notably in setting up an intermediate meeting which could take place at the same time as that of the Council of the IPU in Geneva. In the case of that meeting, the dispositions of Article 7 of the Rules, which set out that the Assembly could not include more than two members from each Chamber, would be strictly applied.

At the same time as this reform of working practices of the Association, it would be suitable to examine the means of diversifying its activities which was an urgent necessity if the activities of the ASGP were not to be restricted. In this respect, it would be possible to arrange an agreement with the Inter-Parliamentary Union that the Union would invite the Association to take part in some of its missions, notably co-operation activities and inter-parliamentary education, just as had already been suggested recently by a member of the Executive Committee.

Furthermore, the Deputy Secretary General of the IPU, Madam Pintat, had suggested a reinforcement of the links between the two organisations, for example, by giving the Association certain tasks relating to the study and preparation of reports agreed upon by the Union.

**Mr Madelain FILS-AIMÉ** (Haiti) thanked Mrs SÁ CARVALHO, President, for her work in leading the Association. He asked whether the moment was not suitable to envisage that the President of the Association should take sabbatical leave from his Parliament in order to better carry out the representative functions as President. He also asked whether, without formal request, particular members might ask for help from the Association for the benefit of the Association which they represented?

**Mrs SÁ CARVALHO, President**, said that she would, of course, be delighted to give up all her time to her duties in respect of the Association but nonetheless she thought that such a course

was impossible. Furthermore, she thought it was precisely the experience acquired within one's own parliament which allowed the President to benefit the Association.

As far as the second point was concerned, she agreed with the opinion presented by Martin CHUNGONG. The Association did not have the financial means to support co-operative actions. Nonetheless, she would be able to act as a liaison between parliamentary assemblies and the IPU to optimise the use of, and access to, experts. This would furthermore strengthen the links between the Union and the Association.

**Mr Michael POWNALL** (United Kingdom) asked what timing would be placed on presenting suggestions for amendments of the working practice of the Association. He particularly wanted to know when the Executive Committee expected to give its written proposals to members.

**Mrs SÁ CARVALHO, President**, reminded members that the time limit had been fixed by the Executive Committee as the 31<sup>st</sup> October next. The Executive Committee would put a draft at the disposal of members after it had been agreed at the start of the Marrakech meeting. This document would include both the draft agreed by the Executive Committee and a list of all the amendments which had been proposed.

**Mrs SÁ CARVALHO, President**, said that she regretted that she had to leave the conference to go to Stockholm as she had already said. She left the presidium of the next sitting to Mr Mamadou SANTARA of Mali and she wished everyone a good return trip and hoped to meet everyone at Marrakech in March 2002.

**FIFTH SITTING,  
Thursday 13 September 2001 (Morning)**

**Mr Mamadou SANTARA in the Chair**

**The sitting was opened at 10.00 a.m.**

**1. Introductory Remarks**

**Mr Mamadou SANTARA, Vice-President**, welcomed participants and said it was an honour and a pleasure to be able to take the Chair in the role of Mrs Adelina SÁ CARVALHO in order to preside over the debate in the last sitting.

He invited Mr Rex OWUSU-ANSAH, Secretary General of the Ghanaian Parliament, to present his communication.

**2. Communication from Mr Rex OWUSU-ANSAH, Clerk of the Parliament of Ghana, on the Change of Political Baton in Ghana and how it impacted on the Legislative Arm of Government**

**Mr Rex OWUSU-ANSAH** gave a paper in the following terms:

**“INTRODUCTION**

For the first time in the annals of our nation’s history, the people of Ghana voted a government out of power and installed a new one through the ballot box in the 2000 general elections. The then ruling party, National Democratic Congress (NDC), lost the elections to the main opposition party, New Patriotic Party (NPP). The peaceful manner in which the general elections were conducted won the nation commendations from the world over.

**CONSTITUTIONAL BACKGROUND**

The Constitution of Ghana (1992) provides for a maximum of two four-year terms of office for the President. The then President, Flt. Lt. John Jerry Rawlings, had been in office as a democratically elected President from 1992 – 2000. At the end of his constitutionally authorized two terms, Ghanaians decided not to go the “South-African way”, where the Vice-President succeeded the President in a free and fair election. The NDC led by the then Vice-President, Prof. John Evans Atta Mills, lost to the NPP led by Mr. John Agyekum Kuffour, the current President of Ghana.

A significant feature of our transition which by no means exacerbated the political tension during the period was the fact that we had to go into a second round in the election because none of the candidates obtained the required minimum of fifty per cent plus one in the first round, albeit the NPP obtained a whopping 46% of the total votes cast for all the five contesting political parties. Article 63 (3) provides as follows:

*"A person shall not be elected as President of Ghana unless at the presidential election the number of votes cast in his favour is more than 50% of the total number of valid votes cast at the election."*

So it came to pass that after the second round the then main opposition party, NPP, beat the NDC and significantly consolidated their hold on Parliament by outpacing them from their previous minority strength of sixty-six (66) to a current majority strength of one hundred (100), pushing the NDC from their previous number of one hundred and thirty-three (133) to their current ninety-two (92), rendering them the main opposition in the present dispensation. With this major shift in balance of political forces following the elections, Parliament as expected, became the central ground for the democratic process for reasons I will provide pretty soon.

### **PROCESSES IN PARLIAMENT**

By the provisions of our Standing Orders, the Clerk of Parliament acts as a chairman of the House during the election of a new Speaker. As pertains in many jurisdictions, the election of a Speaker takes precedence over all legislative activities in a new Parliament. In our case the newly constituted Parliament provides a platform for the swearing in of the new President. The Constitution of the Republic provides for the swearing in of the President before the full House by an oath administered by the Chief Justice. Tapping on earlier experiences and relying on the support and co-operation of my Officers in Parliament and officials from the State Protocol Department, I chaired the First Sitting of the House which successfully elected a new Speaker in the person of the Hon. Peter Ala Adjetey who succeeded the Hon Justice D. F. Annan. The MPs also took their oath before the Speaker in line with constitutional requirements. Subsequently, the House adjourned to reconvene at an open space to allow for adequate public viewing of proceedings on the Presidential swearing-in.

As earlier stated, within the political melting pot in both the periods leading to the elections and afterwards, Parliament assumed a centre stage in the democratic process. This predominant role could be accounted for by four main reasons.

Firstly, the outgoing ruling Party, the NDC, in the post election period found Parliament as in all democracies, as the most effective channel or institution through which they could exert influence on the new administration. Indeed the Party has successfully played the Parliamentary influence card so well so that it has effectively won the respect of the ruling NPP in our Parliament. Similarly, Members of the ruling Party in Parliament also looked up with high expectations to the functioning of the new Parliament especially so, as by constitutional provisions more than 50% of Ministers of State must come from Parliament.

The swearing-in of the President before Parliament, which necessitated the relocation of our sitting venue for the day, also meant a massive movement of equipment and personnel to the open grounds. Public attention, engineered by a vociferous and critical mass media particularly in the electronic media was drawn to and focused on Parliament. Thus Staff of the Parliamentary Service were put on their mettle as everybody was expected to keep pace with the rapidly unfolding events propelled by a mixture of political tension and relief resulting from popular demands for a change in the administration of the country.

### **OTHER ISSUES IN THE CHANGE OF GOVERNMENT**

The current administration promised an-all inclusive Administration by which Ministers, Board Members etc are appointed from the other side of the political divide. For this reason a Minister for Regional Integration, Dr. Kwesi Nduom has been appointed. Again the Administration is

proposing a member of the largest opposition, the NDC, for an international position. If he wins there will be the need for a bye-election in that constituency. The implication is that the ruling party will also contest the bye-election which they could win and increase their majority and decrease further that of the larger opposition group. Already the House is equally divided between the NPP and the other parties put together including the independent candidates.

### **IMPACT ON LEGISLATIVE WORK**

Acquaintance with politicians whilst not compromising on one's professional integrity is a useful asset in a successful working relationship in Parliament, particularly among the House Leadership. We in Ghana fortunately did not witness major changes in the Leadership structure and personalities after the elections. At the least, four years of working relationships with majority of Members in the new Leadership afforded us the privilege of a smooth transition. Save the new Speaker whom many of my Staff Members knew little about, almost all the Members of the previous House Leadership were retained.

The Constitutional provision requiring more than 50% of Ministers to come from Parliament has also impacted somewhat adversely on the work of the Legislature. With the new balance of strength in the House which pitches the minority almost at par with the majority, many of the majority front benchers have been appointed Ministers of State, thus shrinking the pool from which appointment of Members to head Parliamentary Committees is made. In our Parliament the ruling Party provides chairmen and vice-chairmen of all the twenty-seven (27) Select and Standing Committees except Public Accounts and the Subsidiary Legislation Committees, which are chaired by the Minority Leader and an opposition bank-bencher respectively. Most of the new Committees and the Subsidiary Legislation chairmen are taking such responsibilities for the first time. The result is a need to demonstrate high level of professionalism, tact and maturity on the part of my Officers working on Committees as Clerks.

Getting used to the administrative style of the new Speaker was one major concern of my Staff. As a deviation from the previous Speaker, the current Speaker has added to an open door policy, a participatory administrative strategy. For the first time in recent years, the new Speaker has undertaken to regularly confer with Members of Staff at meetings of Staff and Management dubbed "Staff Durbar". I must confess it took some bit of time for all of us to get used to Mr. Speaker's style but happily enough, we have learnt it and we are now working harmoniously with him and I enjoy his style very much.

A further significant impact of the change in Administration is an organizational re-engineering exercise being embarked upon in the Office. Facilities for both MPs and Staff are being improved upon with intensification of efforts to, among other things, augment the fleet of vehicles in the Office by buying a number of new ones, rehabilitating offices earmarked for use as offices, providing access to IT facilities and training of staff in critical areas like administration and policy analysis. On the part of the staff, we have introduced a new culture of work that emphasizes commitment, punctuality and efficiency as bedrocks of the Service. A redesign of our organizational structure to reflect our new thinking aimed at achieving our core business objectives has also been undertaken and subsequently received approval from the Parliamentary Service Board, the governing body of our Service.

### **CONCLUSION**

A nationwide clamour for "positive change" in Ghana during the recent elections and the resultant change in the political baton in the administration of the country has meant that our Legislature has had to reassess its way of doing things to meet expectations of the electorates

whose political consciousness are now higher than ever before. Indeed the demands on us over the period have been exerting and occasionally difficult. I am happy to report, however, that we have so far lived up to expectation if commendations from the Members and complementary remarks from the general public is anything to go by. Parliament of Ghana is playing its role as the beacon of democracy. The continued support and hard work of my staff are vital if the House could continue as it has begun. This I think is possible provided we continue to offer the right leadership."

\* \* \*

**Mr Mamadou SANTARA, Vice-President**, thanked Mr OWUSU-ANSAH said that it would be unthinkable in Mali that an official could preside over the inaugural sitting and investiture

**Mr Rex OWUSU-ANSAH** agreed that it seemed odd but it was in the Standing Orders. The justification for it was that the Clerk belonged to the service of the House before members were sworn. The Speaker was sworn by the Chief of Justice. The Clerk only superintended the first sitting before the oath was taken by members. Such provisions might also be in effect in Nigeria. Other jurisdictions relied on the oldest member in terms of period of service taking the Chair.

**Mr Michael POWNALL** (United Kingdom) thanked Mr OWUSU-ANSAH for a clear and interesting presentation and asked for more details about the election of the Speaker.

**Mr Rex OWUSU-ANSAH** said there would normally be a lot of lobbying and then a secret ballot. On two occasions, Speakers had been voted in when there had only been one candidate and therefore no election. A lot depended on the personality of the candidates who put themselves forward. The last time it looked as if the candidate might be opposed. He was elected by a secret ballot and only a few votes were cast against him. He rather spoilt the effect of this by making remarks subsequently in which he only thanked the Government side for their support.

**Ms Helen DINGANI** (Zimbabwe) said that the Clerk in Zimbabwe also presided as part of a historical development which had Commonwealth roots. She noted that all committees except two were chaired by the Government party members. She asked why sharing out was not done pro-rata.

**Mr Rex OWUSU-ANSAH** said that the reason was a legacy of history. It was traditional that the Chairman of the Public Accounts Committee came from the Opposition. Also, the Subsidiary Legislation Committee chairmanship was given to the Opposition until recently. The problem was that in logical these chairmanships should not be shared out, but he noted that many MPs from the Government party became ministers, others were made chairmen. The view was that the winner should take all in in his part of the continent. He might not agree with this but it was very hard to persuade members of parliament to act differently.

**Ms Helen DINGANI** (Zimbabwe) said that since the role of parliament was oversight and scrutiny, she wondered why chairmanships of committees were such a prize.

**Mr Rex OWUSU-ANSAH** said that because the majority had the preponderance of members, it followed that they tended to take the chair. It was also true, of course, that they would not challenge the government too seriously. Nonetheless, it was not the argument for the chair



which determined the final success of the committee since the committee as a whole voted on matters. Nonetheless, the government side always won.

**Mr Sindiso MFENYANA** (South Africa) thanked Mr VOKOUMA for his work in hosting the conference. He said that it would have been easier to have put it that the Clerk did not actually chair the House but only presided only the election. Mr OWUSU-ANSAH maintained that almost all the leadership of the previous House had been retained and he asked what that meant. He also had noted that re-organisation had involved augmenting the fleet of vehicles. Who used such vehicles. He finally noted that Mr OWUSU-ANSAH had seemed to say that the chairmanship of committees was there to reduce damage which parliament could do to the ruling party.

**Mr Rex OWUSU-ANSAH** said that the fleet of vehicles included those belonging to members of parliament with money loaned by the Government. The vehicles belonged to the Government until they were paid for. There were about 15 for the administration and leadership of Parliament in connection with their official duties. The parliamentary service had some vehicles, for example for some senior officials.

Leadership retained meant that most of those in such positions had kept their seats so still had positions in leadership. What had previously been the minority party was now in Government. There was a new minority leader though. But the outgoing minority leader had a place on the front bench reserved for him so he was still prominent.

He said that the description of swearing in of the President and the Speaker might have been better expressed. There were two meetings. In the morning the Speaker was elected and sworn in. The MPs were then sworn in by the Speaker. In the second meeting, in an open area, the President was sworn in before Parliament and the public.

**Mr Mamadou SANTARA, Vice-President**, suspended the session and said that it would resume immediately after the President of Burkina Faso had addressed the conference.

The sitting was suspended at 10.45 am to allow participants to be present at the speech of Mr Blaise Compaoré, President of the Republic of Burkina, to the conference of the IPU.

*The sitting was resumed at 11.45 am*

**Mr Mamadou SANTARA, Vice-President**, resumed his seat.

**Mrs Jacqueline BIESHEUVEL-VERMEIJDEN** (Netherlands) asked two questions. The first was whether the change of political baton meant that there would be changes in staff and if so what were they. The second question was whether the decisions on new vehicles and officers, etc. had been taken before or after the elections. She asked whether this was normal and what the effect was on the budget.

**Mr Rex OWUSU-ANSAH** noted the close relations between the Ghanaian Parliament and the Netherlands Parliament. As far as staff changes were concerned, the election had no effect. There was a permanent body called the Staff Promotion Board that dealt with employment matters and all staff were apolitical. The service in the parliamentary service of Ghana was run by that board.

The re-organisation and other changes which he had referred to had been started before the elections. There had been problems with organising this because of budgetary restraints. The new Government had promised more money for such matters. The budget was worked out on an annual basis and was prepared for the Government by the staff of Parliament. It was then approved by Government, and then by Parliament again.

**Mr Ibrahim MOHAMED IBRAHIM (Sudan)** noted that over half of the Ministers of State had come from Parliament and asked why this was. He thought it was more usual to allow either MPs to be in Government or to prohibit MPs from being in Government. He asked why this did not extend to Cabinet Ministers.

**Mr Rex OWUSU-ANSAH** said that this was for historical reasons. At Westminster, all ministers had to be members of parliament. In Ghana the system was a hybrid between the US system and the UK system. He did not believe in the straight separation of powers but agreed that the effect of allowing MPs to be ministers was to tempt them to be silent in order to get a job for the Government.

**Mr Mamadou SANTARA, Vice-President**, thanked Mr OWUSU-ANSAH.

**Mr Rex OWUSU-ANSAH** said he would not be in Marrakech because he was about to retire, as he shortly would be sixty. But he hoped to see colleagues in the future at some other time.

**Mr Mamadou SANTARA, Vice-President**, thanked Mr OWUSU-ANSAH and paid tribute to his contribution to the ASGP.

3. **Communication from Mme R A AHMADU (for Mr Ibrahim SALIM, Secretary General of the National Assembly of Nigeria) on Appropriation Procedure – An Aspect of the Budgetary Process in a Parliamentary Democracy: the Experience of the National Assembly of Nigeria**

**Mr Mamadou SANTARA, Vice-President**, invited Mrs R A AHMADU, who was replacing Mr Ibrahim SALIM, Secretary General of the National Assembly of Nigeria, to present his communication on Appropriation Procedure - An aspect of the budgetary process in a parliamentary democracy: the experience of the National Assembly of Nigeria.

**Mrs AHMADU** (Nigeria) thanked the Burkina Faso colleagues for preparing the meetings and gave apologies for Mr SALIM who was in Canberra. She delivered his communication as follows:

**“Introduction**

There is no gainsaying the fact that money is the breath of life of any government, however formed. While in an autocracy or under a military regime, the sole authority forcefully imposes taxes and dispenses or appropriates funds unilaterally and arbitrarily, in a democratic setting, the elected representatives of the people are constitutionally mandated to sanction imposition of taxes and to appropriate funds, after considering the proposals in form of Estimates placed before them by the Executive. In other words, all matters involving expenditure and revenue or

all financial matters submitted by the Executive must bear the stamp of authority of the legislative body in the first instance.

To this end, in virtually all Parliaments of the world, there is this common provision in their countries' constitutions as to whose duty or responsibility it is to pass laws. This duty is invariably bestowed on the Legislature. The responsibility is indeed more pronounced in regard to money matters – that is 'Appropriation' and 'Finance' including even bills whose subsidiary elements involve money. In order, however, to implement the constitutional provision in practice, Parliaments employ *rules and regulations* commonly known as '**Rules**', '**Standing Rules**', or '**Standing Orders**' which are generally similar for legislatures of democratic countries, but may vary in operational details.

## **2. The Objective of this Paper**

The objective of this paper is to articulate the Nigerian Legislative Procedure in regard to the passing of an Appropriation Bill. While in a general sense, the National Assembly of Nigeria operates Rules (or Standing Orders) similar to the Rules of most Parliaments of the world, in practice, our Rules are in essence a hybrid of the British House of Commons Rules (Standing Orders) and the American Congressional Rules (of the House of Representatives) or Standing Rules (of the Senate). Secondly, however, there are a few areas of our procedure which are typically Nigerian, but certainly not against democratic norms; and indeed may be found in practice to be more democratic in nature than similar areas of the Standing Orders of the British House of Commons or the Rules and Standing Rules of the US Congress.

In Nigeria's own experience therefore, the one distinct and unique deviation from the British House of Commons practice and the American Congressional procedure is in the area of **Appropriation**. The Nigerian procedure for the passage of an Appropriation Bill is based on our own innate character which seeks to identify detailed treatment of Appropriation Bill beyond the confines of the Committee on Appropriation. It also involves all Standing Committees of the Legislature in the *appropriation of funds for public expenditure*.

Before treating our present legislative procedure for Appropriation, let us narrate our earlier experience under the past Nigerian military regimes.

## **3. Experience under the Military Regimes of January 1966 - September 1979 and January 1984 - May 1999**

Our present procedure in regard to Appropriation Bill is a far cry from our experience under all the military regimes we were subjected to from January 1966 to September 1979 and January 1984 to May 1999. For those of us who have never experienced governance under any military regime, it will no doubt appear outlandish to be governed by Decrees which do not take into consideration the feelings of the people or public opinions, and public interests as well as their expectations, or to be ruled by an oligarchy which does not even entertain views concerning the welfare of the governed, before churning out laws. So was our experience under our past military regimes.

Indeed, with their seizure of power, the military combined both Executive and Legislative functions. While the usurpation of executive functions is understandable because the military must govern at any rate, making of laws by Decrees without adequate consultation and the

consent of the governed expresses in one form or another, was what the Nigerian people had to endure.

Thus, decisions affecting the lives of the people were taken and rolled out as laws called Decrees without much thought as to whether those laws adequately met the aspirations of the governed. Likewise, the idea of a bill passing through stages involving debates, public hearings and other essential procedural steps were the antithesis of military procedure for churning out Decrees by the highest military body - the Supreme Military Council or the Armed Forces Ruling Council, or whatever other appellation the military decided to label itself. Oftentimes, you could just hop into bed in the night and the following morning, you woke up to learn of a new law about which you had no previous inkling, let alone having an opportunity to contribute ideas directly or indirectly to its formation (that is, through public debates in workshops, on the radio or television or through articles published in the newspapers).

This is substantially true in regard to all decrees issued by the military, including the 'Appropriation' decrees. The Appropriation of public funds was thus made largely in consonance with the wishes and desires of the military rulers! Stories were afloat of members of the ruling oligarchy manoeuvring capital votes to develop their areas of the country and promote other personal interests. In effect, accountability by the government to the people was not all that an important matter.

In short, since it was anything the military wanted that became law - allocation of funds for capital developments were also made willy-nilly. Of course, as the areas of the constitution dealing with finance etc., had been suspended when the military seized power, no-one could question the legitimacy of the military decisions in the arbitrary allocation of funds both under capital and recurrent expenditure.

Having had a glimpse of the situation under the military, we shall now turn to the present procedure for the passage of the Appropriation Bill. We shall start with its background.

#### ***4. Background to the Nigerian Procedural Innovation on Appropriation***

In 1979, with the introduction of the Presidential System of Government, the working of our legislatures was facilitated by tapping from the legislative procedures of both the British House of Commons Practice which we followed in our First (1960-65) Republic Legislature based on the Parliamentary System, and the American Congressional Process adopted from our Second Republic Presidential System. Hence ours became largely a hybrid of the two systems in most areas of our legislative procedure.

However, in respect of Appropriation, we found it most inappropriate to adopt the parliamentary practice since Ministers were no longer legislators. One would have thought "OK let's go the Congressional way wholly, by doubling the size of the Appropriation Committee and getting out thirteen or so Sub-Committees, each charged with the Heads Estimates of a number of Ministries". In effect, the Appropriation Committee would have taken charge of 'Appropriation' in its entirety.

But members objected to this procedural style and felt, "If the Standing Committees are charged with functional or oversight responsibilities for Ministries, these Standing Committees should equally be responsible for proposing appropriation of funds to the Ministries under their charge". They further contended, "if an organisation is charged with specific functions, its

responsibility in regard to those functions should be all embracing". Therefore, if their Standing Committees were functionally responsible for Ministries, they should also be responsible for appropriation of funds to those Ministries.

After days of wrangling as to the best line of approach, it was finally resolved that during appropriation, all Committees would become Sub-Committees of the Appropriation Committee. This goes to underscore the Nigerian culture, that in matters of finance, the person directly affected or charged must have a say in the disbursement of funds to his charge. One may also add "it is not in Nigeria's character to allow others to decide what amount of money should be expended on their behalf or in their interest without any say on their part".

### **5. Summary of the Procedure for the Passage of Appropriation Bill**

Since it is the function of the Executive Arm to implement or execute the laws passed by the Legislature, and being also the Arm of Government directly involved in governance, the Executive has the responsibility for initiating a draft Appropriation Bill and preparing the accompanying Draft Estimates, placing both before the Legislature. Once both the Draft Bill and the Estimates are in the possession of the Legislature, the procedure for dealing with them until the Estimates are approved and the Appropriation Bill is passed into law proceeds, in summary, along the following steps:

- (i) First, at the beginning of every National Assembly (the life-span of which is four years), Standing Committees are established along functional lines (like the American Congressional Committees). Thus they bear appellations of Ministries for which they have oversight responsibilities; unlike the British Parliamentary System where Standing Committees are only established to consider bills allocated to them by the Speaker.
- (ii) Secondly, the Appropriation Committee being a Standing Committee, is charged with the specific responsibility of appropriating funds for the execution of authorised programmes, but goes about it in a *unique* way.
- (iii) Thirdly, after the **Second** Reading, an Appropriation Bill goes to all the Standing Committees as explained in (iv) below.
- (iv) After the Second Reading, while the Appropriation Bill itself goes straight to the Committee on Appropriation, the Heads of Estimates go to their various functional Sub-Committees. Thus each Standing Committee becomes a Sub-Committee of the Appropriation Committee, to deal with the Head of Estimates pertaining to the Ministry for which it has functional responsibility.

Before we go into further details of Nigeria's unique procedure in regard to Appropriation, let us touch briefly the procedures under the Westminster (House of Commons) System and the American Congressional Process, since as earlier stated, our own legislative procedure is a hybrid of the British Parliamentary and American Congressional Procedures.

### **6. (a) British Parliament's Procedure on Appropriation or Consolidated Fund Bills**

It is sufficient here to quote briefly from *Erskine May*:

“When a motion shall have been made for the Second Reading of a Consolidated Fund or an Appropriation Bill, the question thereon shall be put forthwith. No order shall be made for committal of the bill and the question for Third Reading shall be put forthwith.

Thus all grants of Supply voted in respect of whatever Estimate-Main, Supplementary, Excess - require to be authorised by legislation. The bills for this purpose are known as Consolidated Fund and Consolidated Fund (Appropriation) Bills which are brought in upon the relevant Estimates Resolutions as soon as they have been agreed to. (*p. 758 of Erskine May, 22<sup>nd</sup> Edition*)

**(b) *The American Congressional Procedure in regard to Appropriation***

**(i) *In the House of Representatives***

The US House of Representatives has 12-13 Sub-Committees of the Appropriation Committee. While the full Committee is composed of at least 50 members, each Sub-Committee has 7-8 members. A Sub-Committee may meet daily for four or five hours for several months to complete its work. Thereafter a bill is drafted and the Sub-Committee will meet to ‘mark it up’, that is, to make specific alterations up or down to the figures put in by the President.

The Sub-Committees are set up along functional lines. At the end of its task on appropriation, each Sub-Committee prepares an appropriation bill. In the end, about 14 appropriation bills would have been passed into law in a year.

**(ii) *In the Senate***

By immemorial custom, general appropriation bills dealing with a number of subjects originate in the House of Representatives, though bill appropriating for single specific purposes have originated in the Senate. Once the Senate has received a bill from the House, it has equal powers,

Like the House, the Senate has a Committee on Appropriation with the same task of financing programmes already authorised by legislative committees and of financing them as economically as possible. In considering the bill, the Senate follows broadly the same procedure as in the House of Representatives, i.e. parallel system of Sub-Committees exists.

**7. *Details of the Nigerian Procedure on Appropriation***

We can now go into the details of Nigeria’s own unique procedure after the brief comparative analysis above:

- (a) In respect of ordinary bills, introduction in both Houses of the National Assembly follows the congressional style. Proposals come from the Executive principally, and from Members **directly** (that is by members themselves sponsoring bills jointly and individually) and **indirectly** (that is by members sponsoring bills on behalf of NGOs - Trade Unions, Industrial and Commercial Concerns as well as Professional Associations (Bar, Medical, etc.), and other Private bodies and individuals. (We all know that in the British Parliamentary System, where Ministers are also Members of

the Legislature, most bills are introduced by Cabinet Ministers and only very few by floor or private Members.)

- (b) In the Introduction of 1<sup>st</sup> Reading and 2<sup>nd</sup> Reading of a Bill, the Nigerian procedure follows the British rather than the American Congressional System.
- (c) In respect of Appropriation Bills, proposals come only from the Presidency, to each of the Houses of the National Assembly. It, like ordinary bills, undergoes **1<sup>st</sup> and 2<sup>nd</sup> Readings**.
- (d) It is in the stages following after the **2<sup>nd</sup> Reading**, that Nigeria's own procedural style comes into play. Thus, after the 2<sup>nd</sup> Reading (which is a general debate of the principles of the bill on the floor of the House), when the details of the Appropriation Bill, as contained in the Estimates have been schedules to Committees, that the distinct Nigerian features come into play as follows:
  - i. The Committee on Appropriation takes charge of the whole endeavour as Coordinator and Floor Manager.
  - ii. Each Standing Committee is given charge over the Head of Estimates of the Ministry for which it has oversight or functional responsibilities.
  - iii. During Committee deliberations on Appropriation, each Standing Committee transforms into a Sub-Committee of the Appropriation Committee.
  - iv. During sittings of the Sub-Committees on Appropriation, a member of the Appropriation Committee sits in with each Sub-Committee, in an advisory capacity only, as he does not vote or interfere with the Sub-Committee's proceedings and final report.
  - v. While the Chairman of the Appropriation Committee has the overall responsibility for coordinating the works of all the Sub-Committees on Appropriation, the Chairman of each Sub-Committee reports, at the end of his Sub-Committees deliberations, to the Chairman of the Appropriation Committee.
  - vi. When the Chairman of the Sub-Committee has presented his Sub-Committee's Report to the Appropriation Committee's Chairman, a day is fixed for deliberation between that Sub-Committee and the Appropriation Committee, whose Chairman presides over the deliberations while the Chairman of the Sub-Committee presents his Sub-Committee's Report, defending it.
  - vii. After successful deliberation, a clean copy of the Sub-Committee's Report is prepared, ready for presentation on the Floor of the House.
  - viii. The Chairman of the Appropriation Committee then takes a date from the Chairman of the Rules and Business Committee of the House of Representatives/Rules and Procedure Committee of the Senate, for the presentation or tabling of the Sub-Committee's Report on the particular Head

of Estimates handled by the Sub-Committee (e.g. Head 24: Ministry of Industries - Sub-Committee on Industries).

- ix. On the date of the presentation of the Sub-Committee's Report, including the recommendations, the Chairman of the Appropriation Committee is the **Floor Manager** while the Chairman of the Sub-Committee whose Report is being presented is the **Assistant Floor Manager**. Immediately after the presentation of the Report to the House, copies are circulated to all Members. At the same time, the Chairman of the Rules and Business Committee alerts Members of the date the Report will be formally considered by the House in Committee.
- x. On the date for consideration of the Report of the Sub-Committee, the Chairman of the Appropriation Committee, being the Floor Manager, pilots the Report and moves resolution on each item of expenditure as recommended in the Report, while the Chairman of the Sub-Committee assists him
- xi. (a) For the consideration of the Report, the House resolves itself into a Committee of the Whole House to pass the resolutions on each item of the Head of Estimates.

(b) An alternative and time saving device is to *combine and modify* (ix) and (x) above by presenting an *omnibus* Report, containing the Reports of all the Sub-Committees in the Committee of the Whole House.

This omnibus Report is presented and floor-managed by the Chairman of the Appropriation Committee alone. The deliberation in the Committee of the Whole House may take three or more days. With the final approval of the Report (unlike in the United States, Sub-Committees do not prepare separate Draft Bills at the end of their work), all aspects of the Estimates are covered by a single Appropriation Bill to which is attached a Schedule of Heads of Estimates, stating the total amount approved for each Head.

- xii. After the essential Resolutions have been passed on the whole Heads of Estimates, the Bill, with the Schedule summarising the amount of each Head of Estimates on which resolutions had earlier been passed attached, is brought back into the House and it goes to the **Report Stage**.
- (e) The Bill is thereafter reported to the House and after the adoption of the Report stage, the Bill goes through the **Third Reading** and is passed as the Appropriation Bill and sent to the other House.
- (f) Both Houses, more often than not, come out with different versions and, like the Congressional process, the two Houses appoint equal number of Conferees from their Houses (invariably from the Appropriation Committee of the House of Representatives and the Appropriation and Finance Committee of the Senate), to go into Conference to resolve the differences (i.e. areas of disagreement).
- (g) Finally, the two Houses will adopt the Conference Report and thereafter pass the Appropriation Bill. All the amendments made by the National Assembly will have been



incorporated in the Draft Estimates and a *Clean Copy* produced as the Approved Estimates.

- (h) The Clean Bill, accompanied by the Approved Estimates, is thereafter sent by the Clerk to the National Assembly to the President for his Assent. The Bill then becomes the '**Appropriation Act**'.

### **8. Innovations in the Nigerian Legislative Set Up**

I venture to say that, in matters of legislative procedure, Nigeria's innovation as an amalgamation of and amendment to the adopted legislative processes of the Parliament *cum* Presidential Systems, provides a case study of a unique but democratic way of doing things. Other innovations of our own, if closely examined, produce a development aspect of democratic principles worth emulating in a federal set-up like ours, or in a system of power devolution to the Regions as in the UK today. They are:

- (A) *Setting up a Secretariat in the National Assembly to cater for the common interests of National and State Assemblies by extending facilities and other advantages to State Houses of Assembly in the areas of legislative procedure, training, technical assistance and general welfare package for members and staff.* This is akin partly to the functions of the Overseas Office of the British House of Commons and those of former Legis 50 (now National Conference of State Legislatures - NCSL) representing the 50 USA State Legislatures; but I day say we appear more advanced in cooperative federalism.
- (B) *Holding periodic Conferences of Presiding Officer of National and State Assemblies with a view to streamlining and, or amending legislative procedures, as well as proposing constitutional amendments to ease governance.* This highlights the fact that legislative procedure is a dynamic thing. British House of Commons reviews and innovates procedures to replace archaic ones to fit modern times. Likewise, changes in procedure take place in the US Congress. Nigerian Legislatures cannot therefore be an exception, more particularly in our tremendous efforts to cover our lost years due to military incursion into government.
- (C) *The political party arrangement in both Houses of the National Assembly.* Both Britain and the USA have a two party system. In Britain, they are called the Government and the Opposition and in the US the Majority and Minority Parties. How do we go about it in a multiparty Legislature? In the Second Republic, we had a five-party legislature and in the present National Assembly we have a three-party legislature.

Under our present presidential system, what we did was to appoint the leader of the party with the highest number of members, as Leader of the House, while leaders of the other parties were accorded official recognition as leaders of their respective parties but provided with paraphernalia of office to make them stand almost at par with the Leader of the House. It goes without saying that the allocation of seats in Committees follows the pattern of proportional representation in the Chamber.

In practice, whoever is the Leader of the House always carries along with him the leaders of the other political parties.

(D) *Constitutional provision establishing the post of Clerk to the National Assembly whose responsibility encompasses the two Houses - the Senate and the House of Representatives.* The Clerk to the National Assembly is the Accounting Officer for the Whole of the National Assembly. He is also the Chief Legislative Officer as well as the Chief Administrative Officer for both Houses.

However, the Rules of the Houses allow for the appointment of a Clerk for the Senate and a Clerk for the House of Representatives. These Clerks are delegates to the Clerk of the National Assembly in the performance of legislative and administrative functions in respect of each House - and this considerably eases administration of the affairs of the National Assembly.

\* \* \*

**Mr Mamadou SANTARA, Vice-President,** thanked Mrs AHMADU and proposed to take questions on the communication together.

**Mr Rex OWUSU-ANSAH** asked for more details about how the President was allowed to spend money before budget approval was given.

**Mrs AHMADU** said that under the Constitution the President could spend up to a third of this year's budget in order to allow continuity. Previously there had been problems because under military rule the budget had been on a different basis and it had been impossible to provide a model to carry over from. The President had used this as the basis for claiming that Parliament was stopping him from carrying out his essential work.

**Mr G.C. MALHOTRA** (India) asked what was done to modifications which were proposed to the budget.

**Mrs AHMADU** said that this was also a problem. The National Assembly thought the budget was allocated wrongly. An estimate was amended and this created many problems. The President did not implement some parts of amended budgets and this was in breach of the Constitution.

**Mr G.C. MALHOTRA** (India) asked again what was done about changes which had been proposed.

**Mrs AHMADU** said that the National Assembly could change but could not implement the budget.

**Mr Mamadou SANTARA, Vice-President,** thanked Mrs AHMADU for her clear presentation.

#### 4. Communication from Mr G.C. MALHOTRA, Secretary General of the Lok Sabha (India) on Strengthening democracy – role of the opposition in the Indian Parliament

**Mr Mamadou SANTARA, Vice-President**, invited Mr G.C. MALHOTRA, Secretary General of the Lok Sabha of India to present his communication on Strengthening democracy - role of the opposition in the Indian Parliament.

**Mr G.C. MALHOTRA** said that notwithstanding the similarity with the British system, and its common points with the legislative system of the United States of America, the Indian system of legislation had certain special characteristics. It was, moreover, often considered as one better adapted to the situation of those numerous countries which were still developing. In the Indian Parliament, there was an education service designed for use by foreign parliamentary officials, and Nigeria had recently accepted an offer from the Lok Sabha to hold an educational programme for some of the Nigerian members.

From the start of the electoral process, up to the beginning of the new Parliament, there was a clash of opinions. The opposition has an important criticism role in the face of the policy carried out by the Government. It makes sure that the majority in parliament carries out all its promises. This follows from its role during the electoral campaign when the opposition would criticise the policies of its victorious opponents. In the United Kingdom, the opposition has an official status recognised by the Sovereign. The head of the majority party and the opposition meet regularly to ensure a good system of government. There is even a shadow cabinet which makes up an alternative government which is always ready to take over the reigns of power.

This system has its parallel in India. One of the functions of the opposition within Parliament is to guarantee that the Government and its majority do not make laws in haste and do not adopt inappropriate measures.

During the first parliaments which followed Indian independence, nearly 45% of the work of the Lok Sabha was given up debate and adoption of laws. Today that proportion has fallen to only 16%. The procedure for resolving grievances since then has become much simpler and requires much less of an appeal to the law. Furthermore, electors are more aware now of various possible solutions to their problems.

A bill before it becomes law, has to have three readings. The opposition can make a contribution to each one of these readings. At each stage the government must often accept changes to its bill.

The first reading is an introductory stage. Very often at this stage the government has had to withdraw its bill because of the breadth of opposition which it has aroused. In the course of certain parliaments, particularly that which began in 1978, this was often the case, for example, relating to bills which dealt with defections from a particular party, or the status of judges, or the quota for women in state assemblies.

On this last topic, where the bill is still in existence, it is true to say that the question of quotas based on sex is a delicate question in India since it is also a question of making room for those in disadvantaged social categories. There are many difficulties with this because it is not easy

to establish quotas and sub-quotas for various groups and, of course, one should never underestimate the resistance of certain people.

For delaying, preventing the passing of bills, or amending bills, the opposition has several legal methods. It may ask for a special standing committee to deal with the bill, or seek to refer a bill to the special joint committee of the two Houses within Parliament, or even ask for a referendum. Furthermore, because of the equal powers of the two Houses within the Indian system, the delay in the shuttle between the two is a means which can be employed for delaying a government bill, particularly when there are different majorities in the two Houses. It is often difficult to find a compromise in such cases.

Another obstacle to the passing of a bill may arise even when it has been passed by the two Houses. This is the case when, because of lively opposition among the public, the President of the Republic who signs bills into law, may send back a bill to Parliament for a new debate. This was recently done in the case of a bill relating to interception of post and packages. He considered that this bill was anti-democratic and returned it to Parliament and the two Houses decided not to pursue it.

A bill relating to the salary of members of parliament had been adopted just before the recent dissolution of Parliament. This bill set down that members would receive a pension, even if they had only sat for one day instead of the four years required up till then. This bill, which had been subject to lively criticism outside both Houses, had also been subject to a request for a fresh debate from the President of the Republic – it has now been forgotten.

The opposition, just as the majority party, has various means of expressing an opinion. If a member puts forward a private members' bill, he may withdraw it when the Government promises to put forward its own draft with the same objective in mind. In this way, private members' bills often become draft government bills.

The influence of members on the drafting and contents of the budget is no doubt less important in India than in certain other countries, but the recommendations and remarks made by members are often reflected in the Finance Bill. In the area of budgetary scrutiny, Parliament often checks up that the Government's promises have in fact been put into effect.

The Indian Parliament has, among its 17 committees within both Houses, a Committee of Public Accounts, presided over by a member of the opposition. Other procedures favour the opposition, such as question time to the Government or motions which can be introduced to allow the opposition to decide the subject for debate on certain days.

In India the opposition often acts in a very responsible way, particularly in areas which deal with removal of regulation, the standard of living, foreign affairs, where decisions are often taken by consensus. Sometimes, when debates become very lively, the House will try to preserve its dignity by applying certain rules. If matters continue to be difficult, it is always possible to adjourn the sitting.

Therefore a certain number of rules and procedures permit the opposition to play a full role in the Indian Parliament.

**Mr Mamadou SANTARA, Vice-President**, thanked Mr G.C. MALHOTRA for his communication. It showed the importance of India, which was an old democracy, for the new emerging democracies. He asked Mr MALHOTRA whether he thought it was good to fix the rights and duties of the opposition and whether it was useful in a democracy. What experience did he draw from this when it came to dealing with extra-parliamentary opposition?

**Mr G.C. MALHOTRA** thought that as far as the status of opposition was concerned, there was no constraint set upon the opposition. If the opposition existed only to obstruct that was in the interest of no-one. Furthermore, electors decided on everyone's place when they cast their votes. Although the Indian experience showed the principal role of the opposition was to avoid law-making which was too hasty, if the expression of extra-parliamentary opposition was very strong outside Parliament, that did not remain without effect within the Chamber itself. As an example of this, he gave an example of the law relating to rented property. Tenants, like landowners, had felt themselves harmed by the provisions of a particular bill. Notwithstanding the votes which had taken place, that bill was still not made into law.

**Mrs R.A. AHMADU** (Nigeria) asked two questions:

First, whether in the Indian Constitution there was provision for change by a member of his political allegiance? In Nigeria, as long as a member of parliament who was leaving one party found another party which was ready to accept him as a member, he could keep his seat notwithstanding the terms of the Constitution which normally would oblige him to resign.

The second question: if the Parliament was disagreeing with a decision by the President of the Republic to refuse assent to a bill before Parliament, could it be passed nonetheless with a qualified majority?

**Mr G.C. MALHOTRA** replied that as far as leaving a particular party was concerned, the Indian Constitution was very clear. Any member who left his party in the interest of which he had been elected, could not remain a member. That seat was declared vacant and a by-election was organised. The only exception happened when at least one third of members of a group decided to leave that group. In that case, they kept their mandate. Sometimes this had led to abuse. Certain factions tried to recruit rebel members in order to bolster their numbers. The Supreme Court of India had leant against such cases.

As far as the procedure of renewed debate was concerned, there was not really speaking a right of veto on the part of the President of the Republic. Parliament always had the last word.

**Mr Madelain FILS-AIMÉ** (Haiti) thought that the expression "the role of the opposition" really wasn't suitable. The opposition was always exercising its duties as an opposition unless the national interest was directly threatened, in those moments when everyone had to unite around the head of government.

He wanted to know how the administrative activities were organised in the Indian Parliament and noted that occasionally the opposition thought that the administration did not respect the rights and prerogatives of the opposition. He cited the case of Haiti where he did not like the fact that members got involved in the daily management of the Chamber. If everything was pre-arranged in terms of material advantages it was enough to leave management to civil servants.

**Mr G.C. MALHOTRA** indicated his understanding of the feelings expressed about the concept of "the role of the opposition". Nonetheless, everyone had his own role to play within the rules. As far as the services of the House were concerned, staff worked under the authority of the Speaker of the House and served all members without partisan distinction.

**Mr Ishwar UPADHYAY** (Nepal) asked how long, in India, it took to examine the draft budget in Parliament. He also wanted to know about the basic retirement system and pension system for members of parliament. Did they receive a fixed amount, the same for everyone?

**Mr G.C. MALHOTRA** said that the budgetary sessions lasted 75 days. The amount of the pension for members of parliament was 3,000 rupees, that was to say about 71 Euros or 61.5 US dollars a month, for each five year's of mandate served. To this amount was added 600 rupees annually as a supplement.

**Mme Marie Françoise PUCETTI** (Gabon), returning to the remarks of Mr MALHOTRA relating to the possible blockage of a bill by one of the Chambers in the course of the shuttle within the parliamentary system, asked what happened to such bills. Was there a system of joint committees which tried to reach an agreement in cases of problems between the two Chambers about the terms of the bill?

**Mr G.C. MALHOTRA** said that these questions concerned different aspects of the same subject. In cases of disagreement which persisted between the two Houses, the Government could bring both Houses together so that the members could examine the text of the law together. In that case, a simple majority of all 750 members was enough to pass the bill.

**Mr Mamadou SANTARA, Vice-President**, thanked Mr MALHOTRA for the quality of his speech and gave the floor to Mr Vyacheslav KOVAL, Secretary General of the Supreme Rada of Ukraine, on participation of the Supreme Rada in the work of international parliamentary organisations.

## **5. Communication from Mr Vyacheslav KOVAL, Secretary General of the Parliament of Ukraine on the participation of the Supreme Rada (Parliament) in the work of international parliamentary organisations**

**Mr Mamadou SANTARA, Vice-President**, invited Mr KOVAL to present his communication.

**Mr KOVAL** gave his communication on the participation of the Supreme Rada of the Ukraine in the work of international parliamentary organisations.

"This year Ukraine celebrated the jubilee of the two-century significant events of her history i.e. the adoption of the Independence Act in 1991 and approval of the Principal Law of Ukraine, the Constitution, by the Parliament (June 28, 1996).

As soon as Ukraine won her independence, the young state has faced a number of important tasks, specifically: setting-up of new state power institutions and development of the legislative basis. Winning the sovereignty, Ukraine has assumed the way of developing a new civil society while getting a novel impulse for tying up and deepening the international links, integration to European and global structures, applying the expertise of the parliaments of the

developed countries with the purpose to strengthen democracy and social transformation of the Ukrainian society.

For the last decade the Ukrainian Parliament has accomplished a tremendous job, i.e. it has approved around 2000 laws which positively effected the formation of the law making domain of Ukraine.

Today Ukraine is a full-fledged member of the world community. Owing to her active participation in international institutions as well as due to bilateral inter-governmental relations she has gained a high authority which is proved by her election as a provisional member of the UN Security Council.

On July 2, 1993, the Supreme Rada of Ukraine adopted a decision on "The principal directions of the foreign policy of Ukraine". Among the priorities of our state her activities in the framework of regional and international organisations are underlined.

The Supreme Rada of Ukraine attaches the priority attention to the cooperation with the international bodies. It collaborates actively with such inter-parliamentary structures as **the Council of Europe Parliamentary Assembly, OSCE Parliamentary Assembly, the Inter-Parliamentary Union, CIS Parliamentary Assembly, CEI Parliamentary Assembly, Black Sea Economic Cooperation Parliamentary Assembly, Assembly of the Western European Union, NATO Parliamentary Assembly as well as European Parliament.**

In my brief contribution I would like to attract your attention to the first priority issues in the context of cooperation of the Ukrainian Parliament with the International parliamentary institutions.

### **Inter-Parliamentary Union**

In October 1999 during the Berlin Conference the Supreme Rada of Ukraine affiliated the Inter-Parliamentary Union that is the oldest and the most influential inter-parliamentary association in the world.

The accessing to the Union has granted the Parliament of Ukraine with an opportunity to be a direct participant of parliamentary discussions at the international level.

The Supreme Rada backs the idea of initiating the parliamentary dimension of the international cooperation. The **Declaration "The Parliamentary Vision of International Cooperation on the Dawn of the Third Millennium"** approved by the Conference of Heading Officers of National Parliaments on September 1, 2000 has been considered by the Ukrainian Parliament and supported by the relevant **decision.**

Participation of the world parliaments' Heads of Staff in the activities of the ASGP offers a unique opportunity for information exchange and expertise enrichment.

### **Development of the democratic society**

For Ukraine, as for other post Soviet camp states, issues of social democratic norms observance, human rights, guaranteeing the rule of law and freedom of speech are still remaining, regretfully, quite topical ones. Political processes monitoring, therefore, undergoing

in the countries, remain to be an effective and important mechanism in view of the international parliamentary organisations that promotes the aforementioned norms observance. In this direction the Ukrainian Parliament actively collaborates with such regional parliamentary organisations as Parliamentary Assembly of the Council of Europe and Organisation for Security and Cooperation in Europe.

The Supreme Rada of Ukraine co-operates actively with the **European Parliament**. In compliance with the provisions of "The Agreement on Partnership and Cooperation between Ukraine, the European Communities and the member-states, signed on June 16, 1994" the **EU – Ukraine Parliamentary Cooperation Committee** has been set up with a view to guarantee a stable political dialogue between the member-states at the parliamentary level.

### **Mitigation of the Chernobyl accident aftermath**

On April 26, 2001 we marked 15 years of the Chernobyl NPP accident, i.e. the biggest technological catastrophe in the human history. This accident has inflicted great human and material losses for Ukraine, Russia and Belarus. The environment of the region has been seriously damaged which has caused tremendous losses in our states' economies. There is an anticipation that we would feel the consequences of the Chernobyl disaster for many decades.

During the last ten years Ukraine has been financing on its own the expenses canalised for minimising the disaster aftermath. The main bulk of the funds allocated for the events does not diminish from year to year equalling from 5 to 7 %% of the general allocations of the state budget of Ukraine.

Ukraine is not capable to compensate independently the lost power supply capacities and to ensure the accident aftermath mitigation. That is why, we are interested in the IPU's support due to the fact that this tragedy is an international problem.

Apropos, on June 26, 2001 the Parliamentary Assembly of the Council of Europe adopted a resolution where it expressed its concern over the implementation of the 1995 Ottawa Memorandum by the European Bank for Construction and Development. The Memorandum stipulates the agreement among the governments of the G-7 countries, the European Commission and the Ukrainian Government as to the financing of the projects to create additional generating capacities for compensation of Ukraine's fuel deficit due to the shut-down of the Chernobyl NPP.

Thank you for your attention."

**Mr Mamadou SANTARA, Vice-President**, thanked Mr KOVAL for his communication.

## **6. Honorary Membership**

He said that he had received a suggestion from the Executive Committee which was to give honorary membership of the Association to Mr Charles WINNIFRITH of the House of Commons of the United Kingdom. He said that Mr WINNIFRITH had been a member of the ASGP for many years and had been a source of very important assistance and had been a



faithful friend to all members. He fully merited the honorary membership of the Association and the President put that proposition to the plenary.

*The motion was agreed to by acclamation.*

## **7. Administration and Financial Questions**

**Mr Mamadou SANTARA, Vice-President**, then moved to the question of the draft budget of the Association for 2002.. He said that the functioning of the Association depended in the most part on a subvention from the IPU. This would be diminished by 14,000 Swiss Francs in the next year. It was going to be necessary nonetheless to continue to work in a proper way by freezing expenses and re-negotiating the costs of printing and management of the review, which was systematically being brought up to date.

The draft budget for 2002 was presented. It was certain that there would not be an autumn session in the next year and that probably Geneva would be the place for an intermediate meeting.

*The budget for 2002 was voted on and adopted.*

## **8. Draft Agenda for Marrakech**

**Mr Mamadou SANTARA, Vice-President**, then read the draft orders of the day for the session in Marrakech.

1. Presentation by Mr Mohamed Rachid IDRISSE KAITOUNI, Secretary General of the House of Representatives, on the parliamentary system of Morocco.
2. General Revision of the Rules.
3. First Draft Report of Mr Ian HARRIS, Clerk of the House of Representatives of Australia, on Promoting the Work of Parliament.
4. Communication from Mr Pierre HONTEBEYRIE, Secretary General of the National Assembly and the Presidency of France, on time reserved for non-Government business.
5. Communication from Mr Fridrik OLAFSSON, Secretary General of the Parliament of Iceland, on policy and strategy for the information services of the Icelandic Parliament.
6. Communication from Mr Constantin SAVA, Secretary General of the Senate of Romania, on recent amendments to the Standing Orders of the Romanian Senate with a view to increasing the efficiency and the quality of the legislative process.
7. Communication from Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso, on parliamentary civil employees – the case of Burkina Faso.
8. Communication from Mr G. C. MALHOTRA, Secretary General of the Lok Sabha of India, on the management of the time of the House.

9. Communication from Mr Martin CHUNGONG on recent activities of the IPU.
10. Elections to the Executive Committee (to replace Mr Ian Harris, Clerk of the House of Representatives of Australia, who was elected Vice-President in Havana, Mr Robert MYTTENAERE and Mr Mamadou SANTARA who have come to the end of their term of office).
11. Discussion of supplementary items (to be selected by the Executive Committee in Marrakech).
12. Administrative and financial questions.
13. New subjects for discussion and draft agenda for the next full session (Spring 2003).

**Mr Madelain FILS-AIMÉ** (Haiti) referred to a recent case in Haiti where a Senator had been accused of murder by an examining magistrate. He wanted to write to the Secretariat of the Association about such legal questions to ask to present a communication on the question of immunity of members of parliament. He hoped that that would be followed by a report.

**Mr Mamadou SANTARA, Vice-President**, was pleased that such a theme could be dealt with.

## **9. Closure of the Session**

**Mr Mamadou SANTARA, Vice-President**, said he hoped to see as many people as possible at Marrakech for the next session of the Association and brought the conference to a close.

In doing so, on behalf of everybody, he thanked particularly Mr Prosper VOKOUMA, the Secretary General of the National Assembly of Burkina Faso, who had for the whole week been an excellent host and who had permitted the participants to enjoy the best conditions for working. He also thanked the staff who had assisted him and who had contributed to the success of the conference, and also the civil authorities in Burkina.

Finally, he thanked all the participants who had presented a contribution. They had, by the quality of their interventions, their questions and answers, once again enabled the exchanges by the members to be very interesting.

He looked forward to meeting all the members of the conference in Marrakech.

The sitting was closed at 1.50 pm