

CONSTITUTIONAL AND PARLIAMENTARY INFORMATION

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THE ARGENTINE PARLIAMENTARY SYSTEM
THE COPYRIGHT OF PARLIAMENTARY DEBATES AND
DOCUMENTS
THE ELECTION OF SPEAKER OF THE HOUSE
OF COMMONS IN CANADA

INTER-PARLIAMENTARY UNION

AIMS

The Inter-Parliamentary Union whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and co-operation.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

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1. *The Inter-Parliamentary Conference* which, unless otherwise decided, meets once a year.

2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Mr. H. Stercken (Federal Republic of Germany).

3. *The Executive Committee* composed of eleven members, ten of whom are elected by the Conference, the Council President acting as *ex officio* President. At present, it has the following composition:

President: Mr. H. Stercken (Federal Republic of Germany).

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Secretary general: Mr. Pio-Carlo Terenzio.

OFFICIAL PUBLICATION

The Union's official organ is *the Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Inter-Parliamentary Bureau, Geneva.

INTER-PARLIAMENTARY UNION

**CONSTITUTIONAL AND PARLIAMENTARY
INFORMATION**

First Series - Thirty-seventh year

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THE PARLIAMENT OF THE ARGENTINE NATION

by
Dr. Antonio J. Macris
Parliamentary Secretary
of the H. Senate

I. Retrospective view

The Argentine Nation has adopted the representative, republican and federal form of government. This precept, included in the first section of the National Constitution, sanctioned in 1853, was the result of an era which had started at beginning of the XIX Century, that was characterized by confrontation, violence and fighting in order to gain independence from the dominant power.

25 May 1810 constitutes the birth of the Nation that would to be called the Argentine and the meeting that took place in open City Hall (called Cabildo Abierto) on that date, was the turning point that made the people become conscious of the capacity of Buenos Aires and other peoples to administrate themselves without the intervention of their motherland, Spain. This latter country could not resign itself to accept this new situation. There followed many years of confrontation during which a political organization and a government were established and compelled to face, besides domestic troubles, the Spanish armies' reply.

Independence was formally declared on 9 July 1816, when the Congress met in the province of Tucumán. The courage and determination of patriots such as Doctor Mariano Moreno, Doctor Manuel Belgrano, and General José de San Martín in the face of the Spanish armies in the American Continent, and the need to defeat them to consolidate that declaration, made it possible for the American brother peoples to get material and military assistance.

In the meantime, many attempts to give the Nation an institutional and political configuration, in order to achieve the unity and consolidation of the Revolution, resulted in successive failures as a consequence of confrontations between regional and local interests as well as of the personal position of the caudillos who represented them.

In the constant search for its own political identity, many plans were made for incorporating liberty, justice and democratical wishes into an institutional structure.

Agreements among provinces and subsequent covenants of major significance are seen as the culmination of the first decades of our history, attaining its summit on 31 May 1852, with the so-called Agreement of San Nicolás de los Arroyos, where the basis for the meeting of the General Constitutional Convention which took place in November of that year, were established.

But in the Congress deliberations, the absence of the province of Buenos Aires representatives, was noticeable. In 1853, the National Constitution was agreed to, promulgated and sworn. Afterwards, there were many years of intense struggle as a consequence of the Buenos Aires refusal to join in the Confederation, having dictated its own constitution and proclaiming itself as an independent state.

It was not until the two-year period 1859/60, that the unification so much longed for, was attained, along with the incorporation of Buenos Aires and the oath of the National Constitution which is in force at present in the country.

According to those facts, we realize that the Argentine history is one of constant fight for the implantation and full enforcing of the republican system of institutions, democracy and the rights guaranteed and recognized by the Constitution.

The consolidation of the institutional order was achieved in 1880 when the Law of Federalization of the city of Buenos Aires, was enacted. Since then, Buenos Aires has been the capital of the Nation.

The National Constitution of 1853/60 was the means of establishing the union desired by the provinces which formed our country and securing at the same time the rules protecting their autonomies.

Throughout all the process of emancipation and the national organization, the principles of popular sovereignty were asserted and consolidated as the legitimate background for the conduct of government duties and for the division of powers between the organs of government.

The continuity of the national organization system lasted without interruption until 1930.

In such a way, the Republic enjoyed from 1880, 50 years of great brightness: constant economic development within the formal effectiveness of the democratic institutions. The popular classes came into governmental posts in the second decade of the new century along with the triumph of the Radical Civic Union and with the Presidency of Hipólito Yrigoyen. In the middle of the century, the laws enacted by the Legislative Power, constituted the expression of the popular will with members becoming the truthful interpreters of the people whom they represented. The social conception of democracy then began to make and find its way^

The role of Parliament is of significant importance in this process through which Argentina is going, because it is the body which translates social reality into laws and helps determine the future at the same time.

The established constitutional order, which had given a legal structure to the development accomplished by our country, was broken in 1930. One of the first measures of the de facto government of 1930, was the dissolution of the Parliament; and since that time, the country was involved in many breakages of the institutional order: the coups d'état of 1943, 1955, 1962, 1966 and 1976. The Parliament was almost without exception one of the principal targets of those coups d'état, with their immediate dissolution on each occasion.

Today, almost fifteen years before the beginning of the XXI Century, Argentine people are determined to strengthen the full effectiveness of the constitutional state, the defence of the institutions and democracy, considering it as a legal structure and a way of life. There appears a common denominator, like an invisible conductor thread, that runs amongst the generations that participated in the

events of May 1810, its successors—who gave us the Constitution and the National Organization—, and the Argentine people of this present time, so rich in transformations.

This is the place our history has reserved to the contemporary generations of Argentinians: from the deepest crisis—product of the successive coups d'état from 1930 on—to the reaffirmation of the constitutional state, within a democracy with social content which will remain as a legacy to the coming generations.

History summons up the Argentine people to comply with that mission, inviting them to abandon sectorial interests in the interests of general welfare. Political parties are the means by which differences are reconciled and opinions expressed within the context of political pluralism.

Those seats are occupied by men giving prestige to them. They belong to different parties, and have been elected by people who knew how to exert their rights.

According to that fact, the Parliamentary daily life will be considered again as part of the great History. Once that objective is attained, the members of the Constitutional Convention would observe with great pleasure, the accomplishment of the fundamental principles from the National Constitution Preamble: "... to promote the general welfare and secure the blessings of liberty to ourselves and our posterity and to all men willing to live on the Argentine soil...".

II. Institutional structure

Our National Constitution establishes the organs destined to exercise the Executive, Legislative and Judicial functions, regulating their respective jurisdiction and performance, as well as the balance derived from their reciprocal control.

The Executive Power is vested in a citizen elected by the people to occupy the Presidency of the Republic for a six-year term.

Ministers and Secretaries assist the President to deal with affairs of the country.

The Judicial Power is vested in the Supreme Court, and in such inferior courts as the Congress may establish in the national territory.

III. The legislative power

Its composition

The Legislative Power of the Argentine Republic, is vested in the National Congress. It consists of two Houses: the Senate and the House of Deputies.

Representation, as an essential element in democracy is provided for in the National Constitution, which sets out the composition of the two Chambers.

According to it, senators represent each of the provincial states and the Federal Capital as autonomous political entities. They are chosen by their respective local legislatures, with the exception of those from the the federal district, who are elected by means of an election carried out by an Electoral College, created for that purpose. Their term of office is 9 years, and they are re-elected by one third every third year. There are a total of 46, at the rate of 2 per each province, and 2 from the Federal Capital.

The Deputies, on the other hand, represent the people and are directly chosen by them, their number depending on the number of inhabitants.

For electoral purposes, the country is divided into districts, which choose their candidates, in proportion to their respective number of inhabitants. Their term of office is four years, the Chamber being renewed by halves every second year.

Functioning of the Congress

The Congress, as a legislative organ and as a controller of governmental action, must carry out its essential commitment—legislating—by seeking to attain the common welfare, based on the representation of the community interests.

The publicity of its acts constitutes the source of the citizens' information. It is in such a way that people can evaluate the performance of their elected representatives.

The Parliament, because of its representative nature and composition, is the instrument best conditioned to analyze the diversity of interests, both individual and sectorial, making them compatible and tending, in such a way to accomplish the aim previously expressed.

The exertion of control over the government, is another essential function performed by the Parliament. This is achieved by examining the accomplishment of plans and programs previously announced.

The National Constitution grants the Congress many powers, about which it has sole authority.

It is within the balance of power and the performance of its essential role that the Congress strengthens the representative system of government.

The participation of the Congress and the Executive Power in the making of laws, gives rise to different situations.

The Parliament shall have the capacity of reaching agreements on different aspects of its competence. To do this, it has to implement the wishes of the majority, while respecting the rights of the minority.

The Parliamentary power is a very complex one specially if the opportunities for dissent arising from proportional representation in each House, are fully used.

The Congress will be regarded as an efficient body, provided it makes decisions which are politically representative and capable of being carried out.

Powers granted to each House

The Senate is granted the power of trying all impeachments, upon presentation of the articles of impeachment by the House of Deputies. It can also empower the Nation's President to declare a state of siege in case of outside invasion, and gives approval to the Government for the appointment of judges, ministers plenipotentiary, chargé d'affaires and top-ranking officers of the armed forces.

The House of Deputies, on the other hand, besides those powers granted to both Chambers, has the sole power of the initiative about laws regarding taxation (revenue laws) and of the recruitment of troops. This House is also empowered to present to the Senate a written accusation (articles of impeachment) against the President, and Vice President of the Nation, Government Ministers and Judges.

Immunities

Legislators enjoy an immunity status. They can neither be prosecuted nor brought to trial nor penalized because of the opinions expressed or speeches delivered while holding office.

Their status of immunity cannot be understood as impunity, since they can be arrested if they are caught red handed during the commission of a crime. The House they belong to can also suspend the legislator from office, after examining the merits of the accusation brought against him before a court of law.

IV. The Senate

Representativeness

By its composition, the Senate has a special structure. It is on account of this, that the government party, with a majority of seats in the Chamber of Deputies, may lack it in the Senate. Moreover, it is possible for provincial parties to determine a dispute between two national political parties. Such a situation could be possible because of the composition of the provincial 'states' governments, whose legislatures are in charge of the appointment of their representatives (Senators) at the federal level.

In the 1983 election, the Radical Civic Union obtained the majority of votes, and the majority of seats in the Chamber of Deputies. On the other hand, in the Senate, no party obtained a number of members capable of making up a majority. Moreover, the first minority, which is the party that obtained the largest number of seats without getting the real majority, was the Justicialist one, principal opponent of the Government.

It must be mentioned that some provincial parties—i.e. political groups belonging to one or some provinces—have won seats in the Senate, e.g.: following: Neuquen Popular Movement (2 seats), San Juan Bloc Party (2 seats), Autonomist and Liberal Party of Corrientes (one each one of them) and the Integration and Development Movement (1 seat).

We note in this structure the importance of a democratic regime, since this group of parties can influence the outcome of votes derisively. The responsibility of these parties is thereby greatly enhanced and their prudence plays a key role.

However, the Senate has historically been the forum in which the interests of provinces have prevailed, setting aside very often, purely partisan interests.

Authorities

The Vice President of the Republic is the ex officio President of the Senate. He is in charge of all administrative powers relating to the functioning of the Senate. He presides over the sittings, but he neither participates in their debates, nor votes, except in case of a tie.

In order to perform its duties, the Senate chooses a bureau comprising its officers: a President pro tempore, first and second Vice Presidents, all of them selected from the Senate members. These officers are assisted by two Secretaries and two deputy Secretaries, chosen from outside the members of the body, and empowered with parliamentary and administrative functions, respectively. The

bureau is responsible for on the parliamentary side, organizing the sessions, and on the administrative side, arranging the running of the Senate, in absence of the President.

The President pro-tempore of the Senate deserves our special attention, not only because he replaces the President of the Senate in case of vacancy or absence but also, and according to the provisions of the law, he replaces the President of the Nation, in case of his death, resignation or inability and the death, resignation or inability of his legitimate successor, the Vice President.

It is in such a way, that we can observe how the constitutional mechanisms produce an interrelation of powers, designed to preserving the representativeness of the democratic government.

Political Groups

In the Argentina parliamentary system, and especially in the Senate, there are political groups whose constitution and operation are not governed by law but which nonetheless existed and are backed by a long tradition.

These groups arise from the grouping of legislators holding similar political views or sharing common interests. The principal aim of these groups is to work out a joint approach and political strategy to deal with whatever issues arise.

The complexity of the legislative task requires the work to be divided so that efforts are not dispersed and lost; these groups determine and coordinate that job. On the other hand, the presidents of those groups, act generally as a link with the Senate authorities and with the national authorities as well.

In the period started in 1983, seven political groups were formed, namely:

- Justicialist Group (21 Senators). Divided at present into 3 fractions.
- Radical Civic Union Group (18 Senators).
- Neuquen Popular Movement (2 Senators).
- San Juan Bloc Group (2 Senators).
- Autonomist Group of Corrientes (1 Senator).
- Liberal Group of Corrientes (1 Senator).
- Development and Integration Movement (1 Senator).

Standing Rules of Procedures of the Senate

All the Senate's activity is performed under the provisions of the Rules of Procedure agreed by the Senate and which are governed by the Constitution.

Particularly, the Senate's Rules of Procedure are complete enough to cover every likely situation, without demanding a great effort to interpret them. Obviously, there exist a number of questions and circumstance which could occur in the modern parliamentary situation and are not regulated yet. For this reason a review of the Rules of Procedure is being conducted currently.

Senate Committees

Aiming to establish a specialization tending to deepen the knowledge of the subject matters which are going to be submitted to legislative treatment, there were created the standing committees, according to the Chamber's Standing Rules

of Procedures. They have to issue a report about the subjects they are dealing with, mainly bills, memorials, joint resolutions, etc., submitted to their decision.

The efficiency of the Congress, in a presidential regime such as ours, depends a great deal on the good functioning of the committees—to a greater extent than in other political systems—because an important group of negotiations is being transferred to the parliamentary area as well as the formation of larger and heterogeneous coalitions, which clear their actions with the parliamentary committees.

It should be impossible for the Parliament to accomplish its duties, if it insisted in carrying out the debates only on the Floor (without referring the subjects to the committees). In practice, and except in emergency, all the bills are referred to the respective committees.

In the Senate, in conformity with its Rules of Parliamentary Procedure, there exist 29 standing committees, some of them with 7 and others with 9 members, according to the following list:

1. *Nine member committees:*

- Constitutional Affairs
- Foreign Affairs and Worship.
- Budget and Treasury.
- Economy.
- Consents.
- Parliamentary International Relations.
- Municipal and Administrative Affairs.
- Education.
- Agriculture and Livestock.
- Industry.
- Commerce.
- Labour and Social Security.
- Public Works.
- Social Welfare and Public Health.
- Communication.
- Housing.
- Civil Liberties and Guarantees.

2. *Seven member committees:*

- Justice and Governmental Affairs.
- General Legislation.
- National Defence.
- Mining.
- Energy.
- Combustible.
- Transportation.
- Tourism.
- Family and Minority.
- Natural Resources and Human Environment.
- Regional Economies.
- Sports.

The Administration Accounts Parliamentary Revisory Joint Committee, was created by Law 14 179, being it comprised of two Senators and three Deputies, with a Chairman from the Senate.

Functions of committees

The legislators, as members of the committees, receive people's demands, get acquainted with reality outside parliament, getting information, listen to opinions, gather data, ask for advice; thus testing public opinion and finding out about the community interests. It is within the heart of committees where the interests of groups are being generally expressed. It is also there, where the lobbying interests have the most influence.

Because of the great quantity of complex subjects referred to their consideration, it is only possible to find solutions with an intelligent division of the work. Thanks to the good performance of the Committees, it is possible to obtain "more and better time" for the political debate, aiming to arrive at decisions acceptable to all groups involved.

It is important to realize the value of the technical assistance that must be given to the process of deciding, to be utilized by the legislators. Such technical information, obtained through the work of the committees, has to be simplified and pertinent to the different stages of consideration.

The internal work of the committees constitutes the preliminary phase of the steps leading to the final decisions on the different parliamentary initiatives. Those decisions or opinions will make up the committee report.

Special, bicameral (Joint), and investigational committees

The Senate may create special committees. The object of these committees is generally the study or consideration of very specific matters in a limited period. There exists also the possibility of creating joint committees with similar purposes.

The creation of investigation committees, both unicameral and bicameral, deserves special consideration because the scope of the investigating powers of the Congress are not unanimously agreed on.

At any rate, the investigatory power has historically been a vital aspect of our parliamentary system, despite the absence of provisions about other kind of connections between the Parliament and the Government. A great number of specialized studies, tend to place the investigatory power, within the "implied powers" of the Congress.

To carry out that power, the Chambers act normally through Investigation Committees which are vested with the jurisdiction of each House. According to some authors, this power arises from two major functions of Congress: a) to legislate and b) to exercise control over the acts of the Government and to examine its governmental and administrative performance.

The investigation is carried out with the aim of obtaining a result that will make it possible for the Congress to exert afterwards, the powers to which it is entitled according to the Constitution.

In short, at present, it is not the investigatory power what is being questioned, but the scope and procedures of these powers. It can also be mentioned the

jurisdiction of any organ to judge this issue is also open to debate according to our constitutional regime of separation of powers.

Committee membership

The political competition of committees reflects that of the Chamber.

Members of a Committee once they have been appointed by the Senate or by its President—if he has been vested with that power by the Senate—choose their own Chairman, Vice Chairman and Secretary.

The members of the standing committees shall hold office up to the first partial renewal of the body; members of the special committees until the subject matters referred to them have been decided by the House. If a period has been set for producing the report, the expiration of this term implies the dissolution of that committee.

The renewal of the authorities is being carried out annually, and reelection is allowed.

The committees operate permanently, even during the recess of the House.

The quorum required for the committees with seven or 9 legislators, is of four or five members respectively, and of half plus one of its members, for the special committees.

If the quorum is not constituted, the Senate must be informed about this circumstance, so that it may proceed to appoint additional members to the committee.

An increase in the number of members shall only be ordered, when there exist justified reasons for doing so.

The Parliamentary Secretary Office

Functions

The Parliamentary Secretary is—in the legislative area—the direct assistant of the President of the Senate. It is he, who specifically acts in such capacity and performs the coordination of the Senate's task. He also directs the functioning of the services in the different sectors, being himself responsible for their performance.

According to it, and depending from this Secretary, there exist five Offices, namely:

1. *Senate Secretary Office* (Dirección Secretaria), which is in charge of the assistance of the Secretaries in everything related to the body's functioning, the handling of the parliamentary documentation and the back-up work in connection with the Presidential Acts or with the Parliamentary Secretary Office.
2. *Committees' General Office* (Dirección Comisiones), which is in charge of the organization, coordination and supervision of the technical and administrative assistance required for the functioning of the standing and special committees of the Senate and of the joint committees, established in it.

3. *Stenographers' Office*: It is empowered to deal with everything connected with the stenographic service, with matters related to the immediate publishing of the debates carried on and with the compilation of the Journal of Proceedings (Senate Records) as well as with the authorization of the shorthand versions.
4. *General File, Parliamentary Museum and Floor Office*: It is in charge of the filing and custody of the documents referred to it, the adoption of necessary measures so as to perpetuate the deserved homage to the legislative history of the country by means of the conservation of those elements that contributed—and still do—to the Argentine Parliamentary life. It is also empowered to supply assistance for the accomplishment of the sessions carried out by the Senate.
5. *Editing (Publishing) Office*: It is in charge of the official editing of the National Laws, and every other book, bills or leaflets that were referred there, to this end. It disposes also, the edition of the order of the day (Committees' reports). The Parliamentary Secretary is responsible for the edition of different publications aiming to publicize the H. Senate's activity and at the same time educate the new generations, fulfilling in such a way, the essence of the republican system: the publicity of the government acts.

The publications are the following:

- a) *The Senate Record*. It contains the accurate transcription of the meetings held;
- b) *The Journal*. It contains the text of the bills entered by the Senators, the Executive body's messages and those submitted by the Chamber of Deputies;
- c) *Parliamentary synthesis*: periodically edited. It contains the extract of all the Senate's sanctions, the laws sanctioned, the initiatives pending in the committees, the messages from the Executive Body and other organs, as well as any other interesting and useful information for people connected with legislative matters;
- d) *Committee Print* (Committee's Report Edition). It contains the advices and reports issued by the committees or committee that have considered a subject, as well as all data connected.

Independently from what has previously been stated, the Parliamentary Secretary Office is granted with the attributions provided for by the Senate President's decrees- or by the Chamber's resolutions, consisting them fundamentally in the accomplishment of the following faculties:

- a) Integrating different internal boards, namely:
 - Cultural Matters' Board;
 - Real Estate Patrimony's Board;
 - Consulting Board ad-hoc to advise about the approval and accomplishment of the Senate's General Budget of Expenditures and Resources, and to carry out the previous studies;
 - Board in charge of supervising the application of the staff promotion system.

- b)* Centralizing all the staffmovement within its respective area, with the object of attaining a better distribution of the human resources;
- c)* Exercising the Management functions of the Congress Printing Office every 2 years, according to the provisions established by the regulation of the law that created such organ;
- d)* Disposing the edition of informative material, considered as useful elements to facilitate the legislative work of the Senate members and that of its technical organisms depending from it.

APPENDIX (EXTRACTS)

I. Procedure for the making of laws

Transcription

Explanations

Sect. 68 (National Constitution). — Laws may be introduced in any of the Congress Chambers by means of bills introduced by its members or by the Executive, except those provided by sect. 44.

The Chamber in which a Bill is being introduced, is called "Initiating Chamber". The other one, to which it passes once approved by the first one, is called: "Revisory Chamber".

A Bill may also be introduced by the Government, and presented in either Chambers, so that this may consider it.

Citizens, however, are not allowed by themselves to introduce a Bill in the Chamber.

Sect. 69 (National Constitution). — Once approved a bill by the Initiating Chamber it is passed for consideration to the other one. Approved by both of them, it is presented to the National Executive Body for its examination, and if it is also approved there, it shall become a law.

Sect. 70 (National Constitution). — Every Bill not sent back to the Congress in the 10 working days term, is considered approved by the Government.

This section is referred to as the automatic promulgation, occurring when the Government does not have a Bill sent back within the 10 working days term of receiving it for the promulgation.

Sect. 71 (National Constitution). — No one Bill wholly rejected by one of the Chambers, shall be allowed to be repeated in the year's sessions. But if it were only amended or added to by the Revisory Chamber, it returns to the initiating one; and if the amendments or additions are accepted by the majority, it shall be sent to the Government. If the amendments or additions are rejected, it will return for the second time, to the Revisory Chamber, and if it is here again sanctioned by a majority of two thirds of its members, the Bill is passed to the other Chamber, and this additions or amendments are not be considered as rejected, provided it counted on the two thirds vote of the members present.

2. The president's disapproval (veto power)

Sect. 72 (National Constitution). — Once a bill is rejected by the Government (either wholly or qualified), it is sent back with its objections, to the Initiating Chamber. This one discusses it again, and if it is confirmed by the majority of the two thirds vote, the bill is sent again to the Revisory Chamber.

If both Chambers sanction it by the same majority, the bill becomes a law, being sent to the Government, to its promulgation. The voting in both Chambers

will be nominal (a roll call), by yeas and nays, and the names of the persons voting for and against the bill, shall be published immediately by the press. If the Chambers differ on their objections, the Bill shall not be allowed to be repeated in that year's session.

It is in such a way that the so called "presidential veto" is being established. If the Government makes objections to the whole text or to a part of a law sanctioned by both houses, the law is returned to the Congress for its reconsideration.

According to the provisions of this section, the debates and the Government objections, are to be published by the press.

This last demand is another proof of the significance of publicity to the governmental acts in a republican system and therefore, of the importance of a free press.

2. Qualified veto

The Government participates in the making of laws in two different instances. The first of them, consists of its possibility of introducing Bills in the Legislative Body. Namely, it has parliamentary initiative. The second instance, an imperative one, consists of the faculty of approving or not a bill that in those cases is or is not promulgated as a law.

According to this, a Bill shall be passed by both Chambers, and approved by the Executive Body.

The National Constitution, provides a mechanism by means of which a Bill is considered as a law when, once sent to the executive, is not returned to the Congress within the term of 10 working days.

This faculty of objecting a bill sanctioned by the Congress, has been called veto, and it has really been utilized only exceptionally.

But what is interesting to mention here, is the possibility of the Government vetoing a Bill in a qualified manner, and the consequence that could emerge from this action, principally with respect to the part not objected from the Bill.

This subject has been vastly discussed in doctrine. It does not seem objectionable that the Government may object partially a legal rule; what has really been and is being discussed nowadays, is the promulgation and subsequent enforcing of a law, which, in a descriptive way, might be called: a "piece of law".

Namely, any Bill sanctioned by the Parliament may have been cut down in any or some sections, while the other sections were enforced.

As it has been said, the subject has been widely discussed and the view which prevails is the one stating the impossibility of promulgating a Bill agreed to in a qualified manner.

The question has jurisprudential backgrounds, being based on the indissoluble unity of the text passed by the Congress, considering that it would turn out to be in an incoherent and torn out one, with the partial promulgation by the Government.

Those who hold the contrary position, hold that if the Government needs the laws to have a government program performed and vetoes some to articles prevent the promulgation of some others, it finds it necessary not to exert the power granted by the National Constitution, in order to render possible the accomplishment of that program.

Up to here, there have been explained the doctrinal positions upon the subject.

To conclude, it is worth mentioning what has happened in reality and in practice. Both situations have occurred, and the subject has not been definitively solved. Namely, some Bills have been promulgated in a qualified manner, and have been considered as unconstitutional. On the other hand, on other occasions such a declaration has not been demanded; and at present, two laws to which the President has given a partial veto have been enforced.

QUESTIONS ON THE ARGENTINIAN PARLIAMENTARY SYSTEM

Minutes (Extracts) Buenos Aires Session
(October 1986)

The President thanked Dr. Macris and Mr. Bravo for the document they had circulated describing the political institutions in Argentina. He asked what was the role of the Supreme Court and whether it could declare a law unconstitutional.

Dr. Macris replied that all the Federal Courts could declare a law passed by Congress to be unconstitutional.

Mr. Lussier (Canada) asked (i) about the method of election of Senators; (ii) whether they were elected as individuals or according to a party mandate; (iii) which appointments made by the President had to be confirmed by the Senate and (iv) the effect on the composition of Senate Committees of partial elections to the Senate.

Dr. Macris said (i) that two Senators were elected from each province by simple majority; (ii) that they were elected as individuals and might vote freely but were under a moral obligation to support their party; (iii) the Senate had the power to approve executive recommendations for major appointments in the public and foreign service, the armed forces and national judges in the Federal capital area; (iv) the political composition of Senate Committees reflected that of the Senate so that vacancies created by elections would be filled by a new Member from the same party.

Mr. Ziller (Federal Republic of Germany) asked whether Senators were regarded primarily as representatives of their province or of their political party; and secondly, how the presidential veto was exercised.

Dr. Macris said that Senators claimed to represent both the interests of their province and of their party. It was not the practice of the President to announce an intended veto in advance. His right of veto had to be exercised within ten days of the law being passed. There had only been one veto in the current session, but in the previous (1984) session, 19 of the 77 laws were vetoed. All 19 involved additional expenditure contrary to government economic policy. In no case had the two-thirds majority necessary to override the veto been attained.

Mr. Longi (Italy) referred to the current discussion in Italy about the secret vote in the Chamber of Deputies and asked what the position was in Argentina.

Dr. Macris said that apart from closed sittings, there was no secret vote in the Argentine Parliament.

Mr. Sprey (Netherlands) asked about the powers of Congress.

Dr. Macris said that Article 68 of the Constitution set out, in 28 paragraphs, the powers of Parliament. These dealt particularly with direct taxes, government borrowing, sale of national territory, regulation of banks, the budget, civil and

commercial law, social security system, federal justice, salaries and pensions of officials. These were all matters dealt with at the federal level and not governed by provincial legislation.

Mr. Kabulu (Zaire) asked about the size of constituencies and the division of power between the Executive and Congress.

Mr. Bravo said that each of the 22 provinces elected a minimum of 5 Deputies. Given the spread of the population, the average constituency size was 135,000 people. Buenos Aires itself accounted for 70 Deputies. The Constitution provided for the government to have the initiative in proposing laws and for implementing them as well as the right of veto over laws passed by Congress.

The President asked how bills were presented to Parliament and if this was done by Members of the majority party.

Dr. Maoris replied that between the 2 branches there were frequent exchanges of information. This was particularly so currently when the government party did not have a majority in the Senate. Of the 48 Senators, only 18 were from the Government party, 21 belonged to the Opposition party (divided into 3 groups), and 9 represented local parties. The Government could thus not be certain of getting its bills through the Senate.

Mr. Hayatou (Cameroon) asked for details of the political organisation in provinces and of the role of the President of the Senate.

Dr. Maoris said that the Vice-President of the Argentine Republic was elected on the same ticket as the President and acted as President of the Senate. Individual provinces had their own Governments and assemblies and elected Governors and Vice-Governors. Some had bicameral assemblies and others just a single Chamber. Each had a Supreme Court whose judges were appointed by the provincial assembly.

Mr. Cazorla Prieto (Spain) asked how the Secretary General of each Chamber was appointed and how the parliamentary budget was organized.

Dr. Maoris said that each Chamber had two Secretaries General, the one dealing with parliamentary affairs, and the other with the administrative matters. The parliamentary Secretary was responsible for the legislative activities in the Chamber. He was elected by the Chamber and remained in post until reaching retirement age. The same applied to the administrative Secretary. Either could be dismissed by a two-thirds majority of their Chamber.

Mr. Hondequin (Belgium) asked about the financial arrangements for Parliament and the pay of Senators and Deputies.

Mr. Bravo said that Senators and Deputies were paid the same amount. Part of their salary went to their political party. The retirement pension was given to all Members who had belonged to parliament for at least 2 years and who had contributed towards a pension fund for 30 years. The pension was equivalent to eighty-five per cent of the current parliamentary salary which was the same as that of members of the Supreme Court.

In response to a question from *Mr. Khair* (Jordan) *Mr. Maoris* confirmed that all judges were able to declare a law passed by Congress to be unconstitutional. He added that if the Senate did not agree to a proposed appointment by the President that appointment did not take effect.

The *President* asked about the duration of parliamentary sessions and about the composition of the Committee on Parliamentary Affairs mentioned by Mr. Bravo.

Mr. Bravo drew attention to Article 5 of the Constitution which provided for ordinary sessions to be held between the 1st May and 30th September each year. The President of the Republic could convene an extraordinary session. The Committee on Parliamentary Affairs was a special Committee created under the Rules of Procedure of the Chamber of Deputies. It comprised the chairmen of the political groups in the Chamber and met on Tuesday or Wednesday each week to decide on the programme of business. Decisions were taken by two-thirds majority.

The President thanked Mr. Macris and Mr. Bravo most warmly for having replied in such detail and with such patience to questions raised by Members of the Association.