



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

Half-yearly Review of the Association of Secretaries General of Parliaments

The King in Parliament: the investiture of a new King in the Netherlands
(*Jacqueline BIESHEUVEL-VERMEIJDEN and Geert A. HAMILTON, Netherlands*)

Smart Parliament - for greater efficiency and convenience
(*Jin-Suk CHUNG, Republic of Korea*)

Participant's electronic briefcase: mobile online information system for parliamentary events
and meetings of the Council of the Federation
(*Vladimir SVINAREV, Russian Federation*)

How do national parliaments take forward the work of parliamentarians who attend
international parliamentary assemblies? (*General debate*)

Work with a new Riksdag Act - process and principles
(*Claes MÅRTENSSON, Sweden*)

Symbolism and challenges at the Brazilian Chamber of Deputies
(*Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Brazil*)

Parliamentary buildings - challenges and opportunities
(*General debate*)

Making the petition to Parliament an effective instrument for the resolution of issues of
common interest
(*Shumsher K SHERIFF, India*)

Connecting structures between the legislative and executive branches
(*David BYAZA-SANDA LUTALA, Democratic Republic of Congo*)

The emergence of parliamentary diplomacy – practice, challenges and risks (*General debate*)

Evaluating constitutional provisions to safeguard corporate governance within and by
Parliament
(*Austin ZVOMA, Zimbabwe*)

The National Assembly of Afghanistan and the role of parliamentary committees
(*Sayed Hafizullah HASHIMI, Afghanistan*)

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 organisation 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 representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

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.

Membership of the Union

Please refer to IPU site (<http://www.ipu.org>).

Structure

The organs of the Union are:

1. The Inter-Parliamentary Conference, which meets twice a year;
2. The Inter-Parliamentary Council, composed of two members of each affiliated Group;
3. The Executive Committee, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President;
4. Secretariat of the Union, which is the international secretariat of the Organisation, the headquarters being located at:

Inter-Parliamentary Union
5, chemin du Pommier
Case postale 330
CH-1218 Le Grand Saconnex
Genève (Suisse)

Official Publication

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

LIST OF PARTICIPANTS

MEMBERS PRESENT

NAME	COUNTRY
Mr. Sayed Afizullah HASHIMI	Afghanistan
Dr. Hafnaoui AMRANI	Algeria
Mr. Mourad MOKHTARI	Algeria
Mr. Alexis WINTONIAK	Austria
Mr. Md. Ashraful MOQBUL	Bangladesh
M. Hugo HONDEQUIN	Belgium
Mr. Kinzang WANGDI	Bhutan
Mr. Sérgio SAMPAIO CONTREIRAS DE ALMEIDA	Brazil
M. OUM Sarith	Cambodia
M. Victor YÉNÉ OSSOMBA	Cameroon
M. Marc BOSC	Canada
Mr. Luis ROJAS GALLARDO	Chile
Ms. Vassiliki ANASTASSIADOU	Cyprus
M. David BYAZA-SANDA LUTALA	Congo (Democratic Republic of)
M. Modrikpe Patrice MADJUBOLE	Congo (Democratic Republic of)
M. Gali Massa HAROU	Chad
M. Mario LABBE	Chile
Mr. Petr KYNŠTETR	Czech Republic
Mr. Jiří UKLEIN	Czech Republic
Mr. Carsten U. LARSEN	Denmark
Mr. José Óscar Armando PINEDA NAVAS	El Salvador
Ms. Libia Fernanda RIVAS ORDOÑEZ	Ecuador
Mme. Maria ALAJÖE	Estonia
Mr. Debebe BARUD	Ethiopia
M. Negus LEMMA GEBRE	Ethiopia
Mr. Jean-Louis HÉRIN	France
Mr. Edmond SOUMOUNA	Gabon
Mr. Zurab MARAKVELIDZE	Georgia
Mr. Gerd SCHMITT	Germany
Dr Ulrich SCHÖLER	Germany
Dr. Athanassios PAPAIOANNOU	Greece
Mr. Helgi BERNÓDUSSON	Iceland
Mr. Shumsher K. SHERIFF	India
Dr. Winantuningtyas Titi SWASANANY	Indonesia
Mr. Hossein SHEIKHOLISLAM	Iran
Mr. Ayad Namik MAJID	Iraq
Mrs. Yardena MELLER-HOROVITZ	Israel

Mr. Hamad GHRAIR	Jordan
Mr. Justin N. BUNDI	Kenya
Mr. Jeremiah M. NYEGENYE	Kenya
Mr. CHUNG, Jin-Suk	Korea (Republic of)
Mr. Allam Ali Jaafer AL-KANDARI	Kuwait
Mr. Lebohang Fine MAEMA	Lesotho
M. Gedeminas ALEKSONIS	Lithuania
M. Claude FRIESEISEN	Luxembourg
M. Andriamitarijato Calvin RANDRIAMAHAFANJARY	Madagascar
Dr. Madou DIALLO	Mali
Mr. Byambadorj BOLDBAATAR	Mongolia
M. Abdelouahed KHOUJA	Morocco
Mr. Kyaw SOE	Myanmar
M. Johannes JACOBS	Namibia
Mme. Panduleni SHIMUTWIKENI	Namibia
Mrs. Jacqueline BIESHEUVEL- VERMEIJDEN	Netherlands
Mr. Geert HAMILTON	Netherlands
M. Boubacar SABO	Niger
M. Benedict EFETURI	Nigeria
Mr. Ali AL-MAHROOQI	Oman
Mr. Karamat Hussain NIAZI	Pakistan
Mr. Amjed PERVEZ	Pakistan
Mr. Roberto PROLL	Panama
Mr. Oscar G. YABES	Philippines
M. Lech CZAPLA	Poland
Mr. José Manuel ARAÚJO	Portugal
M. Vladimir SVINAREV	Russian Federation
Dr. Mohammed Abdullah AL-AMR	Saudi Arabia
M. Baye Niass CISSÉ	Senegal
Ms. Penelope Nolizo TYAWA	Republic of South Africa
Mr. Masibulele XASO	Republic of South Africa
Mr. Manuel ALBA NAVARRO	Spain
Mr. Manuel CAVERO GOMEZ	Spain
Mr. Dhammika DASANAYAKE	Sri Lanka
Mr. Ibrahim MOHAMED IBRAHIM	Sudan
Mr. Claes MÅRTENSSON	Sweden
M. Philippe SCHWAB	Switzerland
Mr. James WARBURG	Tanzania
Mrs. Saithip CHAOWALITTAWIL	Thailand
M. Somsak MANUNPICHU	Thailand
Mr. Suwichag NAKWATCHARACHAI	Thailand
Dr. Irfan NEZIROGLU	Turkey
Ms. Jane LUBOWA KIBIRIGE	Uganda
Mr. Paul GAMUSI WABWIRE	Uganda

M. Valentyn ZAICHUK	Ukraine
Mr. David NATZLER	United Kingdom
Dr. José Pedro MONTERO	Uruguay
Mr. Gustavo SÁNCHEZ	Uruguay
Mrs. Doris Katai MWINGA	Zambia
Mr. Austin ZVOMA	Zimbabwe

ASSOCIATE MEMBERS

NAME	ORGANISATION
M. Amine ABBA-SIDICK	Parliament of the CEMAC
M. Wojciech SAWICKI	Council of Europe
M. Said MOKADEM	Maghreb Consultative Council
M. Boubacar IDI GADO	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU)

OBSERVER

NAME	ORGANISATION
M. Gherardo CASINI	Global Centre for ICT in Parliament

SUBSTITUTES

NAME	COUNTRY
Dr. Fouzia Y. AL-JEEB (pour M. Jamal ZOWAID)	Bahrain
Mme. Françoise MEFFRE (pour Mme. Corinne LUQUIENS)	France
Mr. Ken SHIMIZU (pour M. Masafumi HASHIMOTO)	Japan
Mrs. Agata KARWOWSKA-SOKOŁOWSKA (pour Mme. Ewa POLKOWSKA)	Poland
Mme. Ana Maria ÁLVAREZ PABLOS (pour M. Manuel CAVERO GOMEZ)	Spain
Dr. Rhodri WALTERS (pour M. David BEAMISH)	United Kingdom

ALSO PRESENT

NAME	COUNTRY
Mr. Pedro AGOSTINHO DE NERI (non-member)	Angola
Mr. Noureddine ESSED	Arab Parliament
Mr. Iván ROSALAS (non-member)	El Salvador
Mr. Mateus Ximenes BELO (non-member)	East Timor
Mr. Simplicio GOMEZ (non-member)	East Timor
Mr. Bienvenido EKUA ESONO (non-member)	Equatorial Guinea
Ms. Varvara GEORGOPOULOU (non-member)	Greece
Ms. Warsiti ALFIAH (non-member)	Indonesia
Ms. Pauline Theresa MULYONO (non-member)	Indonesia
Mrs. Adirini PUJAYANTI (non-member)	Indonesia
Ms. Witingsing YUHELMI (non-member)	Indonesia
Ms. Bridget DOODY (non-member)	Ireland
Mme. Isabelle BARRA (non-member)	Luxembourg
Mme. Rahantamalala Emmeline RAMANGALAHY (non-member)	Madagascar
Ms. Irena MIJANOVIC (non-member)	Montenegro
Mr. Russdy KHANTANIT (non-member)	Thailand
Mr. Monton NOPPAWONG (non-member)	Thailand
Mr. Pakorn NUANMANEE (non-member)	Thailand
Mr. Somphong PRECHATANAPOJ (non-member)	Thailand
Mrs. La Or PUTORNJAI (non-member)	Thailand
Ms. Kanjanat SIRIWONG (non-member)	Thailand
Mr. Anuvat TANTIVONG (non-member)	Thailand
Mrs. Butri USWARANGSRI (non-member)	Thailand
Ms. Nguyen TRAN HAI (non-member)	Vietnam

APOLOGIES

NAME	COUNTRY
Mr. Jamal ZOWAID	Bahrain
Mr. Miguel LANDEROS PERKIC	Chile
Mme. Corinne LUQUIENS	France
Mr. György SUCH	Hungary
Mr. Masafumi HASHIMOTO	Japan
Mr. Takeshi NAKAMURA	Japan
Mr. Makoto ONITSUKA	Japan

Mr. Damir DAVIDOVIC	Montenegro
Ms. Ida BØRRESEN	Norway
M. Khan Ahmad GORAYA	Pakistan Institute for Parliamentary Services (PIPS)
Mrs. Ewa POLKOWSKA	Poland
Mr. M.B. COETZEE	Republic of South Africa
Mr. Modibedi Eric PHINDELA	Republic of South Africa
Mme. Martina BUOL	Switzerland
M. Pierre-Hervé FRELÉCHOZ	Switzerland
Mrs. Norarut PIMSEN	Thailand
Mr. David BEAMISH	United Kingdom

TABLE OF CONTENTS

FIRST SITTING – Monday 7 October (morning)

1.	Opening of the Session	9
2.	Election to the Executive Committee	9
3.	Orders of the Day	9
4.	New Members	13
5.	Communication from Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary of the House of Representatives of the States General of the Netherlands, and Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands on “The King in Parliament: the investiture of a new king in the Netherlands”	15
6.	Communication from Mr Jin-Suk CHUNG, Secretary General of the National Assembly of the Republic of Korea, on “Smart Parliament – for greater efficiency and convenience”	26

SECOND SITTING – Monday 7 October (afternoon)

1.	Introductory remarks	31
2.	Communication from Mr Vladimir SVINAREV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation, on “Participant’s electronic briefcase: mobile online information system for parliamentary events and meetings of the Council of the Federation”	31
3.	General debate: How do national parliaments take forward the work of parliamentarians who attend international parliamentary assemblies?	34

THIRD SITTING – Tuesday 8 October (morning)

1.	Introductory Remarks	49
2.	New Members	49
3.	Communication from Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Parliament, on “Work with a new Riksdag Act – process and principles”	49
4.	Communication from Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Secretary General of the Chamber of Deputies of Brazil, on “Symbolism and challenges at the Brazilian Chamber of Deputies” .	53
5.	Election of a new ordinary member of the Executive Committee	58
6.	General debate: Parliamentary buildings – challenges and opportunities	58
7.	Conclusion	59

FOURTH SITTING – Tuesday 8 October (afternoon)

1. Presentations by rapporteurs and general debate: Parliamentary buildings – challenges and opportunities 61
2. Communication from Mr Shumsher K SHERIFF, Secretary General of the Rajya Sabha of India, on “Marking the petition to Parliament an effective instrument for the resolution of issues of common interest”.. 65
3. Communication from Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of Democratic Republic of Congo, on “Connecting structures between the legislative and executive branches” 71

FIFTH SITTING – Wednesday 9 October (morning)

1. New Members.....80
2. Presentation on recent developments in the Inter-Parliamentary Union80
3. General debate: The emergence of parliamentary diplomacy – practice, challenges and risks 81

SIXTH SITTING – Wednesday 9 October (afternoon)

1. Communication from Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe, on “Evaluating constitutional provisions to safeguard corporate governance within and by Parliament” 97
2. Communication from Mr Sayed Hafizullah HASHIMI, Secretary General of the House of Elders of Afghanistan, on “The National Assembly of Afghanistan and the role of parliamentary commissions 108
3. Discussion (and possible adoption) of principles for the recruitment and career management of parliamentary staff 113
4. Financial and administrative matters 114
5. Closure of the Session 114

FIRST SITTING
Monday 7 October 2013 (Morning)

Mr Marc BOSCH, President, in the Chair
The sitting was opened at 11.00 am

1. Opening of the Session

Mr Marc BOSCH, President, opened the session and welcomed the members and new members of the ASGP to Geneva. He also welcomed the two new members of ASGP staff: Inès FAUCONNIER (Assemblée nationale, replacing Agathe LE NAHENEK) and Emily COMMANDER (who would replace Steven MARK at the end of the final sitting). Steven, Karine and Jenny would also be available to assist members.

2. Election to the Executive Committee

Mr Marc BOSCH, President, indicated that an election would be held during the session as a result of the departure of Mr Alphonse NOMBRE who was no longer Secretary General and whose mandate expired at the end of the year. He noted that, should a vote be necessary, it would take place in the afternoon of Tuesday 8 October with a deadline for nominations of 11am on the same day. He emphasised that it was usual for candidates to be active members of the Association and indicated that women and french-speakers were under-represented on the Executive Committee.

3. Orders of the Day

Mr Marc BOSCH, President, notified the Association of the changes to the agenda, as follows:

- Mr Damir DAVIDOVIC (Montenegro) was not there and Mr V K VISWANATHAN (India) was no longer a Secretary General. Their communications had been removed from the agenda.
- Two new communications, from Mr Sergio SAMPAIO (Brazil) et Mr Claes MÅRTENSSON (Sweden), had been added to the agenda.

He read the proposed Orders of the Day as follows:

Monday 7 October
Morning

9.30 am Meeting of the Executive Committee

11.00 am Opening of the session

Orders of the day of the Conference

New members

Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of the Netherlands: “The King in Parliament: the investiture of a new king in the Netherlands”

Communication by Mr Jin-Suk CHUNG, Secretary General of the National Assembly of the Republic of Korea: “Smart Parliament – for greater efficiency and convenience”

Afternoon

Communication by Mr Vladimir SVINAREV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation: “Participant’s electronic briefcase: mobile online information system for parliamentary events and meetings of the Council of the Federation”

General debate: How do national parliaments take forward the work of parliamentarians who attend international parliamentary assemblies?

Moderator: Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly of the Council of Europe

Communication by Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Secretary General of the Chamber of Deputies of Brazil: “Symbolism and challenges at the Brazilian Chamber of Deputies”

Tuesday 8 October

Morning

9.30 am Meeting of the Executive Committee

10.00 am Communication by Mr Claes MÁRTENSSON, Deputy Secretary General of the Swedish

Parliament: “Work with a new Riksdag Act – process and principles”

Communication by Mr Austin ZVOMA, Clerk of the Parliament

of Zimbabwe: “Evaluating constitutional provisions to safeguard corporate governance within and by Parliament”

11.00 am Deadline for nominations for the vacant post on the Executive Committee (ordinary member)

11.15 am General debate: Parliamentary buildings – challenges and opportunities
Opening presentations by Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament, and Mr David NATZLER and Mr Rhodri WALTERS, Clerk Assistant of the House of Commons and Reading Clerk in the House of Lords of the United Kingdom
Followed by informal discussion groups

Afternoon

2.30 pm Presentations by rapporteurs and general debate: Parliamentary buildings – challenges and opportunities
Communication by Mr Shumsher K SHERIFF, Secretary General of the Rajya Sabha of India: “Marking the petition to Parliament an effective instrument for the resolution of issues of common interest”

4.00 pm Election of an ordinary member of the Executive Committee

Communication by Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of Democratic Republic of Congo: “Connecting structures between the legislative and executive branches”

Wednesday 9 October

Morning

9.30 am Meeting of the Executive Committee

10.00 am Presentation on recent developments in the Inter-

Parliamentary Union

General debate: The emergence of parliamentary diplomacy – practice, challenges and risks

Moderator: Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Assembly of Switzerland

Afternoon

2.30 pm Communication by Mr Eric PHINDELA, Secretary to the National Council of Provinces of South Africa: “Enhancing laws affecting provinces: the role of the National Council of Provinces in the lawmaking process”

Communication by Mr Sayed Hafizullah HASHIMI, Secretary General of the House of Elders of Afghanistan: “The National Assembly of Afghanistan and the role of parliamentary committees”

Discussion (and possible adoption) of principles for the recruitment and career management of parliamentary staff

Administrative and financial questions

Examination of the draft agenda for the next meeting (Geneva, March 2014)

5.30 pm Closure

The Orders of the Day were agreed to.

The President noted that the Executive Committee had confirmed the need for members to keep to time and not to read long speeches, so that those presenting written contributions to general debates or communications should not take longer than 10 minutes, with other interventions lasting less than 5 minutes.

The President reminded members that there would be a general debate on the subject of parliamentary buildings on Tuesday. The format would be the same as that used in Quebec and Quito, with discussions in groups formed according to language spoken.

The President explained that on Wednesday members would be asked to accept a series of principles for the recruitment and career management of parliamentary staff. These principles had been agreed during the previous session. On the basis that very few amendments had been submitted following the circulation of papers, it could be assumed that the association was nearing a consensus. On Wednesday members would also be asked to make a decision about the future publication arrangements for the journal, *Constitutional and Parliamentary Information*. It was proposed that the association moved to online-only

publication of the journal, using the funds saved to improve the association's website. The reasons for this proposal were both financial and practical.

The president asked members to begin to think of subjects for the association's next sitting, which would be in Geneva in March 2014.

4. New Members

Mr Marc BOSCH, President, said that the secretariat had received several requests for membership which had been put before the Executive Committee and agreed to. These were:

<u>Mr. Md. Ashrafal MOQBUL</u> Bangladesh	Secretary General of the Parliament of (replacing Mr. Md. Mahfuzur Rahman)
<u>Mr. Miguel LANDEROS PERKIC</u> Deputies of	Secretary General of the Chamber of Chile (<i>replacing Mr. Adrián Alvarez</i>)
<u>Mr. Luis ROJAS GALLARDO</u>	Deputy Secretary General of the Chamber of Deputies of Chile
<u>Ms. Vassiliki ANASTASSIADOU</u> Representatives of	Secretary General of the House of Cyprus (replacing Mr. Socrates Socratous)
<u>Mr. Jean-Charles ANDRÉ</u> Senate of	Secretary General of the Questure of the France (replacing Mr. Robert Provansal)
<u>Mr. Jean-Louis HÉRIN</u>	Secretary General of the Senate of France (replacing Mr. Alain Delcamp)
<u>Dr. György SUCH</u> of Hungary	Director General of the National Assembly (replacing Dr. István Soltész)
<u>Mr. S. BAL SHEKAR</u>	Secretary General of the Lok Sabha of India (replacing Mr. Mr. T.K.Viswanathan)
<u>Mr. Hamad GHRAIR</u> Mohammad	Acting Secretary General of the House of Representatives of Jordan (replacing Mr. Rdaini)
<u>Mr. Lebohang Fine MAEMA</u>	Clerk to the National Assembly of Lesotho (replacing Ms. Lebohang Ramohlanka)

Mr. Byambadorj BOLDBAATAR
of

Secretary General of the State Great Hural
Mongolia (replacing Mr. Tserenkhuu Sharavdorj)

Dr. Khalid Salim AL-SAIDI
Oman

Secretary General of the Dawla Council of
(This Chamber is joining the ASGP for the first
time)

Mr. Amjed PERVEZ
Pakistan

Secretary General of the Senate of
(replacing Mr. Iftikhar Ullah Babar)

Mr. Oscar G. YABES
Philippines

Secretary General of the Senate of the
(replacing Mrs. Emma Lirio-Reyes)

Mr. José Manuel ARAÚJO
of the

Deputy Secretary General of the Assembly
Republic of Portugal

Ms. Penelope Nolizo TYAWA
South Africa

Deputy Secretary to the Parliament of
(replacing Mr. M. B. Coetzee, who has become
Secretary to Parliament)

Mr. Masibulele XASO
Africa

Secretary to the National Assembly of South
(replacing Mr. Mohamed Kamal Mansura)

Ms. Martina BUOL
and

Assembly of
has

Secretary of the Council of States (Senate)
Deputy Secretary General of the Federal
Switzerland (replacing Mr. Philippe Schwab, who
become Secretary General)

Mrs. Saithip CHAOWALITTAWIL
Wijitra

Deputy Secretary General of the House of
Representatives of Thailand (replacing Mrs.
Watcharaporn)

For associate membership:

Mr. Abdunaser Mohamed Janahi ALABBASI Secretary General of the Arab
Parliament

the

(This Parliament is joining the ASGP for
first time)

The new members were agreed to.

5. **Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary of the House of Representatives of the States General of the Netherlands, and Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands: “The King in Parliament: the investiture of a new king in the Netherlands”**

Mr Marc BOSCH, President, invited Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary of the House of Representatives of the States General of the Netherlands, and Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands, to open the debate.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) and Mr Geert Jan A. HAMILTON (Netherlands) spoke as follows:

Dear colleagues,

The Kingdom of the Netherlands had a very special day on April 30 of this year. On that day her Majesty Queen Beatrix who had been our Queen since 1980, abdicated from the throne and was succeeded by her eldest son, the Prince of Orange, who has become His Majesty King Willem-Alexander.

Changes of the throne are rare in our country. So there was a lot of excitement about the change that took place. Looking back we can say that the day of the inauguration of our new King was a very festive day, without doubt the most festive national holyday our country has seen in modern history. It renewed the sense of unity of the country, and the awareness that indeed the Netherlands, although embedded in international organisations, still is a nation-state.

What we want to demonstrate is the important role our parliament played in achieving the inauguration of our new King. Thus we want to underline that a monarchy can be functional, acceptable and accepted within a parliamentary democracy.

The Netherlands is a constitutional monarchy, meaning that the position of the monarch is laid down in the Constitution. The Constitution stipulates that the monarch and the ministers together constitute the government. Modern monarchy goes back to 1813, when after the Napoleonic era some Dutch notables invited the Prince of Orange, heir of the Orange family that had ties with the Netherlands since the 16th century, to become the sovereign of the Netherlands.

Let us quickly look at those old ties between the Oranges and the Netherlands and to the foundation of the Netherlands as an independent State. The Netherlands is one of the very few examples in the world of a country that after gaining its independence first started as republic and later by its own will turned into a monarchy.

The Netherlands an independent Republic since 1579, ruled by the States-General and by Stadtholders

The Dutch territories in the middle ages belonged to the Holy Roman Empire of the German Nation. The first great emperor was Charlemagne in the ninth century. In the

sixteenth century the Emperor was Charles V of the Habsburg House. After he abdicated the Netherlands came under Spanish rule, as Charles' son Philip became King of Spain. He also inherited the duchy of Burgundy which included the seventeen separate provinces known collectively as the Netherlands. The representative of the King in some of these provinces, particularly the part known as Holland, was Stadtholder, literally place holder or lieutenant. As from 1559 the Stadtholder was Prince William I from the House of Orange Nassau. Although initially very loyal to the King, the Prince was forced to take the leadership of a revolt of the northern Dutch provinces against the King. The Dutch rebelled for various reasons. There was discontent in the Netherlands about Philip's taxation demands. There was dissatisfaction among the people about the intolerant attitude of the catholic King towards protestant religious movements that had emerged and gained ground in these provinces. The difficulties led to open warfare in 1568. The States-General of the northern provinces, in 1579 united in the Union of Utrecht, passed an Act of Abjuration declaring that they no longer recognised Philip as their King. The southern Netherlands (what is now Belgium and Luxembourg) remained under Spanish rule. In 1584, Prince William, or William the Silent as his nickname is, was assassinated by Balthasar Gérard, after Philip had offered a reward of 25,000 crowns to anyone who killed him, calling him a "pest on the whole of Christianity and the enemy of the human race". Prince William still is considered the Father of the Nation. The Dutch forces continued to fight on under Orange's son Maurice of Nassau, who received modest help from Queen Elizabeth I of England in 1585. The Dutch gained an advantage over the Spanish because of their growing economic strength, in contrast to Philip's burgeoning economic troubles. The war, known as the Eighty Years' War, only came to an end in 1648, when the Dutch Republic was recognised by Spain as independent.

Under the Republic of the United Provinces of the Netherlands the sovereign power rested with the States-General, which consisted of representatives of the different autonomous provinces. From 1585 onwards, the States-General met in The Hague, and between 1588 and 1795 the delegates were drawn from the seven provinces that made up the Republic of the Seven United Provinces, also called Republic of the United Netherlands (Gelderland, Holland, Zeeland, Utrecht, Friesland, Overijssel and Groningen).

When, in 1581, during the Dutch Revolt, most of the Dutch provinces declared their independence with the Act of Abjuration, the representative function of the Stadtholder became obsolete in the rebellious northern Netherlands – the feudal Lord himself having been abolished – but the office nevertheless continued in these provinces. The United Provinces were struggling to adapt existing feudal concepts and institutions to the new situation and tended to be conservative in this matter, as they had after all rebelled against the King to defend their ancient rights. The Stadtholder no longer represented the Lord but became the highest executive official, appointed by the States of each province. Although each province could assign its own Stadtholder, most Stadtholders held appointments from several provinces at the same time. The highest executive power was normally exerted by the sovereign States of each province, but the Stadtholder had some prerogatives, like appointing lower officials and sometimes having the ancient right to affirm the appointment (by co-option) of the members of regent councils or choose burgomasters from a shortlist of candidates. The Stadtholder held the dignity of First Noble.

On the Republic's central 'confederal' level, the Stadtholder of the provinces of Holland and Zeeland was normally also appointed Captain-General of the confederate army and Admiral-General of the confederate fleet.

After Prince Willem's death his son Maurice was appointed Stadtholder in Holland and Zeeland, and he was succeeded by his brother Frederik-Hendrik in 1625. So under the Republic the Princes in the dynasty of Orange were one by one appointed Stadtholder, an administrative and military function that gradually got monarchical traits. Sometimes the regents that formed the States after the death of a Stadtholder did not appoint a new Stadtholder. These periods are known as the First Stadtholderless Period and the Second Stadtholderless Period. In times of difficulty, like in the Dutch year of Disaster 1672, the regents again turned to the Prince of Orange and asked to take up the post of Stadtholder again. Stadtholder William III at the end of the seventeenth century after the Glorious Revolution even also was proclaimed King of England and Scotland. He ruled together with his wife Mary (they were the well known couple William and Mary).

After the French invasion of 1747, the regents were forced by a popular movement to accept William IV, Prince of Orange, Stadtholder of Friesland and Groningen, as Stadtholder in the other provinces. On 22 November 1747, the office of Stadtholder was made hereditary (erfstadhouder). As William (for the first time in the history of the Republic) was Stadtholder in all provinces, his function accordingly was restyled Stadhouder-Generaal (General Hereditary Stadtholder).

After William IV's untimely death in 1751 his infant son was duly appointed Stadtholder under the regency of his mother. The misgovernment of this regency caused much resentment, which issued in 1780 in the Patriot movement. The Patriots first took over many city councils, then the States of the province of Holland, and ultimately raised civil militias to defend their position against Orangist partisans, bringing the country to the brink of civil war. Through Prussian military intervention, in 1787 Prince William V of Orange was able to suppress this opposition, and many leaders of the Patriot movement went into exile in France.

French period: Batavian Republic (1795-1806), Kingdom Holland (1806-1810), part of France (1810-1813)

The exiles returned with French armies in the winter of 1795 and overcame the frozen Dutch Water Line. Stadtholder William V of Orange-Nassau and his son Willem-Frederik were forced to flee to England following the French invasion, and the office of Stadtholder was abolished in 1795 when the French revolutionary forces installed the Batavian Republic. The States-General were abolished and replaced by a National Assembly.

After Napoleon's defeat at Leipzig (October 1813), the French troops retreated to France from all over Europe. The Netherlands had been annexed to the French Empire by Napoleon in 1810. But now city after city was evacuated by the French occupation troops. In the power vacuum that this created a number of former Orangist politicians and former Patriots formed a provisional government in November 1813. Although a large number of the members of the provisional government had helped drive out William V 18 years earlier, it was taken for granted that his son would have to head any new regime. They also agreed it would be better in the long term for the Dutch to restore him themselves, rather than have the Great Powers impose him on the country.

The Dutch population was pleased with the departure of the French, who had ruined the Dutch economy, and this time welcomed the Prince.

Independent again since 1813

After having been invited by a Triumvirate of noblemen, on 30 November 1813 William disembarked a warrior ship and landed at at Scheveningen beach, only a few yards from the place where he had left the country with his father 18 years previously, and on 6 December the provisional government offered him the title of King. William refused, instead proclaiming himself "Sovereign Prince". He also wanted the rights of the people to be guaranteed by "a wise constitution". The constitution was written in 1814.

The constitution offered William extensive (almost absolute) powers. Ministers were only responsible to him, while a unicameral parliament (for which the old name 'the States-General' was reinstalled) exercised only limited power. He was inaugurated as Sovereign Prince in the New Church in Amsterdam. In August 1814, he was appointed Governor-General of the former Austrian Netherlands (the Southern Netherlands) by the Allied Powers who occupied that country. He was also made Grand Duke of Luxembourg, having received that territory in return for trading his hereditary German lands to Prussia and the Duke of Nassau. William thus fulfilled his family's three-century dream of uniting the Low Countries.

United Kingdom of the Netherlands 1815-1839

Feeling threatened by Napoleon, who had escaped from Elba, William proclaimed the Netherlands a kingdom on 16 March 1815 at the urging of the powers gathered at the Congress of Vienna. His son, the future King William II, fought as a commander at the Battle of Waterloo. After Napoleon had been sent into exile, William adopted a new constitution which included much of the old constitution, such as extensive royal powers. He was confirmed as hereditary ruler of what was known as the United Kingdom of the Netherlands at the Congress of Vienna.

The States-General was divided into two chambers. The Eerste Kamer (First Chamber or Senate or House of Lords) was appointed by the King. The Tweede Kamer (Second Chamber or House of Representatives or House of Commons) was elected by the Provincial States, which were in turn chosen by census suffrage. The 110 seats were divided equally between the North and the South (modern-day Belgium), although the population of the North (2 million) was significantly less than that of the South (3.5 million). The States-General's primary function was to approve the King's laws and decrees. The constitution contained many present-day Dutch political institutions; however, their functions and composition have changed greatly over the years.

The constitution was accepted in the North, but not in the South. The under-representation of the South was one of the causes of the Belgian Revolution. Referendum turnout was low in the Southern provinces, but William interpreted all abstentions to be yes votes. He prepared a lavish inauguration for himself in Brussels, where he gave the people copper coins (leading to his first nickname, the Copper King).

The spearhead of King William's policies was economic progress. As he founded many trade institutions, his second nickname was the King-Merchant. In 1822, he founded enterprises and universities in the Southern provinces, such as a new University of Leuven, the University of Ghent and the University of Liège. The Northern provinces,

meanwhile, were the centre of trade. This, in combination with the colonies (Dutch East Indies, Surinam, Curaçao and Dependencies, and the Dutch Gold Coast) created great wealth for the Kingdom. However, the money flowed into the hands of Dutch directors. Only a few Belgians managed to profit from the economic growth. Feelings of economic inequity were another cause of the Belgian uprising.

William was also determined to create a unified people, even though the north and the south had drifted far apart culturally and economically since the south was reconquered by Spain after the Act of Abjuration of 1581. The North was commercial, Protestant and entirely Dutch-speaking; the south was industrial, Roman Catholic and divided between Dutch and French-speakers.

Officially, a separation of church and state existed in the kingdom. However, William himself was a strong supporter of the Reformed Church. This led to resentment among the people in the mostly Catholic south. William had also devised controversial language and school policies. Dutch was imposed as the official language in (the Dutch-speaking region of) Flanders; this angered French-speaking aristocrats and industrial workers. Schools throughout the Kingdom were required to instruct students in the Reformed faith and the Dutch language. Many in the South feared that the King sought to extinguish Catholicism and the French language.

Belgian revolt 1830

In August 1830 Daniel Auber's opera *La Muette de Portici*, about the repression of Neapolitans, was staged in Brussels. Performances of this show seemed to crystallize a sense of nationalism and "Hollandophobia" in Brussels, and spread to the rest of the South. Rioting ensued, chiefly aimed at the kingdom's unpopular justice minister, who lived in Brussels. An infuriated William responded by sending troops to repress the riots. However, the riots had spread to other Southern cities. The riots quickly became popular uprisings. Soon an independent state of Belgium was proclaimed.

The next year, William sent his sons William, the Prince of Orange, and Prince Frederick to invade the new state. Although initially victorious in this Ten Days' Campaign, the Dutch army was forced to retreat after the threat of French intervention. Some support for the Orange dynasty (chiefly among Flemings) persisted for years but the Dutch never regained control over Belgium. William nevertheless continued the war for eight years. His economic successes became overshadowed by a perceived mismanagement of the war effort. High costs of the war came to burden the Dutch economy, fueling public resentment. In 1839, William was forced to end the war. The United Kingdom of the Netherlands was dissolved by the Treaty of London (1839) and the northern part continued as the Kingdom of the Netherlands. It was not renamed, however, as the "United"-prefix had never been part of its official name, but rather was retrospectively added by historians for descriptive purposes (cf. Weimar Republic).

The Netherlands and Belgium separated Kingdoms since 1839

Constitutional changes were initiated in 1840 because the terms which involved the United Kingdom of the Netherlands had to be removed. These constitutional changes also included the introduction of judicial ministerial responsibility. Although the policies remained uncontrolled by parliament, the prerogative was controllable now. The very conservative William could not live with these constitutional changes. This, the disappointment about the loss of Belgium, and William's intention to marry Henrietta d'Oultremont (scandalously both "Belgian" and Roman Catholic) made him

wish to abdicate. He fulfilled this intent on 7 October 1840 and his eldest son acceded to the throne as King William II. William I died in 1843 in Berlin at the age of 71.

The modern Constitution of 1848: Constitutional Monarchy and parliamentary democracy

1848 was a revolutionary year in Europe. To avoid the upheavals that were taking place in many European countries King William II turned from a conservative into a liberal overnight. He allowed major changes in the Constitution. Since 1848, the Netherlands has also been a parliamentary democracy, a system in which ministers are accountable to the elected parliament and responsible for acts of government by the monarch.

The Dutch parliament, known officially as the States-General, consists of a lower house – the House of Representatives – and an upper house – the Senate. The former's 150 members of parliament are directly elected by the Dutch people at least once every four years. Since 1848 the Senate's 75 members are elected by the members of the Netherlands' provincial councils, the directly elected assemblies in each of the Netherlands' 12 provinces.

Under the Constitution, the monarch and the ministers together make up the government. Since 1848, the ministers, not the monarch, have been politically responsible for what the monarch says and does. In the Netherlands the monarch plays no part in politics. While he or she signs all Acts of Parliament and Royal Decrees, these are co-signed by the minister responsible. Ministers and state secretaries are appointed by Royal Decree and sworn in by the monarch. Here, too, ministerial responsibility applies: decrees appointing or dismissing members of the government are co-signed by the prime minister, who is in turn accountable to parliament.

The monarch has several 'unwritten' rights in respect of his or her relationship to the government. We recognize the description of these rights by the British journalist and scholar Walter Bagehot in his 1867 book *The English Constitution*, who described them as 'the right to be consulted, the right to encourage, the right to warn'.

The monarch has a number of formal duties, which include signing Acts and Decrees, ratifying (as part of the government) international treaties, presiding formally over the Council of State as its president and, on the third Tuesday in September, delivering the annual Speech from the Throne in a Joint Session of the States-General, which sets out the government's policy for the year ahead. Alongside these duties, the monarch works on behalf of the inhabitants of the Kingdom. As head of state, it is the monarch's task to unify, represent and encourage the people.

In other words, the monarch serves to unite people and groups, and supports individuals and organisations in their efforts to promote social cohesion. In this non-partisan role, the monarch helps ensure stability, continuity and progress in the Netherlands. The head of state gives expression to the prevailing national mood at times of celebration or mourning, and represents the Kingdom at home and abroad. Every year the monarch makes a number of state visits and receives heads of state and government on visits to the Netherlands. He or she frequently attends conferences, openings, celebrations, commemorations and other official events. In this way, the monarch draws attention to important social initiatives and supports other worthy activities and events.

The monarch's role in forming a new government

The Constitution contains no rules about the process of forming a government. Instead, the process is determined by procedures and customs that have developed over time. Until recently, the head of state played a significant role as facilitator in the formation process. In the past, the monarch would initiate the formation process after an election (provided the House of Representatives had opted not to hold a debate on the formation of the new government). After consulting the presidents of both Houses of Parliament, the vice president of the Council of State and all the parliamentary party leaders, the monarch would appoint one or more informateurs (mediators) to explore the scope for forming a new coalition government. If the informateurs concluded that forming a new government was a viable possibility, the monarch would then appoint a formateur (generally the likely prime minister) to approach prospective ministers and state secretaries in the new government.

In 2012 the House of Representatives amended this procedure, whereby in future the House – rather than the head of state – would initiate the process of forming a new government. After the election of 2012, this new procedure was used for the first time in the formation of the current Rutte-Asscher government. The House appointed informateurs and the formateur directly and assigned each actor their given task. The Constitution requires that the monarch appoint, dismiss and swear in all government ministers and state secretaries. In view of this constitutional role, and at the request of the House, the Queen was kept apprised of all developments in the most recent formation process. The current Dutch prime minister is Mark Rutte. Since 5 November 2012 he has headed the Rutte-Asscher government, a coalition comprising the liberal People's Party for Freedom and Democracy (VVD) and the social-democratic Labour Party (PvdA).

The Royal House

The Dutch Royal House is the House of Orange-Nassau. As we explained since the fifteenth century the history of this House has been closely linked with that of the Netherlands. Generations of stadholders, kings and queens born into the House of Orange have made an important contribution to governing our country. Orange is the colour of the Royal House and it is inextricably linked with the Netherlands, as you may have noticed when the Dutch participate to international football matches and other sporting events. On Queen's Day and on birthdays of some members of the Royal House the Dutch flag is raised with an orange pennant.

Since 1813 until April 30 of this year the Netherlands have known 6 monarchs: three Kings in the 19th century: William I, William II and William III, and – since 1890 - three Queens: Wilhelmina, Juliana and Beatrix. King William III had a few sons, but they all died young. So as an old widower he married a young German Princess, Emma of Waldeck and Pyrmont. They got a daughter, Wilhelmina, who was only ten years old when King William III died. She was too young to reign, and the King's widow, Queen Emma, acted as regent for her daughter Wilhelmina until 1898.

Having reached the age of majority, Queen Wilhelmina reigned for 50 years through two world wars and the decolonisation of Indonesia. She and her ministers spent the years from 1940 to 1945 in exile in London. Queen Wilhelmina and her husband, Prince Hendrik, Duke of Mecklenburg-Schwerin, had one child, Princess Juliana, who was born in 1909. Prince Hendrik died in 1934. Queen Wilhelmina abdicated in 1948.

In 1937 Princess Juliana, only daughter of Queen Wilhelmina and Prince Hendrik, married Prince Bernhard of Lippe-Biesterfeld. They had four daughters: Beatrix (b. 1938), Irene (b. 1939), Margriet (b. 1943, in exile in Canada) and Christina (b. 1947). Queen Juliana reigned from 1948 to 1980, a time of major changes in Dutch society, including post-war reconstruction, student unrest in the 1960s and 1970s and the oil crisis in the mid-1970s. Queen Juliana's informal manner and concern for social issues won her great popularity.

Queen Juliana abdicated on 30 April 1980. She died on 20 March 2004 and Prince Bernhard on 1 December the same year. Queen Juliana's four daughters gave her 14 grandchildren, who got lots of offspring, so the hereditary throne is in no danger anymore.

Queen Beatrix was a very dutiful head of state. She was somewhat more formal than her mother, but she had a warm personality and showed great involvement in national events, whether joyful or sad. Because of her great work ethic and commitment she was highly respected by the Dutch. She always has had approval rates of over 80%, figures any political personality in the Netherlands could only dream of.

Abdication and the preparation of the change of the Throne.

Unlike other countries with a monarchy in the Netherlands Kings and Queens do not always reign until they die. We are used to the abdication of the monarch, when he or she has reached a certain age. As Queen Beatrix was reaching the age of 75, we took into account the possibility that she would resign in favor of her oldest son some day. Nevertheless, she was in very good health and as popular as ever, so there was no need to step down. One thing was for sure: stepping down would be her personal decision and she did not have to accept any pressure from anyone in making that decision.

She indeed chose her own moment and announced her abdication on January 28, 2013. At four o'clock the Prime Minister called the Presidents of the Houses of Parliament and announced that the Queen would be making a speech for national television at seven o'clock. The Presidents called the Secretary-Generals and we called each other. We had to keep it a secret, but that did not have to last long, as rumor spread quickly when it became known that the Queen would be giving an unexpected speech. We immediately knew that for the coming three months we would be saddled with an enormous extra work load, as it would be our task to organize a Joint Session of the States-General: that is a joint meeting of the two Houses of our Parliament. You know that the seat of government and parliament in the Netherlands is The Hague, but the formal capital is Amsterdam. The Constitution prescribes that a new King will be inaugurated in the capital Amsterdam. On the central square in Amsterdam, the Dam, you find a large Royal Palace. Next to the Royal Palace there is a very old church, which, nevertheless, is called the New Church. In this New Church all Kings and Queens of the Netherlands have been sworn in. So it would be logical to have parliament meet again in this New Church which, by the way, these days does not fulfill religious functions anymore, but is a national museum.

Two central constitutional events would be taking place on April 30, the first being the abdication. Queen Beatrix would abdicate in the Royal Palace in Amsterdam. This is the constitutional procedure by which she formally relinquishes the throne. Once the instrument would be signed, her eldest son, the Prince of Orange, would become King under constitutional law. He would be King Willem-Alexander. As from that moment Queen Beatrix would be called Princess Beatrix again. A monarch who

abdicates in our country does not keep the title King or Queen. The second event would be the investiture in parliament. The new King and his spouse, the then Queen Máxima, would go to the New Church and enter the Joint Session of the States-General. The essence of the investiture is the oath taken by the King in front of parliament and an oath in return from each Member of Parliament.

It was up to us to organize this Joint Session of the States-General. The President of the Joint Session, according to the Constitution, is the President of the Senate. We both are Clerks of the Joint Session, Geert Jan as Secretary-General being the First Clerk and Jacqueline the Second Clerk. The day after the announcement of the abdication we formed an organizing committee of members of our staffs, which was chaired by Geert Jan and has worked very efficiently.

The organisation of the Joint Session required close cooperation with other parties involved in the planning such as the Prime-Minister's Office, the Municipality of Amsterdam, the Armed Forces as the events would be enhanced by military ceremony, police and security officials, management and staff of the New Church, musicians, florists, technicians, you name it. The King would be the guest of parliament, so we kept in touch with the Royal House. There was also coordination with the Foreign Ministry as we expected quite a few guests from abroad. There was much to be done: drafting the invitations, providing transport and lodging for the guests, the decoration of the Nieuwe Kerk, the musical accompaniment, establishing the media policy, security measures, inviting citizens from all walks of society. There were many things to arrange and prepare for. As of course the whole ceremony would be broadcast on national television and internet we worked closely together with the national broadcasting.

Investiture in the Joint Session of the States-General

In the five minutes film which we are going to show now, you will see the constitutional and ceremonial highlights of the Joint Session of the Houses of parliament. Our Communications Department has been so kind as to not underexpose the role the two of us had the honor to play during the ceremony.

First you see the entrance of some prominent guests, such the President of the European Commission and the former Secretary-General of the UN, Koffee Anan, and members of virtually all other Royal families in existence in the World. It is not customary that other monarchs attend an investiture. The new King should in protocol be the highest person present. The only head of State present was the Prince of Monaco, most other Royal families had sent the Crown Prince or Princess. So we received Prince Charles and Princess Camilla, the then Prince Philip and Princess Mathilde of Belgium, Prince Felipe and Princess Laetitia of Spain, Princess Victoria, the Crown Prince of Japan, the Princess Consort of Morocco etc.

You will see that after the opening of the assembly by President Fred de Graaf of the Senate Geert Jan reads a letter from Prime-Minister in which he announces the coming of the new King to Parliament. By this letter the Prime Minister took ministerial responsibility for the change of the throne and the acts of the new King. After that Geert Jan went to the back entrance of the Church to welcome and usher in the Queen who had just stepped down, now Princess Beatrix, the new Crown Princess, the Princess of Orange, Catharina-Amalia, and the rest of the Royal Family.

Then you will see the entrance of the Royal Couple. At the entrance of the Church the King and Queen are received by the Committee of Ushers out of the States-General. This Commission which consisted of five Members of Parliament, chaired by the Speaker of the House of Representatives, is accompanied by Jacqueline. Membership of this Commission was considered very prestigious.

After he was seated, the King gave a speech and then you will see he is confirmed in office and swears to be faithful to the Constitution and to faithfully discharge the duties of his office. After the swearing in of the King the President of the Senate gave a speech and read the oath formula of the Members of Parliament. In return to the oath of the King, the members of the two Houses swear or affirm that they will uphold the doctrine that the ministers, and not the King, are responsible for acts of government and that they will uphold the rights of the monarchy.

Jan and Jacqueline read the names of all Members of Parliament, including the delegates from the three small countries in the Caribbean, Aruba, Curacao, and Sint Maarten that are part of the Kingdom of the Netherlands. About 10 out of the 225 Members of the States-General did not want to take the oath on principled grounds. The names of these members we did not read. The core of the investiture was this exchange of oaths between the King and the Members of Parliament. The procedure is described in the Constitution and the Law on the Investiture of the King. So there was no coronation and the ceremony had no religious aspects. After the President of the Joint Session has ascertained that the investiture has been completed, the herald leaves the New Church to announce that the new King has been inaugurated. Then the Herald returns and Joint Session is closed. Now you will see in four minutes a ceremony which lasted about 90 minutes.

After the Joint Session the Members of Parliament and the guests went to the Royal Palace for the Royal Reception. From then many festivities took place in the city and in the country. There were concerts, there was a water pageant in the harbour of Amsterdam. And a banquet attended by the Royal Family their guests, the members of government and parliament and, not only us, but also the members of our staff that had worked so hard to help organizing the ceremony. The latter of course was very special from a protocol perspective, but highly appreciated by our staff.

April 30, 2013 will be remembered as an unforgettable day in the history of the Netherlands. Political systems which combine monarchy and parliamentary democracy, may seem to be outdated in modern time. The Netherlands, like some other countries, demonstrate, that as long as a monarchy is widely supported by the people it can fulfil a unifying function and be a source of stability and ease. A King or Queen can play a cohesive, representative and supportive role. In our time monarchs reign by the grace of the people, under a democratically established Constitution. Supported by his wife Queen Máxima, King Willem-Alexander had a flying start as our new King. The Dutch seem comfortable with their new Head of State.

Mr Marc BOSCH, President, thanked Mrs BIESHEUVEL-VERMEIJDEN and Mr HAMILTON.

Mr Somsak MANUNPICHU (Thailand) explained that there had previously been an absolute monarchy in Thailand, and that the country had passed to a constitutional monarchy in 1932. Thus Thailand's democracy was younger than that of the Netherlands and, because the two countries shared the same political

system, he felt that there was much that could be learnt by Thailand in the event that it was called upon to organise a similar ceremony.

Mr Masibulele XASO (South Africa) professed himself to be interested in the fact that ten members had refused to take an oath or affirm their allegiance and asked if they had justified this refusal. He explained that in South Africa it was impossible to be a Member of Parliament without having sworn allegiance to the constitution.

Mr Baye Niass CISSE (Senegal) presented the apologies of Mrs Diallo, Secretary General of the National Assembly of Senegal. He asked if the Dutch constitution allowed for an instance where Parliament refused to invest a new King.

Mr Hugo HONDEQUIN (Belgium) noted that in Belgium a new King had also been invested with a ceremony more or less identical to the one described. In Belgium the ceremony had taken place in the parliamentary building but the main difference had been that only the King, and not parliamentarians, had been required to swear an oath. Perhaps this indicated a difference in the perception of democracy between the two countries.

Mrs Penelope Nolizo TYAWA (South Africa) noted that in the documents it indicated that the monarch made an annual speech in order to announce the legislative programme. She asked what the role of the Prime Minister had been and explained that, in South Africa, it was the President who announced the legislative programme that would be implemented by the Executive.

Mr Geert A. HAMILTON confirmed that the Thai monarch had more important powers than those of the Dutch monarch. In relation to the refusal of the oath, several reasons had been given: some had said that they had already sworn an oath when they became a Member of Parliament; others were against the monarchy. The number of Members who did not hold the monarchy in a high regard was higher than ten. However, since there was a constitution, it was important to respect it. He noted that some of those on the right had claimed that once a Member had sworn an oath of allegiance to the King, they were no longer able to attack the monarchy. This was not correct as such a Member still had the right to present a draft proposing to abolish the monarchy. Swearing an oath did not oblige a Member to accept the monarchy.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN responded to Mr Xaso about the King's speech and indicated that it was the Prime Minister and his cabinet who had responsibility for the programme. The programme was announced in front of the two chambers; the Finance Minister announced the budget; and this also marked the opening of the parliamentary session.

Mr Geert A. HAMILTON replied to Mr Cissé, noting that Parliament did not have the right of veto over the successor to the Crown, which was a problem inherent in a hereditary monarchy. For three or four generations, each successor had been well prepared for their future work. If there had been any doubt about the ability of a particular monarch, Parliament could debate the merits of the system, but this situation had not arisen in four generations. The most recent monarchs had been well loved, and such a magnificent ceremony would not have

been possible had the situation been otherwise. Some said that the Netherlands was a republican monarchy. In the Netherlands some people were republican by rationale but loved the monarch in their hearts.

M. le Président Marc BOSCH thanked the speakers and indicated that the discussion could continue in an informal manner at the end of the sitting.

6. Communication by Mr Jin-Suk CHUNG, Secretary General of the National Assembly of the Republic of Korea: “Smart Parliament – for greater efficiency and convenience”

Mr Jin-Suk CHUNG (Republic of Korea) spoke as follows:

Introduction

Korea is a global IT powerhouse which was ranked first in the world in the UN E-Government Survey 2012. For the first time in the world, the Korean National Assembly built a digital plenary chamber in 2005, which has become a symbol of the Korea’s e-Parliament and has been emulated by parliaments around the world. Other excellent features of the Korean e-Parliament include its mobile services and “Smart Work” systems which I’d like to introduce to you today under the theme of “Smart Parliament for Greater Efficiency and Convenience.”

As the Secretary General, I’ve always emphasized that the National Assembly should be an open, kind and interactive legislature. Such a parliament is supposed to be able to provide parliamentary information to the public without delay and make it easy for them to express their opinions about proposed laws while providing an efficient working environment not only for parliamentary staff but also for visiting public officials.

A parliament that has the ability to successfully play these roles is a smart parliament, and that’s what any e-Parliament should aim for. Let me show you what the Korean National Assembly has done to build a smart parliament.

What is “Smart Parliament?”

These days, the word “smart” is used everywhere – smart phones, smart TVs and etc. In IT terminology, smart is a synonym for versatile, efficient, convenient and easy to use. At the same time, it can also refer to smarter ways of providing existing services to meet consumers’ rising expectations.

We define “smart parliament” as a parliament that is equipped with advanced IT technologies required for providing the public easy and convenient access to various parliamentary information for their own use as well as for offering an efficient working environment for parliamentary staff and public officials. Korea’s smart parliament has two main features: mobile application services and “Smart Work” systems.

Mobile Applications

I’d like to first discuss the mobile applications for the National Assembly, which account for an important part of our smart parliament initiatives. Based on advances in mobile technologies and widespread use of smart devices, the Korean National Assembly launched its mobile application services in 2011,

allowing the public ubiquitous access to information about parliamentary activities. The mobile services comprise of a mobile website and 7 applications. Among them, I'd like to introduce 3 apps that are most relevant to parliamentary meetings and legislative activities.

Let me begin with the Notice of Legislation application. In an attempt to promote participatory democracy in legislative process, information about bills referred to standing committees including main purposes for suggestion and bill summaries are made available online to seek public input about the proposed laws.

Taking one step further from building an internet website for legislation notice, the Korean National Assembly has developed a mobile application to make it more convenient for citizens to express their opinions about proposed legislations wherever and whenever they are. The list of drafted bills, their full texts in pdf format, comment viewing and posting are available on this app.

Next, the bill information application offers information about all bills introduced in the National Assembly including the sponsors, texts and current status. The list of all proposed bills, reasons for proposal, bill summaries and their current status are available on this app. It is also possible to share them to social networking sites including Twitter and Facebook.

Lastly, proceedings broadcasting app allows the public to watch live all parliamentary meetings that are open to the public. This app not only offers live streaming but also archived footage of meetings taken place in the past.

Notice of legislation, bill information and proceedings broadcasting systems demonstrate the commitment of the National Assembly to enhance the values it espouses – openness, participation and transparency. They are the results of its efforts to transform itself into a smart parliament.

“Smart Work”

Let me now move on to our “Smart Work” initiatives. “Smart Work” refers to a working environment where you can do your work efficiently not just in your office but also anywhere and anytime. Our efforts to create such an environment have led to the development of two IT infrastructures.

One is a smart work center which opened last April so that visiting officials from government and other public agencies can work at the National Assembly free from time and place constraints. This center has 30 work stations where people can access the main server with their ID and passwords to use cloud-based word-processing and printing.

The other one is our video-conferencing system. Since last year, the Korean government agencies have relocated to Sejong City, our new administrative capital, which has resulted in extending the distance between the Government and the National Assembly by 130km. Consequent increases in time and cost required for government officials to travel between the two places became a social problem.

In order to address this problem, the National Assembly has installed a video-conferencing system at a committee meeting room as a pilot project earlier this year and is planning to install the system in all other standing committee meeting rooms. This system enables efficient communication between the National Assembly and the Government without any time or venue constraints.

The 84-inch and 60-inch high-definition video screens allow members of the National Assembly and government officials to see each other while communicating. With this video screen interface, it is also possible to put up on the screen any documents or video clips for both sides to see.

Conclusion

If a 'paperless conference' marked the early stage of electronic parliament, it is now about reaching out to citizens, using the state-of-the-art technology and creating an efficient meeting environment. In line with such shifts in focus, the Korean National Assembly is striving towards greater transparency, citizen engagement and efficiency in working environment.

I'm confident that the global parliamentary community can contribute to the promotion of parliamentary democracy by sharing experience on e-Parliament and working together to advance related technologies.

The National Assembly of the Republic of Korea will co-host the 6th World e-Parliament Conference with IPU in May, 2014. This will serve as a great platform to explore the future of e-Parliament and discuss how to strengthen global cooperation based on creativity and imagination by sharing experiences in e-Parliament development and the status of advances in IT technologies. It will also be a great chance to see the Korea's leading e-Parliament built on the world's best IT technology. I look forward to meeting you all in Korea. Thank you for your attention.

Mr Marc BOSC, President, thanked the speaker.

Mr Amjed PERVEZ (Pakistan) noted that there were two purposes of electronic working by Parliament: to give information to the public affected by its decisions and to work on legislation. He asked if anyone had any experience in this respect.

Mrs Penelope Nolizo TYAWA (South Africa) asked how the Republic of Korea handled communications about draft laws and what actions were taken by permanent committees as a result.

Dr Winantuningtyas Titi SWASANANY (Indonesia) wanted to know how the public had reacted to e-parliament; whether any progress had been made in respect of editing draft laws; how observations on draft laws were treated; and which office was charged with handling these observations.

Mr Gherardo CASINI (Global Centre for ICT in Parliament) congratulated the speaker for agreeing to act as co-host of the next global conference on e-parliaments. He asked if observations concerned the entire draft or elements of a draft; and whether the video application allowed users to

run searches based on names. He also wanted to know if there needed to be a formal agreement with the authorities about video-conferencing.

M. Jim-Suk CHUNG responded to the question posed by Mr PERVEZ by noting that all communication between Parliament and the government was two-directional. The application permitted both members of the public and Members of Parliament to express their opinions and to work in a more efficient manner. All observations were presented to the committees concerned. The public had not posted many communications but work was being done to promote usage of the application. Communication had to work in both directions.

In response to the question posted by Mrs TYAWA he noted that all communications were sent to the permanent committees. In response to Dr SWASANANY he was sure that public increase would grow as they became more informed. In response to Mr CASINI he noted that the video-conferencing systems had been installed simultaneously in Parliament and in government offices.

Mr David NATZLER (United Kingdom) asked if there was a cyber-security issue on the mobile platform.

Dr Irfan NEZIROGLU (Turkey) noted that Turkey was in the process of installing a system enabling documents to be sent to mobile phones. Printers had been installed in the chamber. He asked if it was possible for other people to gain access to communications and to read them. He wanted to know what actions committees took once they had been sent a communication.

Mrs Penelope Nolizo TYAWA (South Africa) wanted to know what would happen in the case of a draft law that caused considerable controversy and attracted interest in the form of multiple communications from pressure groups. She wanted to know how many draft laws became the subject of commentaries. She explained that in her country, the public had the right to express themselves in their own language although there were only eleven official languages.

Mr Shumsher K. SHERIFF (India) noted that, thanks to the Republic of Korea, India had lots of useful applications that were well used. He wanted to know whether technology would in effect create a third chamber in which the public could voice their opinions.

Mr Jim-Suk CHUNG replied that, on the issue of cyber security, the direct streaming of parliamentary debates had given rise to some security concerns. Committee meetings were not directly streamed. He indicated that the Korean National Assembly was regularly the object of lively criticism. The Korean public hoped to express itself freely in attacking Parliament because it was still not possible to criticise the government.

He responded that Parliament was obliged to respond to communications on draft laws. On other matters it attempted to respond, but this was not always possible. Mr Chung had been a journalist and believed fervently in the role of technology in balancing the power of government and agreed that this could lead to the creation of a virtual third chamber.

7. **Conclusion**

Mr Marc BOSCH, President, concluded the sitting.

The sitting ended at 12.30 pm.

SECOND SITTING
Monday 7 October 2010 (Afternoon)

Mr Marc BOSC, President, in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mr Marc BOSC, President, announced that the communication by Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Secretary General of the Chamber of Deputies of Brazil, on “Symbolism and challenges at the Brazilian Chamber of Deputies” would now be presented on Tuesday morning.

2. Communication by Mr Vladimir SVINAREV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation: “Participant’s electronic briefcase: mobile online information system for parliamentary events and meetings of the Council of the Federation”

Mr Marc BOSC, President, invited Mr Mr Vladimir SVINAREV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation, to present his communication, as follows:

Dear colleagues, Ladies and Gentlemen.

More and more people nowadays prefer to communicate, work and surf Internet through their mobile devices. It is both convenient and effective.

In order to provide informational support in course of various activities (forums, conferences etc.) by the Council of the Federation, we have developed and introduced a special information system called “Participant’s electronic briefcase”. From the user’s point of view its core component is the mobile application – “Participant’s briefcase” (hereinafter – the mobile application).

The aforementioned mobile application enables participants to use their mobile devices to get the latest information on preparation and overall status of an event. The interface is available both in English and Russian, which makes the application relevant for domestic and international events. The language is defined automatically – in case Russian is not the system language of a mobile device, the English version is used.

This application is a cross-platform product. In other words, it is fit for tablet computers and smartphones with the following operating systems: iOS, Android and Windows Mobile. In order to get access to the mobile application, participants need to download and install it in their mobile devices and get

authorization details (login and password) from event organizers. Successful connection provides access to the following information sections:

- Information
- Program
- News
- Map
- Documents
- Card holder
- Personal profile

“Information” shows in brief the details of an event: its place, contacts with the Steering Committee; in addition, this section may be used to send a question or comments to the steering committee.

“Program” shows the event’s schedule, including time and place of current meetings and information on speakers. This section may be used to add a meeting to the list of favorites and access an interactive map showing the place of a meeting.

“News” shows the event’s information, interviews with participants, latest changes in the schedule.

“Documents” show all documents and materials received in the course of preparation and holding an event. The mobile application can filter documents and materials based on language and subject. For the purposes of further work, users may send certain documents to an electronic address or add them to the list of favorites.

“Map” shows the layout of rooms, exhibition zones, entertainment and catering areas. The scheme may be zoomed and studied in detail.

“Card holder” processes business cards given to users in the course of communication with other participants of an event. This function enables users to process new contacts immediately, without any manual operations, and keep them in the address book of a mobile device for further use.

“Personal profile” shows participants’ personal data, their favorite meetings and documents.

Advantages of the mobile application include the following:

- Complete latest event information in participants’ mobile devices, which facilitates efficient work.
- Assistance provided to the steering committee in course of preparation and holding an event (answers to many questions asked by participants are in their mobile device).
- Electronic access to all issued documents, which reduces the flow of documents in hard copy.

- The mobile application may be used many times and for different events, which enables informational support without additional costs.

“Participant’s electronic briefcase” was first used in course of preparation and holding the 21st APPF session in Vladivostok. It was positively met by forum participants, members of delegations and accredited journalists. This information system is under constant development; it is widely used in the Council of the Federation for various activities.

Improvement of mobile communication services is one of the priorities in introducing information technologies to the activity of government authorities, mainly because almost everyone nowadays has a mobile phone or tablet computer. These devices are convenient for quick delivery of constantly changing information to event participants and mass media (program and time of an event, list of speakers, draft outcome documents).

Mr Marc BOSCH, President, thanked Mr SVINAREV for his contribution and opened the floor to questions.

Mr Geert HAMILTON (Netherlands) observed that his own Assembly had been very successful in reducing the use of paper, partly because of a robust approach to electronic working with Members. He asked if the Russian Federation had considered adopting a similarly robust approach.

Mr Baye Niass CISSÉ (Senegal) asked how opinions and comments submitted over the internet influenced the drafting of a bill.

Mr Vladimir SVINAREV (Russian Federation) noted that the Russian Federation had not decided to do without paper completely but that currently the task was to reduce the amount of paper used, and to mitigate its effects.

His Assembly was now working on creating an effective and secure system for using electronic signatures in order to try to address the problem of unnecessary paper usage.

In answer to Mr Cissé, Mr Svinarev stated that there was a law stipulating that the requests of citizens sent to governmental bodies could not be ignored. Nonetheless, suggestions were investigated and adapted before implementation could be considered.

Mr Rhodri WALTERS (United Kingdom) admired the robust approach of the Dutch and contrasted it with the UK parliament, which was only as quick in embracing technology as its most reluctant Members.

He asked whether the Russian Federation was considering using the “cloud” and what thought had been given to the associated security risks.

Mr Byambadorj BOLDBAATAR (Mongolia), asked how electronic information systems could be protected from hackers; how parliaments could promote public engagement by electronic means; and whether

parliamentary employees had to be tested for their ability to support an ever-increasing number of applications and devices.

Mr Vladimir SVINAREV (Russian Federation) remarked that information systems security was an important consideration in the Russian Federation and that special formats were used to prevent unauthorised access. The Russian Federation had good protection against attack by hackers and continued to carry out work in this area.

Implementation of online methods of working had enabled a 15% reduction in staff.

Mr Marc BOSCH, President, thanked Mr Svinarev for his contribution.

3. General debate: How do national parliaments take forward the work of parliamentarians who attend international parliamentary assemblies?

Mr Marc BOSCH, President, invited Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly of the Council of Europe, to open the debate, as follows:

Introduction

As Secretary General of the Parliamentary Assembly of the Council of Europe, the oldest and widest pan-European Assembly, which brings together the whole continent's lawmakers from the parliaments of 47 member States, reflecting on how national parliaments take forward the work of their delegations to international parliamentary assemblies is a matter of on-going interest and constant concern. With a touch of humour and a healthy dose of humility, I would admit that, as Secretary General, my greatest fear is that national parliaments simply do not care about our work and activities. I am therefore ready to hear positive, reassuring and encouraging messages!

In September 1980, the ASGP adopted a report by John Priestman, then Clerk of the Parliamentary Assembly of the Council of Europe, on "Relations between National Parliaments and International Parliamentary Assemblies" (Constitutional and Parliamentary Information, No. 123/1980). The report dealt more particularly with

- the appointment of national delegations to international parliamentary assemblies;
- the information from national parliaments on the activities of international assemblies;
- the follow-up to decisions taken in international assemblies;
- action taken in this respect by national delegations and governments;
- administrative links between national parliaments and international assemblies.

Thirty-three years after the adoption of the Priestman report, it might be interesting to look again at relations between national and international parliamentary assemblies and in particular at the question of taking

forward/follow-up of the work of international assemblies by national parliaments. Questions to be answered could be the following:

- i. Are there any specific procedures in national parliaments to discuss/ensure follow-up to debates/adopted texts of international parliamentary assemblies?
- ii. Do national parliaments regularly debate (in plenary or in committees) questions related to international parliamentary assemblies, and in particular to the activities of their national delegations to these assemblies?
- iii. Do members of national delegations take actions (at national level) related to their activities in international parliamentary assemblies (questions to ministers, references during parliamentary debates, articles in the press, etc.)?
- iv. What is the added value for national parliaments / individual parliamentarians of their participation in the work of international parliamentary assemblies?

The Parliamentary Assembly – as any other international parliamentary assembly – operates in a highly competitive environment: parliaments are taking an active part in the work of an increasing number of organisations (part I).

Therefore, keep high national parliaments' interest and motivation to participate in PACE work is a must (part II). Strengthening interaction with national parliaments, improving the resources of this co-operation network, in order to gain visibility and efficiency is the task the Assembly has set itself as a top priority for the past five years.

Increasing number of international assemblies, increasing competition?

International parliamentary institutions have mushroomed over recent decades. National parliaments are therefore involved in interparliamentary co-operation through their participation in an increasing number of parliamentary institutions, at various levels, and more importantly at various levels of political and legal commitments.

Terminology and classification

In 1989, Heiner Klebes, Mr Priestman's successor in the post of the Clerk of the Parliamentary Assembly of the Council of Europe, presented a report on "The development of International Parliamentary Institutions" (Constitutional and Parliamentary Information, No. 159 1/1990) in which he proposed a classification of international parliamentary institutions.

For the purpose of this paper, the term "international parliamentary assembly" is preferred to the term "international parliamentary institutions". It is used where the members of the institution concerned are either elected or designated by national parliaments from among their members in such a way as to ensure fair political (and gender) representation. On the other hand, international

parliamentary institutions cover all categories of interparliamentary bodies, including associations (which are based on individual membership).

The classification of international parliamentary assemblies is not an easy enterprise. However, developing such a classification is an essential prerequisite – and shall be used – to assess parliaments’ level of involvement and commitment in multilateral parliamentary co-operation.

Generally, classifications are “area-related” or “issue-related” and emphasise the composition of international assemblies – in a geographical sense – thus distinguishing world-wide, regional, sub-regional or inter-regional assemblies, or their goals, scope for action and activities: some international assemblies are more general in competence while others have subject-specific missions.

Another approach leads to identify whether an international assembly is governed by international law or not. The former would be based on an international treaty, normally a multilateral one. For the latter there might be a variety of solutions (agreement between national parliaments; registration as an association under national law). This legal status categorisation may help in determining the level of legal and political commitment of national parliaments in international parliamentary institutions.

Non-exhaustive list of international parliamentary assemblies

Based on the above-mentioned last criteria, the existing international parliamentary assemblies – at least the most well-known – may be listed as follows:

International parliamentary assemblies based on an international treaty

- o Parliamentary Assembly of the Council of Europe (PACE);
- o Benelux Interparliamentary Consultative Council;
- o Nordic Council;
- o Pan-African Parliament;
- o Latin American Parliament (PARLATINO);
- o Parliamentary Assembly of the Francophonie;
- o Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS);
- o The Consultative Council of the Arab-Maghreb Union;
- o Parliamentary Assembly of the Collective Security Treaty Organization;
- o Interparliamentary Assembly of the Eurasian Economic Community;
- o ACP-EU Joint Parliamentary Assembly.

International parliamentary assemblies based on an interparliamentary agreement

- o Inter-Parliamentary Union (IPU);
- o Parliamentary Assembly of the OSCE (OSCE PA);
- o NATO Parliamentary Assembly (NATO PA);
- o African Parliamentary Union (APU);
- o ASEAN Inter-Parliamentary Assembly (AIPA);
- o Asian Parliamentary Assembly (APA);
- o Asian Pacific Parliamentarians’ Union (APPU);
- o Arab Inter-Parliamentary Union (AIPU);

- o Interparliamentary Assembly on Orthodoxy (IAO);
- o Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC);
- o Baltic Assembly (BA);
- o Parliamentary Assembly of the Mediterranean (PAM);
- o GUAM Parliamentary Assembly;
- o Parliamentary Assembly of Turkic-Speaking Countries (TURKPA).

Other international parliamentary assemblies

- o Baltic Sea Parliamentary Conference (BSPC);
- o Commonwealth Parliamentary Association;
- o Euro-Mediterranean Parliamentary Assembly (EMPA);
- o Euro-Latin American Parliamentary Assembly (EuroLat);
- o Euronest Parliamentary Assembly;
- o The Parliamentary Dimension of the Central European Initiative;
- o the Conference of Parliamentarians of the Arctic Region (CPAR);
- o Association of Pacific Island Legislatures.

Moreover, national parliamentarians are sometimes involved in specialised international networks – for example, the Global Organization of Parliamentarians against Corruption (GOPAC), the Global Parliamentarians on Habitat – which, although not parliamentary assemblies, conduct specific co-operation activities that may interfere with national parliamentary initiative and decision-making in the areas concerned.

This chapter would not be complete without mentioning that international parliamentary assemblies may also die. This happened with regard to the WEU Parliamentary Assembly, following the transfer of WEU’s operational activities to the European Union in 2000 and its transformation into the Interparliamentary European Security and Defence Assembly, till May 2011, when the Assembly was definitely wound up.

Towards an evaluation of international parliamentary assemblies?

Therefore, within the community of international parliamentarism, it is to be feared that the proliferation of international parliamentary assemblies in our global world will sooner or later clash with national parliaments’ constraints, in particular financial and budgetary restrictions.

As former PACE President de Puig mentioned in his book on “international parliaments”: “the danger exists that the multiplicity of these structures may render them superficial and purely symbolic”. The fragmentation of the participation of national parliaments in so many interparliamentary co-operation instruments may result in a complete dilution of the work of the interparliamentary assemblies.

However, international parliamentary assemblies should not be placed on an equal footing. They all share a common platform – to create the conditions for stable democracies, political pluralism, social and economic progress – but they do not provide the same range of instruments to achieve these goals (be they political, economic, social or security/military). One could list and rank international parliamentary assemblies on the basis of their political leadership and effectiveness, their representativeness and effective representation of the

citizen's interests, the importance of activities they carried out, the number of decisions taken, the continuity of their operational and administrative structure, etc. Thereafter, why not use the evaluation tools which are promoted by IPU for years.

The Parliamentary Assembly of the Council of Europe is the common home of the parliaments of Europe. It is a pan-European forum for interparliamentary dialogue, where the major emerging and topical issues which are of common interest to all European parliamentary democracies can be debated, where common solutions can be found, a forum where political initiatives can be taken together. The Parliamentary Assembly does not have a legislative function which is comparable to that of a national parliament, but it does play a key role in this field through its right to initiate Council of Europe conventions. The Assembly exercises political oversight over the action of member States in implementing Council of Europe standards, monitors the situation in member States, observes national elections, provide policy guidance, sets benchmarks and disseminates best practices. It operates with a permanent secretariat of more than 100 officials. With 742 reports debated between 2004 and 2012, resulting in the adoption of 954 resolutions or recommendations, the Parliamentary Assembly of the Council of Europe cannot be seen only as the oldest Pan European parliamentary Assembly but above all as the most active one in Europe.

Optimising interaction between parliamentary assemblies and national parliaments

The question how the activities of international parliamentary assemblies can better affect the work of national parliaments remains therefore a topical and central challenge for these parliamentary assemblies. I would like to highlight the approach followed by the Parliamentary Assembly of the Council of Europe in this regard.

The Parliamentary Assembly's exploration of ways to enhance relations with national parliaments

The Parliamentary Assembly of the Council of Europe considered on several occasions the issue of improving connections between national parliaments and international parliamentary assemblies, strengthening their dialogue and mutual co-operation and promoting more effective communication, exchanges of information at both national and European level. PACE had these issues in mind when it adopted Resolution 1640 (2008) on the "Use by Assembly members of their dual parliamentary role – both national and European".

In 2011 the Parliamentary Assembly undertook a reform of its organisational structure, its mode of operation and its means of action; this reform aimed at strengthening its political effectiveness and relevance, increasing its members' involvement, reinforcing the interaction between the Assembly and national parliaments and strengthening inter-parliamentary co-operation.

One year later the Assembly decided to carry out an assessment of the implementation of its reform and, in this context, to examine in particular the expectations of national parliaments as regards the Assembly's work and activities, as well as the impact of PACE adopted texts on the work of parliaments and national governments. This precisely ties in with the main theme currently being discussed.

A questionnaire was sent to PACE national delegations and members at the end of 2012, asking in particular about:

- national parliaments' perception of PACE's role;
- national parliaments' expectations regarding PACE's activities and the issues that the Assembly should discuss first and foremost;
- the impact of PACE's decisions on the work of the national parliaments, the initiatives taken by the delegations to promote these decisions, and the initiatives that could be further developed.

National parliaments' perception of the PACE role

A first step towards better understanding the expectations of the PACE parliamentary delegations with regard to the activities undertaken by the Assembly requires obtaining a clear picture of how parliamentarians perceive the role played by the Assembly.

PACE members very clearly consider the Assembly as a unique institution within Europe for the promotion of fundamental values in the fields of human rights, democracy and the rule of law, which hold member States to account on an equal footing by assessing their situation in these areas and monitoring their obligations thereon, as well as for the promotion of standards through the implementation of the European Convention on Human Rights and other conventions. Several delegations underlined the crucial role of the Assembly as a monitoring body to assess compliance with standards in the fields of democracy, human rights and the rule of law.

PACE members also view the Assembly as the largest pan-European forum where specific topical issues in the most diverse areas – and of interest to the greatest possible number of Europeans – are discussed. The Assembly is in step with the political, economic and social situation in Greater Europe; members welcome its technical expertise, and its capacity to initiate serious and substantive reflections, to give rise to in-depth and sound discussions on sensitive political questions, and to promote exchanges of information and good practices.

However, only one-third of the delegations regard the Assembly as a decision-making, even prescriptive, body whose resolutions can directly guide the current or future proceedings of national parliaments. This brings us to the heart of the problem of the visibility and effectiveness of the Assembly's work and of its political relevance.

National parliaments' expectations of PACE activities

When questioned on the issues that the Assembly should discuss first and foremost, the overwhelming majority of parliamentarians and delegations express a clear preference for topics related to the situation in the member States, particularly regarding compliance with the statutory obligations and the undertakings on human rights, democracy and rule of law, as well as the implementation of the judgments of the European Court of Human Rights, and the monitoring of the implementation of conventions. A large majority of

parliamentarians consider that questions of current political concern are ‘very relevant or relevant’; major emerging problems of European society are also widely considered as ‘very relevant or relevant’ topics for the Assembly’s activities.

Initiatives taken by the national parliaments to promote PACE decisions and adopted texts

Most parliaments publicise the Assembly’s work mainly by drawing up a progress report of the delegation or a report on the Assembly’s activities, either annually or after each part-session. In some parliaments, a report may also be issued after each committee meeting in which members participate. In some cases, all this information is published and made available to the public on the parliament’s website. One delegation publishes a newsletter.

Some delegations disseminate and publicise the texts adopted by the Assembly and implement its decisions by transmitting the resolutions to the competent parliamentary committees, or by organising a presentation or communication by members of the delegation in the competent committees.

Very few parliaments organise a debate in plenary session on the activities of the Assembly and of the Council of Europe, usually annually, sometimes more regularly in the committee(s) concerned (most of the time the committee on foreign affairs or the justice committee), in any case where necessary. In general, delegations do not much use the opportunity to put standard parliamentary questions to the government in order to draw the attention of national authorities to the Assembly’s proposals or decisions.

Several delegations said that they intend to give priority to direct communication with the government, in particular the Minister for Foreign Affairs, by holding regular meetings with its representatives.

How to increase the impact of the Assembly’s decisions on the work of national parliaments?

One aim of the Assembly’s 2011 reform was to strengthen the interaction between the Assembly and national parliaments. It is clear that asking national delegations to provide a better “after-sales service”, especially by more effectively promoting texts adopted by the Assembly, presupposes that these texts deal with issues of relevance to current national policy priorities and future national challenges as well as matters of interest to citizens, so that the Assembly’s recommendations can be formally taken on board by the national parliaments under their regulatory and legislative powers.

Several PACE delegations provide concrete examples of Assembly resolutions that directly inspired the proceedings of their parliament or had a direct impact on their work: resolutions relating to the monitoring of obligations and commitments either general or specific (for example, on combating corruption, promoting freedom of the media, or on the abolition of the death penalty), to the implementation of the Council of Europe conventions and of the judgments of the European Court of Human Rights, and those relating to solving bilateral conflicts with the neighbouring country.

Closer interaction between international parliamentary assemblies and national parliaments: further food for thought

Concrete steps in order to enhance the operational synergies between the international parliamentary assemblies and national parliaments shall be explored. In every national parliament and parliamentary assembly, a practical way of breaking the routines in interparliamentary dialogue should be found, aiming at a higher level of quality, rationality and efficiency. The link between the proceedings of parliamentary assemblies and national parliaments must be enhanced: documents produced cannot simply be published and made available on websites; if reports and decisions remained in a closed circuit, they will only receive formal, routine or bureaucratic feedback. These are some of the avenues currently explored by the Parliamentary Assembly:

Better reflecting the interests and concerns of national parliaments in PACE's work

The Assembly shall improve its awareness of the interests and needs of the national parliaments. Improved interaction would help it tailor its priorities and direct its action in such a way as to ensure European-level debates on issues helpful to national legislators in their day-to-day work.

National parliaments could also better raise their members' awareness of the Assembly's potential as a platform for parliamentary activities on the international stage and as a think-tank, able to identify future challenges and prospective trends which are relevant to national and European concerns.

For its part, the PACE secretariat published in 2012 a handbook for delegation members who are willing to be actively involved in the Assembly's activities and debates and use the procedures at their disposal (such as tabling motions for resolutions or recommendations, written declarations, etc) in order to exert direct influence on the Assembly's work.

Reinforcing PACE parliamentary assistance programmes towards national parliaments is also a priority. For a number of years now the Secretariat has been organising regular seminars on the Council of Europe's activities, the functioning and structures of the Assembly, etc, notably for the benefit of new national delegations set up following elections in member States. The novelty is that nowadays requests for assistance are more specific, targeting parliamentary institutions in specific countries or regions and aiming at promoting standards and good practices in various fields of parliaments' interest.

Promoting direct exchanges between the Assembly committees and their counterparts in the national parliaments

National delegations are the natural relays for Assembly activities, and should promote its work; they are the Assembly's "ambassadors". If it is to be efficient, co-operation between PACE and national parliaments must be fully supported by the national delegations.

However, developing direct links between the national parliamentary committees and parliamentary assemblies should also be considered. PACE delegations themselves expressed a very keen interest in promoting direct exchanges between the Assembly committees and the competent committees of national parliaments in the following ways:

- through direct exchange of information on matters of mutual interest,
- through joint meetings between the committees in Strasbourg or in national parliaments,
- by setting up networks of "contact" parliamentarians or correspondents in sister committees for certain issues,
- by organising a meeting, for instance once every two years, of chairs of parliamentary committees on a given topic.

One concrete action would be to create an e-mail data base of committee chairs (or members) of all national parliaments, which would allow the Assembly to channel information on specific issue to all national parliamentarians dealing with the matter at hand.

The Parliamentary Assembly of the Council of Europe, through its constant process of reform and initiatives, is not the "Sleeping Beauty" of European interparliamentary co-operation. However, whatever the improvements in its mode of operation, part of the problem remains: there is a need, on the part of national parliaments, to be ready to receive PACE proceedings and decisions and to ensure comprehensive feedback. Ultimately, recommendations from parliamentary assemblies should result in legislative initiatives or parliamentary initiatives for political supervision of governments.

Mr Marc BOSCH, President, thanked Mr SAWICKI for his contribution and opened the floor to the debate.

Mr Ulrich SCHÖLER (Germany) made following contribution:

The German Bundestag sends delegations to ten international parliamentary assemblies. The composition of the delegations reflects the relative strengths of the parties in the Bundestag, and their members are nominated by the parliamentary groups. The work done by these delegations at the international level is tied in with parliamentary business in Berlin in various ways.

Each delegation draws up a written briefing on its activities after it has attended an international parliamentary assembly conference. This briefing is published as a Bundestag printed paper and forwarded to the competent specialist committees for their information. The briefing lists the resolutions and recommendations adopted in German, and gives an account of the topics addressed, the most important discussions and the contributions made by the delegation's members to the debates.

Meetings of the delegations in Berlin are used to prepare for and follow up on conferences. On these occasions, the German Federal Government briefs the delegations orally about the topics on the agenda, and sets out its opinion on draft reports and resolutions that are to be dealt with by the assemblies.

The Parliamentary Assembly of the Council of Europe receives special treatment since the Federal Government also provides written information about the

Assembly's work every six months in its report on the activities of the Council of Europe, which is published as a Bundes-tag printed paper.

Apart from this, every two years the President of the German Bundestag presents a report on the Bundestag's international activities and obligations, which also describes the work done in the various parliamentary assemblies. This is intended to create transparency about the travel arrangements made for Members of the German Bundestag in view of the large amount of media attention they attract.

Apart from these formal links, German delegation members build numerous informal bridges between their work in the parliamentary assemblies and the decision-making processes in Berlin – these connections are not always discernable to the public, are certainly not quantifiable, but are all the more significant for day-to-day politics.

First of all, the experience gained in international work has an impact on how Members vote in the plenary, for instance when it is necessary for Parliament to give its approval for foreign deployments of the Bundeswehr. Primarily, however, it is the specialist work in the Bundes-tag's working groups and committees that benefits from dialogue at the international level.

These benefits are all the more positive because numerous delegation members are at the same time members of committees of the German Bundestag that deal with related matters. For example, the chairman of the Bundestag's Committee on Human Rights and Humanitarian Aid and three of the Committee's five spokespersons are simultaneously members of the Parliamentary Assembly of the Council of Europe. The current head of the German Delegation to the NATO Parliamentary Assembly is the deputy chairman of the Defence Committee, and a majority of the NATO PA Delegation are members of the Committee. All the German delegates to the Parliamentary Assembly of the Union for the Mediterranean are members of the Committee on the Affairs of the European Union.

The report on political prisoners in Azerbaijan drawn up by Christoph Strässer (SPD) for the Parliamentary Assembly of the Council of Europe, for instance, illustrates how vital these personal ties can be for the work of German delegates at the international level. After the authorities in Baku had refused Strässer permission to travel to Azerbaijan, the Committee on Human Rights and Humanitarian Aid of the German Bundestag adopted a resolution, which was passed with the votes of all the parliamentary groups in which it called upon Azerbaijan's government to fulfil its obligations towards the Council of Europe and grant the rapporteur access to the country's detention facilities. The Committee on Foreign Affairs also deliberated on the matter at the initiative of the head of the German Delegation to the Parliamentary Assembly of the Council of Europe, who is a member of the Committee as well. Not least thanks to the encouragement of this support at the national level, Strässer eventually presented his report to the Assembly even though he has been refused entry to Azerbaijan through to the present day.

Finally, the organisational resources devoted to this field also reflect the seriousness with which the integration of international and national

parliamentary work is taken as a way of ensuring the Bundestag conducts its business effectively at a time when increasing numbers of issues demand cross-border political solutions: Every delegation to an international parliamentary assembly is provided with a two-strong secretariat. The ten secretariats – headed by a total of five civil servants in the higher service who are supported by ten further staff – are brought together in a single division. They help the German delegations handle organisational matters, substantive issues and questions of protocol – preparing for and following up the events held by parliamentary assemblies, providing support at the conference venues and making arrangements for the bodies and individuals invited by the German Bundestag to meetings and talks in Germany. In the last 12 months alone, the International Parliamentary Assemblies Division has organised a visit by the president of a parliamentary assembly to Berlin, four committee meetings and two visits by rapporteurs.

Dr Winantuningtyas Titi SWASANANY (Indonesia) believed that it was important to ensure that the work done in international assemblies fed directly into the drafting of national laws.

Mr Jean-Louis HÉRIN (France) said that France was in favour of the participation of its members in international assemblies but that there were too many, and it was necessary to ensure that delegates sent to international assemblies had sufficient skills and expertise to make a meaningful contribution.

In national parliaments there could be better internal coordination, for example between national foreign affairs committee and the delegations sent to international assemblies.

Mr José Antonio MORENO ARA (Spain) was not convinced that consensus at the Association would lead to consensus at the political level.

There was a need to rationalise the number of international meetings and financial considerations were important.

Political parties in many countries saw membership of international assemblies as a reward, which meant that parliamentarians were selected to participate on grounds other than the contribution that they could make.

Dr Athanassios PAPAIOANNOU (Greece) said that, despite the unanimity on this issue within the Association, it was not the secretaries general of parliaments who made the decisions, but parliamentarians.

One problem was the composition of the international assemblies. Many of the best people were not in a position to participate in international assemblies because they were given other responsibilities at a national level, such as jobs as Ministers. If numbers were not restricted, the calibre of participants would not be high enough.

Mr José Manuel ARAÚJO (Portugal) said that the secretaries general of international organisations should go to national parliaments to be questioned about their work.

There were some committees in national parliaments that were well connected to the work of international assemblies, for example national defence committees and the NATO Parliamentary Assembly. It would be more efficient if these bodies had shared membership.

Mr Jiří UKLEIN (Czech Republic) said that the problems being articulated were compounded for bicameral legislatures by the need to improve their internal coordination.

Mr David NATZLER (United Kingdom) noted that delegations from the UK were not chosen on the basis of the interest or expertise of their members, but on the basis of political reward. For political reasons, parliamentarians often opted not to refer in their speeches to expenses-paid trips to international assemblies. This meant that their colleagues were not always aware of the provenance of remarks that did in fact originate from work done as part of an international delegation.

He believed that the staff of international assemblies should be better integrated with committee staff to ensure that they could engage better link the work done in the two forums. Even so, it was not realistic to ask any national parliament to engage meaningfully in as many as 946 resolutions emanating from an international assembly.

Mr Benedict EFETURI (Nigeria) asked what systems and processes administrators could put in place to ensure the implementation at national level of matters decided by international assemblies. He asked how secretaries general could cascade learning from international assemblies down throughout their national organisations.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) suggested that a member of parliamentary staff should be included in each delegation with the explicit purpose of communicating the output at a national level.

Mr Amjed PERVEZ (Pakistan) suggested that there should be a direct relationship between the matters discussed at international assemblies and the output of national parliaments.

He did not believe that there should be such a focus on the specialisation of members but that the goal should be to expose as many parliamentarians as possible to the work of international assemblies.

Mr Geert HAMILTON (Netherlands) stated parliaments should attempt to be relevant and connected to issues discussed at an international level and that, to achieve this, difficult decisions would have to be made about which international assemblies to participate in.

In the Netherlands, delegations had to put the issues discussed at international assemblies onto the agenda of the relevant parliamentary committee and to report back.

Individual initiatives by parliamentarians on the international stage underwent budgetary clearance before permission for attendance was given.

Mr Ibrahim MOHAMED IBRAHIM (Sudan) noted that Sudan also had a system whereby delegates had to report back in writing, with specific attention paid to the expected output at a national level.

Mr Vladimir SVINAREV (Russian Federation), made the following written contribution:

Dear colleagues, Ladies and Gentlemen,

International parliamentary institutions are by right considered one of the efficient entities or, as they say, actors of international relations. Their number, authority and degree of participation in international affairs increase steadily.

Therefore, the participation in the work of the interparliamentary institutions is an important component of work of the staff of the Council of the Federation. The delegations of the upper chamber of the Russian parliament actively participate in the work of a whole range of international and regional parliamentary organizations, including the Parliamentary Assembly of the Council of Europe, the Assembly of the Interparliamentary Union, the Congress of Local and Regional Authorities of the Council of Europe, OSCE Parliamentary Assembly, NATO Parliamentary Assembly, the Association of European Senates, Asia-Pacific Parliamentary Forum.

Speaking about the mechanism of delegating the members of the Council of the Federation to international parliamentary institutions, it can be described as follows: The Council of the Federation cooperates with international parliamentary organizations in accordance with the plan of Interparliamentary cooperation which is approved annually by the Council of the Chamber upon submission by the Chairman of the Council of the Federation. The draft of such plan is preliminarily considered by the Committees of the Council of the Federation for international affairs and for the Rules and organization of parliamentary activity (as regards financial support). They also take into account the proposals of other committees of the Council of the Federation, and submit the draft plan to the Council of the Chamber upon agreement.

The Council of the Chamber determines the procedure of forming the delegations of the Council of the Federation in international parliamentary organizations and approves their structures.

Since the parliament is a representative and legislative authority of the state power of the country, the Interparliamentary organizations of the delegations of the Council of the Federation acts in accordance with Russia's general foreign policy vector. However, that does not prevent the members of the Council of the Federation to express their professional opinions on any agenda items.

Today, on the eve of the twenty year anniversary of the contemporary Russian Parliament, one can surely say that for all these years, the members of the upper chamber have been very responsible about their foreign policy obligations, took active part in the work of international parliamentary institutions.

For example, the members of the Council of the Federation carry on doing a great job in within the framework of the Assembly of Member Nations of the CIS. They made a considerable contribution into harmonization and approximation of legislation of our countries, into development of democratic processes in the post-Soviet space. Russian senators have considerable practice in the sphere of monitoring of referendums and elections in the countries of the Commonwealth.

Speaking about how participation of the members of the Council of the Federation in the work of international parliamentary organizations influences their activity in the upper chamber of the Parliament, I would like to point out the following.

First, participation in Interparliamentary communication gives Russian senators the opportunity to be "synchronized" with their foreign colleagues in a number of international issues.

One can judge about the potential of the interparliamentary organization as a ground for dialogue, for example, based on the January Meeting of the Asia-Pacific Parliamentary Forum held in Vladivostok. In terms of number of countries, number of participants, speakers, and draft resolutions, the 21st APPF Meeting became the most representative forum for its whole history. More than 350 delegates from 28 countries arrived to Vladivostok, which is a quarter more than the anniversary forum in Tokyo.

Secondly, during informal contacts, Russian delegates share experience, learn the legislative practice of other countries in order to use all the best in their legislation.

Thirdly, the documents adopted by interparliamentary organizations serve as kind of landmarks for the members of the Council of the Federation during development of the position of its chamber as to foreign policy issues.

In addition, in certain conditions interparliamentary organizations form also the basic principles, which are subsequently used as the basis by the parliamentarians of the member states.

Dear colleagues, in today's global world, when were are all related in depend on each other, the parliaments have no alternative other than building open and trustworthy relationship. Therefore we, as secretaries general of parliaments, must do all our best to ensure maximally efficient and professional work of the representatives of our chambers in international parliamentary institutions.

Thank you for your attention.

Mr Marc BOSCH, President, thanked everyone for their contributions. He asked Mr SAWICKI to comment in particular on the multiplication of international assemblies.

Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly of the Council of Europe, did not believe that this could be

characterised as a uniquely European problem. Parliaments on every continent belonged to international assemblies.

It was not necessary to select delegations afresh for each new sitting of an international assembly. There needed to be some continuity, and indeed many delegates held their posts for a minimum of four years.

It was politicians who established international assemblies and it was the role of staff to deal with the consequences of this in the most effective and efficient way. He questioned whether follow-up should be in the hands of staff accompanying the delegations. He believed that, on the contrary, this should be the responsibility of the parliamentarians who formed part of the delegations.

The resolutions of the Council of Europe referred to actions being taken by national governments, not national parliaments. The ideal would be for parliamentarians to take the discussions they had held internationally back to their governments to press them for action.

It was not possible to compare international institutions with more *ad hoc* arrangements, for example, agreements between two or three countries.

Mr Marc BOSCH, President, thanked all the participants and said that undoubtedly this was a conversation that would be taken back to national administrations.

The sitting rose at 4.30 pm.

THIRD SITTING
Tuesday 8 October 2013 (Morning)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Marc BOSCH, President, announced that the communication by Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe, on “Evaluating constitutional provisions to safeguard corporate governance within and by Parliament” would now be presented on Wednesday afternoon.

2. New Members

Mr Marc BOSCH, President, said that the secretariat had received several requests for membership which had been put before the Executive Committee and agreed to. These were:

Mr Mourad MOKHTARI

Secretary General of the National People’s
Assembly of Algeria
(replacing Mr Abdelhamid Badis Belkas)

Mr Kinzang WANGDI

Secretary General of the National Assembly
of Bhutan
(this country is joining the ASGP for the
first time)

Mr Debebe BARUD

Secretary General of the House of
Federation in Ethiopia
(replacing Mr Habtamu Nini Abino)

The new members were *agreed* to.

3. Communication by Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Parliament: “Work with a new Riksdag Act – process and principles”

Mr Marc BOSCH, President, invited Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Parliament, to present his communication, as follows:

Ladies and gentlemen, colleagues and friends.

The Riksdag Act

The Riksdag Act regulates the work of the Riksdag (Swedish Parliament), and thus serves as the rules of procedure for our parliament. Previously, the Riksdag Act was one of Sweden's fundamental laws, but since 1974 it has had special status, with an intermediate position between fundamental law and ordinary law. In connection with the Swedish constitutional reform of 1974, a new Riksdag Act was adopted and its contents divided into two categories of provisions: main and supplementary provisions. The main provisions regulate procedures with an especially important role in the democratic process and are amended in the same way as fundamental law, or by qualified majority. Supplementary provisions regulate procedures of a more administrative nature and are amended in the same way as ordinary law.

Need for a reform

Since the current Riksdag Act came into force, conditions relating to the Riksdag and its work have changed in several respects, for example, through Sweden's EU membership and on account of technological developments. As a result of developments, some of the provisions have become outdated and unnecessarily formal procedures have lived on. The language used in our laws has developed, and as the Riksdag Act has undergone over 100 amendments since it came into force, this has led to inconsistencies, both structural and linguistic. This is why there was a need for a comprehensive review of the Riksdag Act, in terms of content, language and from a legal-technical perspective, with the aim of achieving an act that fits its purpose and meets stringent requirements as regards consistency and comprehensibility.

Committee of inquiry

The Riksdag Act is, in principle, a law concerning the internal procedures of parliament. This fact spoke in favour of establishing a committee within the Riksdag to conduct the review. As the Riksdag Act regulates the work procedures and has a direct impact on the work of the MPs, there was also reason to seek to reach broad consensus, in order to make it possible to adopt the Act without needing to apply the procedure for amendment of fundamental law. This would mean that the Riksdag Act can come into force before the next parliamentary election in 2014.

The Riksdag Board, which is able to present submissions to the Riksdag on matters concerning the work of the Riksdag, therefore appointed an all-party committee of inquiry to conduct a review of the Riksdag Act. The Speaker was appointed chair of the committee and the group leaders of each party appointed as members. A group of adviser and experts, including myself, was also appointed to provide support.

How the work was conducted

In general terms, the work with the review has comprised two parts, partly a legal-technical and linguistic review with the aim of modernising and improving the law, and partly a review of around thirty content-related issues that needed to be revised. The chair of the committee decided that the content-related issues should first be considered by four working groups comprising representatives of all the parties in the Riksdag. These were divided according to the following headings:

- 1) the Chamber;
- 2) private members' motions and questions;
- 3) the relationship between the Riksdag and the Government; and
- 4) elections and certain matters relating to MPs.

The working groups met on three occasions during the winter of 2013, and presented the results of their meetings to the committee in April 2013. The working groups were, on the whole, agreed. Certain issues were, however, carried forward to the committee, which also considered some further questions that arose at a later point, in addition to conducting the legal-technical and linguistic review.

The results of the committee of inquiry's review

The results of the committee of inquiry's review are found in a report which has just recently been submitted to the Riksdag Board. The draft Riksdag Act has a new division into chapters designed to make the law more comprehensible and easier to use in the Riksdag's everyday work. The first chapter contains, among other things, a table of contents and definitions of certain central concepts. All chapters have also been given an introductory paragraph describing the contents of the chapter, and all provisions have been given their own, descriptive heading so that those applying the law can easily find their way among the various provisions. The opening chapters are about the organisation and leadership of the Riksdag. A new chapter has also been created solely containing provisions relating to MPs and their status. The central aspects of the Riksdag's work are gathered in three chapters about the introduction of business, the preparation of business and the settlement of business. The last few chapters of the Act deal with elections in the Riksdag and about various boards and authorities appointed by the Riksdag.

The language of the Riksdag Act has been modernised and made easier to read. The new Act is also technology-neutral, in that none of the procedures in the work of the Riksdag should be limited to a certain type of media or specific technology. Technical developments have come far since the mid-1970s, and there is good reason to believe that this development will continue. It is therefore not appropriate for the text of the law to regulate in detail procedures requiring a certain form of technology. Such legislation can limit developments. Naturally, considerable emphasis has been placed on ensuring that the rule of law is not compromised in the democratic process. One result of this work has been that a number of reports, memorandums, etc. that are currently reported to the Chamber no longer need to be read in the Chamber, but can be made available for MPs digitally, for example, via the Riksdag intranet. Furthermore, there will no longer be a statutory requirement that Government bills, committee reports etc. must be distributed to MPs in printed format; e-mail may be sufficient provided it can be guaranteed that all MPs can access the contents.

In addition, the legal-technical review has, to quite some extent, involved abolishing unnecessarily complicated formalities or even whole paragraphs that, in some cases, are no longer applied in the work of the Riksdag. One of the consequences here is that committee reports no longer need to be tabled at two meetings before they are settled; one tabling is sufficient. The decisive criterion for the settlement of a matter will be how long the committee report has been

available for the MPs. In addition, the provision setting out what should be included in an order paper for meetings of the Chamber has been simplified to only contain such matters that are actually going to be dealt with at the meeting. Other information will instead, as noted earlier, be communicated to the MPs by means of other, more efficient, methods.

The continued process

The Riksdag Board has now circulated the report for comment. Comments are expected during December 2013. Thereafter, the comments will be compiled before the Riksdag Board can decide on a submission on the matter and present its proposal to the Chamber. The Chamber will then refer the proposal to the Committee on the Constitution for consideration. The Committee's consideration of the draft Riksdag Act will take most of the spring, after which the Committee can submit its report to the Chamber. The aim of the work is to reach political unanimity on all aspects of the new Riksdag Act. This unanimity will hopefully enable it to be approved by a qualified majority before the summer of 2014, and to come into force on 1 September 2014. During September 2014, the parliamentary elections will be held and the newly-elected Riksdag will therefore be able to work in accordance with the new regulations right from the outset.

Mr Marc BOSCH, President, thanked Mr Claes MÅRTENSSON for his communication and invited members present to put questions to him.

Mr Geert A. HAMILTON (Netherlands) congratulated the speaker and asked whether an English version of the law was available. In the Netherlands, the creation of a law was the business of Parliament alone. He asked whether the Government had been involved in the gestation of the law and whether it had imposed its view, or whether its role had been a purely consultative one.

Mr Manuel ALBA NAVARRO (Spain) said that his interest in the communication derived from the Spanish Parliament's work on its internal regulation, which had been going on since 1982. Under successive legislatures, reform had been attempted, but without consensus. He also requested an English version. He asked if Parliament had needed to agitate for a consensus if all political parties had, in general terms, wanted to be heard and whether the debate had been difficult. In Spain, only primary legislation existed: some years ago he had proposed the differentiation of primary and secondary legislation, but without success.

Mr Masibulele XASO (South Africa) said that in the South African Parliament there was a law to regulate financial matters, and another to regulate privileges. There were internal rules for Parliament but no law, and those rules were supple and could be suspended. He asked if the rigidity of the law caused problems with the day-to-day running of the Parliament.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) followed on from the remarks of her colleague to indicate that, in the Dutch Parliament, Members worked hard to attract the attention of the media. With 150 members this caused problems. She asked if this was a common problem and, if so, what the solutions were.

Mr Claes MÅRTENSSON thanked all the participants and said that it would be possible to translate the law into English.

On the subject of the Government's involvement in the revision of the Parliamentary law, he replied that, in general, laws were drafted by Government but there were some exceptions, notably the internal regulation of Parliament, which was the exclusive domain of Parliament, but on which Parliament had needed to use the drafting expertise of Government. For this reason a ministerial representative had supplied his expertise in respect of structural and legal matters, being careful to respect Parliament's exclusivity. There had not been any battles over the draft but the subjects looked at by the committee had not been controversial politically. Parliament had sought consensus in accordance with its consensual culture.

In response to Mr Xaso, he noted that a law could not be suspended other than in an emergency. The law on Parliament contained dispensations which allowed exceptions to be made: for example debates had to be open to the public, but the President was given power to hold a debate in private if it was on a subject that needed to be kept secret. No emergency had ever been declared in Sweden but, were that to occur, he thought some flaws in the new law would appear.

In response to the Dutch questions, there were 349 members of the Swedish Parliament and their difficulties had doubtless been exacerbated by their desire to be in the media. Debates in the chamber were contained, however, and if there was a problem, they could be closed. The problem had been managed by practical means (in case of opposition, no debate). As far as officials were concerned, he indicated that they realised that the law would not always be respected that that it was usually the big parties that decided, not the law.

Mr Marc BOSCH, President wished Sweden success with the new law, and hoped that it would help in the country's parliamentary work.

4. **Communication by Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Secretary General of the Chamber of Deputies of Brazil: "Symbolism and challenges at the Brazilian Chamber of Deputies"**

Mr Marc BOSCH, President, invited Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA, Secretary General of the Chamber of Deputies of Brazil, to present his communication, as follows:

Foreword

Brasília, inaugurated in 1960, was built to achieve the expectancies of the Brazilian people. The new capital materialized, symbolically, "the country of the future". The ideas of vanguard and hope were translated by its unusual shapes.

Settled in an important period of the national history, the futuristic city designed by the urban planner Lucio Costa expressed the Brazilian society ability to overcome problems. Its design contained a desire to equality, so that all citizens would take part in the construction of a country of opportunities.

Many people came to the center of the nation, excited about the construction of the new capital. The so-called "candangos" contributed to build a stage of strong significance for the development of Brazil.

The Symbolism of the National Congress

In Brasilia's design conception, the National Congress has taken a prominent position in the city layout. The set of buildings for the Legislative Power headquarters, visually dominating the Esplanade of Ministries, became an icon of the new capital and its values. Its position in relation to other powers (Executive and Judiciary) portrayed the importance played by Parliament as a discussion forum for the creation of laws.

The area that would give the city the symbolic appeal of a capital stood along a street named "Monumental Axis". The most emblematic buildings of the urban set, designed by the architect Oscar Niemeyer, were placed in this axis.

The route conducted through the Monumental Axis is directed to the "Three Powers Square", designed in a triangular shape: each one of the vertices would host a building representing the branches of the Republic. Looking towards the "Three Powers Square", the Planalto's Palace shelters the executive power: this is the one which has the power of the pen to manage and operate the actions of national interest. On the right side, the Supreme Court Palace expresses the power of the justice, where the major national issues are judged. At the center and in the foreground, between the Esplanade of Ministries and the Three Powers Square, is settled the National Congress Palace, the house of the legislative branch, whose strength lies in the exchange of ideas and the democratic discussion about the future of Brazilian society.

The project for the National Congress Palace belongs to Oscar Niemeyer, one of the most important exponents of the modern architecture in the world. Before the capital transfer to Brasília, the headquarters of the Chamber of Deputies and the Senate House, members of the National Congress, were located in separate buildings in the city of Rio de Janeiro (Tiradentes Palace and Moroe Palace), the former capital. These buildings were designed in eclectic style based on European models somehow far away from the Brazilian cultural identity.

In order to conceive the project, Niemeyer has begun studying the plenaries, understood as the most important elements in the new Congress composition. He justified the starting point for the fact that the discussions about country's challenges took place in there, resulting in the creation of laws.

Therefore, aiming at highlighting the importance of the plenaries, the architect lowered the main volume where they were installed on the top. A subtle horizontal line that serves as support for the two domes was then emphasized. This displacement of the building on the ground also allowed the creation of the People's Square, which includes a wide leaned space in front of the Congress: the area serves as an amphitheater open to the public voice.

On the platform where the domes are placed also arises a second square, where there is an access to the public galleries of the plenaries.

These are the galleries which served as the basis for the concave and convex shapes of the domes. They were designed to host the public, so that citizens can watch and participate in the legislative sessions. In the Chamber of the Deputies, representing the people, the gallery is wider and results in a structure which can receive up to 400 people; in the case of the Senate House, both the plenary and the public gallery are smaller because of the reduced number of Senators in relation to Deputies and also the specific role of this Legislative House representing the State.

It is worth mentioning the two office towers located behind the domes. Reaching about 100 meters high, they are slightly displaced towards the Senate dome and complement the plastic composition of the set.

After the inauguration of Brasilia, the development of the legislative works and the city's progressive consolidation as the headquarters of the Republic's decisions, new annex buildings have emerged as an answer to the new functional requests.

Nowadays the Chamber of Deputies architectural complex has about 170.000m². In order to ensure the spaces vitality and the legislative activities full functioning, the buildings contain, in addition to offices, restaurants, cafes, banks, medical department, library, etc... In this built space there are 30 entrances and approximately 10,000 employees are working in it. On the busiest days, the Chamber of Deputies receives up to 10,000 visitors. This population of about 20,000 people is bigger than those of 75% of the Brazilian cities.

New Challenges

After 53 years of the inauguration of Brasilia, the transference of the Congress for new capital and significant changes in Brazilian society, the Parliament faces new challenges. The spatial structure of the buildings, especially those which are part of the Chamber of Deputies, receives interventions to guarantee popular participation, ensuring security conditions for the development of parliamentary proceedings.

Concerning this issue, to facilitate broad access of the population, works have been conducted to improve the accessibility conditions and universal design. Actions to improve urban mobility have been implemented, such as encouraging the use of bicycles by the civil servants. Sustainability strategies are continuously studied and improved, so that they can be converted in routine for the institution.

There is special attention to the buildings of historical appeal, especially the Main Building and Annex I. The Chamber of Deputies has close contact with heritage agencies in Brazil, to ensure the integrity of the built space which is an essential part of the Monumental scale of Brasilia, inscribed in the World Heritage List since 1987. Recent initiatives have been conducted to the creation of an use of space master plan, taking into account the need to better organize the distribute spaces in the institution. Here are considered short, medium and long term planning strategies, anticipating spatial scenarios that the Chamber of Deputies intends to achieve.

In this context, it is planned to build a new building with an auditorium/multipurpose plenary. The plenary may receive the joint sessions of the Chamber of Deputies and Senate, equipped with modern technological resources, including electronic voting system. The new building also will house 86 new parliamentary offices, meeting rooms, small auditoriums, restaurants and other services.

Regarding communication, the Chamber of Deputies congregates efforts to enable an open, broader and more effective channel to the society. New technological resources and media information are promoted, enhancing the performance of the electronic portal of the institution (www.camara.leg.br), TV and Radio House, plus News Agency, all with broad reach.

A Final Message: Words from the Workmen

One of the major challenges related to the theme Parliaments and Buildings considers preservation and maintenance of the architectural complex issues. The scale of the whole set, like a city, and its symbolic importance to Brasilia and the Brazilian society demand a precise and agile management.

To conclude this exposure, and strengthen the role of the Parliament as a symbol of hope for a country, I would like to report a pleasant surprise occurred in August 2011. When running a repair of a leak in the upper slab near the plenary of the Chamber, the technical staff of the House found, in the gap between the slabs, a sealed void since the inauguration of the building. In it there were several messages written by the workers who worked in the building of the National Congress Palace. The texts brought words of hope, of citizens who saw that building as a path to the transformation of Brazil.

In one, from April 22nd, 1959, José Guedes Silva wrote “Shall the men of tomorrow who will come have sympathy for our children, and the law is to be enforced”. This was an expression of all Brazilians commitment in building a better future.

Mr Marc BOSCH, President, thanked Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA for his communication and invited members present to put questions to him.

Mr David NATZLER (United Kingdom) spoke about the UK Parliament, which was housed in a more ancient building, but which was experiencing similar problems. He asked why there were so many entrances, given their cost in personnel and security terms. The Palace of Westminster had seen its number of entrances reduced from 20 to 6 for cost reasons. He noted that Brazil encouraged its parliamentary officials to travel to work by bicycle, but in the UK the same initiative had minimal effect. He wanted to know how cycling to work could be increased.

Dr Winantuningtyas Titi SWASANANY (Indonesia) noted that the same problems existed in Indonesia, where for five years there had been a need to renovate the ancient parliamentary buildings, but where there was also considerable resistance from the public. The blockage was a financial one. She wanted to know if there had been sufficient funds to pay for the Brazilian work

and asked how the project had been financed, in the hope of finding inspiration for Indonesia.

Dr Athanassios PAPAIOANNOU (Greece) thanked the speaker and indicated that in Greece, too, they were experiencing the same dilemma, and that the cost of works was increasing ever more. The Greek Parliament had considered both moving and maintaining the building in the centre of town despite the lack of space. He wanted to know how parliamentarians had reacted to the project.

Mr Marc BOSCH, President, asked speakers to focus on the Brazilian example to avoid straying into the territory of the general debate.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) said that the decision to build a new capital had been taken in 1957 and that the inauguration had taken place in 1960. He asked what techniques had been used to manage the delays (in finding qualified workers, for example).

Mr Manuel ALBA NAVARRO (Spain) thanked the speaker and said that he was particularly interested by the total of 10,000 officials. He observed that it must have been difficult to manage so many officials in such a restricted space. He asked how it had been possible to welcome so many officials and members of the public, particularly during mass demonstrations. In Spain there was a law forbidding protesters to demonstrate in front of Parliament.

Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA replied that there were 30 entrances in response to the political climate of the time, which was in favour of encouraging public participation. Two years ago they had consulted the architect, Mr. Oscar NIEMEYER, about this and it would have been difficult to modify the building because it had become part of the country's cultural heritage. They had attempted to differentiate between entrances for officials and those for the public but these attempts had repercussions in terms of the level of public confidence in Parliament.

Cycling had been constrained by a lack of bicycle parking places. An attempt was being made to improve public transport in Brasilia.

The banks had come to an agreement on managing the accounts of 10,000 officials. They could not force officials to put their money in there but once they had an account they tended to retain it, and this had been profitable for the banks. The contribution of the banks had risen to about 100 million euros. The politicians had participated in the construction of the building. They had tried to be equitable in the division of the groundspace between members and parties.

It had been astonishing that the project had been completed in three years. There had been a desire to develop the interior of the country because 75% of Brazilians lived on the coast. The public was unanimously agreed about the success of the operation, even though it had incurred a significant level of public debt.

The building housed 513 offices for members; there were 25 parties in Parliament; and 10,000 officials. On the old site there had been no radio

station, press outlet or IT department. A huge number of people used the building ever day: the hemicycle had been invaded by an ethnic group pleading for the safeguarding of their land, and on another occasion to demand a vote. The number of people who could enter the building had been limited to avoid recourse to force, but this decision had been poorly received by the public because of the ancient tradition of welcome in Brazil.

Mr Marc BOSC, President, thanked the speaker and wished him every success.

5. Election of a new ordinary member of the Executive Committee

Mr Marc BOSC, President, welcomed and congratulated Mr Somsak MANUNPICHU (Thailand), who had been elected to the post of member of the Executive Committee.

6. General debate: Parliamentary buildings – challenges and opportunities

Mr Marc BOSC, President, invited Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament, and Mr David NATZLER and Mr Rhodri WALTERS, Clerk Assistant of the House of Commons and Reading Clerk in the House of Lords of the United Kingdom, to open the debate, as follows:

Mr Alexis WINTONIAK (Austria) apologised for his brief participation caused by the elections held beforehand. He had observed, at the instigation of his Brazilian colleague, that many parliaments around the world had in common historic buildings that had been build in an era when the business of parliament was different. He believed that parliaments had to face up to technical defficiencies and new demands. The Austrian Parliament building was 130 years old and had once housed a multilingual Parliament where the nobility met.

The technical problems encountered by the Parliament largely consisted of leaks of water and sometimes of snow.

It was necessary to follow the law as it had been laid down by the Parliament: Austrian building regulations; fire regulations, which engaged the responsibility of the secretaries general; the right of public access; and energy consumption. There were three problems that needed addressing: the structure, the interior, and construction techniques. It required seven years to plan the work and it was difficult to anticipate which technologies would be required in the future. If the decision to renovate totally was taken, it would be possible to totally redefine the use of space. Feasibility studies and cost assessments had been used over seveal years in conjunction with international comparators. A list of recommendations had been drawn up in order to facilitate a clear implementation plan.

He showed a series of pictures to illustrate the problems.

If the decision was taken to totally transform the building, a complete decant would have been required. It was necessary to take account of all those who used the building, each of whom had an opinion about the renovation. There was also a need to engage with the public from the outset.

He set out the intentions of the Austrian parliamentary officials: to create a decision model that took account of all the options, including the most theoretical options, because the final decision did not belong to them.

The Viennese biannual would be dedicated to the parliamentary buildings in Austria.

Dr Rhodri WALTERS (United Kingdom) noted that, given the example of the Brazilian Parliament, even new parliamentary buildings needed renovation. The Palace of Westminster had been rebuilt after the fire of 1834 and again after the Blitz. The current building had not been completely renovated since, but work had been done on the chamber of the House of Commons. He showed a series of pictures that illustrated some of the most serious problems that had been encountered: including faulty electrical circuits; blocked ventilation systems; unsafe gas pipes; and dilapidated cables. Many of the installations dated from the 1940s.

He set out the drawbacks of such a major project. The works were done under the auspices of a department of works shared between the two houses of Parliament. This meant that costs were shared but that each secretary general was separately accountable to the relevant committee of their House.

Mr David NATZLER (United Kingdom) said that if there was a flood or a terrorist attack, the continuation of parliamentary business could not be assured. The simple fact of imagining these events enabled consideration of the question of what was truly necessary. For example, serious consideration had been given to the need to give public access to meetings given the fact that they were all available on the internet. Similarly, consideration had been given to the number of microphones needed; to the system for voting; and to whether or not the two Houses could share a chamber.

There was a board for the restoration and renewal of Parliament, which took account of all the risks, for example, a temporary move gave rise to the risk that work would need to be done to the temporary accommodation. They were employing experts to make accurate cost assessments. Some of the higher quotations had related to fire security and asbestos removal. Keeping the work within budget was very important and an appeal to the public was necessary.

7. Conclusion

Mr Marc BOSCH, President, thanked the speakers for having set the terms of the debate. He reminded the Association that between three and four informal discussion groups, divided by language, would be formed. A rapporteur for each group would report back at 3pm. The Spanish and Arabic speaking groups would need to appoint a rapporteur who could report back in French or English.

The sitting rose at 12.10.

FOURTH SITTING
Tuesday 8 October 2013 (Afternoon)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 3.00 pm

1. Presentations by rapporteurs and general debate: Parliamentary buildings – challenges and opportunities

Mr Marc BOSCH, President, invited the rapporteurs from the informal discussion groups to report back to the Association.

Mrs Françoise Meffre (France), who was the rapporteur for the francophone group, said that the group had dealt with two topics: renovation and public access. All participants were facing difficulties with the upkeep of their parliamentary buildings, either because of age or because they were not adapted to current needs.

Although the participants had all criticised their buildings, very few had plans to leave their buildings and move to new ones. Most participants planned to adapt their current premises to better suit their needs.

The group had addressed the issue of financing. Some parliaments had financial autonomy when it came to funding the maintenance of their buildings but others had to rely on their government. Most parliaments had a lack of sufficient resources to bring their parliaments to an optimal state.

The group had also discussed public access to parliamentary buildings, particularly in the context of security. Practices differed and there were varying degrees of public access. One difficulty was the size of parliamentary estates. Often sites were too small to allow for unlimited public access, requiring booking or quota systems. Technological solutions to this problem were discussed, though the group was sceptical about this.

Mr Geert HAMILTON (Netherlands), rapporteur for the Anglophone group, said that only the Israeli and German participants expressed satisfaction with their parliamentary buildings. Most other participants expressed dissatisfaction but a desire to retain and improve their parliamentary buildings. Approximately one third of the parliaments within the group had been built in the twentieth century; one third in the nineteenth century; and one third earlier than that.

Discussion had centred around ownership of the buildings and consequently where the funding for improvements should come from. In some countries finance had to come from funding for public works, which entailed negotiation with competing public interests.

Drivers for change were the need for new space; the desire to work in new ways; and technological advances.

The Turkish Parliament had involved parliamentarians with relevant experience in the process of renovating and renewing buildings.

The group had questioned whether it would be publicly acceptable for a parliament to spend money on improving its own accommodation when so many others were in urgent need. This was particularly the case in Indonesia, where there had been an earthquake. Mr Hamilton's view was that it was important to tackle these difficulties and to make the case for renovating parliamentary buildings to the public.

Mr Mourad MOKHTARI (Algeria), rapporteur for the Arabic-speaking group, said that the group had decided to look at differences and similarities between participating parliaments.

Within the group, renovations and renewal projects had to be paid for from state budgets.

Architecture in arab countries was heavily influenced by the Moorish style, which was an important expression of national sovereignty. The buildings housing parliaments in the region were mostly new because they had been built after independence. Parliaments were increasing in importance within the region and consequently required extension, for example to create capacity increased legislation, better public access or increased research.

Parliaments in arab countries needed to acquire and use new technologies in order to disseminate parliamentary culture, but also to fulfil the citizens' constitutional right to information.

The group had also discussed the design of parliamentary buildings. The most important criterion was the symbolic aspect. There was also a functional aspect and a qualitative aspect. All of this was aimed at optimising the efficiency of parliamentary buildings.

Mr Mokhtari wished to add some words about the Algerian experience. The building used by Algerian lower house was so small that extension was not a viable solution. The construction of new buildings for both houses had already been budgeted for and completion within the next few years was envisaged.

Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA (Brazil), rapporteur for the Spanish-speaking group, said that the group participants mostly worked in buildings that had not been designed to meet modern needs. Space in particular was a problem.

Heritage agencies were an obstacle to improvement, as was a lack of funding. Most parliaments faced crises concerning their legitimacy, making it difficult to argue the case publicly for making funding available for improvements.

Renovations usually had to take place during recesses, which meant that time was limited. The services provided by parliaments were on the increase, and this created increased pressure for more, better, spaces in which to carry out work.

There was often a lack of space for the administrative function, which could cause clashes with trade unions. Often the administration was housed in worse accommodation than the political class.

The group agreed that parliaments needed to employ permanent staff who understood the demands of parliamentary work and heritage considerations, who could carry out repairs and improvements as a matter of course.

There needed to be better communication with the public to explain the need to spend money on parliamentary buildings.

Mr Marc BOSC, President, thanked the rapporteurs and opened the floor to the debate.

Dr Fouzia Y. Al-Jeeb (Bahrain) said that in Bahrain there were two chambers inside the same building, which was only fourteen years old. However, despite this, the expansion in the number of staff meant that Bahrain was planning to construct new buildings on a larger site, incorporating an academy for parliamentary studies. The design would be traditional. The project would be funded by the Government, which had already budgeted for it and completion was envisaged for 2016.

Mr Benedict EFETURI (Nigeria) asked whether it was better for funding for renovations to be in the hands of the Executive or the Parliament. In Nigeria, the Parliament had been built by the military when it was in power, which had lacked the parliamentary expertise to design buildings that were fit for purpose.

Mr. Paul GAMUSI WABWARI (Uganda) asked whether any countries had used a public-private funding arrangement to carry out works.

Mr Amjed PERVEZ (Pakistan) asked whether the majority of parliamentary building projects were funded by the Executive.

Mr Marc BOSC, President, said that, in Canada, the key to arriving at the point at which works could commence, was the establishment of a good relationship with the owners of the building, in this case, the Government. Partnership was of fundamental importance and ongoing monitoring was required over a long period.

Owning the buildings entailed ownership of significant risks and responsibilities, and this was not always a good thing.

Mr David NATZLER (United Kingdom) said that the United Kingdom was in a unique position in that it had a single building but two entirely separate financial regimes, one of which (the House of Commons) had financial autonomy, the other of which (the House of Lords) did not. Ownership of the parliamentary estate was a poisoned chalice because of the responsibility that stewardship entailed.

The idea that parliamentary and governmental money were separate was a delusion. Both sets of money came from the taxpayer.

Mr Ali AL-MAHROOQI (Oman) said that in Oman a modern building had been constructed to contain both houses. The advantage of bringing together both houses was that broadcasting was facilitated.

Mr Philippe SCHWAB (Switzerland) said that, during a restoration project lasting four years, the decision had been taken that parliamentarians would remain within the building whilst the renovations were taking place, which had the effect of making parliamentarians conscious of the impact of their legislative decisions on daily life.

For example, some parliamentarians wanted to work faster, working over weekends and overnight in order to overcome the difficulties posed by the renovations but this was impossible as a direct consequence of labour laws passed by the politicians themselves.

Mr Marc BOSC, President, enquired whether anyone wanted to respond to Mr NATZLER.

Mr Rhodri WALTERS (United Kingdom) said that he had direct personal experience of trying to work through renovations and could offer assurances that staff could be adversely impacted by renovations as well as politicians.

Dr Athanassios PAPAIOANNOU (Greece) said that in the previous year it had rained heavily in Greece and the rain had come through the roof. The head of technical services went to investigate the situation and walked on the glass roof in doing so. The roof shattered, she fell through it was left dangling above the chamber during a parliamentary sitting. Dr Papaioannou would have been legally responsible had she, or any parliamentarian, come to any harm.

Mr Shumsher K. SHERIFF (India) said that, in his Parliament, the parliamentary canteen had generated a smell, which had come through the air conditioning system. The investigation into the source of the smell had elicited several complaints about the general standards of the catering, which in turn led to a renovation project on a grand scale.

Ms Penelope Nolizo TYAWA (South Africa) stated that the need to renovate could lead to an interesting reconsideration of what parliaments were and should be for.

Mr Ibrahim MOGAMED IBRAHIM (Sudan) said that the Sudanese Parliament had been built a long time ago and was far too small although it was extremely elegant. It required technological upgrades.

Dr Mohammed Abdullah Al-Amr (Saudi Arabia) said that the building which housed the Shura Council was extremely elegant but that the admission of women had required renovations in order to construct a separate section of the building to be used by the women. A special gate for women had been created, and links between the female quarters and their places of work established.

Extensions had also been made for the committees and technological innovations had been introduced to modernise the work of the Shura Council.

Mr Marc BOSCH, President, gave the floor to the rapporteurs.

Mr Mourad MOKHTARI (Algeria) said that it was true that there was a legal debate underlying the discussion of funding, to do with where the balance of power lay. In Algeria, the parliament had to ask the state for a budget.

Mr Geert HAMILTON (Netherlands) said that there was a need for renewal of the parliamentary buildings in the Netherlands in the coming years. The Government had said that only half of the necessary budget was available, limiting work to technological improvements only. There was a need for smart financing solutions to spread both the cost and the investment over a longer period.

Mr Marc BOSCH, President, thanked all the contributors to the debate.

2. **Communication by Mr Shumsher K SHERIFF, Secretary General of the Rajya Sabha of India: "Marking the petition to Parliament an effective instrument for the resolution of issues of common interest"**

Mr Marc BOSCH, President, invited Mr Shumsher K SHERIFF, Secretary General of the Rajya Sabha of India, to present his communication, as follows:

Background

It is an inherent right of the people in a democracy to present petitions to the Legislature with a view to expressing their grievances and offering constructive suggestions on matters of public importance. This right has been well recognized in India and is reflected in the text of the Constitution. Article 350 of the Constitution of India provides as follows:-

"Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be".

The Committee on Petitions in India

Origin

To deal with petitions to Parliament, Committees on Petitions were set up in both the Houses, i.e., the Council of the States (hereinafter referred to as the Rajya Sabha) and the House of People (hereinafter referred to as the Lok Sabha). Historically, it is one of the oldest Committees of the Indian Parliament tracing its origin to a resolution moved by a Member in the then Council of States on September 15, 1921. The resolution called for the setting up of a Committee on public petitions with powers to take evidence. The matter was examined by a Committee appointed by the Government. In pursuance of this Committee's recommendation, a Committee on Public Petitions was constituted on February 20, 1924. In 1933, its name was changed to 'Committee on

Petitions'. In the post-independence era, the Committee was constituted for the first time in the Rajya Sabha on May 22, 1952.

Till the year 1964, petitions could be presented to the Rajya Sabha only with regard to (i) Bills which had been published in the Gazette of India or which had been introduced in the House or in respect of which notice of a motion had been received under the rules or (ii) matters connected with business pending before the House. The function of the Committee was thus limited. Since 1964, after the revision of the Rules of Procedure of the Rajya Sabha, the scope of the Committee was enlarged. The Committee on Petitions is a Standing Committee and consists of 10 Members of Rajya Sabha, nominated by the Chairman of Rajya Sabha.

Scope

The scope of the Committee on Petitions as per Rule 138 (ANNEXURE – I), includes examination of a petition on any matter of general public interest provided such matters are not; (i) sub-judice, (ii) connected to State Government, or (iii) for which a remedy available under the law of the land.

Format

A petition has to be submitted in a prescribed form (ANNEXURE – II). It should be formally addressed to the Rajya Sabha. It should contain the name and description of the petitioners. It should contain a concise statement of the case of the petitioner(s) and should conclude with a prayer of the petitioner in the form of a request. It should contain signature and address of at least one petitioner. Every petition should be couched in respectful and temperate language.

Processing

A petition, if countersigned by a Member of Parliament, is acknowledged by the Petition Committee Secretariat. The petition received is examined to determine its admissibility in accordance with the rules relating to petitions. Thereafter, it is submitted to the Chairman, through the Secretary-General, for obtaining his consent for presentation to Parliament. Petitions which are found inadmissible are kept on file and intimation sent to the petitioner and the sponsoring Member. If the Chairman, Rajya Sabha admits a petition, the member, who has countersigned the petition, is permitted to present the petition on a date convenient to him and a necessary entry is made in the List of Business of the day for the presentation of the petition. In case the petition has not been countersigned by a member of the Rajya Sabha or if the member, who has countersigned the petition, has resigned or retired, it is then reported to the House by the Secretary-General. Every petition, after presentation by a Member or reported by the Secretary-General, as the case may be, stands referred to the Committee on Petitions for detailed examination and report to the House.

The Committee is within its rights to decide upon the procedure to be followed in the examination of the petition, referred to it. Generally, it includes steps like; (i) oral evidence of the petitioner(s), (ii) issue of a press communiqué inviting views/suggestions of various stakeholders on the subject matter, (iii) oral evidence of the interested stakeholders, (iv) correspondence with the concerned Ministries/Departments of the Government of India including their oral evidence, (v) undertaking study visits to enable the Committee to have a

realistic view of the situation, (vi) internal discussions for the purpose of arriving at considered conclusions on the issues involved leading to reporting on the petition to the House.

Since 2003 the Committee on Petitions has considered 477 petitions of which 39 were referred to the Committee. The remaining 438 petitions were placed before the Government for appropriate remedial measures. A year-wise analysis is indicated below:-

Year	Petition received	Petition referred to the Petitions Committee
2003	63	8
2004	60	8
2005	68	2
2006	47	1
2007	26	3
2008	21	3
2009	42	4
2010	33	4
2011	55	3
2012	62	3

Besides petitions, the committee also receives a large number of representations. There is a difference between a petition and a representation. First, there is a prescribed format for a petition and secondly, the matter raised has to be of general public interest. On the other hand, there is no format for a representation and it may concern only an individual matter. Though at times some representations bring up issues of wider concern and can be considered by the Committee. A recent direction by the Chairman, Rajya Sabha of November 2, 2011 has empowered the Committee to now consider representations and report on them. These directions of the Chairman, Rajya Sabha are in line with the directions of the Speaker, Lok Sabha.

During the period (2003-12), 2781 representations were received. These representations were dealt with carefully to provide relief to the affected individual or group of persons. Except for representations which are either anonymous or incorrectly addressed, all such representations were examined and sent to the Ministry and concerned State Governments for redressal of grievances. The responses received from the Ministry / Department on representations were sent to the affected individual or group of people in almost all the cases. The following table indicates the increasing relevance of Committee on Petitions.

Year	Representation received
2003	125
2004	97
2005	89
2006	91
2007	347
2008	125
2009	213

2010	375
2011	503
2012	816

Reports

After the Committee has deliberated on the petition referred to it for examination, the Committee reports back on the petition to the House in the form of a Report. The Report of the Committee contains the Committee's views on the subject matter of the petition which are recommendatory in nature. It is obligatory for the Government to provide an Action Taken Report (ATR). It is open to the Committee to report to the House on the ATR and may present a further Report to the House.

Performance

Ever since it was set up in 1952, the Committee has presented 144 Reports till 2012. The Committee has come across with petitions on a variety of subjects. A Subject-wise analysis of the petitions reported by the Committee is indicated hereunder:-

Subject	Number of Petitions reported	
Government Policies	39	
Social Welfare	38	
Infrastructure		23
Education	12	
Health		11
Environmental issues	08	
Labour		07
Women and Child Development	06	

	Total	144

The Committee meets throughout the year and on an average has met 15 to 20 times, in a year. This is besides one or two study visits in a year. To be precise, the Committee met 13 times in 2010, 19 times in 2011 and 17 times in 2012. In terms of time, the Committee deliberated for about 12hrs in 2010, 25hrs in 2011 and 24hrs in 2012.

The Committee is assisted by three officers and four staff.

Impact

The Committee has been instrumental in highlighting the problems of the common man through its Reports. Some of the subjects, which have been deliberated upon by the Committee and which have made positive impact on Government actions and policies are briefly mentioned below:-

Petition regarding extension of Railway Network in Himalayan States

In this case, the petitioners prayed for extension of railway network in the extremely difficult mountainous terrain of the Himalayan region. Consequent to the Committee's intervention, the attention of the Government was drawn to

this neglected area and a decision was taken to classify the proposed railway network in the Himalayan States as a strategically important project for which funding would be done from the General Budget. Extension of these railway networks would result in the linkage of inaccessible areas with the national mainstream leading to economic and industrial development of remote and backward areas.

Petition regarding reasonable restriction of using mobile phones

On the basis of the recommendations of the Committee, Government has placed restrictions on the use of mobile phones within school premises in the country. Pursuant to the Committee's recommendations, Government has also issued instructions to the manufacturers and service providers of cellular phones to educate consumers about 'Mobile Etiquette'. Some of the TV channels are now educating consumers, about the Do's and Don'ts of using mobile phones. Most important, the Government has prescribed a fine on using mobile phones while driving.

Petition regarding misuse of rights by print and electronic media

The Committee presented its Report on the subject on December 12, 2008. In its Report, the Committee had expressed serious concern about the ill effects of 'trial by Media'. The Committee's intervention led Government to set up the Broadcasting Content Complaints Council (BCCC), a self-regulatory body for non-news general entertainment channels set up by the Indian Broadcasting Foundation (IBF) in consultation with the Information & Broadcasting Ministry.

Petition regarding putting blanket ban on manufacturing of spurious drugs and clinical trials

The Committee is currently examining the issue of spurious drugs, clinical trials and availability of affordable medicines. The initiative of the Committee has lead to stringent norms for conduct of clinical trials so that innocent patients are not subjected to adverse effects of medicines under trial. The Committee's intervention has lead to media campaigns and use of technologies like bar coding to detect spurious drugs. Besides the Committee's intervention has lead to the expansion of the National list of essential medicines by almost three hundred percent. The Committee's intervention has also lead to greater thrust on part of the government to sell medicines by their generic nomenclature.

Petition regarding review of policy of making Hydro-power projects

Recently a devastating natural calamity struck the northern state of Uttarakhand in the Himalayas. Environmentalists attribute this to the fragile eco system of the Himalayan region. On the directions of the Committee, the Government is conducting a study on the entire length of the river Ganga to identify the impact of dams on the flow of river water, eco system and surrounding ecology. The Central Water and Power Research Station have been asked to conduct a study and suggest viable alternatives so that the twin objectives of minimum damage to the river and generation of hydroelectric power are achieved.

Conclusion

The Committee on Petitions has a very important role in addressing issues of public interest. Though we have in place several other mechanisms for looking

into public grievances, the Committee on Petitions of the Rajya Sabha stands out distinctly. It provides a high powered mechanism of parliamentarians that enable the public to raise issues of public interest without cumbersome procedures. Its performance has fully justified its purpose and it would be desirable to further strengthen this Committee, so as to increase its efficacy for the common good.

Mr Marc BOSCH, President, thanked Mr SHERIFF for his contribution and opened the floor to questions.

Mr Masibulele XASO (South Africa) wanted to know what happened to petitions that had been deemed to be inadmissible. He was interested in the distinction between petitions and their presentation.

Mr Claude FRIESEISEN (Luxembourg) said that, in future in Luxembourg there would be two types of petition: the ordinary petition and the public petition. The public petition would be submitted online via the parliamentary web system. People would be able to sign petitions online over a six-week period and there would be parliamentary debate at the end of this period if the petition had 4,600 signatures.

Mr Philippe SCHWAB (Switzerland) asked how it could be ensured that the same petition was not submitted at both national and federal levels, resulting in two differing views being formed.

Mr Md. Ashrafal MOQBUL (Bangladesh) wanted to know if there were any fees payable by the petitioner; and also what would happen if the petitioner failed to receive a counter-signature from a parliamentarian. He also enquired whether the petitions committee ever took notice of letters published in national newspapers.

Mr Amjed PERVEZ (Pakistan) wanted to know whether a special constitutional provision needed to be made to accept petition. He also asked whether the distinction between petitions and representations was formally set out in the rules of procedure.

Mr Shumsher K. SHERIFF (India) said that the Government had an obligation to report back to the committee on petitions, which also had the ability to ask the Government for a second view. There was no such obligation in respect of representations.

He said that the 4,600 signatures required in Luxembourg would not be considered to be a high number in India. The primary consideration was whether or not a petition had been countersigned by a parliamentarian, not the extent of its public support.

In response to the comments made by Mr SCHWAB, Mr Sheriff stated that that a legislature only took cognisance of a petition if it fell within its remit, which minimised the risk of duplication.

There were no fees payable. No cognisance was taken of letters to the media unless they were also presented as petitions and properly counter-signed. The

petitions committee created its own procedural rules, within the constraints of the existing rules of business.

3. Communication by Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of Democratic Republic of Congo: “Connecting structures between the legislative and executive branches”

Mr Marc BOSCH, President, invited Mr David BYAZA-SANDA LUTALA, Secretary General of the Senate of Democratic Republic of Congo, to present his communication, as follows:

Introduction

The exercise to which we will deliver ourselves in the lines which follow on:

- the structure-relays enter the legislative power and the executive power like;
- the role of the ministry in charge of the relations with the Parliament in Democratic Republic of Congo.

For better circumscribing this topic, it seemed to us justified to undertake a comparative study on bottom of some country of hurdy-gurdy democracy and friend, namely the French Republic, in order to determine contours of the young parliamentary experiment of the RD Congo,

Why of the comparative choice of the French Republic?

The imperative reasons are summarized rather in these terms:

- somebody who would study our Constitution would not be long in realizing of the similarity which would exist between our political system and the continental model of France, except some divergences;
- the lessons of the French experiment compared to the ministry for the relations with the Parliament are enormous, because in Democratic Republic of Congo, this ministry has more or month 10 years whereas in France, it is since 1939 that there exists.

Our talk will go from a short outline on the structure-relays between the legislative powers and executive of the Democratic Republic of Congo while passing by the table of convergences between these last and those of the French Republic and the Democratic Republic of Congo and to fall on the similarities of the ministries of relation with the Parliament.

This talk goes thus short article on the following points:

1. short outline on structures of relay enters the legislative powers and executive of the Democratic Republic of Congo;

2. table of convergences of the structures of relay enters the legislative powers and executive of the French Republic and the Democratic Republic of Congo;
3. role of the Ministry for the relations with the Parliament: parallelism enters the experiments Frenchwoman and congolaise.

Short observation

The principle of the separation of the capacities being an essential element in the adjustment of the capacity, the Constitution of February 18, 2006 of the Democratic Republic of Congo institutes the president and the government under the register of the executive power and separates it from the bicameral Parliament (national Parliament and Senate) which belongs to the legislative power.

These two capacities have, in each one of these two countries, of the structures of relays which will be presented on three categories of the footbridges, namely: footbridges of a general nature or purely policy, footbridges of a legislative nature and footbridges based on control.

Footbridges of a general nature

These footbridges generally relate to the relationship between the Parliament and the President of the Republic. They are articulated in particular on the functions of the President of the Republic which:

- communicate with the rooms of the Parliament by messages which it reads and which do not give place to any debate. It pronounces once the year in front of the two rooms assembled in congress a message on the state of the nation;
- name the Prime Minister within the parliamentary majority after consultation of this one. He puts an end to his functions on presentation by this one of the resignation of the government;
- also enjoys the prerogative to declare the war. It is made by an ordinance deliberated in the Council of Ministers after opinion on the higher Council on defense and with the authorization on A ssemblée national and the Senate;
- the capacity has to dissolve the French National Assembly in the event of crisis persisting between the Government and the French National Assembly after consultation of the Prime Minister and the presidents of the two rooms. However, no dissolution of the French National Assembly can intervene in the year which follows the elections neither for the periods of the emergency state or seat or war, nor while the Republic is dirig ée by a temporary President.

In the event of vacancy due to death, of resignation or for very other final prevention, the functions of president of the Republic causes, except for those mentioned in articles 78,81 and 82, are temporarily ex e rcées by the President of the Senate. The ratification of the treaties and international agreements is a prerogative which returns to the executive primarily and more particularly to the Head of the State. It ensures the regular operation of the authorities and the

institutions for the continuity of the State. It is guaranteeing national independence, integrity of the territory, national sovereignty.

Footbridges in the legislative field

There is a procedural report/ratio characterized inter alia by:

The field of the concurrent initiative of the law (government: bill and Parliament: private bill);

- transmission of the proposals of the laws by the Parliament with the government for opinion (endéans 15 days to emit them). However, and except urgency with the favour of the opinions and considerations of the Office of the Parliament nation ale and the Senate on the recevabil ité, the Conference of the Presidents proposes the inscription of the matter to the calendar of a session before it is not subjected to the discussion of the members of Parliament directly into plenary or in committee;
- the inscription of the projects and private bills to the schedule of work of the session, without excluding the maitrise from the agenda by the government, which for need enjoys priority right for its projects or declaration of general policy;
- the specificity of the budgetary bill residing initially in the fact that the government firstly deposits it with the French National Assembly before making her shuttle with the Senate;
- the examination during the meeting of the texts deposited by the government;
- the possibility for the government of engaging its responsibility on the vote for a text (article 146 of the Constitution);
- the opening to the members of the government (often its experts) to examine the projects or proposals of the laws in committee with deliberative voice (article 131 of the constitution);
- new deliberations of the law at the request of the President of the Republic;
- the enabling of the government to take by ordinance-laws, during a limited time and to determined matters, measures being normally field of the law;
- the initiative of constitutional revision appartenan T with each room which is expressed through half at least its members and, this, jointly with the President of the Republic, the Government after deliberation in the Council of Ministers, a fraction of the Congolais people in fact 100.000 people being expressed by a petition addressed to the one of the two rooms. Moreover, it belongs to the French National Assembly and to the Senate assembled in congress to judge admissibility of each one of these initiatives.

Footbridges in the field of control

This report/ratio is based on the means available to the members of Parliament to exert their control on the Government. Article 138 of the precise Constitution, by the way, that the methods of information and control of the Assemblies on the government, the public companies, the public establishments and services are:

- the question oral or written with or without debate not followed by vote;
- the topical question;

- interpellation;
- board of inquiry;
- hearing by the commissions.

Certain provisions of the Constitution and the payments of the two rooms have the role to reinforce the control of the Parliament on the government while stipulating inter alia:

- obligation of the members of the Government, if they are required by it, to attend with the meetings of the French National Assembly and those of the Senate, to speak and to provide there to the members of Parliament all the explanations which are required of them on their activities;
- their sanction in the event of subtraction with requisition Ci above;
- the calling into question of the responsibility for the Government by the vote of a motion of C ensure or distrust. Only the French National Assembly can reverse the Government by a motion of censure or a refusal of her nomination, or a member of the Government by a motion of distrust;
- transmission of the recommendations and resolutions to the Government to see E with the President of the Republic;
- After this outline of the structure-relays between the legislative powers and executive of the Democratic Republic of Congo, we will try to encircle, without us to delude that our experiment has still way to traverse, the similarities which would exist between it and the French system, of the continental type.

Role of the Ministry for the relations with the Parliament: parallelism enters the experiments of Frenchwomen and congolaise.

Without going further, we will try to include/understand this role through some legal or lawful provisions. In the case of France, it will be about the Decree n° 2012-791 of 6 June 2012 relating to the attributions delegated to the minister delegated to the Prime Minister, responsible for the relations with the Parliament and for the Democratic Republic of Congo, the Ordinance n° 08/074 of 24 December 2008 fixing attributions of the Ministries.

Of France

The elements with our possession on France indicate that the above mentioned decree stipulates what follows:

Article 1

By delegation of the Prime Minister, the minister delegated to the Prime Minister, responsible for the relations with the Parliament, is charged to follow the relationship between the Government and the Parliament.

Article 2

The Prime Minister and the minister delegated to the Prime Minister, responsible for the relations with the Parliament, are responsible, each one in what relates to it, of the application of this decree, which will be published in the Journal officiel de la République française.

All things considered, this decree says laconically that the "Minister for the relations with the Parliament is charged to follow the relationship between the Government and the Parliament".

Concretely, the ministry for the relations with the Parliament holds a pivot role in the relations between the government and the assemblies particularly in the legislative procedure.

Its central institutional role relates to thus political time, the legislative calendar: the agenda.

In that, it is a belt necessary of the government, and in particular of the Prime Minister of which it is attached and of which it is "the armed arm". "Certainly, it builds the agenda, where it imposes the will of the Prime Minister".

The Minister for the relations with the Parliament has an essential role between the executive and the Parliament by making so that the majority is homogeneous and works in a coordinated way".

An innovation is the establishment of a committee of follow-up of the application of the laws to the ministry.

Democratic Republic of Congo

The Ministry of relation with the Parliament is moreover very young insofar as it adds up hardly 10 years.

Indeed, it is rather the need for the solidification of the democracy and the need for ensuring a regular operation of the young better parliamentary political institutions which impelled the installation of the Ministry for the Relations with the Parliament which must at the same time serve as "driving belt" of the concerns of the Executive at the Parliament and, conversely, of the concerns of the Deputies and Senators addressed to the Government".

The actions and activities which fall under the role of the Ministry for the Relations with the Parliament rise on the one hand, of attributions common to all the Ministries and on the other hand specific attributions of each ministry such as stipulates the above-mentioned Ordinance.

Its specific attributions are as follows:

- to represent the Government with the French National Assembly and the Senate;
- to facilitate the relations between the members of the Government and the Deputies and Senators;
- to propose, coordinate and put in oe uvre actions tending to promote and consolidate the relations between the parliamentary Government and Rooms;
- to coordinate the legislative program of the Government;
- to get information and follow the progress report of the bills initiated by the members of the Government;

- to contribute to the enrichment of the projects and private bills of the texts in legislative matter like with the actualization of the laws in dialogue with the members of the Government concerned;
- to initiate and carry out any reflexion or exploratory study in the field of the parliamentary right and the legislation on the political parties and the statute of the opposition;
- to contribute to the development of the agenda of Chambres parliamentary and surveille the inscription on the agenda of the Parliament concerned of the projects or private bills declared priority by the Government;
- to ensure the follow-up of the check procedures exerted by the French National Assembly and the Senate on the Government, the public companies, the services and publicly-owned establishments;
- to ensure the permanent presence of the Government in the parliamentary debates and to follow the deliberations of the parliamentary Rooms at a plenary sitting and;
- to make provisions allowing the members of the Government to which interpellations, questions written, oral or of topicality are addressed to answer in the intended deadlines and, if necessary, to compensate them;
- to ensure conformity the Constitution and the national legislation of the edicts of the provincial Assemblies in collaboration with the Ministry for the interior;
- to carry out and ensure the follow-up of any other mission entrusted to him by the Government;
- to maintain the relations between follow-up and the parliamentary groups and the political parties and to transmit their concerns and opinions to the Government.

Concretely, this young ministry tries to continue after a fashion by:

- execution of the tasks of routine of a ministry;
- assistance of its actors in various plenary meetings of the two rooms;
- the raising of the inventory of fixtures of work at the Parliaments;
- the drafting of the annual reports of the interventions of the members of the Government at the Parliament;
- the coordination of recent work relating to the evaluation of the execution of the recommendations of the Parliament to Government etc;

Parallelism enters the two experiments

In France, this ministry is a little the clock and watch maker of the French National Assembly and the Senate. The agenda is fixed, since the constitutional reform of 2008, by the government two weeks out of four. It is stopped at the time of the conference of the presidents, laquell E the minister attends. The veill E of the Conferences of the presidents, the minister in charge of the relations with the Parliament makes known by mail addressed to the President of 1 Parliament the requests for priority inscription of the Government on the agenda for the weeks which are reserved to him. At the time

of the Conference, it takes care of the good articulation between the inscription of texts and debates on the agenda of the weeks reserved at each assembly and the diary of the ministers concerned. Thus, it is the minister who specifies, details and manages the legislative calendar, establishing a priority calendar of the bills.

What is not the case in Democratic Republic of Congo. Of course the bills emanating from the Government have priority. The projects are initially reported on the minister of supervision successively in the meetings sets of themes and the Council of Ministers so that they are transmitted in one of the rooms of the Parliament by the Prime Minister. It is difficult to make apparaitre the implication of the ministry for the relations with the Parliament on this level. As regards the calendar, only the members of the conference of the presidents specify it, detail it and manage it without the participation of this minister. Nevertheless, this last can draw the attention of the Prime Minister to this question.

In France, the Minister for the relations with the Parliament must make sure that the majority does not make false jump with the government. It is to some extent the police officer of the majority ". Its role first is to be in the corridors "" to remove the spines of the foot and to put petals of pinks in front of the ministers sets of themes vis-a-vis the traps that one tends to him ". It plays role of "blue helmet" vis-a-vis the opposition. Especially with the Senate, where the elected officials feel sometimes freer their vote than to the Parliament. The Minister invites practically and daily some members of Parliament with his table or possibly at his office to hear them, to know sometimes which condition they put to abstain from, to criticize a text, or to be able, better still, to adopt it.

On this subject, it is difficult that we affirm what occurs in Democratic Republic from Congo.

- Lastly, if in France, the Minister for the relations with the Parliament ensures himself in particular of the follow-up of the application of the laws and is comparable with a marshalling yard "which checks as an example the publication of the decrees, it is not the case in Democratic Republic of Congo.

Constraints related to the execution of attributions of this young ministry in Democratic Republic of Congo

In addition to shelves which precede, the ministry for the relations with the Parliament of the Democratic Republic of Congo is the object of the major constraints which are in particular:

- contradictions between the texts of the Constitution, the payments and the ordonnance;
- the difficulty of being made a place in the political arena, with being accepted and being respected in the daily exercise of its attributions by the other Ministries for the Government. A obvious example is the fact that the Ordinance n° 08/073 of bearing 24 December 2008 organization and

operation of the Government, methods practise collaboration, between the President of the Republic and the Government as between the members of the Government envisages, with regard to the coordination of the legislative program of the Government, the installation of Permanent Interdepartmental a Commission known as "of the Laws and Textes lawful " chaired by the Deputy Prime Minister in charge of Safety and Defense and whose composition varies according to the matters ". But it could be specified, for more coherence, than the Secretariat and the rattachement of this Commission would have logically and in a permanent way being entrusted to the Ministry for the relations with the Parliament of which one of principal attributions is < to coordinate the legislative program of the Government ";

- the difficulty in admitting the access of the actors of this ministry in some work of two parliamentary Rooms. It arrived very often that the access to the meetings of parliamentary committee was interdicted with delegated of this ministry because it was considered that the meeting meant only "plenary " and that in addition articles 81 of the Rules of procedure of the French National Assembly and 105 of the Rules of procedure of the Senate reaffirming the constitutional law (article 131 of the Constitution) of the members Government, assisted their experts, to take share with work of the commissions, but without deliberative voices, did not quote expressis verbis this ministry;
- the Ordinance entrusted to this young ministry a vast program compared to the means it has. A obvious example is that relating to the mission of the control of conformity to the Constitution and the national legislation of the edicts of the provincial Assemblies in collaboration with the Ministry for the Interior. How the Ministry for the Relations with the Parliament fulfill would this mission without having a necessary personnel and representations in provinces, which would ensure, in the local plan, the execution of same attributions that the Ministry should exert at the national level?

Conclusion

To close these lines, we will not prevent ourselves from stressing that, on the basis of sphere of activity broader and complex in which would have effector the relationship between the legislature and the executive as well as at the same time delicate but such significant mission completed with the ministry for the relations with the Parliament, the challenges which await us are major and deserve reflexion and courage. Because our experiment is not as large as that of France and your respective countries.

On this, dear colleagues of the ASGP, your contributions will be the welcomes in order to clarify our young experiment. We thank you for your pleasant attention and are laid out, at the time of the debate, to answer the questions to which our talk did not give more clearness.

Mr Marc BOSCH, President, thanked Mr BYAZA-SANDA LUTALA for his contribution and opened the floor to questions.

Mr Baye Niass CISSÉ (Senegal) said that the main relay structure in Senegal was a Ministry designed to be an interface between the legislative and executive branches. He said that if a parliamentarian wished to pose a question, that

question would be transmitted to the executive by the Ministry for Parliamentary Relations.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) wanted to know why the comparative table had used France, rather than Belgium, as its comparator, given the history of the Democratic Republic of Congo. He asked what value a Ministry for Parliamentary Relations added.

Mr Gali Massa HAROU (Chad) asked whether there was an internal parliamentary body that followed up the implementation of laws.

Mr Hugo HONDEQUIN (Belgium) explained that Belgium would not make a good comparator for the Democratic Republic of Congo because, as a kingdom, it had a totally different constitutional system.

Mr David BYAZA-SANDA LUTALA (Democratic Republic of Congo) stated that the Ministry for Parliamentary Relations had been established recently and was doing a good job but was encountering many obstacles. It was surprising that the Ministry was being undermined by other Ministers who declined to use it.

The Democratic Republic of Congo had a constitution modelled on the French system and had a completely different system from that of Belgium, which was a kingdom.

In response to Mr HAROU, he said that there were services in both houses that were supposed to monitor the implementation of laws.

Mr Marc BOSCH, President, thanked Mr BYAZA-SANDA LUTALA and the other contributors and closed the sitting.

The sitting rose at 5.30 pm.

FIFTH SITTING
Wednesday 9 October 2013 (Morning)

Mr Marc BOSC, President, in the Chair

The sitting was opened at 10.00 am

1. New Members

Mr Marc BOSC, President, said that the secretariat had received two requests for membership which had been put to the Executive Committee and agreed to. These were:

Mr Jeremiah M. NYEGENYE Clerk of the Senate of Kenya

Mr Kyaw SOE Director General of the Union Assembly of Myanmar
(This Chamber is joining the ASGP for the first time)

The new members were *agreed* to.

2. Presentation on recent developments in the Inter-Parliamentary Union

Mr Marc BOSC, President, welcomed Martin CHUNGONG, Hiroko YAMAGUCHI, Alexandra BLAGOJEVIC and Andy RICHARDSON, from the Inter-Parliamentary Union, to make a presentation to the Assembly.

Mr Martin CHUNGONG thanked the ASGP for giving him the opportunity to address its members on the areas of interest to both organisations. He introduced his colleagues. Hiroko YAMAGUCHI would present the work underway at the IPU on the salaries and expenses given to parliamentations. Andy RICHARDSON would set out the will of the IPU to include an objective on parliamentary democracy amongst its development goals. He explained the inquiries underway to better understand how parliaments could establish democracy. A number of indicators had been put in place to evaluate the position of democratic parliaments. He set out the activities of the IPU as part of the campaign against HIV; its role in the legislation to prevent the spread of Aids; and its work on abolishing discriminatory practices and legislation. Alexandra BLAGOJEVIC would talk about that

An meeting providing more detailed information would be organised for the following March.

Mrs Hiroko YAMAGUCHI gave a presentation in her capacity as the person responsible for research based on donations at the IPU. She presented the results of the questionnaires on the salaries and expenses of parliamentarians.

Mrs Aleksandra BLAGOJEVIC presented research on HIV. This work had inspired work by the IPU in the sector for five or six years. Throughout the world, groups at risk of HIV were amongst the most stigmatised and sometimes criminalised in society in the eyes of the law. Research demonstrated that criminalisation heightened stigmatisation and fed the spread of the virus. She suggested that this moral approach to the at-risk groups prevented an approach taken on the basis of human rights. Several parliaments had played a pivotal role in modifying such legislation. The IPU wanted to understand the extent to which lobbying of parliaments was necessary; and what the challenges and obstacles to legislation were. The IPU wanted to initiate a vigorous debate on legislation and the fight against HIV and wanted to show parliaments that they could have an impact in this area.

M. Andy RICHARDSON gave a presentation in his capacity as the person responsible for research and information on parliaments and announced an exercise for members to participate in. The IPU worked on democratic norms for parliaments and a guide to good practice had been published. In 2008, tools for self-evaluation had been published. In that publication, the following questions were asked: to what extent did specialist committees play an effective role? Some parliaments had responded in a subjective manner but had also asked for objective indicators. South Africa had published the indicators so that the public could monitor the effectiveness of its Parliament. He asked for the assistance of members in determining the relative importance of each indicator to enable him to select the most relevant. The result of this work would be communicated to the ASGP.

Mr Marc BOSCH, President, thanked the IPU staff and wished them good luck in the pursuit of their activities.

3. General debate: The emergence of parliamentary diplomacy – practice, challenges and risks

Mr Marc BOSCH, President, invited Mr Philippe SCHWAB, Secretary General of the Council of States and Deputy Secretary General of the Federal Assembly of Switzerland, to open the debate, as follows:

Foreign policy: the emergence of parliamentary diplomacy

In recent years, globalisation and its effects on the population, on ways of life and on political structures have become a major and omnipresent issue. International trade, the globalisation of financial markets, the development of new communication technologies, and of traffic and transport capacities have given rise to movement and dependent relationships on an unprecedented scale. The process of internationalisation due to technological progress has quickly extended to numerous areas of society. The resultant problems often demand solutions or regulation that transcends national boundaries.

In order to achieve this, we have generally resorted, in our system of sovereign states, to intergovernmental cooperation that largely excludes parliamentary assemblies. In the best-case scenario, the role of national parliaments is often limited to final ratification of an agreement that has already been signed. Yet

even that may be unnecessary in legal terms! In these circumstances, it must be acknowledged that parliaments have been widely forgotten by foreign policy.

The economic and political consequences of globalisation are accompanied by a change in the basic framework in which foreign policy takes place. At international level, the challenges to be met are characterised by a growing complexity and mutual dependence. With all political fields now closely related, the boundaries between domestic policy and foreign policy, between national policy and international policy, are becoming less clear. In foreign affairs, this means there is a need to improve coordination between actors and policies in different sectors.

The distinction between national and international is becoming increasingly hazy, all the more so as numerous foreign policy challenges are beyond the powers of any single state and require consensual solutions to be found at supranational level. The sphere of political influence that national parliaments traditionally enjoy has thus tended to contract, at least to the extent that parliaments rarely take the lead in redefining their priorities when faced with the phenomenon of internationalisation.

In order to avoid losing control of the political decision-making process, a parliament should be able to rely on structures that allow it to guarantee and assert its right to be consulted on decisions that concern the future of its citizens. In view of recent developments, parliamentary structures must adapt in order to respond to the internationalisation process, so that political decisions can continue to benefit from as much democratic legitimacy as possible.

Role of the Swiss parliament in foreign affairs

The role of the Swiss parliament in foreign policy has changed considerably over time. In the beginning, parliament simply rubber stamped international treaties, and foreign policy was primarily, or indeed solely, a government responsibility. Developments in international law and the growing influence of foreign policy on domestic affairs have changed the situation. Today, parliament makes its own contribution to defining foreign policy, a contribution that varies considerably but is nonetheless important.

Although law-making continues to play a secondary role in foreign policy, foreign affairs are not immune to influences from the legislature. Indeed, domestic and foreign policy are increasingly interconnected, and decisions relating to domestic policy are strongly influenced by the international context. According to some experts, 30% of the Swiss legislation is influenced by European laws.

The Swiss Federal Constitution provides that the Confederation has general responsibility for foreign affairs in order to ensure consistency. The federal state may intervene in anything that concerns foreign policy, including matters that are not within its domestic policy remit.

In principle, the Federal Council (the government) is responsible for foreign affairs and for representing Switzerland abroad. It conducts the country's foreign policy, and signs and ratifies the treaties. The government is not alone

in taking on this task as the Federal Constitution of 1999 gives parliament the power to take part in defining foreign policy and to monitor foreign relations.

If the powers of the government remain very broad, with the government retaining the "majority of (operational) executive responsibilities in the field of foreign policy", the Parliament supervises it closely. It has several instruments that it can use, whether through legislation or by approving the budget or specific funding. Parliament can also approve or reject international treaties negotiated and signed by the government. For less important agreements, the government submits a report to Parliament each year, which is discussed in plenary session.

Parliament can table a motion to request the government to carry out a foreign policy measure that lies within its competence. This may concern any field of foreign policy and ranges from maintaining a Swiss diplomatic mission abroad to a request to withdraw from an international organisation, to terminate an international agreement or to dictate a behaviour on another issue of foreign policy. Parliament may also pass a federal decree or make a statement on foreign policy matters.

The Parliament Act also provides various consultation and information processes. So, the government should "consult the committees responsible for foreign policy on important plans as well as on the guidelines and directives relating to mandates for important international negotiations before it decides on or amends the same." The government is also required to inform the competent parliamentary committees of how negotiations are progressing. Lastly, the Government shall inform the Speakers of the Councils and the committees responsible for foreign policy regularly, comprehensively and in good time of important foreign policy developments.

Within the scope of its constitutional powers relating to foreign policy, the Swiss Parliament participates in international parliamentary conferences and cultivate relations with foreign parliaments. Through inter-parliamentary forums, members of parliament can work together, share knowledge and experience, but also develop personal relationships, an advantage that should then be put to good use within the national parliament.

Currently, the Federal Assembly is represented by joint permanent delegations to one international parliamentary organisation, the Inter-Parliamentary Union (IPU), and four parliamentary bodies of international organisations, namely:

- the Parliamentary Assembly of the Council of Europe (PA-CoE),
- the Francophone Parliamentary Assembly (FPA),
- the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (PE-OSCE), and
- the Parliamentary Assembly of the North Atlantic Treaty Organisation (PA-NATO).

It can also set up ad hoc delegations to represent its interests in other international parliamentary institutions and conferences. By taking part in the work of these bodies, all these delegations contribute to making international law more democratic.

In addition, both chambers of Parliament have established permanent delegations responsible for relations with the European Parliament and with the parliaments of neighbouring countries (Austria, France, Germany, Italy and Liechtenstein). The Federal Assembly can also set up ad hoc delegations to establish bilateral relations with parliaments of other countries.

Every year the foreign affairs committees organise fact-finding trips with the aim of cultivating parliamentary relations. These trips allow committee members to broaden their knowledge of the political, social and economic situation in the country in question, and to canvass the opinions of the people they meet on current international and regional issues, including Swiss activities in the country in question (in the field of development cooperation, for example).

The Speakers of the two chambers of parliament also play an important role in representing the National Council and the Council of States (Senate) outside Switzerland: during their term of office, they maintain contact with their foreign counterparts and with representatives of other governments. They also make official visits, either alone or accompanied by a parliamentary delegation.

Furthermore, the representative function of the presidential colleges when they welcome foreign delegations to Switzerland should not be underestimated. In order to strengthen international relations at parliamentary level, Switzerland receives between thirty to forty delegations from foreign parliaments each year.

In 2012, 360 trips have been organised; these figures includes election observation missions for which parliamentary expertise is very much in demand.

Finally, there are the cross-party parliamentary groups. These are informal groups of MPs who share a common interest . These cross-party groups are not Federal Assembly organs and therefore are not authorised to represent parliament . Where possible, however, they are entitled to administrative assistance and conference rooms for their meetings . Some parliamentary groups are based on “memoranda of understanding” signed by the Speakers. Cross-party groups with several regions or countries have already been registered (for example with Armenia, Azerbaijan, Baltic States, China, European Union, Greece, Israel, Kazakhstan, Korea, Latin America, Lebanon, Near East, Poland, Russia, Slovakia, South Africa, Turkey, Vietnam).

Risks and challenges

Macro-social changes, such as globalisation, have a substantial impact on the national environment and thus play a part in changing the function of parliament. Where in the past foreign policy was almost exclusively the responsibility of government, the situation has changed considerably today, with MPs now often being required to debate and state their views on matters relating to international relations. In addition, they have to take account of world events in their arguments and actions in parliament, thus going far beyond the exclusive domain of domestic policy.

The need for a multilateral approach is reflected especially in the increasingly evident expectations of the general public, who feel the effects of policies of

neighbouring countries in their everyday lives. Indeed, public opinion puts pressure on MPs, who realise that it is now impossible for them to settle for a back seat role on foreign policy, leaving all the decisions to the government.

Due to the proliferation of forums, dossiers and players in foreign policy, international issues can no longer be tackled independently of domestic policy issues. The intertwining of these two fields has repercussions for the social organisation of the state and helps to change material needs and ideological principles. Greater demands coming from within the country, from abroad and from the international community pose several problems, including excessive amounts of work and a loss of autonomy, which leads to a certain powerlessness and loss of influence of parliamentary bodies.

The growing importance of parliamentary diplomacy allows to thwart this situation; it requires however to rethink parliaments' procedures and working conditions of MPs.

If a national parliament is to participate actively in foreign policy, the efficiency of its structures must be improved. This involves making the most of information and expertise acquired by sharing experiences and points of view, so that they do not simply benefit the group that took part in the meeting concerned. The question is thus: how do we build bridges between traditional diplomacy, which goes on behind closed doors, and parliamentary diplomacy, which is played out, up to a point, in the public domain?

In this context, we must also ask to what extent the government and the legislature need to work more closely together on foreign policy. Given the principle of the separation of powers, what is the nature of the relationship between these two bodies when it comes to defining foreign policy? Parliamentary diplomacy is the only means on the international stage of defending several different opinions to the detriment of a single position: what are its advantages in relation to traditional diplomacy, where only the official government line is maintained?

Another question is becoming increasingly pressing: how can we define and legitimate international policy while remaining true to democratic principles? How do national parliaments adapt their organisation and their working methods to new demands? How can they fulfil their primary responsibilities – in particular strategic political guidance and overall supervision, without causing a new imbalance between the executive and the legislature?

These are issues that demonstrate that parliamentary diplomacy is a work in progress that gives rise to a host of questions. In short, though parliamentary diplomacy is not yet a properly defined discipline, no one can dispute that it has become an integral part of relations between states, both at bilateral and multilateral levels.

Mr Marc BOSCH, President, thanked Mr SCHWAB for his contribution and opened the floor to the debate.

Dr Fouzia Y. AL-JEEB (Bahrein), said that, for the states of Bahrein, as for all democratic countries, it was essential to fulfil their objectives for foreign

affairs. Diplomacy was made easier by improved modes of communication. Parliamentary diplomacy was not the most important thing but could contribute to development and the improvement of relations. Behrein promoted parliamentary democracy on the principles of peace and world security. It was governed by the internal functioning of the two chambers: the members of the Shura council represented the regions and the lower chamber the general population, but this chamber was also charged with foreign affairs. The various groups discussed the political problems that posed an interest for the Parliament. This helped promote democracy but also the rule of law and human rights. Diplomacy took place at the level of international parliamentary assemblies, of which the IPU was one.

Mr Somsak MANUNPICHU(Thailand) contributed as follows:

Presently, Foreign Affairs Performances play a pivotal role in enhancing understanding, cooperation and relation comprehensively.

Additionally, they are completely connected social, economic, trade and investment issues as well as foreign investment and negotiations in both bilateral and multilateral agreement of Thailand particularly they aim to push forward policies and strategies to generate relationship between Legislative Institution of Thailand and Legislative Institutions of other countries throughout the regions in the world. As a result, Parliamentary diplomacy is regarded as one of the most important factors to create the cooperation, understanding and harmonizing substantially so as to achieve the foreign policies of each organization. Apparently, we have perceived that Parliaments play higher role in an International Politics on the world stage resulting from many countries giving more priority to the performances of Legislative Institutions. In the sense that the performances of Legislative Institutions not only recognize the need of people living in the country but the agreement and International cooperation as well.

According to the present Constitution B.E. 2550, the power and duties of the Senate as prescribed by the present Constitution may be summarized as follows:

- (1) Legislation;
- (2) Controlling the administration of State affairs;
- (3) Giving approval for various important matters;
- (4) Approval, recommendation or selection of persons to hold positions as prescribed by the Constitution;
- (5) Removal of key persons from offices;
- (6) Other powers and duties.

For the Thai Senate, H.E. Mr. Nikom Wairatpanij, President of the Thai Senate, expressed his vision before the Senate sitting concerning Foreign Affairs on 14th August 2012 that “The Senate is a major Institution to cultivate international relations particularly ASEAN”. He intentionally promotes the exchanges of official visits in various levels namely President of the Senate, Vice-Presidents of the Senate, Committee members as well as the Executives of the Secretariat of the Senate along with the exchanges of parliamentary officials. Statistically, from 2009 to 2013, these are total numbers of study visits that are divided into three types as follows: firstly, President and Vice-

Presidents of the Senate paid an official visit to foreign countries total 42 times, Secondly, President and Vice- Presidents of the Senate welcomed courtesy calls foreign parliamentarians and ambassadors from all over the world total 115 times. Finally for Senators, they participated in International Conferences in relation to Parliaments' activities total 67 times.

Basically, when the Senators perform their diplomacy and foreign affairs duties by officially visiting and exchanging visits in both for the President of the Senate and Vice-Presidents of the Senate and when they attend Parliamentary International Conferences as well as when Committee members study visit some specific field of its mission, those performances are considered as the Performances of Parliamentary Diplomacy. Thus, the benefits of the exchange visits of senators provide knowledge and point of views from that exchange visit to promote the Parliamentary priority legislative performance. For the exchange of knowledge issue, it involves the parliamentary performances namely scrutinizing and approving bills, controlling the Administration of the State Affairs and other relating functions including political, social and economic condition between each other.

Additionally, personal contacts between members of parliament of different states are likely to enhance mutual understanding and to establish alternative channels beneficial for bilateral relations between countries. Such contacts can be used to place national developments in context, as well as to initiate activities, including those aimed at peace, security and strengthening democracy and human rights, economic development, improving education and social conditions.

Simultaneously, Thai parliament sets up Human Resource Management Strategy which stipulates the development of human resources included in the Strategy Plan of the Secretariat of the Senate, issue no. 2 2013 -2017. It focuses on the development of human resource to be professional officials and the creation of knowledge for parliamentary officials as well as the enhancement of foreign relations officials' efficiency. Particularly, for foreign relations officials who are assigned as the secretary to delegations or who are foreign relations officials, therefore they must understand and acknowledge the background of neighboring and every other region countries.

In Addition, the Executives of the Secretariat of the Senate perform their duties to support the performances of the President of the Senate, Vice – Presidents of the Senate and Senatos; By the way, the Secretariat of the Senate normally sends Executives and its officials to abroad for studying visit in various fields of missions namely, legislative system, attending Parliamentary Officers' Study Program: POSP in English course at Ottawa, Canada as well.

Furthermore, the Secretariat of the Senate assigns its foreign relations officials to escort the President, Vice-Presidents of the Senate, senators, committee members and executives of the Senate when they pay official visit or study visit abroad. Thus, it is essentially necessary for the Secretariat of the Senate to provide skills and knowledge to its foreign relations officials because they are responsible for many kinds of duties in relation to foreign affairs namely conducting welcome and reception activities; performing State ceremonies in case where very important persons make courtesy visits to very important

persons of the Senate; co-operation with external agencies in connection with international parliamentary conferences and the visits of members of foreign parliaments including studying, analyzing and following up data in the field of foreign affairs as well as creating talking points for President and Vice-Presidents of the Senate , senators and members of any committees.

Currently, the Secretariat of the Senate seriously plans to improve its officials particularly for its foreign relations officials in many ways such as providing specialists to train its foreign relations officials both languages and protocols, as well as sending its officials to take language courses and improve their language skills directly from native speakers as well. These plans eventually can enhance both the Secretariat foreign relations officials' efficiencies themselves and their organization as a whole.

In conclusion, Parliamentary diplomacy has become one of powerful instruments to enhance the mutual relations between parliaments around the world. Thus parliaments extensively encourage their members and their staff to develop their foreign affairs knowledge, skills and experiences for exchanging and gaining wider perspectives eventually for the best benefit of their people and countries as a whole. For the Thai Senate, it has been promoting its members and officials to join with foreign affairs activities as much as possible. Evidently, Thai Senate is ready to welcome international parliamentarians and to the exchange study visits of other parliamentary officials around the world in order to get extensive experiences for the best benefits of parliaments staff efficiency and to generate globalization network among those parliamentary staff for the achievement of parliamentarians' performances.

Mr Manuel ALBA NAVARRO (Spain) commented that Mr Schwab's remarks had resembled the internal workings of a Swiss watch. It was clear that the task of parliamentary democracy had been set in motion with clear resource allocations, but he questioned whether there had been sufficient planning. Spain had an official form of parliamentary diplomacy but individual parliamentarians also went abroad, and it was not always clear whether or not this happened in an official capacity. He gave the example of a bilateral Spanish Moroccan meeting, one week after which, individual MPs had gone abroad individually to talk about the Western Sahara but without the Moroccans knowing that this was a personal rather than an official visit. What seemed to be a clear division of labour to the civil servants did not seem so clear to parliamentarians, particularly on the level of costs. He called for greater transparency.

Dr Winantuningtyas Titi SWASANANY (Indonesia) affirmed that parliamentary diplomacy could bring about the aspirations of the people and could be an effective response to emerging questions. Parliament could take on the role of lobbyist. Parliament made the voice of the people heard, which differed from that of the Government. Parliaments could exchange ideas about democracy between them. The difficulty for the Secretary General was providing the necessary technical support.

Mr Ulrich SCHÖLER (Germany) contributed as follows:

In a traditional understanding of diplomacy, one of the most important instruments for the achievement of foreign policy aims, national parliaments are

merely assigned a scrutinising or observing role. Yet, over the last few years, governments' primacy in foreign affairs has increasingly been superseded by multidimensional forms of collaboration between the executive and legislature on foreign policy. Parliaments' complementary role in diplomacy is generally referred to as parliamentary diplomacy.

Emergence of parliamentary diplomacy

There have been several reasons for the emergence of parliamentary diplomacy. One essential factor has been the globalisation of numerous areas of life and the increase in the number of problems that demand cross-border solutions. As a consequence, competences have been transferred to international bodies, while the Member States of the European Union have pooled powers at the European level, which all means the effective exercise of parliamentary scrutiny and participation is no longer thinkable without parliamentarians' ability to gather information and exert influence in the international sphere. Particular account has been taken of this development in Germany, for instance when it was decided to strengthen the German Bundestag's rights to participate in the affairs of the European Union.

Another reason why parliamentary diplomacy is increasingly being used in foreign-policy contexts is the freedom with which parliamentarians exercise their political mandates. Unfettered by the constraints of protocol to which government representatives are subject in international relations, Members of the Bundestag can build trust and, as a result, achieve a rapprochement or the resumption of negotiations when interstate contacts at the government level are strained or have already been broken off. For instance, the parallel declarations on Poland's western border passed on 21 June 1990 by the German Bundestag and the Volkskammer, the parliament of the German Democratic Republic (GDR), made it possible to resolve a central issue in the Two-plus-Four Talks that led to the Treaty on the Final Settlement with Respect to Germany.

The growth in parliamentary diplomatic relations is ultimately explained by the fact that ever more states have more or less democratically elected parliaments, and the number of potential negotiating and cooperation partners is therefore increasing all the time.

Parliamentary diplomacy in the German Bundestag

Numerous manifestations of parliamentary diplomacy have evolved in the German Bundestag, and I will only be citing the most important as examples in my remarks to-day.

International parliamentary assemblies

One important form of parliamentary diplomacy is participation in the activities of international parliamentary assemblies. The German Bundestag sends delegations to ten international parliamentary assemblies and regularly invites bodies of these assemblies to Berlin for meetings. The President of the German Bundestag takes part in conferences of parliamentary speakers and presidents, and the meetings of the IPU, as well as coming together with fellow parliamentary speakers and presidents for talks in Berlin and abroad.

Special diplomatic significance attaches both to the monitoring of democracy, the rule of law and the human rights situation by the Parliamentary Assembly of

the Council of Europe, and to the observation of elections, which the German Bundestag regularly takes part in as a member of the parliamentary assemblies of the Council of Europe and the OSCE.

Committees as actors

The committees of the German Bundestag concerned with foreign policy matters, in particular the Committee on Foreign Affairs and the Committee on the Affairs of the European Union, are also strong actors in parliamentary diplomacy. They welcome ever growing numbers of foreign guests, get together with their counterparts from other parliaments for joint meetings and send delegations for ad hoc discussions with col-leagues, government representatives and civil-society groups in other countries. Fur-thermore, individual Members frequently travel to countries or regions that are of in-terest to them in their capacity as committee members or rapporteurs.

All these encounters enable Members of the Bundestag to familiarise themselves with a broader range of opinions on topical issues than they will learn about from the press or the German government, so supplying them with a basis on which they are able to assess situations for themselves. Delegates bring back experience and knowledge from their foreign travels, which often has a practical influence on the work done on foreign policy in the Bundestag. For instance, members of the Defence Committee have repeat-edly travelled to Afghanistan to find out about the background to decisions on the de-ployment of the Bundeswehr's armed forces outside Germany. The insights gained there have been of tremendous importance in view of the constitutive requirement of parliamentary approval for such missions in German law. At the same time, German parliamentarians use trips abroad to explain their own standpoints to their hosts, on human rights for instance. In this connection, it is necessary to highlight the Parliamen-tarians Protect Parliamentarians campaign, which was launched by the Committee on Human Rights and Humanitarian Aid of the German Bundestag to help colleagues who have been threatened, prosecuted and arrested for expressing particular opinions while exercising their mandates.

Relations with the European Parliament

The German Bundestag also believes dialogue with the European Parliament, which is enjoying increasing attention from national parliaments as its powers grow, to be an important instrument of parliamentary diplomacy. In the German Bundestag, this coop-eration is institutionalised in several ways, such as the membership of 16 German MEPs in the Bundestag's Committee on the Affairs of the European Union. Further coop-eration takes place in the more recently founded parliamentary assemblies such as the Parliamentary Assembly of the Union for the Mediterranean, the Interparliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy and the interparliamentary conference established under Article 13 of the Fiscal Compact, in which the votes of the European Parliament are accorded partic-ular weight.

Parliamentary friendship groups

The German Bundestag currently has 54 bilateral and multilateral parliamentary friendship groups, which cultivate foreign policy relations with almost all the world's parliaments on an ongoing basis. These cross-party groups consist of Members who are particularly concerned with the country or countries in

question on account of personal contacts, the priorities they set in their work or the closeness of their own constituency to a partner state. Each parliamentary friendship group is able to invite parliamentarians from a partner parliament to Berlin once per electoral term or travel abroad themselves, the aim being to discuss topics of shared interest, while explaining German approaches to the resolution of problems, such as the highly developed minority rights held by the opposition under the law of parliamentary procedure. When travelling abroad, they also seek to hold talks with opposition figures or even representatives from territories that are not recognised as states by the German Federal Government, and may sometimes mediate between the various parties to a conflict.

It is not unusual for the wide-ranging contacts made by the members of parliamentary friendship groups with parliamentarians and government representatives in other countries to be kept up over a number of electoral terms while any number of ambassadors and foreign ministers come and go. In consequence, the parliamentary friendship groups contribute in diverse ways to better mutual understanding, promote sustainable relations between parliaments and are privileged sources of confidential information.

Advice and support for parliamentary administrations

Dialogue about working methods and structures with other democratically elected parliaments is also a form of parliamentary diplomacy. The German Bundestag runs various programmes that support other parliamentary administrations. As of this year, the conceptual and organisational work on these programmes has been made the responsibility of our International Parliamentary Cooperation Sub-Unit. The Bundestag seeks cooperation with other parliamentary administrations, as well as international and civil-society organisations. At the end of September, a workshop was held with some of these actors to discuss existing forms of international advice and support for parliamentary administrations, as well as options for permanent cooperation. Our international parliamentary cooperation activities also include fact-finding visits to the German Bundestag for staff from other parliaments, usually institutions that are going through processes of reform. During these week-long visits, the fundamentals of the parliamentary business conducted in the German Bundestag are explained and, depending on the participants' interests, selected areas of work within the Administration presented. In addition to this, at the request of parliaments, international organisations or political foundations, the Bundestag Administration seconds experts to work on training courses run by other parliamentary administrations. There are also plans to participate in international projects that provide advice to parliamentary administrations in the future.

Finally, mention should be made of the International Parliamentary Scholarship (IPS), which is granted each year to 120 young university graduates from 28 states – overwhelmingly in Central and Eastern Europe. The scheme is designed to promote relations between Germany and the participating countries, as well as understanding of democratic values and tolerance, and gives these young people the opportunity to live in Berlin for five months, working in a Member's office at the Bundestag.

The Arab countries have been a particular focal point for all our programmes since the beginning of the Arab Spring.

Limits of parliamentary diplomacy

As these examples show, the day-to-day parliamentary work done by the German Bundestag can no longer be imagined without the phenomenon of parliamentary diplomacy. Yet it is also subject to certain limits.

One de facto limit is imposed by the duty to budget economically. At the German Bundestag, every trip undertaken in the exercise of a parliamentary function must be approved by the Presidents. Such approval is only given if the trip is in the core parliamentary interests of the whole German Bundestag.

Another restriction is that Members of the German Bundestag must exercise their free mandate with circumspection in other countries. This ‘golden rule’ is an expression of the constitutional principle of ‘interinstitutional loyalty’, according to which constitutional organs have a duty to treat each other considerately and cooperate with each other in good faith. This sets limits on parliamentarians’ independence. For instance, if Members of the Bundestag are not familiar with the sensitivities of a host country, there is a danger of negative impacts on interstate relations. If they are not aware of how the German Federal Government has been positioning itself in international organisations, they may deviate from the line that has been taken without realising it and unintentionally convey an inconsistent impression of German attitudes. In consequence, Members of the Bundestag are supported with briefings by the Federal Foreign Office in the run up to trips abroad or before they take part in international parliamentary assemblies, as well as being advised by the local German embassies on the ground.

Ultimately, however, it remains a matter for each Member’s judgement how they position themselves on foreign policy issues, just as in every other aspect of the exercise of their mandate. After all, it is one of our most important democratic principles, a principle that is therefore anchored in the Basic Law, Germany’s constitution, that the Members of the German Bundestag should not be ‘bound by orders or instructions’, and are ‘responsible only to their conscience’.

Mr Vladimir SVINAREV (Russian Federation) contributed as follows:

Dear colleagues,

The steady enhancement of the role and the place of “parliamentary diplomacy” in international relations is an objective process reflecting the global tendency of strengthening the democratic principles of the modern society. That relates to Russia to the full extent.

The “parliamentary democracy” means, first of all, “development of bilateral and multilateral cooperation of parliamentarians in a wide range of problems of international life. As regards the activity of the Council of the Federation, such cooperation is strictly within the competence of our chamber. It is called for not to substitute, but complement the efforts of the executive bodies of power in foreign policy sphere.

The experience of parliamentary democracy shows undeniable usefulness of such important trend of international activity. Unlike governmental diplomacy, its parliamentary analogue allows to discuss the most sensitive issues and problems of the modern time more freely and more informally. Therefore, there appear an opportunity to prepare the ground for subsequent progress to compromise solutions.

The international agenda in the work of the Council of the Federation is very vast. Last year only, the members of our chamber paid 186 visits to 71 country of the world. Out of them 97 within the framework of bilateral cooperation and 89 – in the line of international organizations.

The biggest event of this year was the 21st meeting of Asia-Pacific Parliamentary Forum held on 27 through 31 January 2013 in Vladivostok. The meeting was unprecedented from the viewpoint of representation of delegations and the number of participants in the whole history of the Forum. It was joined by more than 350 representatives from 25 countries. Eight international organizations had been represented as well. Based on 18 drafts, 14 resolutions and a joint communiqué have been adopted.

In its interparliamentary work, the Council of the Federation pays special attention to interregional cooperation. Being the chamber of the regions, the Council of the Federations is committed to taking maximum account of the "regional interest" and providing assistance to the entities of the Russian Federation for better implementation of their economic potential and establishing contacts with partners abroad.

Thus, for example, the exhibition and presentation of Russian regions of Siberia and the Far East became a new development of the 21st meeting of Asia-Pacific Parliamentary. Our invitation to take part in the presentation was welcomed by literally all heads of Far-Eastern entities of the Russian Federation. The exhibition and presentation allowed the Russian regions to "let know" about themselves, and establish contacts with foreign partners.

A good example of the regional vector of Russia's activity is also the Russian-Polish Regions Forum which was held for the fifth time this year.

The basic condition for establishing international liaisons is their legislative support. During the 2013 winter session, the Council of the Federation approved 28 federal laws about ratification of international treaties and agreements. Each bill about ratification requires a thorough study, analysis with regard to compliance with the Russian laws and international law.

I would like to point out one more inseparable part of interparliamentary cooperation – cooperation at the level of secretariats. The Staff of the Council of the Federation signed 11 agreements (memorandums) of cooperation with their foreign counterparts. Such legal ground will allow for active sharing of experience, information and analytical materials, to prepare in tight cooperation mutual visits and drafts of other documents. All that, in the long run, contributes to permanent improvement of the work to support the activity of parliamentarians.

The cooperation of the Central Office within the framework of international parliamentary structures is of great importance. We take active part in the work of the European Centre for Parliamentary Research & Documentation (ECPRD). That helps us to receive the current information on organization of parliamentary activity, to do comparative research and share experience.

Such work is carried out in the format of joint seminars as well. For example, a regular seminar, dedicated to modernizations of rules and procedures to support the parliamentary activity was organized on 19 through 21 September this year.

I am sure that further use of the methods of parliamentary diplomacy will not allow to strengthen mutual understanding and cooperation between our states, but to expand the idea of the current variety of traditions of parliamentarism in the world.

M. José Manuel ARAÚJO (Portugal) asked his colleagues whether they thought it was necessary to coordinate between the diplomatic work of the Parliament and that of the Government, because their work was inextricably linked.

Dr. Athanassios PAPAIOANNOU (Grèce) presented the Greek experience: the positive aspects were that the Foreign Affairs Committee had become prestigious, and the parties named competent people to sit on it; those working in the International Relations department were young and qualified. There were, however, some difficulties, including the official separation between the various bodies engaged in diplomatic activities: international delegations did not provide the necessary internal feedback on their activities. In 2010-2011, the public and the media had criticised Germany and the committees had intensified their effort to change the public mentality and to improve relations.

Mr Masibulele XASO (South Africa) said that, in 2005, the South African Parliament had adopted international politics principles and had created a parliamentary group to take charge of international relations. The strategic plan allowed for it to keep a watch over international relations but without confusing the role of Parliament with that of the Executive. His country had taken steps to reinforce the effectiveness of the Department for International Relations by creating a political entity with responsibility for multilateral and bilateral relations. Two agreement protocols had been signed with other Parliaments. The coordination of work was of the utmost importance.

Mr David NATZLER (United Kingdom) indicated, on Syria, that recent events had shown that Parliaments took an integral part in the decision-making process and did not simply bear witness to the actions of a Government. Any process, such as the one used in the UK, whereby Parliament had to agree to any intervention, relied upon the provision of accurate information to MPs. Recently, following a visit to Burma, the UK Parliament had debated the case of Burma, which had made public the situation in that country. He also indicated that groups of parliamentarians which met to compete in sporting events provided another facet of inter-parliamentary diplomacy.

Mr Baye Niass CISSE (Senegal) asked what the follow-ups to a mission were in the Swiss Parliament, particularly whether the mission was discussion in Committee, or in a plenary sitting.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) said that there should not be a subordination of parliamentary diplomacy to governmental diplomacy, which was also determined by the preoccupations of the Government's key partners. Parliamentary diplomacy was particularly key in terms of relationships with smaller, less-powerful countries.

Mr Gali Massa HAROU (Chad) said that in his country parliamentary diplomacy was experiencing a resurgence with the development of regional and international meetings. Chad had done some work on desertification and had reached a bilateral agreement with Niger. Diplomacy was a priority but also a flaw. Often it was less competent parliamentary officials rather than civil servants who were tasked with diplomacy. There was little coordination of effort.

Mr Marc BOSC, President, echoed the contribution of Dr Schöler and contributed his personal experience. All MPs were ambassadors for their countries when they went abroad: even if they had a certain freedom of expression they had to take account of the position of their Government. All this worked in a collegiate and respectful manner. The richness of parliamentary democracy consisted in the expression of diverse ideas in total comfort.

Mrs François MEFFRE (France) noted that whilst ever parliamentary diplomacy existed, there would always be criticism from the public. The economic crisis necessitated a reduction in budgets and would put a break on the development of parliamentary diplomacy.

Mr Claes MÅRTENSSON (Sweden) noted that parliamentary diplomacy gave rise to greater continuity because ministers were replaced on a regular basis, whereas the same MPs tended to be elected and could continue with their work.

Mr Geert A. HAMILTON (Netherlands) had asked himself questions about the Portuguese intervention on the use of resources belonging to the Minister for Foreign Affairs by the Parliament for diplomatic work. In Parliament it would be possible to maintain relations with all countries. He believed that it was important that the main body of diplomacy work was carried out by the Ministry but that the Parliament did more than simply send individual MPs abroad. In the Netherlands, foreign trips were planned in order to create transparency.

Mr Philippe SCHWAB (Switzerland) responded first to the question from Mr Cissé. In Switzerland, all parliamentary delegations had to present an annual report to the Committee for Foreign Affairs sitting in public session. Bilateral missions were the subject of reports sent to the Presidents of the Chambers and to the Minister for Foreign Affairs. These reports were not discussed in public hearings. He also responded to Mr Harou by noting that information was always sent to the Ministry to ensure total transparency.

He summarised that all participants in the debate had expressed a hope that parliamentary diplomacy would be maintained. The risks were the uses to which

parliamentarians were being put and the unofficial activities of some parliamentarians, for example on the subject of the Basque country or Palestine. The lack of continuity was also problematic.

The benefits had already been set out: allowing the exchange of information between Parliaments (Thailand); and the sharing of good practice (Bahrein, Thailand). The oldest friendship was between parliamentarians who introduced the art of skiing to the British. The spread of parliamentary diplomacy was one way to set democratisation in motion and to underline the efforts made in this area. The point underlined by Germany and Greece was the need to use the available platforms for a soft diplomacy which permitted the resolution of difficulties, instead of sending a Government delegation. As far as the role played by Parliament in declarations of war was concerned, this could not be illustrated by the Swiss example.

One defect was the exchange of information with Government on the subject of diplomacy. It was essential that MPs conducted themselves in a professional manner and the civil servants were competent. This necessitated a rigorous preparation on the part of parliamentary officials. He had been impressed by the system in South Africa, where the Parliament was able to have real influence in foreign affairs. In relation to public opinion: Parliament needed to prove its competence in the diplomatic domain and to focus its efforts on areas where it had a real role to play

Mr Marc BOSCH, President welcomed his colleague from Myanmar, whose candidature had just been accepted by the Executive Committee.

The sitting rose at 12.10 pm.

SIXTH SITTING
Wednesday 9 October 2013 (Afternoon)

Mr Marc BOSCH, President, in the Chair

The sitting was opened at 2.30 pm

1. **Communication by Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe: “Evaluating constitutional provisions to safeguard corporate governance within and by Parliament”**

Mr Marc BOSCH, President, invited Mr Austin ZVOMA, Clerk of the Parliament of Zimbabwe, to present his communication, as follows:

Background

On the 22nd of May, 2013 the President of the Republic of Zimbabwe, Cde Robert Gabriel Mugabe, gave his assent to the first home-grown Constitution of Zimbabwe Amendment (No. 20) Act which signified the coming into operation of the historic new supreme law of the country. The new Constitution was the outcome of protracted negotiations by the three political represented in the inclusive government of the 7th Parliament whose term expired on 29 June 2013. As a compromise document, it will have to withstand the test of time whether it adequately safeguards the interests of Zimbabwe. In order to safeguard the interests of Zimbabweans, the new Constitution had to incorporate good corporate governance as much as it does human rights and civil liberties.

It is also important that the Constitution vests in Parliament, the supreme legislative and oversight arm of government, sufficient powers to oblige all arms of the State to adhere to good corporate governance practices. These additional powers have helped dispels the public perception that Parliament is a ‘rubber stamp’ institution incapable of providing effective oversight on the Executive.

Apart from spearheading the Constitution making process through the Constitution Select Committee of Parliament, Parliament also has an inherent duty, through its Legislative, Representative and Oversight functions, to protect the fundamental rights and freedoms enshrined in the Constitution. Section 119 of the Constitution of Zimbabwe states that:

“(1) Parliament must protect this constitution and promote democratic governance in Zimbabwe.”

Thus Parliament has a dual role of protecting the Constitution and promoting good governance. It is, therefore, the objective of this paper to attempt to evaluate to what extent the Constitution of Zimbabwe makes provisions for safeguarding governance issues in and by Parliament.

While there is no single model of good corporate governance, there are some common principles that underlie governance. Thus this paper makes use of corporate governance principles espoused in various models, chief among them the Organization for Economic Co-operation and Development (OECD) principles and the King Report on Corporate Governance that are in and of themselves international benchmarks on corporate governance.

Why incorporate Governance in the Constitution?

The global financial crisis, along with many other corporate failures, chief among them the Enron Scandal and World.com have caused governments around the world to look at ways of strengthening financial markets, companies and regulations in order to prevent a recurrence of such crisis. Zimbabwe has also experienced more than its fair share of corporate failures especially in banking institutions between 2003 and 2004. The net effect of the crisis was that by the end of 2004:

“ten banking institutions had been placed under curatorship, two were under liquidation, and one discount house had been closed. The banking public endured tremendous psychological, emotional, social and financial ruin (Reserve Bank of Zimbabwe Report on Troubled Banking Institutions: 24/01/2006).”

The reasons advanced were many and varied, ranging from chronic liquidity problems to deep-rooted risk management deficiencies and ultimately poor corporate governance practices. Public institutions have not been spared either, with the National Railways of Zimbabwe currently facing critical operational viability challenges, threatening collapse.

From an assessment of what went wrong in the global financial market, it is clear that one important aspect of an effective and sustainable organization, private or public is, therefore, good corporate governance. The collapse of any institution has a ripple effect on members of the public whom Parliament is supposed to represent. The ‘psychological, emotional, social and financial ruin’ experienced by the banking public in the aftermath of the crisis banking institutions in Zimbabwe faced was a matter of grave concern to Parliamentarians. The petitions delivered to Parliament by employees of Air Zimbabwe which is struggling to pay its workers due, in part, to poor corporate governance practices is a matter of weighty concern to Parliament.

In addition, on the one hand, the highly political nature of Parliament renders the institution vulnerable to political influence yet on the other hand it is arguably the only institution made up of men and women who have been elected by the people to represent the people. “It is a place for political and often confrontational debate,” but it is also a place where, at the end of the day, national policies are forged and conflicts in society are resolved through dialogue and compromise. “Parliament is therefore the central institution of democracy and constitutes an expression of the very sovereignty of each nation” (Global Parliamentary Report 2012:3). Accordingly, since it is the single most representative institution it should reflect exemplary management and good corporate governance practices

Shleifer and Vishny (1997) contend that corporate governance issues have a significant effect on the creation of value, its control, and distribution. At the micro level, good corporate governance improves strategic direction. On the macro level, it attracts outside investment, sets standards of transparency, accountability and probity, promotes integrity, as well as high standards of corporate citizenship. Thus the importance of good corporate governance cannot be overemphasized. Shleifer and Vishny (1997:738) further point out that:

“Corporate governance depends on the quality of economic, regulatory, fiscal, institutional and, judicial structures, which in turn are influenced by a given country’s political dispensation.”

The constitution is the country’s supreme regulatory law. Accordingly, it is thus critical to evaluate whether the country’s supreme law has provisions which guarantee and safeguard corporate governance within and by Parliament.

Provisions safeguarding corporate governance “within” Parliament

Parliament, through its oversight function, is tasked with ensuring good corporate governance by calling the Executive and State institutions to account for their actions, policies and programmes. While this is so, Parliament must, in turn, itself be accountable and practice good corporate governance. Thus the constitution must enjoin Parliament to practice what it preaches.

The preamble: a commitment to good governance

Part of the Preamble to the new Constitution of Zimbabwe reads:

"We the people of Zimbabwe...
Recognizing the need to entrench democracy, good, transparent and accountable governance and the rule of law...
Resolve by the tenets of this Constitution to commit ourselves to build a united, just and prosperous nation, founded on the values of transparency, equality, freedom...."

The commitment and political will is clear from the outset, more so, if the Preamble is read with Section 3 1(h) of the Constitution which spells out ‘good governance’ as one of the Founding Values and Principles. It is no coincidence that this is the only principle which is further expanded thus:

"(2) The principles of good governance, which bind the State and all institutions and agencies of government at every level, include—
.....
(e) observance of the principle of separation of powers;
(f) respect for the people of Zimbabwe, from whom the authority to govern is derived;
(g) transparency, justice, accountability and responsiveness;"

It is commendable that the principles of good governance which all institutions and agencies of government at every level ought to respect are clearly enunciated for the avoidance of doubt. It is also equally significant that these principles are further strengthened with enabling provisions in the constitution which will be dealt with in this paper.

National objectives – ensuring the basis for an effective corporate governance framework

Chapter 2 spells out the objectives to guide the State and all institutions and agencies of government at every level in formulating and implementing laws and policy decisions. Section 9 focuses specifically on good governance and states that:

"1 (a) appointments to public offices must be made primarily on the basis of merit;
(b) measures must be taken to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public offices."

The national objectives provide a good foundation for an effective corporate governance framework which seeks to promote transparency, meritocracy and curb corruption and abuse of power. The highly political nature of Parliament makes this provision even more relevant and applicable as decisions are sometimes made on the basis of political expediency rather than merit, especially when elections produce a 'hung' Parliament as was the case the last Parliament in Zimbabwe.

Case analysis:

In 2012 during the period of the inclusive government, Parliament of Zimbabwe advertised the vacant senior post of Deputy Clerk through the Standing Rules and Orders Committee (SROC). Applicants submitted their applications and eligible candidates were duly shortlisted by the Human Resources Sub-Committee of the SROC. Transparent interviews were conducted and one male candidate scored exceptionally well and stood head and shoulders above the rest. After the candidate had been duly notified of his success and called in for security vetting, one of the three political parties in the inclusive government reportedly received information that the successful candidate belonged to a rival party. Members of that party in the SROC subsequently successfully lobbied for the renunciation of the interview results under the guise of addressing gender imbalance in senior management. The SROC resolved that the post should be re-advertised and interviews to re-done with female candidates only. The SROC decision meant that the candidate who had come first on merit lost the job through what is patently an incurable injustice. Some may argue that this was positive discrimination, but the underlying political considerations put paid to this line of thinking. This is the kind of mischief that the national objectives seek to cure.

OECD principle 1: the division of responsibilities

The division of responsibilities among different authorities in a jurisdiction should be clearly articulated and ensure that the public interest is served (OECD 2004:17).

(a) Constitutional Provisions Safeguarding Principle 1
(i) Respect for the Doctrine of Separation of Powers

At a macro level, the Constitution of Zimbabwe responds to the principle of division of responsibilities in Chapter 1 Section 3 2(e) by first calling for:

'the observance of the principle of separation of powers.'

It goes further to clearly articulate the responsibilities of the Executive, the Legislature and the Judiciary in Sections 110, 117 and 162 respectively. While it does not focus on corporate governance per se, this framework is important not only in clearly defining the remit of the three Arms of the State but also in ensuring adequate checks and balances in the national governance system. The State is in itself an entity, though not in the mould of corporate entities. For Parliament of Zimbabwe, the message is clear, that the role of Parliament is not to govern, that is for the Executive. The role of Parliament is, instead, to legislate, to scrutinize the policies and activities of the Executive and to call the Executive to account for its actions. Thus this provision ensures that the three Arms of the State respect their co-ordinate complementary roles.

(ii) Distinction between Policy and Administrative Organs of Parliament

At the micro-level, the Constitution also makes a distinction between the policy and administrative organs of Parliament. This structure responds to the need for a clear division of responsibilities between politicians and bureaucrats in the administration of Parliament for the efficient execution of its mandate of "making laws for the peace, order and good governance of Zimbabwe (Section 117 of the Constitution).

In line with good corporate practice, Section 151 establishes the Committee on Standing Rules and Orders (SROC) responsible for:

- (a) supervising the administration of Parliament;
- (b) formulating Standing Orders;
- (c) considering and deciding all matters concerning Parliament; and
- (d) exercising any other functions that may be conferred or imposed on the committee by this Constitution or by Standing Orders or any other law.

The SROC, chaired by the Speaker of the National Assembly resembles the 'board' in private corporations and is thus the supreme policy making body of Parliament. It should, therefore, review and guide corporate strategy, annual budgets and business plans, set performance objectives, oversee major capital expenditures and monitor implementation and corporate performance.

As the national representative institution and in line with the structure in State institutions, good corporate governance and public accountability, the Constitution also creates the positions of Speaker of the National Assembly and President of the Senate with their Deputies, primarily to preside over the business of their respective Houses, hence their description as Presiding Officers.

Section 154 of the Constitution of Zimbabwe provides for the appointment of the Clerk and other Officers of Parliament who shall be public officers, but are not part of the Public Service. This confers independence (from the Executive) of this Administration of Parliament, i.e. the Secretariat, in the provision of support services to Parliament. The Clerk, the Chief Executive Officer (CEO) of Parliament, is responsible for the day-to-day administration of Parliament and reports to the Speaker who, in terms of Section 135, is the Head of Parliament, deputized by the President of the Senate. This provision has provided a clear

reporting and decision-making structure with respect to the administration of Parliament as opposed to the previous Constitution which had a not so clear reporting structure for the Clerk of Parliament to both the Speaker and the President of the Senate. There must be separation between political and administrative issues in order to promote effective corporate governance and the new constitution, in part, achieves this distinction.

Principle 2: Good corporate practices and ethical conduct

***(a) Constitutional provisions safeguarding good corporate practice
(i) Public Administration***

To ensure that every citizen can have complete confidence in the integrity of public institutions, Section 194 of the Constitution outlines the values and principles to be respected and adhered to by public administrators in all tiers of government including institutions and agencies of the state, and government-controlled entities and other public enterprises. The self-explanatory principles respond to the fundamental tenets of ethical service which is an important cornerstone of good corporate governance. Section 194 requires that a high standard of professional ethics must be promoted and maintained through efficient and economical use of resources. It also obliges public administration must be accountable to Parliament and to the people.

Section 194 enhances the Founding Values and Principles enshrined in Section 3. The principles of ethical conduct, if adhered to, not only foster integrity of public institutions but also enhance public confidence in State institutions. In addition, it also vests in Parliament the responsibility to ensure that all public institutions are run in a professional, transparent and ethical manner.

Principle 3: Ethical leadership

***(a) Constitutional provisions safeguarding ethical leadership
(i) Principles of Leadership***

Section 196 (3) goes further to outline the principles which public officers in leadership positions ought to abide by including objectivity in decision-making, honesty, accountability to the public for decisions and actions and commitment to the service of the people. This section responds to the Servant-leadership concept which is slowly becoming the norm in contemporary corporate governance models.

However, the challenge may arise in the enforcement of the provisions of the ConstitutionAs section 198 leaves the enforcement of the provisions of this chapter to ‘An Act of Parliament’ as yet to be enacted. Thus there is need for legislators to take up the cudgels in ensuring that a Bill to that effect is duly introduced and passed by Parliament to guarantee the enforceability of these provisions by both the public and Parliament including providing sanction mechanisms for persons who contravene the provisions of this chapter. Other than that it will remain a well-crafted and well-intentioned chapter, full of sound but signifying nothing.

Principle 4: Financial probity:

An annual audit should be conducted by an independent, competent and qualified, auditor in order to provide an external and objective assurance that the financial statements fairly represent the financial position and performance of the company in all material respects (OECD 2004:22).

(a) Constitutional provisions safeguarding financial probity
(i) Auditor General

Section 298 outlines the principles of public financial management as follows:

"1(a) there must be transparency and accountability in financial matters."

As Burnell (2002) observes, effective accountability demands not just that institutions are required to give an account of their conduct but that the strictures of bodies that should hold institutions to account are enforceable. Accordingly, in order to ensure that public finances are prudently managed, the Constitution ensures transparency and accountability in financial management through the office of the Auditor General established in terms of Section 309 of the Constitution.

To guarantee the independence of the Auditor-General, Section 309 states that:

"(1) There must be an Auditor-General whose office is a public office but does not form part of the public service."

In addition, Section 311 further provides that:

"In the exercise of his or her functions the Auditor-General is independent and subject only to the law."

Parliament, like any other public institution is subject to audit of accounts, financial systems and financial management by the Auditor-General to ensure transparency and accountability in financial matters. In order to safeguard public funds, the Constitution further enjoins public officers to comply with orders given to them by the Auditor-General with respect to measures to rectify any defects in the management and safeguarding of public funds and public property. Thus the office of the Auditor-General responds to the need for financial probity in the management of public institutions to eliminate the abuse of public funds.

Provisions safeguarding corporate governance by Parliament
"Section 119: The Expanded Oversight Role of Parliament"

The new Constitution recognizes that the legislative authority of Parliament is derived from the people (Section 117 (1)) as Parliamentarians represent the electorate who votes them into office. Cognizant of this representative function, it thus follows that Parliament's oversight function must ensure that agreed policy is properly implemented and delivered to target citizens. Accordingly, the new Constitution confers upon Parliament the power to conduct oversight on all institutions and agencies of the State and government at every level. Section 119 spells out the role of Parliament thus:

"(1) Parliament must protect this Constitution and promote democratic governance in Zimbabwe.

(2) Parliament has power to ensure that the provisions of this Constitution are upheld and that the State and all institutions and agencies of government at every level act constitutionally and in the national interest.

of (3) For the purposes of subsection (2), all institutions and agencies the State and government at every level are accountable to Parliament."

Parliament therefore, through its Committees and in plenary, has a huge responsibility to safeguard good corporate governance through its oversight function by acting as a constitutional watchdog and ensuring that all state institutions are administered in the national interest and in line with the values and principles enshrined in this Constitution. Pursuant to the need to enforce this function, Parliament is empowered to do the following:

"Section 97: Removal of President from Office

at (1) The Senate and the National Assembly, by a joint resolution passed by least one-half of their total membership, may resolve that the question whether or not the President or a Vice-President should be removed from office for—
(a) serious misconduct;
(b) failure to obey, uphold or defend this Constitution;
(c) willful violation of this Constitution; or
(d) inability to perform the functions of the office because of physical or mental incapacity."

This provision is tailored towards ensuring that although the Constitution vests Executive authority in the President, this authority is not absolute and is exercised within the confines of the law and in the national interest. In the event that this does not happen and that the President does not govern the State in line with good governance principles, Parliament has the power to remove the President from office. Thus it provides checks and balances on executive authority.

"Section 107: Accountability of Vice-Presidents, Ministers and Deputy Ministers

(2) Every Vice-President, Minister and Deputy Minister must attend Parliament and parliamentary committees in order to answer questions concerning matters for which he or she is collectively or individually responsible."

This peremptory provision similarly enhances Parliament's oversight function over the Executive and ensures that Government Ministries are run in line with the Constitution and for the greater good of Zimbabweans. The Constitution makes it mandatory for Ministers to attend Parliament and Parliamentary Committees and thus puts paid to Executive reluctance to answer questions before the House or its Committees. In this way information is timeously and accurately relayed to Parliament and oversight can be more efficiently and effectively conducted.

"Section 109: Vote of no confidence in Government

at (1) The Senate and the National Assembly, by a joint resolution passed by least two-thirds of their total membership, may pass a vote of no confidence in the Government."

Section 109 provides Parliament with a semblance of a sanction mechanism for non-performing members of the Executive. Though this option has never been exercised in Zimbabwe, it affords Parliament a disciplinary channel to curb the excesses of the Executive arm of the State or its perceived non-performance. The challenge however, lies in that it is highly impractical that the President and the entire Cabinet can as a whole fail to perform or deliberately contravene the Constitution. Secondly, the self-preservation often inherent in politics may defeat the objective of this provision. Section 109 3 provides that:

"(4) Where Parliament passes a vote of no confidence in the Government, the President must, within fourteen days after the vote—
the President must, within fourteen days after the vote—
have already resigned as a result of the resolution, and appoint persons in their place; or
(a) remove all Ministers and Deputy Ministers from office, unless they
place; or
(b) dissolve Parliament and, within ninety days, call a general election.
(5) If the President does not act in accordance with subsection (4) within fourteen days after the passing of the vote of no confidence in the Government, Parliament stands dissolved."

Thus while this provision seeks to provide a sanction mechanism against the Executive, it can also be a double-edged sword in the event that the President does not act in accordance with the vote of confidence. The dissolution of Parliament implies the corollary holding of elections that are often uncertain and unpredictable and may lead just as much to the removal of the backbenchers as the Cabinet.

"Section 111: War and peace

(1) The President has power to declare war and make peace, and must advise the Senate and the National Assembly within seven sitting days.
(2) The Senate and the National Assembly, by a joint resolution passed by at least two-thirds of the total membership of Parliament, may resolve that a declaration of war should be revoked.
(3) Where Parliament has resolved that a declaration of war should be revoked, the President must take all practical steps to disengage from the war, taking due account of the need to ensure the safety of Zimbabwean personnel and equipment."

In the same vein, this provision ensures checks and balances on the Executive powers of the President, by requiring the consent of Parliament for him to declare war. If it is Parliament's view that there is no justification for the declaration of war or peace, the Constitution vests in Parliament the power to revoke that declaration. On the deployment of defence forces, section 213 of the Constitution provides that:

"Section 213: Deployment of Defence Forces

(4) By a two-thirds majority of the total membership of Parliament at a joint sitting of the Senate and the National Assembly, Parliament may resolve that a deployment of the Defence Forces outside Zimbabwe should be rescinded.
(5) Where Parliament has resolved that a deployment of the Defence Forces outside Zimbabwe should be rescinded, the President must take all practical steps to withdraw the Defence Forces, taking due account of the need to ensure the safety of Zimbabwean personnel and equipment."

However, subsection 5 of the same section states that “the President must take all practical steps to withdraw the Defence Forces.” The interpretation of “all practical steps” is at the discretion of the President.

In terms of Section 299, Parliament has oversight of State revenues and expenditure by monitoring and overseeing expenditure by the State and all Commissions and institutions and agencies of government at every level.

The role of Parliament in complementing the efforts of other statutory bodies such as the Auditor-General in ensuring prudent financial management of all State institutions is clearly articulated. Parliament can, therefore, play an active role in curbing wastage of resources, misappropriation or abuse of public funds and fraudulent activities. It is up to Parliament to enact a law to determine how this financial oversight can be effectively conducted. In addition to this, Parliament also has an important oversight role on the national budget.

“Section 303: Appropriations from Consolidated Revenue Fund

Although Parliament exercises control of the public purse by approving fiscal measures to generate revenues and appropriation, Parliament’s role is limited to making recommendations that the Minister of Finance can either choose to adopt or ignore.

In addition to provisions empower Parliament to safeguard good corporate governance in Zimbabwe cited above, all Independent Commissions and the Auditor-General are expected to submit their reports to Parliament annually. This provides another important source of information in Parliament's oversight function. The mere fact that all institutions and agencies of government at every level are accountable to Parliament is an improvement on the old Constitution for as Woodrow Wilson (1885) observed:

“There is some scandal and discomfort, but infinite advantage, in having every affair of administration subjected to the test of constant examination on the part of the assembly which represents the nation ... Quite as important as legislation is the vigilant of administration.”

In the final analysis, while the Constitution has provided the enabling regulatory framework, the onus is on Parliament to assert its authority in safeguarding good corporate governance. The electorate has a right to take Parliament to task through their elected representatives if Parliament fails to do so. The former Chinese Prime Minister, Wen Jiabao (2013) rightly observed:

“It is only when there is the supervision and critical oversight from the people that the government will be in a position to do an even better job, and employees of government departments will be the true public servants of the people.”

Mr Marc BOSCH, President, thanked Mr ZVOMA for his contribution and opened the floor to questions.

Mr Masibulele XASO (South Africa) asked whether parliamentary officials

could be summoned to appear before the Committee of Public Accounts.

Mr Baye Niass CISSÉ (Senegal) wanted to know what sanctions there were if Parliament uncovered financial mismanagement by the Government. He also asked whether in Zimbabwe gender parity in elections and appointments was enforceable under the law.

Mr Penelope Nolizo TYAWA (South Africa) asked about the characterisation of the National Assembly as a Board. She asked how this worked with respect to financial management.

Mr Austin ZVOMA (Zimbabwe) said that the accounts of Parliament were subject to audit by the Comptroller and Auditor General, as was the case for government departments. Parliamentary officials could be summoned before the Committee of Public Accounts where there was evidence of financial mismanagement. This had not happened since the start of his tenure in 1989.

The constitution provided for Parliament to create its own Standing Orders. If the Government mismanaged its finances it could be held in contempt of Parliament under Standing Orders, which was one sanction that Parliament could impose. The Government could also be taken through the constitutional courts.

For elected parliamentarians in Zimbabwe the new constitution attempted to achieve gender parity by reserving 60 out of an available 270 seats for women alone. The intention was that a sufficient number of the remaining seats would be won by women to allow for overall gender parity. After the elections in July 2013, the proportion of those returned who were women was 31%, which meant that the target of gender parity had not been reached.

There was a Public Financial Management Act in Zimbabwe. In financial matters, the Clerk of the House did not report to the Speaker, although the Speaker was briefed.

Mr Rhodri Walters (United Kingdom) asked about the practicality of section 111 relating to war and peace. Recent events had shown that it was difficult to give legislative effect to the intention to give a parliament a say in whether or not a country should go to war. The provision in section 111 appeared to give the Zimbabwean Parliament the power to revoke a decision to go to war, not to prevent the decision in the first place.

Mr Austin Zvoma (Zimbabwe) agreed with Mr WALTERS that section 111 was a power to revoke rather than to prevent. The document still required work, but it was an improvement over the old situation where Parliament had no say in any decision to go to war.

There was a provision in the new constitution limiting the tenure of the Clerk of the Parliament in Zimbabwe to a term of six years, renewable once. This had become known as the Austin Zvoma clause.

Mr Marc BOSCH, President, thanked Mr Zvoma for his presentation.

2. Communication by Mr Sayed Hafizullah HASHIMI, Secretary General of the House of Elders of Afghanistan: “The National Assembly of Afghanistan and the role of parliamentary committees”

Mr Marc BOSCH, President, invited Mr Sayed Hafizullah HASHIMI, Secretary General of the House of Elders of Afghanistan, to present his communication, as follows:

General Information:

Islamic Republic of Afghanistan is a landlocked country which is located in heart of central Asia. It has a population of around 30 million inhabitants, an area of approximately 652,000 km² making it the 42nd most populous and 41st largest nation in the world. It is bordered by Pakistan in the south and the east, Iran in the west, Turkmenistan, Uzbekistan and Tajikistan in the north, and China in the far northeast. People speak different languages, in Afghanistan.

Kabul is the Capital of Afghanistan and it has a population of around 5 million inhabitants. Other popular and significant cities of Afghanistan are: Kandahar, Mazar-e-sharif, Herat and Jalalabad.

Political System of Afghanistan

According to the Constitution, which was officially adopted at Loya Jirga (Large Council), on January, 2003; the Political System of Afghanistan is a Presidential and Semi-Presidential system. There are three pillars of the state: legislative power, executive power and judiciary power which are active and existing independently in Afghanistan. The judiciary power work under chairmanship of the elected president.

The Judiciary Power consists of the Supreme Court, High Courts, and Appeal Courts. The Supreme Court is composed of nine members who are appointed by the President for a period of ten years with the approval of the Wolesi Jirga (House of Representatives).

According to the Constitution, the Legislative Power of Afghanistan is called “National Assembly”. The National Assembly consists of two Houses: Wolesi Jirga (the House of Representatives) and Meshrano Jirga (the House of Elders).

The Wolesi Jirga has 249 members, who are elected by the people through free, general, secret, and direct elections for a period of five years.

Meshrano Jirga has 102 members, who are elected and selected as following:

1. From among the members of each provincial council, the respective council elects one person for a four year term.
2. From among the district councils of each province, the respective councils elect one person for a three year term.
3. The President from among experts and experienced personalities – including two representatives from the disabled and impaired and two representatives from the Kochis (Nomads) – appoints the remaining one-third of the members for a period of five years.

In the country's constitution, the special provisions are as a positive discrimination for women interests. In Meshrano Jirga 50% of appointed members are from among women, including two representatives from the disabled and handicaps and two representatives from the Nomads.

For about 68 seats are allocated for women in the House of Representatives. Therefore, around 25 % of seats are allocated for women in the National Assembly of Afghanistan.

Now a day, 28 % of the Afghan Parliament members are women.

Authorities of the National Assembly of Afghanistan:

The National Assembly of Afghanistan as other parliaments in the World has three following basic work aspects:

- 1- Lawmaking;
- 2- Oversee of the government actions and activities;
- 3- Representation of the People.

According to the article 90th of the Afghan Constitution, the National Assembly of Afghanistan as a Legislative power has the following authorities:

The National Assembly has the following powers:

- 1. Ratification, modification, or abrogation of laws and or legislative decrees.
- 2. Approval of plans for economic, social, cultural, and technological development.
- 3. Approval of state budget, permission for obtaining, and granting loans.
- 4. Creation, modification of administrative units.
- 5. Ratification of international treaties and agreements, or abrogation of the membership of Afghanistan to them.

According to the constitution provision, there are some specific differences between the Afghan Parliament chambers like:

Wolesi Jirga as a House of People has the following authorities:

- 1. Deciding on interpellation of each of the ministers.
 - 2. Taking the final decision about the state's development programs and state budget, in case of a disagreement between the Wolesi Jirga and the Meshrano Jirga.
 - 3. Approval of the appointments according to the provisions of this constitution.
- Difference of authorities between two Houses:

House of Representatives---Upper House Chamber	Authorities-
1) Approve or reject appointments No	Yes
2) Elucidation of ministers Yes No	
3) Ratification, modification or abrogation of law Yes	Yes
4) Approval of the State Budget and Development programs	Yes No

5)	Chairmanship of joint sessions	Yes	No
6)	Approval of Refusal bill	Yes	No
7)	Approval of refusal bill by the President		Yes
	No		
8)	Supervision of Presidential office(in case of absence		No
	Yes		
9)	Creation of special commission in order to supervise the government actions	Yes	No

The supervision authorities of Plenary sessions and Commissions of the National Assembly:

Methods and procedures of Parliamentary supervision in our country:

- Confirmation of assignments according to the provisions of constitution.
- Interpellation of ministers according to the provisions of constitution.
- Hearing to the state officials in general and commissions sessions
- Questioning from the state officials in general and commissions sessions
- Studying of special issues and matters
- Consideration of the people complaints and applications
- Visiting of duration of development projects work.

According to the provisions of constitution (article -88); each chamber of the national assembly is creating commissions, in order to consider and study related matters. According to article 24 of the Internal Rule of Procedure of the Wolesi Jirga, the Wolesi Jirga has 18 standing commissions and according to article 16 the rule of procedure of Meshrano Jirga, the Meshrano Jirga has 12 standing commissions.

Moreover, according to article 89 of constitution and article 36 Internal Rule of Procedure, the House of people has authority, to create a special commission, in order to evaluate and study the state actions.

According to the Internal Rule of Procedure of both Houses of the National Assembly, they divide and specify the stat's work sectors or the stat's administrations and organs activities among standing commissions.

The article 28 of the Internal Rule of Procedure of the Wolesi Jirga and the article 20 of the Internal Rule of Procedure of the Meshrano Jirga, specify the basic duties and authorities of standing commissions as following:

- 1- Evaluation and canvass of laws drafts;
- 2- To manage and proposed amendments in laws drafts;
- 3- To evaluate the international agreements;
- 4- To present commendations and reports to assembly;
- 5- To consider the people applications and complaints;
- 6- To prepare hearing sessions;
- 7- Questioning of the state's authorities;
- 8- Questioning and hearing to the organizations and non- governmental organs (NGO), officials.

According to rule, the commissions from each House of NA, for coordination and resolution of special problems can create joint committee.

Therefore, each commission of NA can create subcommittee, to study a specific issue.

Usually, the commissions of Afghan parliament during canvassing and evaluating of bills invite the state authorities and the representative of social and non government organizations and experts, to express information regarding specific matters, in to the sessions.

While, the commissions' members are evaluating and studying the complaints and applications, they invite the government officials and the eyewitnesses of cases as well.

If they found any misdemeanor during evaluation, they are responsible to submit such cases to the justice organs, to follow the matters.

Secretariat role in preparing of the technical and professional facilities for the commissions:

Our secretariat as an administrative and executive organ, prepares legal, professional and technical necessary facilities for the members of the Upper House.

Therefore, two assistants and one advisor are hired for each commission. The mentioned individuals are appointing via free-contests.

The advisor and professional assistants of a commission have the following duties and responsibilities:

- 1- Canvassing of dispatched bills by the Government.
- 2- Drafting of the members' bills.
- 3- Preparing of questions during development projects verification.
- 4- Preparing of questions during questioning from high-ranking officials of the state.
- 5- Organization of the public hearing session's agendas.
- 6- Preparing of proposed amendments in bills.
- 7- Organization of the commissions sessions protocols.
- 8- Development of scientific-researches works for preparing of professional materials, to increase the members information level.
- 9- Organization of the members' provincial trips for supervision on development projects.
- 10- Follow up of the commissions' decisions implementation by authorities and state's administrations.
- 11- Preparing of work and activities reports of the commissions.

In general, other directorates of the secretariat are organizing the entire administrative affairs, logistic, cadre, munitions, and security affairs and necessary facilities for the members to be able to do their duties on time, successfully and fruitful.

The legislative power as a base of democracy in Afghanistan:

Afghan parliament as an elected organization was established in 1932. Despite there was lots of problems toward competitions of the legislative terms, but it held 16 terms via elections. Currently, it's the 16th legislative term of the NA

of Afghanistan. At the beginning, the national assembly of Afghanistan hadn't had such authorities like, legislation, supervision of the government actions and representation of the people, but it is extended gradually.

The National Assembly of Afghanistan for the consolidation and extension of democracy do the following actions:

- Good and apply able lawmaking for current situation in Afghanistan;
- As representative of people oversee on executive power actions;
- To maintain relations between people and state via collecting of opinion, proposals and people problem and its transition to executive organs for its consideration;
- Support of civil society institutions;
- Maintaining relations with parliaments, regional and global parliamentary institutions.

The 15th and 16th legislative terms of the National Assembly of Afghanistan has been established through free, general, secret and direct elections, after creation of present political system and 11th September 2000 terrorist incidents in New York and Washington and now work with complete legislative, oversee and representative authorities. Some of the recent achievements of the legislative power of Afghanistan were gained through financial and professional help and assistance of international friends.

International community such as USA, CANADA, INDIA, GERMANY and FRANCE have cooperated Afghan parliament via its supportive projects. The mentioned countries cooperated our parliament in strengthening of professional cadres.

It has to be mentioned that the IPU since the beginning of temporary secretariat of the National Assembly work, had an active role in holding of the training programs for staff of the National Assembly inside Afghan parliament and friends' countries parliaments.

Opportunities and Challenges:

As mentioned above, the National Assembly of Afghanistan has eight years experiences and it's secretariat obtained further parliamentary experiences during visiting of different world countries parliaments such as: the United States, France, Germany, India, Canada, Australia and so, on. Now both Houses of the National Assembly of Afghanistan have its Internal Rule of Procedure, commissions' job-descriptions, security regime description and other guidance documents.

But unfortunately a lot of other issues have not been institutionalized at the National Assembly of Afghanistan yet. This legislative organ of the country has no necessary structural, budgetary and personnel recruitment independency. The Afghan Parliamentary Institute which has been established by a USAID project is at low level of work implementation. Secretariats of the both Houses of the National Assembly faced with lots of cadre problems. Majority of educated qualified cadres who gained parliamentary experiences, are leaving the National Assembly due to its low level of salary payments. According to the Constitution of the Country, there is no necessary education and qualification

level determined for the legislators. Majority members of the National Assembly have no higher education.

The technical and technological equipments level of the National Assembly of Afghanistan as well as required foreign help and supports.

Now when the ISAF forces would leave Afghanistan by the end of 2014, the civil society specially the National Assembly of Afghanistan as a base of democracy in Afghanistan for the institutionalization of its affairs for consolidation and extension of democracy need financial and professional aids of democracy like countries specially parliaments, regional and global parliamentary unions.

We wish that present friends in this conference with understanding of the National Assembly needs, cooperate us in technical equipments and capacity building of our staff and MPs.

Thanks

Mr Marc BOSCH, President, thanked Mr HASHIMI for his contribution and opened the floor to questions.

Mr Baye Niass CISSÉ (Senegal) asked whether in Afghanistan primacy was given to written law. He also asked whether, where joint committees of both Houses had been established to resolve difficulties between the Houses but failed to reach agreement, what provision there was under the constitution to take remedial action.

Mr David NATZLER (United Kingdom) said that it was plain that the National Assembly was a revived assembly rather than a new one. He wanted to offer advice and assistance whenever it would be useful in bringing democracy to Afghanistan.

Mr Sayed Hafizullah HASHIMI (Afghanistan) said that Afghanistan's National Assembly was really only eight years old. Whenever the two Houses in the Afghan Parliament did not reach a consensus, it would be referred to a Joint Committee of both Houses for a resolution.

Mrs Jane LUBOWA KIBIRIAGE (Uganda) said that staff from the Afghan National Assembly would be welcome to go to Uganda for a ten-week attachment.

Mr Sayed Hafizullah HASHIMI (Afghanistan) thanked the Ugandan Parliament for their offer of support.

Mr Marc BOSCH, President, thanked Mr HASHIMI for his communication.

3. Discussion (and possible adoption) of principles for the recruitment and career management of parliamentary staff

Mr Marc BOSCH, President, said a small number of delegates had proposed some small changes to the draft principles, all of which had been incorporated

into the document before the Association. It was an excellent piece of work, flowing from discussions in Quebec and Quito, and would prove an invaluable tool for national parliaments to draw upon.

The Association adopted the document and agreed to publish it online and in leaflet form.

4. Financial and administrative matters

Mr Marc BOSCH, President, proposed that the Association's journal, *Constitutional and Parliamentary Information*, should be published online only. The money saved in the first year by taking this measure would be used to improve the Association's website.

The rationale for the proposal was in part financial, allowing for savings of approximately 15,000 CHF each year. Demand for the journal had not been high. However, for those delegates who still valued paper copies of the journal, it could be printed from the website or, in exceptional circumstances, posted by the staff. The proposal would free up some funds for a number of one-off publications on particular subjects.

The Association agreed to move to online-only publication of the journal, and to spend some money on improving its website.

The Association agreed the budget for 2014.

The Association agreed the draft agenda for the next session. The further suggestions that had been received would be incorporated into it.

The Association agreed to make Steven Mark an Honourary Secretary of the Association.

Mr Marc BOSCH, President, thanked Steven Mark, the outgoing Joint Secretary, for his very hard work over seven years. Steven had provided exemplary support and had displayed excellent political and troubleshooting skills. He wished Steven much luck in his future work at the UK House of Commons.

5. Closure of the Session

Mr Marc BOSCH, President, thanked the interpreters, the staff of the IPU in charge of the organisation of the conference and the members of the Executive Committee.

The sitting rose at 3.55 pm.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Aims

The Association of Secretaries General of Parliaments, constituted as a consultative body of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing cooperation between the services of different Parliaments.

The Association also assists the Inter-Parliamentary Union, when asked to do so, on subjects within the scope of the Association.

Executive Committee (Geneva 2013)

President: Marc Bosc (Canada)

Vice-Presidents: Ulrich Schöler (Germany), Doris Katai Katebe MWINGA (Zambia)

Elected Members: Vladimir Svinarev (Russia), Austin Zvoma (Zimbabwe), Geert Jan A. Hamilton (Netherlands), Philippe Schwab (Switzerland), Irfan Neziroglu (Turkey), José Pedro Montero (Uruguay), Ayad Namik Majid (Iraq)

Former Presidents and honorary members: Hafnaoui Amrani (Algeria), Anders Forsberg (Sweden), Ian Harris (Australia), Adelina Sà Carvalho (Portugal), Sir Michael Davies (United Kingdom), Doudou Ndiaye (Senegal), Helge Hjortdal (Denmark), Jacques Ollé-Laprune (France)

Constitutional and Parliamentary Information

Published by the Association of Secretaries General of Parliaments under the auspices of the Inter-Parliamentary Union, the review, *Constitutional and Parliamentary Information* appears twice a year, in both English and French. It is freely available via www.asgp.co

For further information please contact the Co-Secretaries:

Secrétariat français :	British Secretariat :
Mme Inés Fauconnier, Assemblée nationale 126, rue de l'Université 75355 Paris 07 SP, France Tel: (33) 1 40 63 66 65 Fax: (33) 1 40 63 52 40 courriel : ifauconnier@assemblee-nationale.fr	Emily Commander, House of Commons c/o Daniel Moeller, Committee Office, 7 Millbank, London, SW1P 3JA Tel: (44) 20 7219 6182 e-mail: commandere@parliament.uk