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.

UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

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

Review of the ASGP / 64th year / No 208 / Geneva, 13-16 October 2014

List of attendance

MEMBERS PRESENT

NAME	***COUNTRY***
Mr. Sayed Hafizullah HASHIMI	Afghanistan
Mr. Khudai Nazar NASRAT	Afghanistan
Mr. Rahimullah GHALIB	Afghanistan
Dr. Hafnaoui AMRANI	Algeria
Mr. Pedro AGOSTINHO DE NERI	Angola
Ms. Claressa SURTEES	Australia
Mr. Alexis WINTONIAK	Austria
Mr. Md. Ashraful MOQBUL	Bangladesh
Mr. Pranab CHAKRABORTY	Bangladesh
Mr. Pedro EASTMOND	Barbados
Mr. Hugo HONDEQUIN	Belgium
Mr. Dragoljub RELJIC	Bosnia Herzegovina
Mr. Kinzang WANGDI	Bhutan
Mme. Emma ZOBILMA MANTORO	Burkina Faso
Mr. Marc RWABAHUNGU	Burundi
Mr. Renovat NIYONZIMA	Burundi
Ms. Libéria das Dores ANTUNES BRITO	Cabo Verde
Mr. OUM Sarith	Cambodia
Mr. Michel MEVA'A M'EBOUTOU	Cameroon

NAME	***COUNTRY***
Mr. Victor YÉNÉ OSSOMBA	Cameroon
Mr. Marc BOSC	Canada
Mr. Gali Massa HAROU	Chad
Mr. Mario LABBE	Chile
Mr. Luis ROJAS GALLARDO	Chile
Ms. Vassiliki ANASTASSIADOU	Cyprus
Mr. Modrikpe Patrice MADJUBOLE	Congo (Democratic Republic of)
Mr. N.L. Ahouanzi LATTE	*C*ôte d'Ivoire
Mr. Jiři UKLEIN	Czech Republic
Mr. Petr KYNŠTETR	Czech Republic
Ms. Libia Fernanda RIVAS ORDOÑEZ	Ecuador
Ms. Maria ALAJÕE	Estonia
Mr. Victorino Nka OBIANG MAYE	Equatorial Guinea
Mr. Debebe BARUD	Ethiopia
Mr. Negus LEMMA GEBRE	Ethiopia
Mr. Seppo TIITINEN	Finland
Mr. Félix OWANSANGO DEACKEN	Gabon
Dr. Horst RISSE	Germany
Dr. Ulrich SCHÖLER	Germany
Mr. Emmanuel ANYIMADU	Ghana
Mr. Zurab MARAKVELIDZE	Georgia
Dr. Athanassios PAPAIOANNOU	Greece

NAME	***COUNTRY***
Mr. José Carlos RODRIGUES DA FONSECA	Guinea Bissau
Dr. Jean Rony GILOT	Haiti
Mr. P.K. GROVER	India
Mr. Shumsher K. SHERIFF	India
Dr. Winantuningtyas Titi SWASANANY	Indonesia
Mr. Ayad Namik MAJID	Iraq
Mr. Ali AFRASHTEH	Iran
Mr. Hamad GHRAIR	Jordan
Mr. PARK Heong-Joon	Korea (Republic of)
Mr. Jeremiah M. NYEGENYE	Kenya
Mr. Allam Ali Jaafer AL-KANDARI	Kuwait
Mr. Lebohang Fine MAEMA	Lesotho
Mr. Adnan DAHER	Lebanon
Mr. Gedeminas ALEKSONIS	Lithuania
Mr. Andriamitarijato Calvin RANDRIAMAHAFANJARY	Madagascar
Mr. Riduan RAHMAT	Malaysia
Dr. Madou DIALLO	Mali
Mr. Abdelouahed KHOUJA	Morocco
Mr. Najib EL KHADI	Morocco
Mr. Mohamed Vall Ould LEKOUEIRY	Mauritania
Ms. Nataša KOMNENIĆ	Montenegro
Ms. Panduleni SHIMUTWIKENI	Namibia

NAME	***COUNTRY***
Mr. Johannes JACOBS	Namibia
Mr. Geert Jan A. HAMILTON	Netherlands
Dr. Christward GRADENWITZ	Netherlands
Mr. Henk BAKKER	Netherlands
Mr. Basil EDHERE	Nigeria
Mr. Amjed Pervez MALIK	Pakistan
Mr. Mohammad RIAZ	Pakistan
Mr. Ibrahim KHRISHI	Palestine
Mr. Oscar G. YABES	Philippines
Mrs. Marilyn B. BARUA-YAP	Philippines
Mrs. Ewa POLKOWSKA	Poland
Mr. Lech CZAPLA	Poland
Mr. José Manuel ARAÚJO	Portugal
Mr. Sergey MARTYNOV	Russian Federation
Dr. Mohammed Abdullah AL-AMR	Saudi Arabia
Mr. Baye Niass CISSÉ	Senegal
Ms. Jana LJUBIČIĆ	Serbia
Mr. Manuel CAVERO	Spain
Mr. Carlos GUTIÉRREZ VICÉN	Spain
Mr. Abdelgadir ABDALLA KHALAFALLA	Sudan
Mr. Dhammika DASANAYAKE	Sri Lanka
Ms. Penelope Nolizo TYAWA	South Africa

NAME	***COUNTRY***
Mr. Masibulele XASO	South Africa
Mr. Modibedi Eric PHINDELA	South Africa
Mrs. Martina BUOL	Switzerland
Mr. Philippe SCHWAB	Switzerland
Ms. Ruth Lucia DE WINDT	Suriname
Mrs. Saithip CHAOWALITTAWIL	Thailand
Mr. Mateus XIMENES BELO	Timor Leste
Mr. Yambandjoi KANSONGUE	Togo
Dr. İrfan NEZİROĞLU	Turkey
Ms. Jane LUBOWA KIBIRIGE	Uganda
Mr. Paul GAMUSI WABWIRE	Uganda
Mr. Valentyn Oleksandrovych ZAICHUK	Ukraine
Mr. Thomas J. WICKHAM	United States of America
Mr. Hugo RODRÍGUEZ FILIPPINI	Uruguay
Mr. NGUYEN Hanh Phuc	Vietnam
Mrs. Doris Katai Katebe MWINGA	Zambia
Mr. Austin ZVOMA	Zimbabwe

ASSOCIATE MEMBERS

NAME	**COUNTRY**
Mr. Abdulnaser Mohamed Janahi ALABBASI	Arab Parliament
Mr. Mario MARTINS	Council of Europe

Mrs. Maria WARE SANWIDI	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Mr. Said MOKADEM	Maghreb Consultative Council
Mr . Sergey STRELCHENKO	Union of Belarus & the Russian Federation

SUBSTITUTES

NAME	**COUNTRY**
(for Mr/s.)	
Mr. Yousif ALROWAIE (for Mr. Jamal ZOWAIED)	Bahrain
Mrs. Reinhilde DEBOUTTE (for Mrs. Emma DE PRINS)	Belgium
Ms. Augousta CHRISTOU (for Ms. Vassiliki ANASTASSIADOU)	Cyprus
Mrs. Françoise MEFFRE (for Mrs.Corinne LUQUIENS)	France
Mrs. Vigdis JONSDOTTIR (for Mr. Helgi BERNÓDUSSON)	Iceland
Mr. Yasuo KURATA (for Mr. Takeshi NAKAMURA)	Japan
Mr. Joseph MANZI (for Mr. Henry H. NJOLOMOLE)	Malawi
Mr. Ibrahim LAOUALI (for M. Boubacar SABO)	Niger
Mr. George Ionuţ DUMITRICĂ (for Mr. Cristian Adrian PANCIU)	Romania
Ms. Chloe MAWSON (for Mr. David BEAMISH)	United Kingdom
Mr. Liam LAURENCE SMYTH (for David NATZLER)	United Kingdom
Mrs. La-Or PUTORNJAI (for Mrs. Norarut PIMSEN)	Thailand
Mr. Anuvat TANTIVONG (for Mr. Charae PANPRUANG)	Thailand
Ms. Chantal LA ROCHE (for Mrs. Nataki ATIBA-DILCHAN)	Trinidad and Tobago

ALSO PRESENT

NAME	COUNTRY
Mr. Hrayr TOVMASYAN (non-member)	Armenia
Mr. Kalipha MBYE (non-member)	The Gambia
Mrs. Varvara GEORGOPOULOU (non-member)	Greece
Ms. Damayanti HARRIS(non-member)	Indonesia
Ms. Irena MIJAHOVIC(non-member)	Montenegro
Mrs. Aye Aye MU (non-member)	Myanmar
Mrs. Agata KARWOWSKA SOKOŁOWSKA (non-member)	Poland
Ms. Krisanee MASRICHAN (non-member)	Thailand
Ms. Neeranan SUNGTO (non-member)	Thailand
Ms. Kanjanat SIRIWONG (non-member)	Thailand
Ms. Thaniya UMVIJANI (non-member)	Thailand
Mr. Jemmy Betulan RAMOS PEREIRA (non-member)	Timor Leste
Mr. NGUYEN Si Dzung (non-member)	Vietnam

APOLOGIES

NAME	COUNTRY
Mrs. Emma DE PRINS	Belgium
Mr. Marc VAN DER HULST	Belgium
Mrs. Barbara DITHAPO	Botswana
Mr. Satoru GOHARA	Japan
Mr. Shinji MUKO-ONO	Japan

Mr. Takeshi NAKAMURA	Japan
Mr. Damir DAVIDOVIC	Montenegro
Mr. Boubacar SABO	Niger
Mr. Cristian Adrian PANCIU	Romania
Mr. David BEAMISH	United Kingdom
Mr. David NATZLER	United Kingdom
Ms. Kathrin FLOSSING	Sweden
Mr. Claes MÅRTENSSON	Sweden
Mrs. Nataki ATIBA-DILCHAN	Trinidad and Tobago
Dr. José Pedro MONTERO	Uruguay
Ms. Virginia ORTIZ	Uruguay
Mr. Klaus WELLE	European Parliament

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FIRST SITTING

Monday 13 October 2014 (morning)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 11.00 am

1. Opening of the session

Mr Marc BOSC, President, opened the session and welcomed members of the Association, particularly the new members. He asked all those attending to check the attendance lists in the entry hall.

He welcomed Daniel Moeller, who had joined the secretariat as a replacement for Jenny Sturt.

He reminded members that the two official languages of the Association were French and English. Members were entitled to bring their own interpreters, but these interpreters could only interpret for the delegations concerned.

2. (New) Members

Mr Marc BOSC, President, said that the secretariat had received requests for membership which had been put before the Executive Committee, and agreed to, as follows:

Mr. Pedro AGOSTHINO DE NERI	Secretary General of the National Assembly of Angola (replacing Mr. Eduard de Jesus Beny)
Ms. Claressa SURTEES	Deputy Clerk of the House of Representatives of Australia
Mr. Heong-Joon PARK	Secretary General of the National Assembly of the Republic of Korea (replacing Mr. JI Sung-Bae)
Mr. Thomas J. WICKHAM	Office of the Parliamentarian of the U.S. House of Representatives (replacing Mr. John V. Sullivan)
Mr. Timo TUOVINEN	Deputy Secretary General of the Parliament of Finland (replacing Mr. Jarmo Vuorinen)

Dr. Jean Rony GILOT	Secretary General of the Senate of Haiti (replacing Mr. Jean Ariel JOSEPH)
Mr. Ali AFRASHTEH	Secretary General of the Islamic Parliament of the Islamic Republic of Iran
Mr. Shunsuke KISHIMOTO	Deputy Secretary General of the House of Representatives of Japan (replacing Mr. Shinji Muko-ono, who has become Secretary General)
Mr. Riduan RAHMAT	Secretary to the Senate of Malaysia
Mr. Sergey MARTYNOV	Secretary General of the Council of Federation of the Federal Assembly of the Russian Federation
Mr. Ali Gragandi NAIEM	Secretary General of the Council of States of Sudan (replacing Mr. Hassan Musa Shaikh El Safi)
Mr. Charae PANPRUANG	Secretary General of the House of Representatives of Thailand (replacing Mr. Suwichag Nakwatcharachai)
Mr. NGUYEN Hanh Phuc	Secretary General of the National Assembly of Vietnam (replacing Mr. DAN Tran Dinh)

The new members were agreed to.

3. Elections to the Executive Committee

Mr Marc BOSC, President, announced that there would be three separate elections during the Session:

1. *The election of a new President.*
The President had reached the end of his term of office, and would sadly take his leave at the end of the session. Nominations for his replacement were due by 4pm on that day, and, if necessary, an election would take place on Tuesday 14 October at 11am.

2. *The election of one new Vice-President.*
Dr Ulrich SCHÖLER has completed his term of office as Vice-President. Nominations for his replacement were due by 4pm on Tuesday 14 October and, if necessary, the election would take place at 11am on Wednesday 15 October.

3. *The election of at least one ordinary member of the Executive Committee.*

Geert Jan A. Hamilton had reached the end of his term of office. Depending on the outcome of the other elections, there would therefore be at least one post of ordinary member available. Nominations for this post were due by 11.30am on Wednesday 15 October and, if necessary, the election would take place at 4pm on Wednesday 15 October.

The President reminded members that it was usual for only experienced and active members of the Association to stand for election. Women and francophones remained under-represented on the Committee.

The President explained how members were able to present themselves as candidates and set out where the relevant information would be available.

He announced that it was possible that some debates may be foreshortened to allow time for the elections to take place.

4. Orders of the day

Mr Marc BOSC, President, noted the following modifications to the draft agenda:

- The addition of a new communication by Mr PARK Heong-Joon, Secretary General of the National Assembly of the Republic of Korea: "Open National Assembly: a legislative support system designed to enhance communication with citizens, and to facilitate the identification of legislative needs"

- Some presenters, from Myanmar and Pakistan, had been added to the panel presenting on the subject of the coordination of support and assistance to Parliaments.

- Mr Najib EL KHADI of Morocco had agreed to moderate the general debate on the utility of a parliamentary television channel.

- Mr Damir DAVIDOVIC had sent his apologies and the communication on strategy would instead be presented by Ms. Nataša KOMNENIĆ in his absence.

- The addition of a new communication by Ms Claressa SURTEES, Deputy Clerk of the House of Representatives, Australia: "A second debating chamber of the Australian House of Representatives: 20 years on"

He read the proposed orders of the day as follows:

Monday 13 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

Theme : Public participation

Communication by Ms Maria ALAJÕE, Secretary General of the Riigikogu of Estonia: "Public access to records of committee meetings – a case study from Estonia"

Communication by Mr PARK Heong-Joon, Secretary General of the National Assembly of the Republic of Korea: "Open National Assembly: a legislative support system designed to enhance communication with citizens, and to facilitate the identification of legislative needs"

Monday 13 October (afternoon)

Theme: Legal issues

2.30pm Communication by Mr Austin ZVOMA, Clerk of the Parliament (National Assembly), Zimbabwe: "Balancing freedom of speech in Parliament and the right of every person to protection under the Constitution: A Zimbabwean experience"

Communication by Mr Modibedi Eric PHINDELA, Secretary to the National Council of Provinces of South Africa: "Declaring Parliamentary rules unconstitutional – the South-African experience"

General debate: The legislature and the judiciary: a balance of power

Moderators: Mrs. Doris Katai Katebe MWINGA, Clerk of the National Assembly, Zambia, and Mr Liam LAURENCE SMYTH, Clerk of the Journals, House of Commons, United Kingdom

4.00 pm Deadline for nominations for the post of President of the ASGP

Mardi 14 octobre (matin) / Tuesday 14 October (morning)

9.30am Meeting of the Executive Committee

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Theme: Inter-parliamentary work

10 am General debate: the co-ordination of assistance and support to Parliaments
Moderator: Dr. Ulrich SCHÖLER, Deputy Secretary General of the German Bundestag

Introduction: Dr. Ulrich SCHÖLER
Presentation: Ms. Daw Aye Aye MU, a member of the Joint Coordination Committee, Parliamentary Support Programme, Myanmar Parliament: presentation from the perspective of a recent recipient of assistance
Presentation: Mr. Amjed Pervez MALIK, Secretary General of the Senate, Pakistan, presentation from the perspective of a recent recipient of assistance
Presentation: An update on the Common Principles on Parliamentary Development to be given by Mr Martin CHUNGONG, Secretary General of the IPU
Presentation: A showcase of the mapping function of the AGORA platform to be given by Mrs Julia KEUTGEN of the UN Development Programme

Introduction followed by informal discussion groups, each working in a single language and on a single theme for around 60-90 minutes. Each of the groups will be self-selecting, and will appoint its own rapporteur. The rapporteurs will report back to the plenary at the beginning of the afternoon, before the debate is opened to the floor.

11.00am Election to the post of President of the ASGP

Tuesday 14 October (afternoon)

2.30 pm Presentations by rapporteurs and general debate: Next steps in the co-ordination of assistance and support to parliaments

Theme: The mechanics of Parliament

Communication by Mr Jeremiah M. NYEGENYE, Clerk of the Senate of Kenya: "Establishing a New House of Parliament - the Kenyan Experience"

Communication by Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland: "The management of a multilingual Parliament: the Swiss example"

Communication by Mr José Manuel ARAÚJO, Deputy Secretary General

of the Assembly of the Republic, Portugal: "Parliamentary Terminology: creating a terminological and textual database at the Portugese Parliament"

4.00 pm Deadline for nominations for one post of Vice-President of the ASGP

Wednesday 15 October (morning)

9.30am Meeting of the Executive Committee

****

Theme: Parliament and the media

10 am General debate: Why have a parliamentary television channel?
Moderator: Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, Morocco

11.00 am Election to one post of Vice-President of the ASGP

11.30am Deadline for nominations for vacant posts on the Executive Committee (ordinary members

Wednesday 15 October (afternoon)

2.30 pm Communication by Ms. Nataša KOMNENIĊ, Deputy Secretary General of the Parliament of Montenegro: "Strategic and annual planning in parliaments – challenges and outcomes in the Parliament of Montenegro"

Communication by Ms Claressa SURTEES, Deputy Clerk of the House of Representatives, Australia: "A second debating chamber of the Australian House of Representatives: 20 years on"

4.00 pm Election to one vacant post on the Executive Committee (ordinary members)

Thursday 16 October (morning)

9.30 am Meeting of the Executive Committee

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10.00 am Examination of the draft agenda for the next meeting

(Hanoi, March 2015)

Presentation on the session in Hanoi

Presentation on recent developments in the Inter-Parliamentary Union

Administrative and financial questions

12.30 pm *End of session*

The agenda for the Session was agreed to.

Theme: Public Participation

5. Communication by Ms Maria ALAJÕE, Secretary General of the Riigikogu of Estonia: "Public access to records of committee meetings – a case study from Estonia"

Mr Marc BOSC, President, invited Ms Maria ALAJÕE, Secretary General of the Riigikogu of Estonia, to make her communication.

Ms Maria ALAJÕE (Estonia) spoke as follows:

Public access to records of committee meetings
Before coming to the topic, please allow me to give an overview of the structure of the Estonian Parliament – the Riigikogu. Working bodies of the Riigikogu are as follows:

- Plenary assembly (101 MPs)
- Board of the Riigikogu (President and two Vice-Presidents of the Riigikogu elected annually from among MPs)
- Committees:
  - standing committees (11 committees)
  - select committees (3 committees)
  - committees of investigation
  - study committees
  - Factions (4)

The main function of the standing committees is to prepare draft legislation for discussion in the plenary assembly, supervise the exercising of executive power within their particular field of activity, and perform other functions assigned to the committees by law or by a Resolution of the Riigikogu.

Select committees are formed by a Resolution for the duration of the term of office of the parliament to deal with a specific field (for example, supervision of security authorities).

In practice, there are three select committees that have operated during the term of office of several compositions of the Riigikogu.

Committees of investigation are formed in order to investigate the circumstances of events of public interest, and they operate within a specific time framework (e.g. six months, one year, etc.).

A member of the Riigikogu may belong to one standing committee at a time, and also to the European Union Affairs Committee. Besides that, he or she can be a member of a select committee or a committee of investigation.

Standing committees have 9–11 members; the European Union Affairs Committee is an exception and has 19 members. Select committees have eight members – two from each faction.

I. Sitting of a committee and public documents connected with it
The sittings of plenary assembly are public. They can be declared closed to the public on very rare cases, in line with the Riigikogu Rules of Procedure and Internal Rules Act. It has been done only in connection with one decision during last 20 years.

- *As a rule the sittings of the parliamentary committees are closed.*

A committee may declare a sitting public if more than half of the members of the committee vote in favour of it. However, public sittings are an exception and generally the committees work in closed sittings. Within the meaning of the Rules of Procedure, a closed sitting means that, on the one hand, the circle of the persons taking part in it is restricted (besides the members of the committee and the officials serving the committee, only the members of the government and the persons invited by the chairman of the committee can participate in the sitting) and, on the other hand, that taking minutes of the sitting is also limited.

The minutes set out the time and place of the sitting, the names and posts of the participants, the agenda for the sitting, the resolutions adopted and the voting results. The actual course of discussion is not recorded in the minutes. Those who want their position or speech to be recorded in the minutes may request it, but generally it is not done. Voting results recorded in the minutes are also not personalised – it will not be possible to find out who voted against and who voted for on the basis of the minutes. Minutes are public and accessible to everybody on the website of the Riigikogu.

The principle that the sittings of committees are closed was established on the basis of the constitutional right of self-regulation.

According to the explanatory memorandum of the Act, the aim of secrecy is to protect the information about the actual course of discussion during the sitting from becoming known to unauthorised persons. It is necessary in order to give the participants in the sitting the possibility to express themselves freely and in confidence, without fearing that the tentativeness of statements, incorrect wording, uncompleted ideas, expressed doubts, criticism, etc. may cause them problems later. Confidentiality is the reason why

the meetings of committees are held as closed sittings. The purpose of the regulation is to ensure that the members of the committees could exchange ideas freely which ensures the effective functioning of a committee as a working body of the parliament.

The discussions and decisions of the sittings are partially reflected in other public documents.

In the case of draft legislation under discussion, such documents are the new text of the draft or bill and the list of motions to amend, and also the explanatory memorandum prepared by the committee for the second or the third reading. (A bill is discussed at three readings at the plenary assembly.) Since the end of 2009, the leading committee (the committee responsible for the bill) is obliged to prepare an explanatory memorandum for the second reading of draft legislation. It has to contain information related to the legislative proceeding of the draft legislation, such as the reasons for the acceptance of or refusal to accept motions to amend, and the opinions of the initiators or presenters of the draft legislation, and the experts and other persons participating in the legislative proceeding of the draft legislation. Unfortunately, often the committees do not have enough time or human resources for preparing detailed explanatory memorandums. The representative of the leading committee should speak about the discussions in the committee at the debate of the bill in the plenary assembly, but to a great extent this depends on the professionalism of the speaker. It may happen that the speaker will just give a list of the procedural decisions regarding the bill, and if the agenda is busy, the discussion of the bill in the plenary assembly may remain short.

Besides draft legislation, other issues are also discussed in the committees, and there are committees, like the Foreign Affairs Committee, where such discussions prevail. Often these discussions do not result in passing a decision of the committee, and in such cases the public will have very little information about what has been spoken of in the committee.

And therefore the question whether the official documents meant for giving information about the sitting are sufficient for informing the public about the proceedings of the sittings has arisen.

There is a growing interest, especially from the media, in the background materials of the sittings. The legal status of such materials in the Estonian law today seems vague.

- *The background materials of sittings and their legal status.*

In the course of time, several committees of the Riigikogu have adopted the practice of making sound recordings of the closed sittings. The recordings are used for preparing the minutes of the sitting and also other materials, like explanatory memorandums, memos or reports. They may also be used for refreshing the memory during long discussions and proceedings, if there is a dispute over the presented positions. The recordings are unrevised, raw material which on the one hand may give very much information about what was said at a sitting, but on the other hand may create a distorted picture of the sitting for those who did not take part in it because it may not be

clear who was speaking, who were in the room, what kind of gestures were made, how the voting was carried out, etc.

Making recordings of the sittings is not obligatory. No legislative act prescribes it, and there are also committees who do not practice it. The reason why some committees are not making recordings of their sittings is the unclear legal status of the access to the recordings. There are also committees who say that recording will in any case restrict free expression.

The making of sound recordings of committee sittings started in the beginning of the 2000s, and each committee has its own practice for keeping the recordings. Some committees preserved them, and some committees made new recordings of sittings by overwriting the previous ones. There were no common rules, and actually there are still no rules on making and preserving of and access to the recordings. In practice they were treated as working material and access to them was usually allowed to the persons who had taken part in the sitting. If the government officials who had taken part in a committee sitting wanted to listen to the recordings, they could come to the Riigikogu to do that.

By today, the conjunction of laws in force has created the situation where on the one hand, the Riigikogu Rules of Procedure and Internal Rules Act provides that committee sittings are closed and sets out the specific information to be reflected in the minutes of sittings, but on the other hand the Public Information Act provides that the documents prepared by public institutions or submitted to them – it means also in or to the Parliament – are public, unless otherwise prescribed by law.

The Public Information Act regards all information created in the course of performing public functions as public information, no matter how or on which data carrier it is recorded. Access to public information may be restricted only on the basis of law, either the Public Information Act or special Acts. And thus we have the situation where the Rules of Procedure and Internal Rules Act provides that the committee sitting is closed and establishes which documents regarding the sitting are obligatory, but does not give clear instructions about the background information connected with the proceedings of sittings and shaping of decisions. If we proceeded from the meaning and requirements of the Public Information Act, we could consider such information public information, however, on the other hand, such an approach would fundamentally change the content of the principle of closed sitting provided in the Riigikogu Rules of Procedure and Internal Rules Act as a Constitutional Act (an Act that requires the majority vote of the members of the Riigikogu to be passed).

- *Amendments to the Riigikogu Rules of Procedure and Internal Rules Act*

In the Chancellery of the Riigikogu, a working group of officials was formed whose task was to analyse the emerged problems and offer solutions. The result of their work was a rapport and the draft of the Bill on Amendments to the Riigikogu Rules of Procedure and Internal Rules Act. This was introduced to the Board of the Riigikogu, the heads of factions and chairmen of committees, and also the Constitutional Committee. But as the

views of factions differed radically and media became interested in the proposal, the work got stuck.

Lead by the Constitutional Committee, a new working group composed of members of Riigikogu was created and it is currently working on a new draft law. The aim is to create a certain legal clarity, keeping in mind the effective organisation of work of committees on one hand and the interest such materials may create from the historical aspect from the other hand.

- *The interest of the media took to court*

If there is information, it is possible to demand access to it. Recently the media has started to show more interest in the recordings and at present the Chancellery of the Riigikogu is debating in the court whether the recordings are public information, the access to which must not be restricted, or information with restricted access as they are background materials prepared for a closed sitting.

The application for access under debate was submitted by an Estonian newspaper in regard to the recordings of a sitting of a committee of investigation of the parliament. According to the Estonian law, the sittings of committees of investigation are closed, like the sittings of other committees of the parliament, and the committee will publish the results of its work in a report after the end of the work. The Chancellery refused to disclose the recordings and the applicant turned to the Data Protection Inspectorate. The Data Protection Inspectorate is a body of the executive power that, among other things, exercises supervision over the compliance with the Public Information Act. Every person has the right to turn to a state agency with request for information in order to get information about its activities and examine the documents of the agency. This right is restricted only in regard to such information to which a restriction on access has been established on the basis of an Act. If a state agency refuses to comply with a request for information, the person who wishes to get information has the right to turn to the Data Protection Inspectorate. In such a case, the Data Protection Inspectorate initiates supervision proceedings to investigate whether the refusal to comply with a particular request for information is in accordance with law. The Public Information Act gives rather extensive rights to the Data Protection Inspectorate; it may demand explanations and examine all documents, including the documents to which access is restricted. In these proceedings, the Data Protection Inspectorate issued a precept to the Chancellery of the Riigikogu, in which it did not consider the restriction based on the sitting being closed justified and obliged the Chancellery to release the recordings, if restriction on access to them is not established on another basis provided by law. The Chancellery of the Riigikogu found that the executive power does not have the right to give content to the provisions regulating the rules of procedure and the internal rules of the Riigikogu (or in principle, give content to the provisions regulating the closed sittings), and contested the precept in administrative court. The court of first instance made its decision and the judge decided to dismiss our complaint. The court agreed with the positions of the Data Protection Inspectorate and the lawyer representing the newspaper that the principle according to which the sittings of parliamentary committees are closed does not make the background materials of the sittings closed, although if the sound

recording of the sitting is published, everything that was said at the sitting would be made public. This decision is now also supported by the circuit court.

The Chancellery of the Riigikogu did not agree with that position and filed an appeal in cassation to the Supreme Court. So that there is no final solution in this debate yet.

II. Spreading of the practice of public sittings
The interest of the public in the proceedings in the committees is justified and logical because the members of the Riigikogu have often explained being absent from the plenary sittings by saying that the main work is done in the committees.

Which in turn poses the next question to the Chancellery – what can the Riigikogu and the Chancellery do to give more information about the work done in the committees without violating the principle of closed sitting?

As the Riigikogu Rules of Procedure and Internal Rules Act allows declaring the sittings of committees public, the number of public sittings has considerably increased. The role of the Chairman of the Committee is of importance here. And some examples:

- *The practice of the State Budget Control Select Committee*

Most of the sittings of the select committee were made public when the committee got a new chairman after the 2011 Riigikogu elections. The new chairman of the committee introduced live web broadcasts of public committee sittings.

Although most of the sittings of the State Budget Control Select Committee are public, some of the sittings are still closed. First, because the audits of the State Audit Office, which are studied and discussed in this committee, are for official use. Second, closed discussion gives the possibility to discuss the findings of the audits and take positions on various legislative initiatives more openly.

The web broadcasts of the public sittings are recorded and made available on the website of the committee. The complete verbatim records of the sitting, prepared on the basis of the broadcast, are added to it.

- *The practice of the Economic Affairs Committee*

In comparison to the select committee described above, the Economic Affairs Committee organises public sittings significantly less frequently. Declaring a sitting to be public depends first of all on the issue to be discussed. When an item has been included in the Committee's work plan of the week, a decision is made as to whether a public or a closed sitting will be held. Thus, this is mostly agreed upon on the basis of the topic, and there have been no big disputes. The role of the Chairman of the Committee is again of importance here.

When a sitting is declared to be public, a separate decision is made as to whether there will be a public live broadcast on the web or not. Public sittings without a web broadcast often attract more journalists to the sitting. The Economic Affairs Committee has only video recordings and, unlike the State Budget Control Select Committee, no verbatim

record is kept. Reports are also attached to a video recording of a public sitting in the web.

Again, practice shows that the guests invited to a sitting as well as the members of the Riigikogu speak more freely and openly at closed sittings. But since participants are informed of a web broadcast and a public sitting beforehand, there have been no problems in this regard.

III. Informing the public of the work and activities of the committees by the Public Relations Department

2–5 officials work for each committee of the Riigikogu. Their main function is giving advice on legal and substantial issues and providing clerical support, and therefore some officials of committees have considered informing the public an activity of secondary importance.

Last year significant changes were carried out in the Public Relations Department of the Chancellery. As a result of these changes, more attention is now paid to giving information about the activities of the committees. The Press Advisers – there are only four of them for 14 committees – specialised in covering the work of committees. The cooperation between the Press Service and the committees intensified.

The media is becoming more and more (audio) visual. Photos have been well received in the online media, and their use is increasing. The practice of recent years has also shown that in most cases the online publications publish the press releases of the Riigikogu without making any changes to them.

Video briefings and video news releases, which are made on issues that are of special importance to the public, are a great challenge. Video news releases are created on the basis of the recordings of the web broadcasts of sittings. Link to the video news release is attached to the sitting review. Video news releases are available on the Youtube portal of the Riigikogu.

Besides preparing press releases, the Press Service deals with the communication of public sittings. At the public sittings, issues that are relevant to the society are discussed, experts deliver their reports and the representatives of stakeholder organisations are invited. Often web broadcasts are made of public sittings, they are recorded and it is possible to view the recordings later on the web pages of the committees. There is a new trend that the online media makes live broadcasts of the public sittings of the Riigikogu and video interviews on site.

Since November 2013, the translators of the Chancellery translate all press releases of the Riigikogu immediately into Russian, so that we could forward them operatively to the Russian media and thus inform the Russian population better. Press releases in English are made selectively, proceeding from the topics that are of interest to the international community. The possibilities offered by the social media are also used for spreading information that could be of interest to the general public. The Riigikogu has an account in Facebook and in Twitter.

The Public Relations Department is working on a new web page which will be ready in 2015. Then it will be possible to inform the public in a more attractive and modern way.
The work of the Press Service in numbers. In 2013, the Press Service issued 726 press releases of the Riigikogu; 247 of them concerned the work of the committees and 122 were sitting reviews. In addition to them, there were 50 releases containing information on the upcoming week and 150 releases on the information for the upcoming day.

IV. In conclusion
1) Legal clarity in respect of the status of recordings and other background materials of closed sittings of committees will not be achieved before a Supreme Court decision. The legal position in regard to defining the meaning of the closed sitting has a very big substantial impact on the future organisation of the work of the parliamentary committees.

2) Although the amendments to Rules of Procedure and Internal Rules Act will be drafted, the sensibility of the issue and the great media interest will most probably not allow the parliament to peacefully discuss this issue of self-regulation.

3) The principle that the sittings of committees are closed which is applied as a general rule does not hinder making committee sittings more open to the public when there is greater public interest. Rather, this gives a possibility to constantly search for a proper balance between public sittings where different interest groups are heard and discussions are held, and closed sittings where possible compromises are sought among the members of the Riigikogu.

4) Through the promotion of public relations it is possible to give very much substantial information about the work of the parliament to the wider public and narrower interest groups in the form suitable to them. Most probably we will never satisfy the interest of "yellow media" in the freedom of speech enjoyed at closed sittings. However, should that be our aim at all?

Mr Marc BOSC, President, thanked the speaker.

Mr Baye Niass CISSÉ (Senegal) asked how votes for committees were conducted, whether by the raising of hands or by secret ballot.

Ms ALAJÕE replied that the vote was conducted electronically, using voting screens, in the plenary, and by the raising of hands in committee. It was therefore difficult to know which way people had voted. The focus was on the numbers of votes each way.

Mr Manuel CAVERO (Spain) observed that, in Spain, 99% of commitee work was done in public. He asked whether the majority of Acts of Parliament could be contested in front of the Administrative Court. He clarified that, in Spain, only Acts concerning people or expenditure could be examined by the Administrative Court, but that, even then, it was not possible to look at the subject of a piece of legislation or the speeches made in Parliament.

Ms ALAJŎE said that she was shocked that there was any possibility of contesting parliamentary votes. She would have thought that it was impossible to attack elected representatives on the basis of their views. The situation in relation to the courts had become complicated in recent times.

Mr Joseph MANZI (Malawi) asked a question about committee reports. In general, committees sat in private but with a public transcript. He wanted to know at what point committee reports were made public.

Ms ALAJŎE replied that all written, printed documents were public, including reports and financial questions. Transcripts were summaries rather than complete renditions of debates.

Dr Horst RISSE (Germany) observed that Estonia had found itself in a situation analogous to that of the Bundestag. A few months ago, a journalist had begun taking legal action in order to obtain the transcript of the Committee of Internal Affairs. A Freedom of Information Act existed, but it had been thought that it did not cover parliamentary transcripts. The court had decided that there was no exemption, and there had been a considerable amount of publicity.

Mr Najib EL KHADI (Morocco) indicated that a Parliament in the Twenty-First Century had to be open, at least in theory. However, access to recordings of sittings held in private remained a thorny issue. It could pose questions on the separation of powers, particularly for committees of inquiry.

Mr Said MOKADEM (Maghreb Consultative Council) said that he was surprised by the human resources deployed: four permanent members of staff for 14 permanent committees. He asked if this number was sufficient.

Ms ALAJŎE responded to Dr Risse by saying that the same subtle differences existed in both countries. Concerning investigatory committees, she said that the separation of had not been assured. The recordings of the last investigatory committee had been destroyed. To Mr Mokadem, she replied that the four members of staff quoted were those charged with responding to media enquiries, and that there were other staff members.

Mr Geert Jan A. HAMILTON (Netherlands) made several comments. The Chamber of Representatives had a system of public committees. The outcome of debates was sent to the Senate and had to be examined in entirety, particularly in terms of application. Parliament was under pressure. The law on Freedom of Information did not yet apply to Parliament. However, informally, the pressure was enormous.

Mr Kinzang WANGDI (Bhutan) asked what power committees had to consult the public.

Dr Athanassios PAPAIOANNOU (Greece) asked if MPs could obtain sound recordings. In Greece, in theory, transcripts were not formally published but the recordings were reproduced several times. If journalists made the request, they could receive copies of these recordings. Only the proceedings of the Bureau of Parliament were not recorded.

Dr Mohammed Abdullah AL-AMR (Saudi Arabia) observed that the media was very interested in the work of committees. He asked how it was possible to find a balance between the pressure exerted by the media and the desire of MPs to work in private.

Ms Jane LUBOWA KIBIRIGE (Uganda) asked how the confidentiality of sound recordings could be ensured. She noted that in Uganda there were often leaks from meetings held in private.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that recordings and transcripts had been used in legal cases and that there were the same issues with transparency. She asked what the Estonian Parliament intended to do if it lost the case before the Supreme Court.

Ms ALAJÕE said that people who participated in public hearings agreed to do so. In terms of preserving confidentiality, there was no easy solution. A friendly agreement with the media had been made in relation to the attribution of quotes to MPs. There were no rules to control what went on in that domain. It would be possible to establish guidelines for the retranscription of sound recordings.

She indicated that a law was currently being discussed. Many people wanted hearings to be made public, but it would be better to specify the terms in advance. Even if Parliament decided to make meetings open, the problem of what to do with proceedings which predated the agreement would remain. In the future, the question could be fuelled by new technologies.

Mr Marc BOSC, President, thanked Ms ALAJÕE for her communication and thanked members for the questions they had asked.

He reminded members to sign in on the sheets that were available just outside the meeting room.

6. Communication by Mr PARK Heong-Joon, Secretary General of the National Assembly of the Republic of Korea: “Open National Assembly: a legislative support system designed to enhance communication with citizens, and to facilitate the identification of legislative needs”

Mr Marc BOSC, President, invited Mr PARK Heong-Joon, Secretary General of the National Assembly of the Republic of Korea, to make his communication.

Mr PARK Heong-Joon (Republic of Korea) spoke as follows:

1. Introduction

Distinguished delegates! A very good morning to you all!

It is indeed a great pleasure for me to present my communication in front of this esteemed audience. My name is Park Heong-joon, Secretary-General of the National Assembly of the Republic of Korea.

Before I start my presentation, I would like to express my profound gratitude, on behalf of the Korean National Assembly, to my fellow secretaries-general and deputy secretaries-general for the unsparing support that they provided for the successful organization of the World e-Parliament Conference 2014, which was jointly organized by the IPU and the Korean National Assembly in May this year.

The conference, which was held under the theme "Lessons Learned and Future Horizons," offered a great opportunity to share best practices in the utilization of ICT in parliament, exchange views on the way forward for parliamentary democracy, and expand inter-parliamentary cooperation in the area of e-parliament.

The World e-Parliament Conferences have made a significant contribution to the advancement of e-parliament, which, in turn, has served to enhance the operational efficiency of the legislature and ensure easier access to legislative processes for the public.

I believe one of the most important duties of a secretary general is to make parliament more productive and open, and thus, deliver high quality services to support legislative activity. In particular, the essence of an open parliament lies in creating venues for the parliament to interact more closely with the public.

As for the theme of my communication, I have chosen "Open National Assembly: A Legislative Support System Designed to Enhance Communication with Citizens and Facilitate the Identification of Legislative Needs." Under this theme, I would like to draw your attention to the "Community Legislative Roundtable," a program which has been implemented by the Korean National Assembly.

2. Legislative Support System

Before I move on to the introduction of the Community Legislative Roundtable, let me briefly touch upon the legislative support system of the Korean National Assembly.

As in the cases of other parliaments, the Korean National Assembly has in place a system to support the legislative process, which is an integral part of the institution of parliament. A key organization in the system is the Legislative Counsel Office, or LCO, whose main duty is to review and draft legislative proposals.

Upon the request of a member of the National Assembly, the LCO, an organization dedicated to providing legislative drafting services, undertakes relevant background research on the proposed policy issue, reviews its legal validity, and drafts a bill in the format and structure of legislation.

The LCO, which was established to provide expertise on legislative drafting, maintains a strictly nonpartisan and impartial perspective in assisting the legislative activity of Assembly members.

Since the 19th National Assembly started its mandate in 2012, the LCO has received approximately 20,000 drafting requests as of the end of September this year. This figure shows the vibrancy of legislative activity in the Korean National Assembly.

3. Community Legislative Roundtable

As was mentioned before, the Korean National Assembly has been making every effort to transform itself into a more approachable and open institution by expanding the channels of communication with the public.

One of the initiatives taken as part of the efforts is the Community Legislative Roundtable. The Roundtable provides a unique opportunity for the National Assembly to visit a local community and listen to the views of its residents on policy issues facing the community with the ultimate objective of exploring optimal legislative solutions.

One of the major roles of the National Assembly is to make laws that address the needs and concerns of the people. However, the public finds it difficult to access and communicate with the institution and believes that their concerns are not adequately reflected through legislation. It is against this background that the Korean National Assembly took the initiative of introducing the Community Legislative Roundtable.

The Roundtable serves to strengthen the legislative support system of the National Assembly in that the format allows the National Assembly and Assembly members to engage in interactions with the public and gather diverse and fresh ideas on legislative agenda.

Let me briefly introduce to you how a typical roundtable session proceeds:

A member of the National Assembly puts in a request to the Legislative Counsel Office to organize a roundtable discussion in his or her constituency. The LCO undertakes preparatory work on overall administrative matters.

A typical session starts with a keynote presentation, followed by a panel discussion and an open floor discussion. What sets the Roundtable apart from other meetings and seminars is the open floor discussion where residents get opportunities to have their voices heard.

Unlike the keynote presentation and the panel discussion, the open floor discussion invites residents to present their views on the topic under discussion and engage in in-

depth debate with legal experts and their elected representative. In the process, participants can identify creative legislative solutions to the issue at hand.

After the completion of a session, the LCO puts together the outcome of the discussion and reviews the possibility of addressing the issue through legislation. If it turns out to be the case, the LCO will prepare a legislative proposal and deliver the drafted bill to the Assembly member who made the request for the roundtable in the first place. When the Assembly member introduces a bill based upon the proposal drafted by the LCO, the entire process comes to an end.

Since the 1st roundtable session was held as a pilot project in August, 2010, a total of 33 roundtable discussions have been organized as of September 2014. The LCO drafted 64 bills on the issues covered at the roundtables. Of the 64 bills, 42 bills were introduced by Assembly members, 10 of which have been passed into law after deliberations by competent standing committees.

4. Legislative Support for Open Parliament

As society becomes more complex and massive in scale, it is more difficult for the legislature to create opportunities to listen to the views of citizens. However, making law to address the needs and concerns of citizens is a key mandate of parliament.

The increasing complexity of society may lead to the isolation of some groups and individuals from political and societal discussions. That is why the National Assembly needs to make extra effort to create forums to help the public to express their views.

Frequent meetings with constituents can provide a way for each member of the National Assembly to listen to and address the concerns of their voters. In order to help Assembly members to engage actively with their electorates, the Legislative Counsel Office can provide expertise in the process of exploring possible legislative solutions and preparing legislative proposals. This systematic support will serve to build and strengthen the image of the National Assembly as an open and responsive institution.

5. Conclusion

The National Assembly, which is often referred to as the Hall of the Will of the People," has been functioning as an institution that serves and represents the people. But recently, questions have arisen over whether the National Assembly has been responding to the diverse needs and interests of the people. The Community Legislative Roundtable, which I have just presented to you, is an answer that the Korean National Assembly can provide to those questions.

As part of its efforts to seek public input and comment, the National Assembly of Korea organizes numerous seminars and forums and operates a range of mechanisms, such as advance notice of legislative proposals, petitions, hearings, and public hearings.

However, the touchstone of a truly open parliament is the creation of venues where residents in a local community can share their views on policy and legislation with the officials of the National Assembly and their elected representative. It can also present a

way of complementing representative democracy in the legal framework and putting participatory democracy into practice.

Thank you for your attention.

Mr Marc BOSC, President, opened the floor to questions.

Ms Chantal LA ROCHE (Trinidad and Tobago) asked how many parliamentarians and civil servants were affected.

Mr Henk BAKKER (Netherlands) asked what the result of these experiments had been, and what laws had been adopted.

Mrs Doris Katei Katebe MWINGA (Zambia) asked whether the public forums were involved in the creation of new draft laws, or laws already in discussion in Parliament.

Mr Geert Jan A. HAMILTON (Netherlands) asked if he had understood correctly that every MP was able to ask for a round table to be held, and if there were any limits to this.

Mr PARK replied that the Korean National Assembly had the round table system. Its rationale was to allow the general population to participate in debates. Until that moment, 33 round tables had been organised, particularly in order to introduce various groups to Parliament. 34 drafts had been presented and 9 of those had been debated in front of Parliament. In terms of outcomes: the public was able to participate in a manner more or less direct. That had not always been the case in the past. The goal of bringing the people to Parliament had been realised.

Mr Marc BOSC, President, thanked Mr PARK for his communication and thanked members for the questions they had asked.

7. Concluding remarks

Mr Marc BOSC, President, called Mr Shumsher K. SHERIFF to make a suggestion.

Mr Shumsher K. SHERIFF (India) propsed a group photo as a souvenir of the President's tenure.

Mr Marc BOSC, President, closed the sitting.

The sitting ended at 12.20 pm.

SECOND SITTING

Monday 13 October 2014 (afternoon)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mr Marc BOSC, President, welcomed everyone back for the afternoon's sitting, and announced that Mr PHINDELA would not make the presentation advertised on the agenda.

Theme: Legal issues

2. Communication by Mr Austin ZVOMA, Clerk of the Parliament (National Assembly), Zimbabwe: "Balancing freedom of speech in Parliament and the right of every person to protection under the Constitution: A Zimbabwean experience"

Mr Marc BOSC, President, invited Mr Austin ZVOMA, Clerk of the Parliament (National Assembly), Zimbabwe, to make his communication.

Mr Austin ZVOMA (Zimbabwe) spoke as follows:

1 Introduction

> "Your right to swing your arms ends where the other man's nose begins" Justice Oliver Wendell Holmes Jr.

The delicate balance between the unique right of Members of Parliament to freedom of speech in Parliament and the right of every individual to protection under the Constitution has proven to be a contentious issue in Zimbabwe, and, as research has shown, in other jurisdictions. This is hardly surprising given the history of the emergence of parliamentary privilege through a protracted political struggle and the pivotal role it plays in underpinning the independence of Parliament from the Executive. Questions have been raised over the level and extent of the protection and immunities afforded to Members of Parliament with one school of thought advocating for absolute privilege and another qualified privilege. However, as Macreadie and Gardiner (2010:22) pointed out:

The rights, powers and immunities afforded to parliament and to Members by parliamentary privilege have the potential to clash with the rights of members of the

public on the one hand, and with the rights, privileges and operations of other branches of government on the other.

2 Freedom of Speech and Privileges, Immunities and Powers of Parliament
The Constitution of Zimbabwe, in Chapter 4: Declaration of Rights, provides for fundamental human rights and freedoms. More specifically, it limits freedom of expression and freedom of the media thus:

> "61 Freedom of expression and freedom of the media
> (5) Freedom of expression and freedom of the media exclude-
> (a) incitement to violence;
> (b) advocacy of hatred or hate speech;
> (c) malicious injury to a person's reputation or dignity; or
> (d) malicious or unwarranted breach of a person's right to privacy."

Indeed, members of Parliament in Zimbabwe and other countries quite often interpret, deliberately or otherwise, the freedom of speech granted to members under the constitution and/or parliamentary privileges to mean that they can say 'anything' with impunity regardless of whether it is true or false, whether it advertently and unjustly maligns another person's character and reputation, or, indeed, whether it causes unnecessary alarm and despondency. As a result, the right to freedom of speech has often been abused and particular instances where it has allegedly been abused have led to calls for its limitation by statute.

Despite vociferous claims to the contrary in the majority of cases by some Members of Parliament in Zimbabwe and, curiously, even by reputable lawyers, this paper contends that the privilege granted to Members of Parliament to enjoy free speech in the chamber and in committees is not, and should by no means be, absolute. This paper seeks to illustrate that though the right to freedom of speech in Parliament may be considered one of the cornerstones of democracy, this right should not be exempted from the limitation imposed by the Constitution of Zimbabwe. It must have limitations in order to prevent abuse by infringing on another person's human rights in its exercise. This paper further argues and demonstrates that the new constitution which came into operation in May 2013, as well as other relevant statutes, impose necessary limitations on members' right to freedom of speech in Parliament. This is a necessary balance between Parliament's exercise of its independence and effectiveness and the protection of individual rights and freedoms. While allowing members of Parliament as the people's elected representatives to debate without fear or favour and to speak without pulling any punches, these necessary limitations ensure that they do so responsibly and to respect other people's rights. Elbert Hubbard (1923) aptly observed that "responsibility is the price of freedom."

3 Parliamentary Privilege
Parliaments universally perform important functions which broadly fit into three main areas: legislation, representation and oversight. To effectively fulfil their mandate in the national governance matrix, Parliaments must, of necessity, enjoy certain privileges, immunities and powers which allow their members to perform their duties without fear

of prosecution or punishment and without hindrance. Thus the term 'parliamentary privilege' refers to the privileges, immunities and powers, enjoyed by Houses of Parliament and their members in the execution of their duties which include the right to freedom of speech. Erskine May (2004:75) aptly defines parliamentary privilege as follows:

> ...the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they cannot discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law. Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its Members...Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

It is clear from the above definition, therefore, that the privileges enjoyed by members, individually and collectively, more so the right to freedom of speech, are critical to the effective discharge of their legislative, representative and oversight functions and, ultimately, the effectiveness of Parliament in national governance.

4 Members' Right to Freedom of Speech: The Case for Zimbabwe

The right to freedom of expression is the cornerstone of any democratic society and Zimbabwe is no exception. As explained above, Chapter 4 of the Constitution of Zimbabwe, also known as the Bill of Rights, outlines the fundamental human rights and freedoms which must be respected, protected, promoted and fulfilled by every Zimbabwean, natural or juristic, and every institution and agency of the government at every level. An integral part of these fundamental rights is the right to freedom of expression outlined in section 61 of the constitution as follows:

> "61 Freedom of expression and freedom of the media
> (1) Every person has the right to freedom of expression, which includes-
> (a) Freedom to seek, receive and communicate ideas and other information;"

The fact that this right to freedom of expression is accorded to every Zimbabwean as a fundamental human right underscores the importance of free speech in a democratic society. Consequently, members of Parliament have often argued that because the right to free speech is part of the inalienable human rights, it should, therefore, supersede other rights and freedoms and should thus not be limited.

Proponents of this school of thought further argue that the right to freedom of speech in Parliament is protected under parliamentary privilege in terms of section 148 of the Constitution and the Privileges, Immunities and Powers of Parliament Act [Chapter 2:08]. Section 148 of the Constitution provides that:

> "148 Privileges and Immunities of Parliament
> (1) The President of the Senate, the Speaker and Members of Parliament have freedom of speech in Parliament and in all parliamentary committees, and while they must obey the rules and orders of the house concerned, they are not liable to civil or criminal proceedings, arrest or imprisonment or damages for anything said, produced before or submitted to parliament or any of its committees."

This means that there can be no liability for members' statements made in Parliament or before any of the parliamentary committees. The purpose of this privilege is to safeguard the freedom, authority and dignity of Parliament. In addition to this, section 5 of the Privileges, Immunities and Powers of Parliament Act (PIPPA) [Chapter 2:08] states that:

> *5 Freedom of speech and debate*
> (1) There shall be freedom of speech in debate or proceedings in or before Parliament and any committee and such freedom shall not be liable to be impeached or questioned in any court or place outside Parliament."

The law states that privileges, immunities and powers of Parliament are part of the general and public law and are judicially noticed in all courts . Thus, from a theoretical perspective, Members of Parliament seemingly enjoy a unique form of freedom of expression necessary for them to express their views without fear of reprisals. In this manner, a Member of Parliament has a right to freedom of speech and cannot be held liable or questioned in any court or place outside Parliament for a statement which the member makes. As a result, a court action cannot be instituted against a member for breach of privilege. Accordingly, it would appear that members are, therefore, free to say anything without fear of reprisal or, indeed, without consideration of the repercussions on others.

However, in Zimbabwe, as in other jurisdictions, this right is not absolute or unlimited, and justifiably so, as it is prone to abuse by members of Parliament.

5 Balancing the Right to Freedom of Speech vs Individual Rights: Limitations to Members' Right to Freedom of Speech

The Constitution of Zimbabwe guarantees the right to freedom of speech for Members of Parliament. The same constitution also imposes certain limitations on this right in order to ensure that the rights of other people are not trampled upon with impunity.

(1) Protection of Individual Rights

As cited above, section 61(5) of the Constitution of Zimbabwe provides that freedom of expression and freedom of the media, among others, exclude malicious injury to a person's reputation or dignity.

A case in point is a debate on a motion on corruption and lack of corporate governance: "The Deteriorating State of Corporate Governance in Zimbabwe" is instructive. While contributing to the motion, some members of Parliament, inconsistent with the title "honourable" they carry, made unsubstantiated allegations to the effect that some Chief Executive Officers of quasi-state institutions were earning astronomical salaries a

month. Such statements during the debate on what came to be known as the "Salary-Gate Scandal" at the time, had the effect of rousing public opinion against the said Chief Executive Officers. One of the members made the same allegations against the lowly paid Clerk of Parliament and made further allegations of 'watering down' the above motion notwithstanding the fact that motions are vetted for compliance with rules by the Speaker. This is an example of an abuse of the right to freedom of speech to maliciously injure other persons' reputation and dignity which right has been justifiably curtailed by statute.

In the aftermath of this debate, the Speaker made a landmark ruling premised on the aforementioned provisions of the Constitution, among others, forbidding Members from uttering malicious and unsubstantiated allegations against other Parliamentarians, members of the public and staff of Parliament. The furore this created, spearheaded by the media which quoted legal experts and accused the Speaker of gagging Members, seemed to confirm the widespread misinterpretation that members' right to freedom of speech is absolute, unlimited and extinguishes every other right.

(2) Orderly Conduct of Business in the House
Section 148 (1) of the Constitution of Zimbabwe quoted above, which members often use to justify absolute free speech, itself imposes limitations on members' freedom of speech. While it affords the President of the Senate, the Speaker and Members of Parliament freedom of speech, this is qualified by the assertion that in exercising this right "they must obey the rules and orders of the House concerned". That privilege of freedom of speech is subject to the rules and orders of the House. This means that Parliament may censure any conduct, act or omission which offends against the spirit and letter of the law. In this regard, the right to freedom of expression is not absolute and should be in conformity with the Bill of Rights which all other rights are subject to.

(3) Rules to be observed by members speaking
Freedom of expression is also regulated by Standing Orders of the National Assembly which, among other things, states that:

> "62 No member shall, while speaking to a question-
>
> (d) ... use derogatory, disrespectful, offensive or unbecoming words against the Head of State, Parliament or its members, the Speaker, ...nor shall a member refer to any matter on which a judicial decision is pending.

(4) Right of reply as a remedy
In order to provide some cure to the injury that an assault may inflict on innocent and defenceless persons, the Constitution of Zimbabwe section 148(1)(c) provides, though belatedly, a remedy.

> "148 Privileges and Immunities of Parliament
> (2) An Act of Parliament may-

> (c) provide for a right of reply, through the Speaker or the President of the Senate, as the case may be, for persons who are unjustly injured by what is said about them in Parliament."

To date, the Chief Executive Officer of the Zimbabwe Revenue Authority has made use of this provision by responding to the unfounded allegations made against him as stated above.

From the foregoing, it is crystal clear that Members' right to freedom of speech is not absolute, and, rightly so. The above provisions of the Constitution of Zimbabwe serve to create a necessary balance which allows Members of Parliament to debate freely but responsibly while protecting members of the public from wanton abuse.

Charles Caleb Colton (1821) rightly observed:

> "Power will intoxicate the best hearts as wine the strongest heads. No man is wise enough nor good enough to be trusted with unlimited power."

Mr Marc BOSC, President, thanked Mr ZVOMA for his communication and opened the floor to questions.

Ms Claressa SURTEES (Australia) said that both the Houses in Australia had their own right of reply. Where a member of the public was offended by something said about them in the House, they could make an application to the Speaker for a right of reply. This request was considered by the Committee of Privileges. Any rebuttal agreed was then placed in the Hansard, so that it had the same status as the offending remarks. She felt that it was interesting that not everyone who originally complained followed through to the publication of a rebuttal, as if their original offence melted away.

Mrs Doris Katei Katebe MWINGA (Zambia) noted that in Zambia there had been cases where members of the public had complained about things said by MPs on the floor. There was no right of reply, but the matter had been referred to the Committee on Privileges, which had found that the offending statements had been untrue. In this case the words had been expunged.

In Zambia heckling often took place. The Speaker had ruled that heckling was not protected in the way that speeches were. On one occasion a Minister had heckled an MP by calling him a drug user. The MP in question had complained and the Minister had been made to withdraw his remarks. This meant that now hecklers tended to use gestures instead of insults.

Dr Athanassios PAPAIOANNOU (Greece) said that in Greece there was a system of written questions and answers. It had recently been agreed that all questions and answers would be published on the internet. In one question there was an allegation that a teacher had committed a disciplinary violation. The Minister had been asked what action would be taken, and had been provided a response. The teacher was subsequently acquitted and was in the process of suing the Parliament for breach of professional privacy.

Dr Winantuningtyas Titi SWASANANY (Indonesia) asked what sanctions would be invoked, by whom, and what the process was.

Mr Michel MEVA'A M'EBOUTOU (Cameroon) asked whether in the constitution or the rules of procedure, there were any provisions on the freedom of expression of parliamentarians who took the floor. In Cameroon there were rules and regulations that provided that when someone was speaking, nobody else could intervene. Interruptions and interventions were called to order. He asked if similar provisions existed in Zimbabwe to protect the parliamentarian who was speaking against infringements of his freedom of expression.

Mr ZVOMA thanked his colleagues for sharing their experiences. He thought the issue of the protection of hecklers was an interesting one. He felt that a Member's freedom of speech should not violate the rights of others as enshrined in the constitution.

In Zimbabwe, Hansard went onto the internet within three hours of the conclusion of proceedings. Questions and answers had to be vetted by the Table Office to ensure that they conformed with the rules. Members sometimes felt this as an attempt to stifle them.

He said that, in the first instance, all Members were assumed to be honourable and consequently would behave well. If this did not occur, the Speaker was obliged to apply the rules and, if the Member did not comply, they could be held in contempt and there were available sanctions.

However, matters could be more serious if Members ventured onto the territory of criminal libel. In such cases it was for the court to determine punishment.

In response to the question from Cameroon, Mr Zvoma noted that there were rules but these were frequently violated. By their very nature, interventions were unauthorised and could not be entirely prevented. Many interventions added to the mood of the debate by bringing humour, for example. However, Members could be called to order and disciplined if they went beyond what was considered reasonable within the context of the rules.

Mr Marc BOSC, President, thanked Mr ZVOMA for his communication and thanked members for the questions they had asked.

3. Other matters

Mr Marc BOSC, President, announced that one of the candidates for the post of Vice President would be obliged to leave the conference in order to be present in his Parliament for the opening of a Session. This deprived him of the opportunity to make the customary speech in support of his candidature for the Vice Presidency of the Association. The President therefore called Mr HAMILTON to take the floor to speak in support of his candidacy.

Mr Geert Jan A. HAMILTON (Netherlands) thanked his colleagues for their tolerance in such unusual circumstances. He was aware that there was a candidate for the Presidency and he supported that candidate wholeheartedly. He also wished to congratulate the existing Presidency on his excellent work in the role.

Mr Hamilton felt that consistency on the Executive Committee was extremely important and, for that reason, presented himself as a candidate for the Vice-Presidency. He considered the ASGP to be an extraordinary platform on which Secretaries General could share their experiences to help solve the issues faced by their individual Parliaments.

4. General debate: The legislature and the judiciary: a balance of power

Mr Marc BOSC, President, invited Mrs. Doris Katai Katebe MWINGA, Clerk of the National Assembly, Zambia, and Mr Liam LAURENCE SMYTH, Clerk of the Journals, House of Commons, United Kingdom, to open the debate.

Mrs Doris Katai Katebe MWINGA (Zambia) spoke as follows:

Introduction
Zambia operates on the principle of Constitutional Supremacy and as such all the three organs of government are subject to the Constitution . To this end, the three organs of government are expected to provide checks and balances on each other in the exercise of their constitutional powers. Supremacy of the Constitution demands that the courts should hold void any exercise of governmental power which is inconsistent or in contravention with the provisions of the Constitution.

This paper discusses the progress made by Zambia in developing and sustaining an inimitable model of the separation of powers. In particular, the paper discusses the relationship that exists between the Legislature and the Judiciary and how a balance of power is achieved from this relationship.

The guiding principles underlying the philosophical development of the doctrine of separation of powers relate to the importance of preventing the abuse of power, the doctrine serves other roles in many democracies. In particular, it has ensured, to some significant extent, that the functional specialisation of each arm of government is maintained. Moreover, in at least some systems, including ours, it plays a role of enhancing the protection and promotion of human rights.

To illustrate this, it is necessary first to look at the division of powers between the Judiciary and the Legislature provided within the text of the Zambian Constitution, and then turn to consider how the Judiciary and Legislature provide checks on each other with the view of attaining a balance of power.

The judiciary

In Zambia, Article 91of the Constitution vests judicial authority of the Republic in the Judiciary. The judiciary consists of the Supreme Court of Zambia, the High Court of Zambia, the Industrial Relations Court, the Subordinate Courts, the Local Courts and such other lower courts as may be prescribed by an Act of Parliament . The Supreme Court is the highest and final court of appeal. Except in cases involving Presidential election petition, the Supreme Court has no original jurisdiction. The High Court, on the other hand, has original jurisdiction in all matters and as such deals with both civil and criminal cases. The Industrial Relations Court deals with all labour related matters. Further, the Zambian Constitution provides that the judiciary shall be autonomous, impartial and subject only to the Constitution and the law, which it must apply impartially and without fear, favour or prejudice.

Subject to ratification by the National Assembly, Judges are appointed by the President on the advice of the Judicial Service Commission whose composition is provided for in the Constitution. The current establishment of judges is 50 High Court Judges and 11 Supreme Court Judges including the Chief Justice.

Judges enjoy a security of tenure. They may only be removed from office for either incapacity, gross incompetence or if one is guilty of gross misconduct. In each of these cases, a tribunal has to be appointed to probe the allegation against a Judge and advise the President accordingly whether or not such a Judge should be removed from office.

In considering the role of the judiciary, it is cardinal to consider its powers and functions. The first fundamental role of the judiciary is to uphold the Constitution while the second is to provide a platform where citizens can turn to for protection when their constitutional rights have been violated.

The other roles of the Judiciary, envisaged by the Constitution include the following:

(i) interpreting the law;
(ii) adjudicating disputes of both civil and criminal nature;
(iii) determining the sentence of a convicted criminal offender;
(iv) judicial review of administrative action; and
(v) protecting the rights of subjects by ensuring that justice is done under the rule of law.

The legislature

According to the Article 62 of the Constitution of Zambia, the legislative power of the Republic of Zambia is vested in Parliament, which consists of the President and the National Assembly. The National Assembly consists of one hundred and fifty (150) elected Members for term of five years and not more than eight (8) nominated Members and the Speaker . The Zambian Constitution mandates the President to appoint the Vice President, Cabinet and Deputy Ministers from among the Members of Parliament . The Zambian Parliament is unicameral.

The main functions of the Zambian Parliament are:

(i) to legislate;

(ii) to oversee operations of the Executive arm of government; and
(iii) to approve government expenditure and taxation measures.

The relationship between Parliament and the judiciary
The doctrine of separation of powers under the Zambian system is not adhered to in the strict sense of the doctrine. This is due to the fact that there is a close linkage in the operations of the three organs of government.

The close linkage between the Legislature and the Judiciary can be traced from the fact that while both organs are creatures of the Constitution, their roles are complimentary. For instance, Judges are appointed by the President on advice by the Judicial Service Commission subject to ratification by the National Assembly in accordance with Article 95 (1) of the Constitution. This appointment system ensures transparency as it takes into account the suitability of a nominee by questioning the competence of the nominee. The process further minimises political influence in the appointment of Judges.

In its execution of duties, the Judiciary checks on the powers of the legislature. For instance, the Supreme Court of Zambia in the landmark decision in the case of Christine Mulundika and 7 Others v The People had occasion to determine whether certain provisions of an Act enacted by Parliament, the Public Order Act, were ultra vires the Constitution and, therefore, null and void ab initio. In the decision, the Court annulled sections 4 and 5 of the Public Order Act for being in contravention of Articles 20 and 21 of the Constitution.

In another case of Akashabwata Lewanika Vs the Attorney General and Another, in the year 1999, the High Court of Zambia had occasion to check on the exercise of the National Assembly's disciplinary power over its members. In this case, a Member of Parliament, Mr Akashabwata Lewanika, wrote a letter to the Speaker disassociating himself from a decision of the National Assembly on grounds that it was unjust. The disassociation was expressed in a manner derogatory to the Speaker and the House, as a whole.

The matter was referred to the Standing Orders Committee for examination. The Committee found the Member with a case of gross contempt for having disassociated himself from a decision of the House in the manner that he did and resolved to subject the Member to disciplinary proceedings unless he showed sufficient cause why such action could not be taken against him.

The Member failed to exculpate himself from the charge within the period that had been given to him. However, the Committee proceeded to consider the matter and found the Member guilty of contempt of the House, and resolved that the Member be expelled from the National Assembly.

The Member thereupon sought relief from the Court to quash the decision of the National Assembly to expel him from the National Assembly. The Court ruled that the decision to expel the Member was ultra vires section 28 of the National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia, which limited the

disciplinary sanctions the National Assembly could impose against a Member to reprimand or at the worst, to suspension of a Member. Section 28 states:

> "28.(1) where any member commits any contempt of the Assembly, whether specified in section nineteen or otherwise, the Assembly, may, by resolution, either direct the Speaker to reprimand such member or suspend him from the service of the Assembly for such period as it may determine:
>
> Provided that such period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever shall first occur.
>
> (2) No salary or allowance payable to a member of the Assembly for his service as such shall be paid in respect of any period during which he is suspended from the service of the Assembly under the provisions of this section.
>
> (3) If any person not being a member commits a contempt, whether specified in section nineteen or otherwise, the Assembly may, by resolution, direct that the Speaker shall order such person to appear before the Assembly and that he shall, upon such attendance, reprimand him at the Bar of the Assembly."

The Court further ruled that a Member could only lose his/her seat in accordance with Article 71 of the Constitution of Zambia.

Further, the National Assembly has power to regulate its own procedures without interference from any person or body. This power is accorded to it under section 34 of the National Assembly (Powers and Privileges) Act, which states:

> "34. Neither the National Assembly, the Speaker nor any officer shall be subject to the jurisdiction of any Court in respect of the exercise of any power conferred on or vested in the Assembly, the Speaker or such officer by or under the Constitution, the Standing Orders and this Act."

This provision gives recognition to the doctrine of the separation of powers in that it gives the National Assembly inimitable freedom to determine and deal with its internal proceedings without interference from any person or body. The provision was tested during the removal of the presidential immunity for criminal liability of the former President, Mr Rupiah Bwezani Banda.

The background to this matter is that on Wednesday, 13th March, 2013, a Notice of Motion to remove the legal immunity of the former Republican President, Mr Rupiah Bwezani Banda, was laid on the Table of the House. On Thursday, 14th March, 2013, the former President, through his lawyers served a Petition on the National Assembly to prevent it from debating the motion. On Friday, 15th March, 2013, the Hon Minister of Justice moved a motion in the National Assembly to remove the immunity of the former President, Mr Rupiah Bwezani Banda. The motion stated as follows:

> "That in terms of Article 43(3) of the Constitution of Zambia, this House do resolve that Mr Rupiah Bwezani Banda who has held, but no longer holds, the Office of President may be charged with any criminal offence or be amenable to the criminal jurisdiction of any court, in respect of any act done or omitted to be done by him in his personal capacity while he held the Office of President and that such proceedings would not be contrary to the interests of the State."

During the presentation of the motion, a member raised a Point of Order on whether, in the light of the sub judice rule, the House was in order to debate the motion when the matter was before the High Court. In his ruling on the matter, the Hon Mr Speaker guided the House that under the doctrine of the separation of powers, the House had a very unique freedom to determine and deal with its internal proceedings. He further stated that the internal proceedings and procedures of the House were not amenable to the jurisdiction of the court. He emphasised that going by precedents set by the courts, one could not use court process to stop the internal processes of the National Assembly. On the basis of the aforesaid ruling, the House proceeded to debate and vote on the motion for the removal of the former President's immunity. The immunity was removed upon a vote of the majority members in support of the motion.

The matter is now in court on an application for judicial review by the former President. The Court is yet to rule on whether by proceeding with the motion, the National Assembly acted outside or within its powers as granted to it by law.

The three cases clearly demonstrate how the Judiciary can check the actions of the Legislature.

A balance of power

In the execution of duties, there is cooperation between the Judiciary and Legislature which can be described as a "partnership". The Legislature's relationship with the Judiciary does not depend on coercion", but is rather based on a state of trust enshrined in the doctrine of separation of powers and its inherent principle of checks and balances in order to achieve a sound balance of power.

In the quest to implement checks and balances, conflicts between Legislature and the Judiciary may exist. This is mainly in the area of parliamentary privileges and the demand for parliament to assert its own authority as far as its own internal procedures are concerned. Infringements on parliamentary privilege need not necessarily arise out of judicial decisions. Sometimes, they may arise out of seemingly intimidating statements from the courts that may have the effect of threatening the Members of Parliament's privileges in the House. All in all, the idea behind the principle of checks and balances is to have intricate, conflict free checks and balances among the three arms of Government. However, the reality is that through interaction, there are potentials for conflict, which are bound to emerge from time to time.

Mutual respect between the legislature and the judiciary

Article 87 (1) of the Constitution of Zambia provides that the National Assembly and its members shall have such privileges, powers and immunities as may be prescribed by an

Act of Parliament. To this effect, the National Assembly (Powers and Privileges) Act Chapter 12 of the Laws of Zambia sets out the principle of privilege of Parliament including the freedom of speech and debate during the proceedings in the National Assembly.

The principle of privilege of Parliament gives the House very unique freedom to determine and deal with its internal proceedings. According to this principle, internal proceedings and procedures of the House are not amenable to the jurisdiction of the court. Therefore, one cannot use court process to stop the internal processes of the National Assembly.

According to Lord Neuberger, Master of the Rolls, Parliamentary Privilege is "an absolute privilege and is of the highest constitutional importance." Any attempt by the courts to contravene Parliamentary privilege would be unconstitutional. No court order can restrict or prohibit Parliamentary debate or proceedings.

On the other side of the coin, there is a convention that Members of Parliament will not criticise judicial decisions. This is complemented by the sub judice rule that guards against Parliamentary interference in cases that are still active in the courts.

Conclusion

It is clear from the discussion above that Zambia closely follows the concept of separation of powers. This is evidenced by the Constitutional provisions which create the three arms of government.

It has also been shown that even though each organ of government in Zambia operates independently from the others, in practice, however, there is no strict separation of powers. Our system opts for a compromise, where some functions are shared between the institutions of state. This has been achieved through a discussion above on the Legislature and the Judiciary which has demonstrated the balancing of the Legislative power by the Judiciary and Vice- Versa.

The principle of separation of powers under our constitutional supremacy order therefore requires not only the need to protect against the abuse of power, in the Montesquieuian sense, by providing checks and balances but also to ensure the efficiency and institutional integrity of each arm of government.

As highlighted above, the Legislative arm of government performs key roles such as enacting legislation and ratifying appointments of Judges. The role of the courts under our Constitution is to protect the Constitution, and in particular fundamental rights. At times, in asserting this function, courts will have to intrude, to some extent, on the terrain of the Legislature and the Executive by the process of judge made law.

In doing so, however, the court's must remain sensitive to the legitimate constitutional interests of the other arms of government and seek to ensure that the manner of their intrusion, while protecting fundamental rights, is minimal so that it does not usurp the powers and functions of the Executive and the Legislature.

We may not yet have achieved a fully articulated doctrine of the separation of powers, but certain ground rules have been clearly set out, drawing on the overall vision of the Constitution to strike a balance of power.

Mr Liam LAURENCE SMYTH (United Kingdom) spoke as follows:

The recent referendum over Scottish independence and the highly topical (and politically contentious) issue of the enforceability in the UK of decisions made by the European Court of Human Rights at Strasbourg have pushed to the fore the question of whether the United Kingdom needs to catch up most of the world and adopt a written constitution.

Our Political and Constitutional Reform Select Committee has produced a draft outline of a written constitution in a mighty tome entitled "A New Magna Carta?" seeking to capitalise on the 800th anniversary in 2015 of that landmark document purporting to limit the powers of King John.

The establishment of a separate UK Supreme Court in 2009 to replace the appellate jurisdiction of the House of Lords was inspired by the theory of the separation of powers, though in practice the Lords' jurisdiction in modern times was only ever exercised by highly expert judges selected for that purpose.

Nevertheless, the departure of our most senior judges from the Palace of Westminster for their newly modernised accommodation on the other side of Parliament Square has led to a diminution in the informal links between political institutions and the judiciary, which has been addressed in a number of ways.

The recently retired Clerk of the House, Sir Robert Rogers, made it a priority to strengthen our informal links with judges. With a small team of colleagues, I have sat round a table with Justices of the UK Supreme Court for a private discussion of some of the issues I will be raising in the debate here today.

In the somewhat larger and imposing setting of a courtroom of the Royal Courts of Justice on 4 July 2013 a few of us addressed an audience of senior judges who get together very few weeks for an after–court seminar: this occasion was followed by an informal dinner at one of the ancient Inns of Court.

In the courtroom, we had addressed issues of exclusive cognisance, contempts, parliamentary privilege, the treatment of matters sub judice, freedom of speech and the appearance of judges before select committees. I should be happy to address any of these issue in discussion, but I focus here on the appearance of judges before select committees.

Select Committees and the Judiciary: Guidance to judges

In October 2012 the Judicial Executive Board issued new guidance to judges on appearances before select committees, after consultation with the House of Commons authorities. This replaced guidance dating from July 2008. The new guidance:

- Sets out the expectation that all requests for judges to give evidence will be directed to, and administered by, the Private Office of the Lord Chief Justice (paras 2 and 20 to 28) (the previous guidance assumed invitations would generally go to individual judges who would consult the relevant Head of Division or the Senior Presiding Judge, who would in turn keep the LCJ's office informed)

- Sets out the areas where, by "longstanding constitutional conventions", judges should in general not answer questions, and exceptions to that principle, the areas being: (i) the merits of individual cases; (ii) the personalities or merits of serving judges, politicians or other public figures, (iii) the merits, meaning or likely effect of provisions in any bill or other prospective legislation and the merits of government policy, and (iv) issues subject to government consultation on which the judiciary intend to make a formal institutional response, but have not done so (this is a reformulation of the categories referred to in the previous guidance).

- States that the first exception to the restrictions on judicial comment is where a Bill or policy "directly affects the operation of the courts or aspects of the administration of justice within the judge's particular area of judicial responsibility or expertise". In such cases a judge may comment on the "practical operation or technical aspects of the Bill or policy". The second exception is where a Bill or policy affects the independence of the judiciary.

- States that the conventions restricting matters on which judges may comment apply to retired judges (the previous guidance did not refer to the position of retired judges)

- Notes that it is very unlikely that a judge will be ordered to attend by a parliamentary committee.

- Advises that where members of a committee ask questions which it would be inappropriate for a judge to answer, it is up to the judge to explain why it would be inappropriate.

Sub judice

On sub judice, the guidance states that the parliamentary resolution "bars any mention of cases in which court proceedings are active (as defined by the two Houses)". As with the previous guidance, which stated that Members of Committees may not ask questions on matters covered by the sub judice resolution when they sit in public, this suggests a lack of awareness of the power of select committee chairs to waive the resolution. The resolution was waived at least once in the 2010–12 Session, when the Chair of the Justice Select Committee decided to do so, having consulted the Speaker, in relation to the tendering process followed by the Legal Services Commission for certain legal aid contracts which was, at that time, the subject of a "live" case.

Appearances by members of the judiciary during the current Parliament
There have been relatively frequent appearances by judges before committees during the 2010 Parliament. The general experience of colleagues is that staff working for judges have been co-operative and keen to facilitate appearances by them, but on occasions there has been nervousness or resistance. Judges' offices regularly press for advance sight of briefs or the text of questions.

Unsurprisingly, the Justice Committee has been the committee most often attended; it has:

- held a one-off session with the previous Lord Chief Justice about his work;

- taken evidence from senior members of the judiciary as part of thematic inquiries, including from Sir Nicholas Wall, President of the Family Division, Mrs Justice Pauffley and Mr Justice Ryder, as part of its family courts inquiry in March 2011; again from Sir Nicholas Wall, and Sir Anthony May, President of the Queen's Bench Division, as part of its legal aid inquiry; and again from Mrs Justice Pauffley and Mr Justice Ryder in November 2012 in its pre-legislative scrutiny of draft family justice legislation;

- taken evidence on two occasions from Lord Justice Leveson, when head of the Sentencing Council on specific draft sentencing guidelines (with regard to which the Committee is a statutory consultee) and also had a one-off session with him about the work of the Council; and

- taken evidence from Judicial Appointments Commission members, including Mr Justice Bean, on the work of the JAC.

There are indications, particularly from 2012 onwards, that a wider range of select committees is becoming more inclined to seek evidence from judges. Joint Committees and Public Bill Committees are also inviting judges more frequently. The 8 judicial appearances which took place in 2011 is still the highest number in a single year in this Parliament. A full list of judicial appearances is appended.

Judges as advisers to select committees
The Public Administration Select Committee of the House of Commons appointed as an adviser to a short inquiry on administrative justice the President of the Valuation Tribunal (who also does academic work in this area). He consulted the Senior President of Tribunals and had determined that there was no hindrance to taking up the appointment. He was then advised to notify the Lord Chancellor and the Lord Chief Justice; the latter, following consultation with senior judiciary, gave his view, and the adviser withdrew from his appointment. The Lord Chief Justice is understood to have been concerned that the inquiry was likely to be close to matters concerning the adviser's role as a tribunal president.

Administering an oath to a witness before a select committee
On 7 November 2011, the Committee of Public Accounts was hearing oral evidence from HMRC relating to details of tax settlements reached with Goldman Sachs and Vodafone. Frustrated by the stance taken by Anthony Inglese, General Counsel and Solicitor for HMRC, who repeatedly argued that legal confidentiality prevented him from disclosing details of individual cases, the Committee asked Mr Inglese to give evidence on oath. No prior deliberation had occurred in Committee. Mr Inglese asked for "time out" to consider the request to take the oath, which the Committee refused; he then took the oath.

Following the session, guidance was issued to committee clerks, making the following points (inter alia):

"• It is undesirable that a witness should be bounced into taking the oath or making an Affirmation... There is a danger that the Committee will appear to be intimidating witnesses....

• If Members (or indeed witnesses) ask what the legal effect of their taking an oath is, they should be advised that the power of committees to administer oaths is based in statute, falling under section 1 of the Parliamentary Witnesses Oaths Act 1871. Under section 1 of the Perjury Act 1911, false evidence given under this oath is subject to the penalties for perjury.

• The legal effect of this, in the context of Article IX of the Bill of Rights 1689, which precludes the impeachment or questioning of any proceeding in Parliament in any court out of Parliament, remains untested. It is hard to see how any prosecution for perjury could succeed without adducing evidence as to the truth of what was said in Parliamentary proceedings.

• Witnesses, whether under oath or not, who give false evidence to a Committee are guilty of a contempt. As May says (24th ed, p. 823) "A witness is bound to answer all questions which the committee sees fit to put to him". Members might be advised that recourse to the oath might imply that the truthfulness of unsworn testimony is uncertain."

Mr Marc BOSC, President, thanked the two speakers. He asked about the practicalities of judges and legislators co-existing in a committee setting, particularly the way in which Members were briefed in advance.

Mr LAURENCE SMYTH said that it was quite difficult for officials to make promises to judges about the questions that they would face. Judges did now have a single point of contact for committee appearances, and this helped the judges to be made aware of the appropriate protocols. These protocols stated that, if a question was inappropriate, the judge was entitled to state so, and to give the reason. For the most part this had worked well.

Most judges knew the sub judice rule quite well, but had not observed that the rule was subject to the discretion of the Chair. In such instances it was up to the judge to refuse to answer.

He said that there was considerable responsibility for the officials in such situations.

Mr Michel MEVA'A M'EBOUTOU (Cameroon) said that the Parliament in Cameroon had a clear statement of separation between the legislative and the judicial powers. However, there was increased support for collaboration between the two powers, rendering the separation less strict. In one of the constitutional articles, it was said that the Parliament would define in a statutory text its own rules of procedure. There had recently been a move, however, towards increased cooperation. Even if the rules of procedure were articulated by Parliament, the constitution stated that they had to be submitted to the Constitutional Council in order to ensure that they were compatible with the constitution.

Mr Md. Ashraful MOQBUL (Bangladesh) asked about the unique situation faced by Bangladesh, where there was a 1926 law entitled the "Contents of Courts Act". Unfortunately the High Court had declared a recent update to the law null and void. The courts were taking advantage of the vacuum to increase its power. Government officials and employees were, as a result, afraid that when they took action they could be summoned to court and made to testify for hours, or even given a penal sentence. He asked what the moderators thought could be done.

Ms Jane LUBOWA KIBIRIGE (Uganda) drew the attention of the Association to her written contribution, as follows:

Introduction
The Government of the Republic of Uganda is made up of three arms of Government, namely: the Executive, the Legislature and the Judiciary.

For purposes of this discussion however, I shall focus on the Legislature and the Judiciary: a balance of power capturing the Ugandan experience.

The legislature
The Parliament of Uganda is the legislative arm of Government. The 5 Constitution of the Republic of Uganda establishes this arm of government and lays down its functions under Chapter Six thereof. It is headed by the Speaker of Parliament who is at position three in the national hierarchy after the President and the Vice President.

The Legislature is the law-making body in Uganda; entrusted with the making of law. It is also the organ with the mandate to monitor and bring the executive to account. It can also, vary, limit or expand the jurisdiction of the courts by law, provided all these are in conformity with the constitution. However, Parliament must obey the rules, which are prior to its sovereignty.

The judiciary
The Judiciary is an independent legal organ comprised of Courts of Judicature as provided for by the Chapter Eight of the Constitution of the Republic of Uganda. It is headed by the Chief Justice who is at position four in the national hierarchy after the Speaker of Parliament.

The Judiciary is entrusted to administer justice through courts of judicature including the Supreme Court, the Court of Appeal, the High Court and other courts or tribunals established by Parliament. The highest court in Uganda is the Supreme Court. The Court of Appeal is next in hierarchy and it handles appeals from the High Court but it also sits as the Constitutional Court in determining matters that require Constitutional interpretation. The decisions of the Constitutional Court are appealable to the Supreme Court. The High Court of Uganda has unlimited original jurisdiction. Subordinate Courts include Magistrates Courts and tribunals.

The Judicial function consists of the interpretation of the law and its application by rules or discretion to facts of particular cases.

Why a balance of powers between these two arms of government?
Each arm of government is meant to carry out its powers and functions independently but in a complimentary manner to the other two arms. This is as developed in the doctrine of the separation of powers.

It is important to note that no single arm of government is able to exercise complete authority, each being interdependent on the other. The principle rationale for the separation of powers is to prevent absolutism and/or corruption arising from the opportunities that unchecked power offers. The doctrine can be extended to enable the three branches to act as checks and balances on each other. Each branch's independence helps keep the others from exceeding their power, thus ensuring the rule of law and protecting individual rights.

The Constitution of the Republic of Uganda makes provision for separation of powers, by providing distinctly the functions of each arm of government.

It is also clear that there is no rigid separation in functions and powers; and the separation of powers between the executive and the legislative may sometimes overlap.

However the Constitution provides for strict separation of powers between the judiciary on one hand and the legislature on the other hand. The separation is embedded in the doctrine of the independence of the judiciary in Article 128 of the Constitution and other constitutional provisions contained in Chapter Eight thereof.

The fact that Parliament/the Legislature has the power and often exercises it, to limit the jurisdiction of courts, does not mean that judicial independence is thereby affected. The limitation of judicial powers may be politically unjust and could lead to arbitrary actions being taken by persons other than judges, but it does not involve an encroachment on the independence of the Judiciary. In acknowledging the preeminence of the Judiciary in

this field, the Constitution of Uganda establishes and protects the independence of the Judiciary and judicial officers. It thus provides that in the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority.

How and when have these checks on power been applied in Uganda?
The Constitutional court on August 1 2014 ruled that country's Anti-Homosexuality Act, otherwise known as AHA, was unconstitutional. The court nullified the law because in December 2013, Parliament passed it without the necessary quorum as required by law.

It is important to note that the judiciary will however not interfere with the legislation making process, courts have no power to inquire into ongoing debates of members of parliament; they (courts) only inquire into the constitutionality of the conclusions of the debates.

Agreeing with Counsel for the Attorney General on the foregoing point, the Constitutional Court in Saverino Twinobusingye Vs Attorney General, Constitutional Petition No. 47 Of 2013; on the issue of Whether Parliament acted unconstitutionally to appoint an Ad-hoc committee to investigate the allegations found inter alia that:

> "...Article 90 of the Constitution vests powers in Parliament to appoint Committees necessary for the efficient discharge of its functions and these committees have the powers of the High Court as provided for in Article 90(c)...There is no dispute as to the supremacy of the Constitution of Uganda, 1995 (Article 2). Everybody, including institutions and organs of Government are bound and must respect it. The Constitution was structured in such a way that it gave the three organs of Government namely the Executive, Parliament and Judiciary different roles and powers. Each organ is obliged to perform its role in accordance with the Constitution and other enabling laws without interference from the others, except as provided under the Constitution.
>
> However, a mechanism of checks and balances was built in the Constitution to ensure that no single organ of the State acts in contravention of the Constitution without being stopped by the rest of the other two organs, or any of them. Otherwise when everything is normal and in accordance with the Constitution, the internal management of the organs of the state is a no go area for the others. For example, the judiciary has no powers to interfere or question methods of internal management and running of the affairs of Parliament unless a complaint is raised by an aggrieved person in courts of law..."
>
> "...Consequently, we have ventured to make the above observations so as to ensure that strict observance of decorum in the House is maintained. However, our observations notwithstanding, we find that the setting up of the ad-hoc committee by Parliament in that heated atmosphere was constitutional under Article 90 of the Constitution and this Court cannot interfere with it. To do so would amount to this Court interfering with the legitimate internal workings of Parliament. In agreement with counsel for the Attorney General, we are also of the view that the

> fear by the petitioner that the Prime Minister and other Ministers concerned may not get a fair hearing is premature. The committee has powers of the High Court and is expected to exercise its powers judiciously and in accordance with the Rules of Natural Justice. On the contrary, if it makes errors of law, any aggrieved party has the right, through appropriate court actions to have the committee subjected to the checks and balances tool of the Judiciary."

The respect for independent functioning of the two arms of government was tested in the famous Office of the Prime Minister Scandal. Rule 64 of the Rules of Procedure of Parliament states that any matter which is before any competent courts of law should not be discussed by Parliament or committees of Parliament.

Pursuant to this provision, the Hon. Speaker of Parliament ordered the Public Accounts committee to stop the investigations until the parallel court cases had been disposed of; otherwise, the court cases would be jeopardized.

In conclusion, adherence might not be to the letter but the Judiciary and Legislature in Uganda run independent and with regard to the independent functioning of one another as two separate arms of government; checks on powers coming in only when necessary.

Mr Mohammad RIAZ (Pakistan) was interested in the notion of judges stating that a piece of legislation was bad law. He wanted to know how to curb judicial activism.

Mr LAURENCE SMYTH had no example of a judge criticising bad law. He noted that recent concerns had centred around access to justice. There had been questions about whether the feeling of the judges that there should be more money available in the judicial system had crossed the line into the political arena.

There was currently a difficult debate in the UK about the relationship between the UK and its European obligations on human rights, and whether or not in future the Strasbourg court decisions should be considered as guidance.

In 2015 there were a number of anniversaries, including that of *magna carta*, which led to the issue of whether or not the UK had a written constitution. If the UK were to have a constitution, it would be the responsibility of the courts to ensure that it was upheld. This could lead to a number of difficult decisions on grey areas.

On the issues faced by Bangladesh, he wanted to know who voted the budgets for the court system in Bangladesh. If it was Parliament, this would surely be a powerful tool.

Mrs MWINGA wondered whether a Member of Parliament could go before the courts for contempt, which might act as an incentive to parliamentarians to address the issue of the law declared null and void by the courts in Bangladesh.

In Zambia, it had not taken Parliament long to change laws affecting individual Members. One of the reasons that MPs would not take action on the law in Bangladesh

was because they were under the impression that it did not affect them. They needed to be given first-hand experience of the negative aspects of a runaway judiciary.

She expressed concern about subjecting the rules of Parliament to the constitutional courts.

Mr LAURENCE SMYTH said that he understood the situation in Uganda to have been a draw, with neither side taking clear victory. It sounded as if the court system respected Parliament but would not be pushed around either, and that this remained a useful constraint for Parliament.

Mr Horst RISSE (Germany) noted that the question was a topical one, particularly for Germany, which had a very powerful constitutional court. He was interested with the idea that some parliamentarians missed rubbing shoulders with members of the judiciary when they moved across the road. In Germany, the distance between the two was 700km. The distance limited the social interaction of judges and politicians. Particularly on the political side, it was felt that it was difficult to be heard by the judiciary, which had the power to declare laws to be unconstitutional.

Parliamentary procedure had been subject to the constitutional courts, and had had the impact of limiting the delegations of power to smaller parliamentary bodies. This limited the ability of Parliament to organise its own work. The judiciary had the last word.

It was almost impossible to adjust a decision of the constitutional court. This could lead to significant conflicts in the future.

Mr Austin ZVOMA (Zimbabwe) said that in Zimbabwe the constitution was supreme, thus all state institutions had to act in accordance with the constitution, the judiciary and the legislature included.

In the constitution there was a mechanism by which there was a committee of Parliament, a majority of the members of which had to be legally qualified, had to examine all bills and delegated legislation being passed by Parliament before they reached their second reading. The intention was to prevent the situation in which something passed by Parliament was declared to be unconstitutional.

He said that the *sub judice* rule was in fact a self-denying ordonnance. Both Parliament and the courts set their own limits. He felt that Parliament usually accepted being precluded from discussing matters that were before the courts.

He said that the role of the Parliament was to hold the Executive to account. In Zimbabwe there was the Anti-Corruption Commission and the Human Rights Commission, but committees of Parliament often wanted to replicate their work, which was viewed as a violation of the constitution.

Mrs MWINGA thanked all the contributors to the debate and concluded that, in Zambia, the sub judice rule was subject to the discretion of the Chair. The discretion had

not been used much because of the mutual respect between Parliament and the courts. However, when it had been invoked, the courts had not reacted well.

Mr LAURENCE SMYTH noted that a political response would be that the way in which the judges in Germany judged the actions of the European Central Bank would have worldwide implications. He was interested in where the judges saw their responsibility as lying. He agreed that Karlsruhe was a long was from Berlin, and that this had originally been designed as a way of ensuring that power was not concentrated in one single place. He felt, however, that there should at least be a neutral ground where politicians and judges could meet. He joked that in Finland, this would be a sauna.

He said that there was a need to ensure a diminution in the amount of legislation made in haste. He observed that Secretaries General were in a privileged position because they straddled the worlds of politics and principle.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) wanted to describe a recent experience in Madagascar, where the High Constitutional Court had recently declared a bill unconstitutional. The bill changed the organisation of the National Assembly. The decision by the judges had been arbitrary and had its argument had been that the National Assembly had not respected the rules of procedure of the chamber. In fact the National Assembly had scrupulously followed the rules, and in any case, did not have any locus in pronouncing on the rules of the Parliament.

He noted that there were cases that deserved careful consideration.

Mr Marc BOSC, President, thanked Mrs. Doris Katai Katebe MWINGA and Mr Liam LAURENCE SMYTH for their moderation and members for their contributions to the debate.

5. Election to the position of President of the Association

Mr Marc BOSC, President, that the deadline for the receipt of nominations for the post of President of the ASGP had been reached. He was therefore delighted to announce the election by acclamation of Mrs Doris Katei Katebe MWINGA from Zambia.

Mrs Doris Katei Katebe MWINGA (Zambia) was humbled by the trust and confidence bestowed upon her by her colleagues. She had joined the Executive Committee as an ordinary member, and had been Vice President for two and a half years. During this time she had learnt a great deal. She was committed to the growth of the organisation and was wholeheartedly supportive of the work done by Secretaries General.

She looked forward to working with the Association and thanked the President for his leadership and guidance. She said that she valued all the members of the Executive Committee. She thanked the Association once again.

6. Concluding remarks

Mr Marc BOSC, President, invited Mr Tom Wickham, the new member from the US to stand and introduce himself.

Mr Marc BOSC, President closed the sitting.

The sitting ended at 4.20 pm.

THIRD SITTING

Tuesday 14 October 2014 (morning)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 10.30 am

1. Introductory remarks

Mr Marc BOSC, President, reminded members to sign in on the sheets available. He also reminded them that the deadline for the receipt of nominations for the post of Vice President would fall at 4pm that day. If there was only a single candidacy, that candidate would be deemed to have been elected by acclamation, according to the Association's rules of procedure. The procedure for elections was available for members to consult, and the staff were also ready to assist.

2. New Members

Mr Marc BOSC, President, said that the secretariat had received requests for membership, and one request for associate membership, which had been put before the Executive Committee, and agreed to, as follows:

Mr. Renovat NIYONZIMA	Secretary General of the Senate of Burundi
Mr. N'drin Lazare Ahouanzi LATTE	Secretary General of the National Assembly of Ivory Coast
Mr. Bienvenido EKUA ESONO ABE	Secretary General of the National Assembly of Equatorial Guinea
Mr. Carlos GUTIÉRREZ VICÉN	Secretary General of the Congress of Deputies of Spain (replacing Mr. Manuel ALBA NAVARRO)
Mr. Basil EDHERE	Deputy Clerk of the National Assembly of Nigeria
Mr. Mohammad RIAZ	Secretary General of the National Assembly of Pakistan (replacing Mr. Karamat Hussain NIAZI)
Mrs. Ruth Lucia DE WINDT	Secretary General of the National Assembly of Suriname (replacing Mrs. Marcia BURLESON)

For associate membership:

Mrs. Maria SANWIDI WARE	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU) (replacing Mr. Boubacar IDI GADO)

The new members and new associate member were agreed to.

3. Orders of the day

Mr Marc BOSC, President, read the proposed orders of the day, which had not changed since the previous day.

The orders of the day were agreed to.

Theme: Inter-parliamentary work

5. General debate: The co-ordination of assistance and support to Parliaments

Mr Marc BOSC, President, invited Dr. Ulrich SCHÖLER, Vice President and Deputy Secretary General of the German Bundestag, to chair and open the debate.

Dr Ulrich SCHÖLER (Germany) spoke as follows:

Colleagues,

I am very pleased that today, for the second time this year, we will be dealing with a topic which is very important to me. By examining the question of how we can potentially enhance the co-ordination of assistance and support to other parliaments, we are again discussing a challenge which encompasses much more than just organisational or administrative issues. For it is unquestionably linked to the image we have of our parliaments. This applies, for example, when we examine the role we ourselves play and seek to identify shared interests which we could, or must, agree on. In my view, the ASGP is an excellent forum for this, since it, more than any other institution, serves as something like a parliamentary memory and a source of administrative continuity, without which parliaments cannot hope to develop an enduring vision of themselves. This was clear, incidentally, from the many engaging contributions made during our general debate in March.

As some of you may remember, the reason I suggested that this topic should be debated within the ASGP goes back to events at our spring conference in Quito in 2013. In his report on the activities of the IPU, Martin Chungong – now Secretary General of the IPU, but at the time in a different function – thanked the ASGP for its role in co-ordinating assistance and support measures for the Parliament of Myanmar. At that point it became clear that the various actors providing assistance in Myanmar did not know which other institutions or parliaments were also active there. This led me to

reflect on how we could achieve better co-operation and co-ordination in international parliamentary support.

Against this background, the German Bundestag hosted an international workshop in autumn 2013 on the subject of "International Advice and Support for Parliamentary Administrations". Ultimately, the representatives of the IPU, the UNDP, the European Parliament, and colleagues from Poland and France, together with experts from national associations and foundations, all agreed at the workshop that greater transparency and enhanced international co-operation and co-ordination were desirable. The IPU then held a "meeting of parliamentary development practitioners" a month later, at which I presented the results of our workshop. The IPU has also established a working group tasked with developing common principles for actors involved in parliamentary development support. I am pleased that Martin Chungong will later talk to us about the progress in developing "Common Principles for Parliamentary Development".

All of these deliberations have centred on the question of how transparency and efficiency, together with better co-operation and co-ordination, could help to ensure focus and enhance the long-term effectiveness of the measures.

I am pleased that we have this opportunity today to follow on from the intensive general debate which we had in March and – I hope – to examine these central issues in more detail.

The four main conclusions from our debate in March are as follows:

1. It is necessary to make our work in the field of support and advice for parliaments more transparent and to enhance co-ordination. This raises the unresolved question of the extent to which the UNDP's digital platform "AGORA" could be useful.

2. We need to develop answers to two issues. We must ask ourselves whether we can identify criteria for minimum democratic standards in recipient countries before we begin to provide support and advice. We should also, however, define guidelines for the actors involved in the other side of parliamentary co-operation – the "Common Principles".

3. Support and advice for parliaments is only successful where it is tailored to the specific needs of the receiving country. Achieving this requires intensive communication and interaction in advance between the various actors on both sides.

4. It would, however, also be desirable for the needs of the providing parliaments to be kept in mind, concerning, for example, the long-term effectiveness of expert secondments.

As you can see from our agenda, we are discussing these central points today.

The contributions during our debate in March from our colleagues from countries which receive international parliamentary support showed that we still have a great deal to do, particularly with regard to the third point – tailoring assistance to the specific local needs. National interests cannot be translated into principles in a simplistic fashion and then applied universally. I am therefore pleased that the first two speakers are our colleagues Daw Aye Aye Mu, a member of the Joint Coordination Committee at the Myanmar Parliament, and Mr Amjed Pervez Malik, Secretary General of the Pakistani Senate, who will talk about experiences with a programme of this type.

As I said, Martin Chungong, the new IPU Secretary General, will then speak on the state of play regarding the development of the "Common Principles for Parliamentary Development", which are due to be adopted within the IPU this week.

Since questions regarding the enhancement of transparency and co-ordination of support programmes were also raised in March, it makes sense for Julia Keutgen of the UNDP to talk to us again in detail about the technical assistance which the AGORA internet platform is capable of providing. "AGORA" is conceived as an information and communication portal for inter-parliamentary exchange. In particular, she will present the mapping function, which was intended to provide an overview of current international projects in the field. Unfortunately, due to financial constraints and insufficient use, this platform was for a time out of operation.

Our debate in March also made clear that we should develop approaches which are as concrete as possible to enhance co-ordination of our parliamentary development support. It therefore seems logical to form four smaller groups to discuss the individual aspects:

1. The first group, with the active support of Julia Keutgen, will deal with the "AGORA" internet platform, examining experience so far, the question of how to ensure transparency, as well as confidentiality issues. This group could also discuss what requirements and standards should be met by a digital database.

2. Norah Babic, the expert from the IPU Secretariat, has agreed to lead a further working group, looking more intensively at the implementation of the "Common Principles for Parliamentary Development".

3. A third working group is to focus on the needs of the recipient countries. Our debate in March showed that more involvement by the recipient countries and stronger tailoring to their specific interests are necessary in order to achieve positive outcomes in terms of targeted and sustainable parliamentary development support.

4. The fourth group will focus more on the needs of the providing countries. Here, the question is: how can long-term effectiveness be ensured? What instruments should be used to exchange information and create networks? And how can unnecessary duplication be avoided?

During my additional work as a university lecturer, where I occasionally speak about the workings of parliament, I am also frequently reminded that knowledge shared is knowledge multiplied.

On this note, I look forward to intensive participation by all present. This afternoon, the spokespersons for the working groups will then present the results of their work. I wish all of us a debate which is as engaging as the one in March.

Dr SCHÖLER invited Ms. Aye Aye MU, a member of the Joint Coordination Committee, Parliamentary Support Programme, Myanmar Parliament, to speak from the perspective of a Parliament that had recently received international support and assistance.

Ms Aye Aye MU (Myanmar) spoke as follows:

Myanmar:
- The largest country in mainland South East Asia
- 160,000 sq miles or 677,000 sq km
- Estimated population is about 50 million
- Diverse ethnic groups
- Borders with China, Thailand, Bangladesh, Laos, India

T*he Hluttaw (Parliament)*
The Hluttaw or Union Assembly is a bi-cameral Parliament

The Pyithu Hluttaw is the House of Representatives:
- MPs are elected from geographic constituencies. A quarter of the representatives are military

The Amyotha Hluttaw is the House of Nationalities:
- MPs from Regions and States with a quarter from the military
- The Pyidaungsu Hluttaw is the Union Assembly a joint sitting of both Houses

General elections
- The General Elections was held in 2010 for 400 seats in Pyithu Hluttaw and 224 seats in Amyotha Hulttaw
- A by-election was held in April 2012 to fill the vacancies
- Next election will be in 2015

Offers of support
Parliaments and Organizations around the world
- European Parliament
- House of Commons (United Kingdom)
- German Bundestag
- France National Assembly
- India (Lok Sabha, House of People), Bureau of Parliamentary Studies Training (BPST, India)

- United Nation Development Program (UNDP, Myanmar)
- Inter-Parliamentary Union (IPU)
- IDEA, Hans Seidel, FES, FNF, GIZ
- CUSO, Canada
- Various international donors support the above

On-going offers of support:
UNDP/IPU project to support the development of Myanmar Hluttaw
UK Parliament
Bureau of Parliamentary Studies Training
Open Society Foundation

Coordinating development assistance:
- Joint Co-ordinating Committee formed
- Purpose is to co-ordinate the support programme for the Hluttaw
- Decision making body
- Includes membership from all three Houses
- 4 MPs; 1 Commissioner; 3 DGs/SGs; 3 DDGs

Thank you for your attention

Dr SCHÖLER invited Mr. Amjed Pervez MALIK, Secretary General of the Senate, Pakistan, to speak from the perspective of a Parliament that had recently received international support and assistance.

Mr Amjed Pervez MALIK (Pakistan) spoke as follows:

Having seen the topic of international parliament assistance creeping into the AGENDA of IPU /ASGP and taking shape and form of "Common Principles" endorsed by IPU and other reputed international organizations, this presentation is being made which aims at differentiating between "myths" and "realities" surrounding the role and effectiveness of international assistance in development of the Parliaments of less developed countries or less developed democracies. It also aims at sharing Pakistan Parliament's experiences in this regard, wherein different modes were attempted for better coordination but none has been successful to fully circumvent the highly complex nature and requirements of "effective coordination". Another issue being highlighted in the presentation is "donors prerogative and imperatives" which include an overwhelmingly, if not completely, donor conceived, designed and monitored project interventions both in bilateral parliamentary assistance projects and multilateral ones. The irony that none of the developing country's Parliament was included in the Core group to formulate the Common Principles, which comprised of IPU, NDI, UNDP, French National Assembly and European Parliament, is yet another proof of keeping recipients out of principal or policy decisions.

Another very important missing link in the whole process of international parliamentary assistance that one would like to bring on record is no interaction or no lasting relationship or networking between donor and recipient countries' parliaments. The

projects conceived by donor country or international organizations are processed through the Executive (Government Bureaucracies) of the two countries /parties and neither the Parliament of the donor country is involved directly nor that of the recipient country at initial / early stage. Lately, recipient country parliaments are involved in the process at a belated stage and only to the extent of getting nod for financing agreements. Subsequent developments including detailed activity and financial reporting are kept "secret" from the recipient Parliament.

The Myths and Realities surrounding the international Parliamentary Cooperation and assistance are:

Myth: International Parliamentary cooperation/assistance is one of the key factors in stimulating growth and development of the Parliaments of Less Developed Countries (LDCs).

Reality: There is hardly any example of any LDC country Parliament that has developed through international cooperation and assistance only. It is always an indigenous, long term and evolutionary process in which international practices can, at best, help in limited ways and manners.

Myth: Cooperation/assistance may lead to diffusion of best-practices adopted by the developed Parliaments and Technology Transfers.

Reality: some technical solutions and suggestions aside, change, reform and adoption of new practices / technologies depend on a number of local factors: socio-political, cultural and economic ground realities.

Myth: Financial resources are the constraint in parliamentary development and increased supply will ensure improved Parliamentary performance by the recipient.

Reality : To some extent financial constraints are reasons but Parliaments in almost all countries have total autonomy of expenditure.

Myth: Delivery through Government or Parliament leads to corruption, delays and non- transparent, unaccountable processes.

Reality: Delivery through NGOs and contractors is equally or to some extent more prone to these problems. The delivery architecture and mechanism has been changed. Is it avoiding wastage, corruption, bureaucratic difficulties and improving competitiveness, transparency and monitoring & evaluation? And at what cost?

Pakistan's Experience and History

Pakistan has a chequered history of democratic rule and institutions. Presently a Federal Parliamentary form of elected democratic government. But Pakistan's democracy as well as economy and security still face numerous challenges; developmental; internal and

external. Pakistan has huge gaps and thus potential to learn from other Parliaments, regional and far away and far advanced. Pakistan has appetite, if not hunger, for international support and aid in all fields. Pakistan has remained involved in ODA to the extent of being a laboratory.

Pakistan has a history and experience in receiving parliamentary assistance and support. Having observed it closely since early 1990s, these are summarized below:

- ☐ During early 1990s (Donor Country: US-AID; Implementing Agency: Asia Foundation). The intervention was simple straight, leaving behind advanced ICTs and new ways of doing businness

- ☐ 2002-08 (US-AID funded PLSP and PLSC a consortium of International and local contractors). Quite complex but worked well. Left behind PIPS with active involvement of Parliament.

- ☐ 2003-09 and continuing / evolving (UNDP-IPU: SDPD) proper need assessment done. In early phases encouraged transfer of knowledge through IPU and bilateral parliamentary exchanges but towards the end paradigm shift and change in philosophy. In the next phase which is being finalized now, demand driven and responsive but future uncertain.

- ☐ 2012 onward (EU funded IP3). A very complex project design and architecture.

Still struggling with basic questions and issues of coordination and implementation
Smaller organizations such as Heins Seidel Foundation. Small amount and period projects with small but professional organizations have proved quite successful.

Pakistan has mixed experiences and results. Interestingly the projects implemented in 1990s with now outdated approach and philosophy were relatively more successful in leaving behind not only infrastructure but changed ways of business / work.

Structure for Coordination
During this period Pakistan has experimented a number of structure and designs for coordination of international Parliamentary cooperation and assistance:

- ◦ Initially, Developmental INGOs working directly with Parliamentary Administration i.e. with Secretariat and Presiding Officers.

- ◦ Later, INGOs or One International Contractor working with Multiparty Legislative Development Steering Committees.

- ◦ Currently, host of Professionals /Experts working for Consortiums working via Focal Persons both in Administration and Elected.

- ◦ For Future, a permanent Forum of sitting and retired Senators to be established called Senate Forum for Policy Research which, besides other functions, will

advise on donor funded projects. It will have equal number of sitting and retired Senators for continuity.

To begin with a very high powered Steering Committee comprising Board of Governors of PIPS was to coordinate and supervise the project but it was such a huge body comprising Chairman Senate, Speaker, National Assembly and Speakers of four Provincial Assemblies besides 8 MNAs, 4 Senators and Secretaries/Clerks of the two houses that its meeting could not be convened as required. An attempt was made to involve a member of EU Parliament to Co Chair the Steering Committee Meeting which made its convening even more difficult.

The Coordination and successful implementation of the project becomes impossible in the face of a number of prerogatives and imperatives of the donor. The whole process whether bilateral or multilateral is donor conceived and monitored. Ironically the Core group to formulate the Common Principles comprised, European Parliament, French National Assembly, United Nations Development Program (UNDP), National Democratic Institute (NDI) and Inter-Parliamentary Union (IPU). It did not have any developing/recipient country.

In a country if different donors have projects there is a need for coordination among donors.

Unfortunately the projects are conceived and implemented in the presence of certain 'globally popular' contemporary or emerging paradigms and there is insistence to have same / similar goals, areas of interventions etc. Need to be Coordinated in such a manner that Projects that have similar or overlapping goals / areas of interventions avoid confusion, duplication of effort.

Way forward
Some of the suggestions for better coordination and effective implementation are below:

1. Demand-conscious or recipient Parliament responsive Projects

2. Parliament to Parliament institutional networking (ODA- OPA is it official?) The new delivery architecture (through NGOs / Contractors) be reviewed.

3. Recipient Parliament should be included in the process of design, implementation, activity and financial reporting and post project evaluation of all Donor Funded Projects

4. Some of the big "No No's". e.g. No Brick and Mortar, No Hardware and Software, No visits/attachment of MPs or staff of recipient Parliament to developed Parliament and No practitioner from any of developed Parliaments : only Development Professional & Experts rendered advice and report after report.

Present and Future

The aforementioned suggested solutions are ideal ones and these are easy listed then done. First of all let me admit that the recipient Parliament has neither the administrative and political will nor the capacity to timely and effectively respond. Although we are still struggling with same issues in certain projects, one recent / emerging project sponsored by UNDP (and IPU?) which has a learning period / curve of more than a decade is now reshaping itself and being coordinated right from inception. It is mostly demand driven, based on an internal need assessment and strategic plan. A permanent body conceived as Think Tank and to be named Senate Forum on Policy Research being established under the Rules of Procedure and Conduct of Business in the Senate for structured long term advise and coordination with all projects. But it looked as promising in 2002-3 at the start of phase-1 when Secretary General IPU came specially to Pakistan for need assessment with UN lead. It is yet to be seen that this time it is different both from the donor and recipient side. On our side we are going to setup a permanent body comprising sitting and retired Members of Senate to guide and advise in Parliamentary support projects because there was a serious issue of continuity among the elected members and secretariats were the only element of continuity.

At the end I would like to give some belated suggestions for the on going exercise of IPU/ASGP for formulating common principals. The Principles are a good initiative or base for more effective Parliamentary development. If not finalized may include:

- Parliamentary development should be differentiated from other institutions development in view of unique and complex nature of the institution of Parliament.

- Parliament to Parliament networking should be integral part of bilateral or multilateral cooperation (Donor- Recipient or any other Regional Int.)

- Parliamentary development should not be supply/donor driven, it should be demand/recipient responsive.

- Parliamentary Development may be de-professionlized a bit and stated in plain language if not parliamentary language.

Dr SCHÖLER invited Mrs. Julia KEUTGEN, Programme Specialist, Parliamentary Development at the UN Development Programme, to showcase the mapping function of the AGORA platform.

Mrs Julia KEUTGEN (UNDP) indicated that she was responsible for the multilateral AGORA platform, which provided parliamentary advice. There were many international partners. The platform was available in English, French and Arabic. There were approximately 12,000 views per month throughout the world. The site could be found at www.agora-parl.org .

On the site there were different domains of expertise, with 130 pages of information on different subjects related to parliamentary development, parliamentary control, lessons

learned, and the origins of different Parliaments. There was a virtual platform for the sharing of information and distance learning function with videos and virtual libraries, amongst other things.

Different projects across the globe had been mapped. Thanks to the previous session of the ASGP and to the seminar on the international applications of the platform that had been held in September, an attempt had been made to reconstruct the platform using information from the German Bundestag and the French Assemblée nationale. This was just but a partial example of what could be done.

The Atlas function could be of assistance to parliamentary staff. 20 projects had been integrated into the platform to date.

She gave a demonstration of the website. She said that the main difficulty lay in keeping it up-to-date. It had been decided that the information on the site would be publicly available without being attributed to specific individuals.

The presentation had been an example of what could be done and feedback on how the tool could be improved would be welcome.

Dr SCHÖLER announced that Mr Martin CHUNGONG, Secretary General of the IPU, had been unavoidably detained, so he had sent his IPU colleague, Norah Babic, to provide an update on the Common Principles on Parliamentary Development.

Ms Norah BABIC (IPU) spoke as follows:

It is a pleasure to be with you today.

I am here in the context of your debate on coordinated assistance to brief you on recent progress on the development of Common Principles for Support to Parliaments. This work is not new to you. My colleagues provide a briefing on it at your March session and over the past four months you have all been invited to contribute your views and suggestions to the text, because we know what an important role Secretaries General play in supporting development in your own parliaments.

We have done an extensive consultation process, and received a lot of detailed feedback, ranging from general comments such as language and style, to specific comments about addressing the needs of women and men equally, or the need for proper impact assessment and evaluation tools. Almost without exception, reviewers said that they believed the Principles would help to guide and improve support provided to parliaments.

As part of this consultation process, the IPU also co-organized a meeting in Manila with the Parliament of the Philippines in August 2014 to gather the views of Secretaries General in Asia and parliamentary support partners in a series of discussions. I pay a particular note of gratitude to the Secretaries General who participated in that meeting

and are with us today, from Afghanistan, Bangladesh, Bhutan, Cambodia, Pakistan, Sri Lanka, and of course our generous host and co-organizer the Philippines.

The discussions were very lively and covered a range of important topics, such as the need for sustainability, and to involve all political tendencies and the parliamentary secretariats. Participants also considered how to practically apply the Principles at the national level and provided some very useful suggestions towards their application and use.

The very rich consultation process has enabled significant improvements in the document's coherence, clarity and comprehensiveness.

The revised Common Principles were put before the IPU Executive Committee last Friday, which recommended that the document be placed before the IPU Governing Council later this week for approval.

Later this morning, at the kind invitation of the ASGP, we will once again seek your ideas, this time on practical ways to make use of these Principles. Without doubt, the working group discussions you will have will provide fertile grounds for ideas about the potential role of the Common Principles in strengthening co-ordination and support.

Looking forward to the next steps, and to the parliamentary community supporting and using the Principles. At the 132nd IPU Assembly in Hanoi, Viet Nam, we plan to organize an endorsement event for the Common Principles. I invite the ASGP, as an association, to consider approving the text and I would welcome you joining its endorsement next year in Hanoi.

I take this opportunity to thank the drafting group, composed of representatives the French National Assembly, from the European Parliament, the United Nations Development Programme (UNDP), the National Democratic Institute (NDI), , as well as IPU, for its hard work. I would also like to thank the ASGP for involving us in your debates and for your support to the Common Principles. I thank all of you – Secretaries general - for your continued generous support to the IPU, and look forward to hearing the results of the upcoming debate and working group sessions.

Thank you.

Dr. SCHÖLER thanked the speakers.

Mr Marc BOSC, President, thanked Dr. SCHÖLER and the other 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. Each group would be given a specific theme to discuss. The proposed themes were: firstly, AGORA, lessons learned, ensuring transparency, and issues of confidentiality; secondly, how to implement the "Common Principles for Parliamentary Development"; thirdly, the needs of recipient countries; and finally, the needs of donor countries.

A rapporteur for each group would report back at 2.30pm. The Spanish and Arabic speaking groups would need to appoint a rapporteur who could report back in French or English.

The sitting ended at 11.20 pm in order for working groups to commence their work.

FOURTH SITTING

Tuesday 14 October 2014 (afternoon)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mr Marc BOSC, President, reminded members that the deadline for the receipt of nominations for the post of Vice President would fall at 4pm that day. If there was only one candidacy, that candidate would be deemed to have been elected by acclamation, in accordance with the rules of procedure. Copies of the election procedure were available outside the plenary meeting room, and members of the secretariat were available for consultation.

Theme: Inter-parliamentary work

2. Presentations by rapporteurs and general debate: Next steps in the co-ordination of assistance and support to parliaments

Mr Marc BOSC, President, invited Dr Ulrich SCHÖLER, Deputy Secretary General of the German Bundestag, to introduce the rapporteurs moderate the debate.

Dr Ulrich SCHÖLER (Germany) invited Ms Claressa SURTEES, Deputy Clerk of the House of Representatives, Australia, to provide a report from the working group that had discussed AGORA.

Ms Claressa SURTEES (Australia) said that she had not been present at the meeting devoted to AGORA but that she counted on her colleagues to appraise her if she had misunderstood any aspect of the account that had been relayed to her. AGORA was developing an institutional base, rather than an individual one. Parliaments which were looking to provide development assistance needed to improve their coordination with other Parliaments in order to avoid the unnecessary doubling of expenditure and effort. The Joint Coordination Committee in Myanmar had been cited as a good example of a point of coordination. The areas for improvement had also been evoked, and further evaluation of the results would be necessary. By mapping the activities of parliaments, AGORA could make a valuable contribution. Parliaments could choose which information should be made public, and which kept confidential.

As far as the evolution of the platform was concerned, secretaries general were best placed to prepare their reports and to put them onto the shared platform. AGORA was still being developed: it could also welcome conventions and conferences in the form of

videos. In conclusion, parliamentary development activites benefited everyone and it was to everyone's benefit that information on this work be exchanged and clearly communicated.

Dr SCHÖLER invited insert Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic, Portugal, to provide a report from the working group that had discussed the Common Principles.

Mr José Manuel ARAÚJO (Portugal) indicated that his group had divided its work into two sections. On the one hand, examples of good and bad practice, and on the other the common principles.

Three examples of good practice had been identified:

- Political compromise: those Parliaments that were engaged needed to remain active politically in order to retain the link with those who provided the necessary funds, both bilaterally and multilaterally.

- Those organisations which had been invited to cooperate needed to be supported by the states involved.

- Cooperation had to be on the basis of a long-term plan, which had to be adhered to. The key word was coordination, between the funders, the beneficiaries and international organisations. It was sometimes difficult to obtain information, and in that respect AGORA could help.

The criticisms were:

- On occasion there were too many parties involved in providing assistance to a single country. It was difficult for the beneficiaries to refuse offers of help. On occasion up to 10 or 15 providers had been mobilised in support of a single beneficiary.

- There was a lack of clear information on the activites of those providing assistance. For example, the same seminar might be provided several times by different people in the same country.

-There was also an issue with the human resources: those who provided assistance needed also to provide quality assurance.

The IPU had circulated a paper to analyse the Common Principles.

- The first important point was the need for a strong Parliament: democratic participation and equality were important principles. Without this, the administration would not be able to play its role in a democratic country.

- The need to adapt to the context: the assistance needed to be planned between the providers and recipients of assistance.

To improve the Common Principles, it was necessary to formulate them on the basis of fixed criteria and to oversee their application.

Dr SCHÖLER invited insert Mr Modrikpe Patrice MADJUBOLE, Interim Secretary General of the National Assembly, Democratic Republic of the Congo, to provide a report from the working group that had discussed the needs of recipient countries.

Mr Modrikpe Patrice MADJUBOLE (Democratic Republic of the Congo) indicated that the methodology employed by his group had been to have an exchange about the different experiences of the countries involved. The result of the general debate was that cooperation should either take place between Parliaments or more generally. There were many factors involved. In the francophone countries, the donor countries took their lead from the requirements of the recipient countries. Usually this took the form of general cooperation, and very often the donor country imposed a model without adapting it. Invariably the recipient countries felt obliged to accept these models. Instead, they needed to identify their real needs, possibly with the assistance of the donor countries.

Local players could delay the implementation of certain projects and that demonstrated the need for the political class to champion the projects and ensure the human resources needed to support them. There was also the problem of delay. The major problems faced by countries in need were the lack of an official Journal for the publication of legal texts' the lack of simultaneous translation; the lack of personnel equipped for the task; and the backwardness of the technological infrastructure and IT.

Recipient countries needed to take strong action, to pass laws that tended to support strong Parliaments in order that they could take on their proper constitutional role. Recipient countries needed themselves to demonstrate that they wished to make progress.

Dr SCHÖLER invited insert Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, to provide a report from the working group that had discussed the needs of recipient countries.

Mr Najib EL KHADI (Morocco) After a detailed debate, the secretaries general in the Arab group had formulated the following propositions:

- Even if everyone started from the same understanding of the way in which parliamentary work should be organised, the outcomes were not always the same. It was necessary to take into account the local circumstances to create the best opportunity of success.

- It was essential to have a mechanism for follow-up and evaluation. In evaluating the different programmes, two fundamental areas had been identified: a technical area, which did not pose problems, but in which, nonetheless, the progress of projects in partnership with the IPU had been difficult.

The areas of interest of the members involved in the discussion had been questions related to IT; electronic archiving, automatic transcription; the development of parliamentary websites, the public criteria for evaluating politicians; questions of financial and administrative independence; the reinforcement of Parliaments' capacity for independence; the openness of Parliaments to society; and the promotion of institutes designed to reinforce parliamentary capacity.

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

Mr Liam LAURENCE SMYTH (United Kingdom) said that he had accompanied his Speaker to Myanmar and had himself participated in the development programmes underway in that country. The success of the Myanmar experience had been due to the hard work of the IPU. A colleague from the library of the IPU had been present and had responded well to the needs of parliamentarians in their day-to-day work. He thanked his colleagues from the IPU, but also those in Myanmar.

Dr Jean Rony GILOT (Haiti) indicated that he would respond on the subject of the needs of recipient countries. It was essential that recipient countries were ready to receive support. The strategy should be guided by the current state of affairs and by the need to put in place a stable politics with genuine political goodwill. Donor countries had to accept these conditions and eventually to adjust their plans depending on the local constraints. There were sometimes many donor countries in the same location, and sometimes nobody at all in forgotten zones. Flexibility was equally important.

Mr Andriamitarijato Calvin RANDRIAMAHAFANJARY (Madagascar) supported the conclusions of the francophone working group, particularly on the need for a strong Parliament. Without that, all cooperation was doomed to failure.

Dr SCHÖLER reminded members that four reports had been produced and that it would be useless to try to combine the summaries of all of them. He said that he felt that the debate had been useful and that members would, as a result, leave with a better sense of the problems and the requirements of different countries. This would in turn allow for the formation of better relationships and partnerships. The need for increased transparency had been made plain. AGORA could be useful but only if individual Parliaments made it work. The UNDP was ready to use the information provided by members. He thanked members for their participation.

Mr Marc BOSC, President, thanked Dr SCHÖLER for his moderation; the other three speakers from the panel for their presentations; the rapporteurs for presenting the work of their groups; and members for their contributions to the debate.

Theme the mechanics of Parliament

3. Communication by Mr Jeremiah M. NYEGENYE, Clerk of the Senate of Kenya: "Establishing a New House of Parliament - the Kenyan Experience"

Mr Marc BOSC, President, invited Mr Jeremiah M. NYEGENYE, Clerk of the Senate of Kenya, to make his communication.

Mr Jeremiah M. NYEGENYE (Kenya) spoke as follows:

Introduction:

1. What does it take to establish a new (House of) Parliament?

2. For many of us gathered here at this meeting of the Association of Secretary Generals of Parliaments (ASGP), especially those from the developed world, this question may appear to have little significance or even relevance. It may sound like an invitation to an idle discussion. For most colleagues sitting in this room today, the House of Parliament in which you serve is something you can take for granted. Parliament has existed for hundreds of years. It is there, it has been there and it will continue to exist for the foreseeable future. What can possibly happen to Parliament?

3. Not entirely so for other colleagues. For a good number of us here today, the establishment or re-establishment of Parliament or a House (Chamber) of Parliament in our jurisdictions is more than just a remote possibility. There may indeed be colleagues here who have been part of this kind of epochal event. We in Kenya have recently been through this experience and I have been provoked to share it with you in the belief that you may find it of some use. I hope that everyone here will find some relevance or connection to this experience because-

a) this could happen in your jurisdiction and you would likely be called upon because of your position and experience, to advise on it.

b) this could happen in another jurisdiction and you could, because of the position you hold and your experience as Clerk/Secretary General of a (House of) Parliament be called upon to advise on it.

c) Some of the experiences entailed in the establishment of a new House of Parliament may have to be borne by an established Parliament which has to move from its location to another location.

4. A good starting point for this discussion may be for us to examine the circumstances that could lead to the establishment of a new (House of) Parliament. The following list is not exhaustive but probably consists some of the commonest situations-

a) a new nation is born and requires to have its own Parliament;

b) a nation that has been plagued by conflict, leading to the breakdown, collapse or shutdown of institutions finds peace and returns to normalcy, leading to the re-establishment of Parliament;
c) a regional or international organization of states establishes a legislature as one of its organs;
d) a constitutional change in a state results in the establishment of a Parliament or in a shift from a unicameral Parliament to a bicameral one thereby leading to the establishment of a second (or third) chamber.

The last of these is what transpired in the Kenya case.

Background:

5. In order to properly contextualize and locate this discussion I think it is necessary to give a brief background of Kenya's legislative history.

6. Situated on the eastern coast of Africa, Kenya lies astride the equator. It covers a total area of about 582,650 sq km (224,962 sq mi) which is about two and a half (2 ½) times the size of Great Britain or fourteen (14) times the size of Switzerland. Kenya is bounded on the North by Sudan and Ethiopia, on the East by Somalia, on the South East by the Indian Ocean, on the South by Tanzania, and on the West by Lake Victoria and Uganda. The population of Kenya is estimated to be 44 million people.

7. Kenya attained independence from Britain in 1963 and became a republic in 1964. The Independence Constitution established a bicameral legislature known as the National Assembly consisting of the House of Representatives (117) and the Senate (41). This legislature replaced the unicameral colonial legislature (the Legislative Council or Legco) which had existed in various forms since 1907.

8. Just three years after independence, in December of 1966, a constitutional amendment was passed dissolving the Senate and merging it with the House of Representatives to establish a unicameral "National Assembly". It was argued at the time, that the bicameral legislature duplicated and slowed down the legislative process at a time when the focus of the young nation was on accelerated growth and development. It was also felt that the bicameral Parliament created an unduly divisive political environment.

9. Kenya operated a unicameral legislature for the next 44 years until 2010 when on 4th August, 2010 by a referendum receiving, close to 70% affirmation, the county ushered in a new Constitution among whose key pillars was the re-establishment of a bicameral Parliament consisting of a 350 member National Assembly (up from 224) and a brand new 68 member Senate. The Constitution of Kenya, 2010 was promulgated and came into effect on 27th August, 2010.

10. The bicameral Parliament was to come into operation "upon the final announcement of all the results of the first elections for Parliament under the (new) Constitution." Section 9 of the Sixth Schedule to the Constitution provided that "the first

elections for the National Assembly... and the Senate shall be held at the same time, within sixty days after the dissolution of the [Tenth Parliament] at the end of its term."

11. The Tenth Parliament had first sat on 15th January, 2008 and though the foregoing provisions appear to be straightforward for the purposes of determining the date of the elections, they were to become the subject of much disputation and confusion; leading to delay in preparations for the new bicameral Parliament. Two contesting dates were put forward for the elections - August, 2012 and March, 2013 – a difference in time of about six months that was to prove to be very significant in terms of the state of preparedness for the 11th Parliament. On 4th March, 2013 the elections for both the National Assembly and the Senate were held. Under Article 126 (2) of the Constitution, Parliament is required to sit within thirty (30) days of its election. While the National Assembly was continued, a brand new Senate had therefore to be in place not later than 30 days from 4th March, 2013. Time was clearly not our side.

Prerequisites for a (new House of) Parliament:

12. So, what exactly does it take to establish a (House of) Parliament? When is a House of Parliament a House of Parliament? Are there basic minima that can be said to apply to all Parliaments? In no particular order, I think that the following, though by no means exhaustive, are critical prerequisites for the establishment of a House of Parliament. It will be interesting to hear what colleagues think about the relative importance of these in your Parliament-

a) Constitutional or legislative anchor.
b) A Speaker and Members.
c) A Clerk or Secretary General and a Secretariat.
d) Swearing-in or other formal assumption of office.
e) Standing Orders or Rules of Procedure.
f) Parliamentary buildings and offices.
g) Ceremonial paraphernalia.
h) Speaker's and Clerk's regalia.
i) Website.
j) Legislative business (!)

13. While some of the foregoing items are self-explanatory and require no elucidation, permit me to share with you the experiences we faced with the matters which follow –

Parliamentary secretariat:

14. All of you will readily agree that your most important resource is the secretariat you are privileged to head. The staff are the engine without which legislative business would at once grind to a halt. A secretariat must be in place before a new legislature first sits. This means that even though most legislatures approve or appoint the Clerk, there must be at least an interim Clerk even before the legislature is sworn and Speaker elected. In Kenya, the Clerk is appointed by the Parliamentary Service Commission – the constitutional body responsible for providing services and facilities to Parliament-

but must be approved by the relevant House of Parliament for the appointment to take effect.

15. When, as in our case the House whose approval of the Clerk is required is not in place; some interim arrangement must be made. Section 10 of the Sixth Schedule to the Constitution of Kenya, 2010 provides that:-

> "until the first Senate has been elected under this Constitution, the functions of the Senate shall be exercised by the National Assembly; and any functions or power that is required to be performed or exercised by both Houses, acting jointly or one after the other, shall be performed or exercised by the National Assembly".

16. With less than six months to the advent of the new bicameral Parliament, it transpired that all three of the top leadership of the parliamentary administration, including the Clerk and the Deputy Clerk were set to retire. Although this discussion is centred on the establishment of the Senate, it may be of interest to note that the recruitment of a Clerk for each House, their deputies, a Director-General for shared services and Directors for all the traditional departments of Parliament were all undertaken within six months of the sitting of the new Parliament.

17. Pursuant to section 10 of the Sixth Schedule to the Constitution of Kenya, 2010 aforesaid, upon the Parliamentary Service Commission recruiting a Clerk-Designate for the Senate in October, 2012, the National Assembly acting as the Senate approved the appointment. The Clerk-Designate was then charged with establishing a fully-fledged secretariat for the Senate within a period of four (4) months. This period was drastically reduced because despite the sharing of staff of the unicameral House (as it then was) into two distinct secretariats, the staffers designated as Senate staff had to continue serving the sole existing House until mid-January, 2013 leaving two (2) months to set up and prepare the Senate bureaucracy.

18. As is well known, the training of legislative staff is primarily experiential. Few formal educational institutions train individuals to serve in the array of roles that exist in legislatures. For this reason, Parliamentary exchange programmes, internships, study tours and attachments are popular and invaluable. The process of setting up a Secretariat for the new Senate was much assisted by the comparative experience and capacity building opportunities that we received from other Parliaments in the world, many of which are represented here. We owe a lot to the Parliaments of the United Kingdom, the USA, the Philippines, Rwanda, Belgium, Canada, South Africa, Zambia, Zimbabwe, Malawi, the East African Legislative Assembly, Australia, Nigeria, Germany, Ghana, Iran, India, Israel, South Korea, New Zealand among others who have opened their doors to the staff of the Parliament of Kenya over the years. We have in turn, of course, also hosted staff delegations from some of these and other countries. From these exchange and study programmes has resulted a highly beneficial mutual learning experience.

Rules of Procedure:

19. All legislatures have rules governing the conduct of their business. A new House of Parliament cannot conceivably be sworn and begin to transact business without these rules; known in most of the Commonwealth as "Standing Orders". This means that some rules at least must precede the existence of the House itself. Who should make these Rules? Pursuant to section 10 of the Sixth Schedule to the Constitution, it fell to the last National Assembly of the Tenth Parliament to draft and approve the new Standing orders that would govern the transaction of the business of both Houses of Parliament under the Constitution of Kenya 2010.

20. The desirability of one House in a bicameral legislature making its own rules of procedure and also those of the other House, (with which there ought to be mutual checks and balances) is a moot point. What alternatives could have been considered? Be that as it may, it is only when the new House is established and it begins to operate using the rules of procedure that it has been handed that the suitability and appropriateness of the rules comes to question. It therefore came as no surprise when only three months after the Senate was sworn in, the Rules and Business Committee began a review of the Standing Orders and proposed a raft of amendments for adoption by the Senate. On 27th February, 2014, these amendments to the Standing Orders were adopted by the Senate.

The Legislative Building:

21. Parliamentary Chambers around the world are housed in buildings associated with splendour, glamour, historic or antique architecture, iconic buildings. Think of the Palace of the Parliament of Romania, reputed to be one of the largest buildings in Europe and reputed to have held three records as the largest civilian administrative building in the world, the heaviest building in the world and the most expensive administrative building in the world, think of the Capitol Building, the home of the US Congress. What about the Palace of Westminster, housing the UK Houses of Parliament or the Hungarian "Orszaghaz" Building, by some accounts, also among the largest parliamentary buildings in the World. Think of your own parliamentary buildings.

22. What do parliamentary buildings have in common? What features are imperative? These are questions which must be asked when making a decision about the seat of a new House of Parliament. In the case of the Kenyan Senate, for a variety of circumstances, the choice of the chamber became a difficult one. The chamber of the independence Senate had been in use for a long time as an alternative chamber for the National Assembly or for use by the East African Legislative Assembly which sits rotationally in the partner states. It also served as the venue for parliamentary groups meetings, informal and in-camera meetings (Kamukunji) of the National Assembly to discuss in-house matters. It additionally served as a lecture hall for touring school parties and as a training chamber for clerks and other House staffers.

23. It happened that at the time of the election of the Senate, the old Chamber, adjacent to the National Assembly Chamber was closed for renovations which had overshot the projected completion date. Work on an alternative chamber was similarly

behind schedule and it would be many months before this too was ready. We had to urgently find a temporary abode for the Senate.

24. The factors which we considered when identifying a possible home for the Senate and which could inform such a choice in another jurisdiction, were-

a) significance and reputation of the appointed building;
b) ease of security arrangements at the premises;
c) availability of parking for senators and staff and the public;
d) suitability of the offices for Senators and staff;
e) availability of proximate office accommodation for senators and staff;
f) proximity of catering services;
g) accessibility of premises to the public;
h) ease or flexibility of lease or purchase arrangements; and
i) reasonable proximity to the other House of Parliament.

25. In the end we settled on the Kenyatta International Conference Centre (KICC); a convention centre owned by the Government of Kenya and managed by a state corporation. It was a semi-compulsory acquisition kind of arrangement because though we paid for occupation, other public service tenants housed at the building had to be required by the Government to move out on short notice.

26. We converted one of the conference rooms into the Senate Chamber. It was not a particularly popular chamber with our Senators, many of whom had just two months before served in the relative comfort of the refurbished National Assembly Chamber situated two blocks away. The "garage" as the Senators described it, was to be the abode of the Senate for the first eight months of its existence, before re-locating to the County Hall Chamber (the original home of the Senate in 1963) and finally to the Senate Chamber proper (in which it sat when it was dissolved in 1966) on 1st July, 2014. The Senate chamber now is, by most accounts, a modern parliamentary chamber which is a far cry from the 'garage'.

A ceremonial Mace:

27. Many colleagues will be familiar with a ceremonial mace; an ornamented staff made of metal or wood which is carried ahead of the Speaker as he or she comes into the Chamber and which is placed in a conspicuous place in the chamber, usually the table of the Chamber to signify the power and authority of either the Speaker or the Legislature itself or the sovereign of the country or of two or three of these.

28. Originally designed as practical weapons to protect some high official's person as well as symbolize their authority, today, it principally symbolizes authority. Many of your parliaments cannot proceed in session without the mace and serious sanctions are visited on members of the Legislature who remove, damage or otherwise disrespect the mace.

29. For some colleagues of course, you have no such symbol. The establishment of a new House provides an opportunity to decide whether or not there shall be a mace. We

had to make a decision whether to have a mace at all and if so, what type of mace and how to obtain it. Coming from a Commonwealth tradition, it was difficult to begin a discussion about the possibility of the Senate operating without a mace. How? How would a session of the Senate begin? What kind of procession would that be that has the Serjeant-at-Arms walking ahead with bare hands? How would the authority of the Senate be symbolized and felt? How would we move from the plenary to the Committee of the Whole- and back to plenary again?

30. When Kenya had turned unicameral, the Senate mace had become an extra destined for the parliamentary museum. About 35 years after we went unicameral, the East African Community had been re-established, with the East African Community Legislative Assembly as one of its organs and yes, a mace was required for this new Regional Assembly. The mace of the defunct Senate, imported from colonial Britain was donated to the Assembly. Asking for its return would occasion a diplomatic incident!

31. The process of procuring a new mace, from conceptualization and design to identification of a manufacturer through the public procurement law to its manufacture and delivery proved to be protracted and threatened to go well beyond the date of the first sitting of the Senate. It is difficult for colleagues without maces in their parliaments to believe the level of anxiety that set into my Board of Management when it became clear that a mace would not be procured and be ready in time.

32. Salvation came from a benchmarking visit to the Parliament of the Philippines and seeing in their museum the simplicity of the devices that have served as maces for the Senate over the years. It became clear to us that our wooden replica mace which was then in use for demonstrations to school parties visiting parliament and for training Serjeant-at-arms staffers on the handling of the mace – would, with some painting and touch up, serve us very well as the mace of the new Senate. Due to the sentiment and reverence for the mace among our Senators, many of whom had served for many years in the National Assembly there was a general understanding that our "dummy" mace was going to be a tightly kept secret among the staff.

33. It worked. The procurement of the real mace is still in the works; two years later, while the "dummy" mace continues to effectively 'stand in' for the mace. A big "thank you" to the Parliament of the Philippines – whose history on bicameralism, incidentally, is very much like our own!

Speaker's and Clerk's Regalia:

34. In many of the Parliaments represented here, the presiding officers and the staff who serve in the legislature don a uniform that sets them apart from Members of Parliament, other staff and the general public. The establishment of a new House provides an opportunity to determine whether any special regalia should be adopted or whether, as in some Parliaments no such special attire is in use.

35. The National Assembly in which all of the staff of the Senate had served had a uniform for the Speaker, both for ceremonial occasions and for every day chamber work. It also had uniforms for the Clerks at the table and the Serjeant-at-arms staffers. As with

the mace, a discussion on whether to adopt a uniform or not, the utility of adopting uniforms and the merits and demerits of that course of action, though an important one, was overshadowed by staff finding comfort in history and in the familiar over the unfamiliar.

36. There was probably also a view that the lack of special regalia would undermine the image of the new Senate by depriving it of the majesty, pomp and circumstance of the other House. So it was that barring a difference in colours; blue as the primary colour of the Senate and green as the colour of the National Assembly, the Senate adopted special regalia for the Speaker, the Clerks and the Serjeants.

Legislative business:

37. Naturally, Houses of Parliament exist to discharge the constitutional functions belonging to them under the Constitution of the country. These functions have conventionally been grouped into three broad categories; namely- legislation, representation and oversight. How soon can a new House get started with its business? When a new Parliament is elected in most of our jurisdictions, it must start on a clean slate because the business of its predecessor Parliament expires upon dissolution and holding of elections. But this is a technicality that may be overcome by re-publication of lapsed Bills or giving of fresh notice for Motions. The new membership of committees have the benefit of the records of their predecessors. They can pursue matters which their predecessors were unable to conclude before the dissolution of Parliament. The Committee staff are ready to induct the new Members and to point them to issues they may wish to deal with.

38. The situation is entirely different for a new Parliament or a new House of Parliament as was the case for the Kenyan Senate in March, 2013. Here was the first Senate for close to fifty years. There was no business carried over from 1966! There was no business carried over from the unicameral Tenth Parliament, all of which remained in the National Assembly. The Committees were all new as were their Secretariats. Matters were not assisted by the designation of the Senate (Article 96 of the Constitution) as the representative of the counties and the protector of the interests of counties and their governments, and the limitation of the Senate's legislative mandate to non-money Bills and Bills concerning county governments(Articles 109 and 110 of the Constitution).

39. Coupled with the foregoing was the departure of the Executive from the Legislature with Ministers of Government all being appointed from persons who are not legislators. The Majority and Minority Leaders were suddenly supposed to be the originators of the business of the Senate or, in the case of the Majority Leader, the navigator of the Government's proposed Bills and other business through Parliament.

40. The exact scope of the Senate's legislative mandate was not entirely clear and in these circumstances, the Government forwarded all its legislative proposals to the National Assembly. Although the Constitution (Article 110 (3)) requires the Speakers of both Houses to agree consult and agree on whether a Bill concerns counties and should therefore be considered by both Houses, colleagues from bicameral jurisdictions will

probably not be surprised that there was disagreement on virtually all Bills. Additionally, while the constitutional limitation on the role of the Senate is in respect of its law making role, some commentators argued that even the deliberative and oversight functions of the Senate should be interpreted as limited to matters concerning county governments.

41. In such a situation determining the business to be placed before the Senate began to prove to be a real challenge. The preparation of the Order Paper became something of a nightmare. A lot of legislative business is generated by parliamentary committees; but these need time to be inducted and to draw up and begin to implement programmes that will generate reports and legislative proposals to be considered in plenary. Bills need to be drafted. What business would occupy the Senate in the meantime? Motions alone?

42. Some relief came from the Supreme Court Advisory Opinion in Advisory Opinion Reference No.2 of 2013 wherein the Supreme Court advised that a Division of Revenue Bill was a Bill concerning counties. The Supreme Court further opined that the legislative mandate of the Senate was considerably broader than a plain reading of the Constitution would suggest. The Supreme Court stated...

> "The extent of the legislative role of the Senate can only be fully appreciated if the meaning of the phrase 'concerning counties' is examined. Article 110 of the Constitution defines bills concerning counties as being bills which contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule; bills which relate to the election of members of the county assembly or county executive; and bills referred to in Chapter Twelve as affecting finances of the county governments. This is a very broad definition which creates room for the Senate to participate in the passing of Bills in the exclusive functional areas of the national government, for as long as it can be shown that such bills have provisions affecting the functional areas of the county governments. For instance, it may be argued that although security and policing are national functions, how security and policing services are provided affects how county governments discharge their agricultural functions. As such, a bill on security and policing would be a bill concerning counties....With a good Speaker, the Senate should be able to find something that affects the functions of the counties in almost every bill that comes to Parliament, making it a bill that must be considered and passed by both Houses."

43. This Supreme Court decision, together with the Speaker's Ruling that while the legislative mandate of the Senate was limited, that limitation did not extend to its other mandates, served to significantly open up the business of the Senate but difficulties persist, as in many other bicameral jurisdictions The unequivocal demarcation of legislative mandates between the two Houses remains work in progress.

National and international recognition, public awareness:

44. A new legislature needs to be recognized as such, both nationally and internationally. Recognition should usually commence with the constitutive legal or constitutional instrument establishing the new legislature. But the case of the Kenyan

Senate would probably show that this may not be enough. Despite the promulgation of the 2010 Constitution after a resounding approval in a referendum, months after the Senate began its sittings, it emerged that its existence (!) and activities were largely unknown to a good part of the citizenry. Thus began a series of activities whose object was to promote public awareness about the Senate and its activities. A series of breakfasts with journalists and other media practitioners were held. Senators appeared in television talk shows on various subjects of topical interest and Senate Committees embarked on a series of county visits. The Speaker similarly appeared at many public events.

45. At the Secretariat level, we took every opportunity to participate in events that would show case the Senate. Of particular use were sports events. We assembled a Senate team for football and netball both which have now become quite renowned. We also set about on a series of activities traditionally associated with corporate social responsibility (CSR) in the corporate world. Additionally, we will shortly release the first issue of the Senate Monthly that we hope will become a must-read through-out the country.

46. Regionally and internationally, we wrote to other parliaments informing them of our establishment and seeking to work with them to enhance our mutual capacity and promote bilateral parliamentary relations. In this respect too, we acknowledge and thank colleagues from many parliaments represented here who opened and continue to open their doors to us to share experiences and learn from one another. We also of course made sure to inform international parliamentary organizations such as the Commonwealth Parliamentary Association (CPA) and the Inter-Parliamentary Union (IPU) of our new bicameral arrangement.

47. We cannot say we have entirely placed ourselves on the world map but I believe that the Senate of Kenya is now fairly well known and with forums such as this and other avenues, we are getting there.

State of the Senate and lessons learnt:

48. We have made progress. The Senate is now fully established and is operational as a House of Parliament.

49. From the experience we have undergone establishing and operationalizing the Senate of the Republic of Kenya, the following may be useful observations and lessons-

- bicameralism is hard work. Managing the relations between the two Houses of Parliament requires patience, tact, even perseverance, not only for Legislators, but also for the staff of Parliament;
- the establishment of a new legislature requires a significant amount of preparatory time that should be factored into any constitutional or law reform plans. In particular, there is need for heavy investment in building staff capacity;
- adequate investment needs to be put in the training and capacity building of legislators in general and more particularly, the pioneer legislators of a new House of Parliament;

- parliaments need to invest adequately in succession planning for institutional stability and continuity;
- the importance of learning from others and benchmarking with other jurisdictions cannot be over-emphasized;
- legislative staff must be willing to improvise in situations where resources are limited;
- history and precedent are good, but legislative staffers must be willing to have a measure of flexibility and open-mindedness in their approach to legislative work.

Conclusion:
50. It is now one year and a half since we established the Senate in Kenya and already there is some debate (again!) about whether we really need a Senate; a refrain with which all of you from bicameral legislatures will be familiar. But the Senate is a central pillar in the devolved governance system of our new constitutional dispensation. It is the defender and guarantor of county governments and their interests. Its scrapping requires a two-thirds majority vote in the National Assembly and the Senate and a majority concurrence in a referendum.

51. In these circumstances, it is probably safe to conclude that a Communication titled "Winding up a House of Parliament – the Kenyan Experience" is one which we do not expect will need to be presented at this august Conference in our lifetime.

Mr Marc BOSC, President, asked Mr NYEGENYE on what occasions it was necessary or appropriate to wear the regalia.

Mr NYEGENYE replied that the emblems and the wig had to be used when a presidential speech was made in front of one of the chambers, or when there was a state visit from another head of state. The robes were worn on a daily basis.

Ms Chloe MAWSON (United Kingdom) observed that there were many women in the photographs shown as part of the presentation. She asked if a conscious effort had been made to increase the number of women in responsible roles.

Mr NYEGENYE replied that it had been a deliberate act to give the role of deputy secretary general to a woman and that it was necessary to encourage men to apply for responsible positions.

Mr Emmanuel ANYIMADU (Ghana) asked whether there was any reluctance on the part of certain parliamentary staff members to take up roles in the new chamber.

Mr NYEGENYE replied that it had been a difficult decision for parliamentary staff. Nobody had been forced, and it had depended entirely on their appetite for taking up new challenges in difficult conditions.

Ms Chantal LA ROCHE (Trinidad and Tobago) asked what had been the public reaction to the creation of a new chamber. She also asked about the differences between the procedure of the two chambers.

Mr NYEGENYE replied that the public had been enthusiastic but had, the next day, demanded the abolition of the new Senate. The debate was still raging. The members of the lower House were against the existence of the Senate but it continued nevertheless. In terms of the procedure of the two chambers, they were comparable, except for the fact that:

- the Senate did not participate in debates about the budget;
- votes were often cast in blocks rather than individually.

Mr Horst RISSE (Germany) offered his congratulations for the ceremony and asked why it had been decided to insert the creation of the Senate into the constitution. He also asked how the Senators were elected.

Mr NYEGENYE replied that the desire had been to decentralise power by representing the regions. Each region had the same level of representation in the Senate, whatever its population. The Senate decided the division of funds between the regions. The Senate was composed of 68 Senators, representing 47 regions, there were 16 women, 2 youth representatives and 2 representatives of the disabled.

Mr Modibedi Eric PHINDELA (South Africa) asked if each chamber ha dits own budget, accounting system and financial rules. On the devolved power of the Senate, he asked if it had a scrutiny role over the work of Ministers. He asked about the regional voting system.

Mr Tom Wickham (United States of America) said that he was fasctinated by the sceptre. The lower House had edited the rules of the Senate. He wanted to know if the parliamentary staff who assisted in this work now worked for the Senate. He wanted to know if the two chambers shared any rules of procedure.

Dr Athanassios PAPAIOANNOU (Greece) remarked that countries with only a single chamber wanted to have a second, but those with two often wanted to get rid of one of them. Greece only had a single chamber but the MPs did not want to share their power, and of course there was the issue of budget. He asked what percentage of the total parliamentary budget had been allocated to the Senate.

Dr Jean Rony GILOT (Haiti) asked if the two chambers had the same legitimacy and, in terms of protocol, what status the President of the Senate was accorded.

Mr NYEGENYE said that, in response to the question from South Africa, the issue of whether to give the two chambers the same administration had caused considerable difficulty. The Senate had chosen to have its own administration. The Clerk of the Senate headed up the administration of both chambers in an attempt to equalise the power between the two.

In terms of protocol, the President of the National Assembly had a higher status, but the Clerk of the Senate was the head of both administrations to counterbalance this.

The Senate had the power to scrutinise Ministers, however, Ministers were accountable to the National Assembly which nominated them.

In response to Mr WICKHAM, he said that, yes, some of the Senate staff had been involved in drawing up the rules for the new Senate, but that they had not known at that point that they would be working there.

In response to Dr PAPAIOANNOU, he said that the debate had been incessant. In terms of financial considerations alone, it was very difficult to impute on part of the expenditure to one House or the other, but where it was possible to do so, the National Assembly had insisted on an allocation per parliamentarian, and this meant that the expenditure of the National Assmbly was five times that of the Senate in these areas. In general the National Assembly cost more.

In response to Dr GILOT, he said that Senators were elected and each represented between 20 and 30 members of the National Assembly. For that reason a Senator could claim an increased legitimacy, as he represented a greater number of electors.

Mr Mohammad RIAZ (Pakistan) asked if there were Joint Committees, because he felt that in general lower Houses did not like upper Houses to duplicate their work.

Mr NYEGENYE noted that there was a common procedure for the operation of committees. There were some instances of duplication but, where that occurred, the issues were treated differently: the Senate had 17 committees; and there were 2 or 3 Joint Committees (for the library, the parliamentary television channel, and for the equality of the two chambers and national cohesion).

Mr Marc BOSC, President, thanked Mr NYEGENYE for his communication and thanked members for the questions they had asked.

4. Election to the position of Vice President of the Association

Mr Marc BOSC, President, announced that the deadline for the receipt of nominations for the post of Vice President of the ASGP had been reached. He was therefore delighted to announce the election by acclamation of Mr Geert Jan A. HAMILTON of the Netherlands.

5. Communication by Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland: "The management of a multilingual Parliament: the Swiss example"

Mr Marc BOSC, President, invited Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland, to make his communication.

Mr Philippe SCHWAB (Switzerland) spoke as follows:

1. Switzerland's linguistic diversity

Switzerland is a nation of many languages. Plurilingualism is an integral part of Switzerland's identity and is a key element of the national culture. It is a result of the way in which the Confederation has developed historically.

The country was not created in a process of unification, but through an aggregation of states, known as cantons, which were originally sovereign but which became progressively bound to one another in a federal structure. To use the German term, Switzerland is a "Willensnation", in other words "a nation born of the desire to live together". In contrast to its immediate neighbours – France, Germany and Italy –, Switzerland does not derive its identity from a community of homogeneous origin with a common language and culture, but from the co-existence of several languages, cultures and religions.

Different peoples and languages, both Germanic and Latin in origin, were present on Switzerland's territory before the Middle Ages. The boundaries between the Alemanni and the Burgundians have remained remarkably stable over the centuries and up to the present day, generating "a difference in character and customs so marked as to appear to be two strains of civilisation".

Of the twenty-six cantons that make up Switzerland today, twenty-two have only one official language: in seventeen, this is German, in four it is French and in just one, Italian. Three cantons are bilingual in French and German and one canton is trilingual in Romansh, German and Italian. This demonstrates that the linguistic zones do not correspond to geographical or political regions. Nor are they determined by religious borders or economic factors.

At an institutional level, plurilingualism made a late arrival in the shape of the Federal Constitution of 1848. This enshrined German, French and Italian as the languages of the Confederation. Romansh was added to the list almost a century later, in 1938.

The country's linguistic diversity is established in the preamble and in various articles of the current Constitution, which dates from 1999. The preamble specifically reminds us that the Swiss People and cantons are "determined to live together with mutual consideration and respect for their diversity". Article 69 paragraph 3 calls on the Confederation to "take account of the cultural and linguistic diversity of the country".

More specifically, the Constitution makes a distinction between national languages and official languages: German, French, Italian and Romansh are Switzerland's national languages (Art. 4, Federal Constitution), but only the first three have the status of official languages at federal level (Art. 70 para. 1, Federal Constitution; Art. 5 para. 1, Languages Act); Romansh is an official language only in dealings with people who speak that language (i.e. a semi-official language). The three official languages are completely equal in status, even where they are spoken only by a minority.

The legislation also establishes the right of a citizen to address the federal authorities in any of the official languages and to receive a response in the language that they have used (Art. 6 paras. 1 and 2, Languages Act); however, this provision applies if they use only one of the three official languages.

Linguistic equality demands that every law enacted by parliament be published in each of the three official languages, and this simultaneously (Art. 10, Languages Act and Art. 14 para. 1 Publications Act). Texts of special importance and documents relating to popular votes and federal elections are also published in Romansh (Art. 11, Languages Act).

The legislation also imposes equal status on the linguistic versions of any legislative text: in the event of any contradiction among the three official languages, the three versions are equally binding (Art. 14 para. 1, Publications Act). Thus none of the three languages takes precedence over the others; in the event of any doubt, the case law holds that the version applies that corresponds most closely to the aim of the legislation or the intention of parliament.

Lastly, the Constitution also introduces a principle of linguistic territoriality, which grants each language its own region. The Constitution requires that the traditional boundaries of the linguistic regions be preserved and guarantees their homogeneity; it also calls for the protection of minority national languages in certain regions and the preservation of harmony between the linguistic communities.

In statistical terms, German is the language of a substantial majority of the Swiss population, while French is the largest minority language: around 65% of the population speak German as their first language, 23% speak French, 8% Italian and 0.5% Romansh. In addition, numerous foreign languages are spoken. It is interesting to note that the numbers of people speaking either English, Portuguese, Albanian, Serbo-Croat or Turkish are now greater than the number of people who speak Romansh.

2. Plurilingualism in parliament

Plurilingualism is reflected in the way that the Swiss parliament works (Sec. 2.1) and in its organisation (Sec. 2.2) and is seen throughout the legislative process (Sec. 2.3).
Currently, the two chambers of parliament have 175 German-speaking members (71%), 57 French-speaking members (23%), 11 Italian-speaking members (5%) and 3 Romansh-speaking members (1%), which roughly corresponds to the breakdown of the official language communities among the resident population. For the plurilingual cantons, there is no constitutional guarantee that they must have a member of parliament to represent each of their language communities: thus the bilingual canton of Bern is represented in the federal parliament only by German-speaking members.

2.1. Plurilingualism and parliamentary procedures

The four national languages have an equal status and equal rights as far as their use in parliamentary debates in the two chambers is concerned. This means that members can speak in the chambers and in the committees in the national language of their choice (Art. 8 para. 1 Languages Act). This rule also applies to the federal councillors (cabinet

ministers) when they speak. In view of the low numbers of Italian and Romansh-speaking members, the majority of debates are held in German and French; Italian is not often heard and speeches in Romansh are very rare indeed.

Generally speaking, members use the language of the constituency that has elected them. Usually this is their mother tongue, but not always. Indeed, some German-speakers represent French-speaking cantons and they speak in French when in parliament. Occasionally members are elected whose mother tongue is not a national language; a current example is a member who is originally from Slovakia, but who speaks German in parliament. Certain members are truly bilingual or even trilingual – though they are an increasingly rare breed – and switch from one language to the other depending on the audience and the subject being discussed. One Italian-speaking member of the Council of States is in the habit of saying that he speaks Italian in parliament when he is addressing his constituents, French when he wants everyone to listen to him and German when he wants everyone to understand.

In the National Council, debates are translated simultaneously into and from the three official languages (Art. 37 para. 2, National Council Standing Orders); translation into Romansh is only provided if requested beforehand. Verbal reports from the committees are usually presented in two languages, German and French or Italian (Art. 19 para. 1, National Council Standing Orders). Unless the matter in question is of major concern or particularly complex, the rapporteurs complement each other and do not repeat parts already dealt with in another language (Art. 19 para. 2, National Council Standing Orders). The Council President chairs the session in his or her mother tongue; important statements and points of order made verbally are translated directly into a second official language by an interpreter provided by the Council Bureau (Art. 37 para. 1, National Council Standing Orders). When allowing members to speak, the President ensures that each language and point of view is awarded a fair share of speaking time (Art. 41 para. 3, National Council Standing Orders).

In the Council of States, there are no express rules on the use of languages. In contrast to the National Council, the upper chamber does not offer simultaneous translation of its debates: members have rejected calls for interpreters on several occasions because citizens expect members of the Council of States to be able to understand the debates in at least one other national language. Documents are distributed in German and French, but the verbal committee reports are usually presented in one language.

The preparatory committees of both the National Council and the Council of States work to the same system. On the other hand, committee discussions are not translated simultaneously. Parliament has always refused to allow interpreters into the committee rooms, commonly citing reasons of costs and infrastructure. More recently, it has made it a matter of principle. In its response to a motion tabled in 2007 and signed by more than sixty members, the National Council Bureau stated that "Switzerland (was) born of a common will to share the same destiny: each federal parliamentarian has a clear duty to endeavour to understand the language, the culture, the attitudes of others, wherever they may come from. ... [This] assumes that the members are able to overcome linguistic

barriers in face-to-face discussions". The motion was dismissed without further ado and no member of parliament has shown any inclination to raise the question again.

In principle, all documents, reports and drafts of legislative acts dealt with by committees and in the plenary sessions are made available simultaneously in German, French and Italian (Art. 8 para. 2, Languages Act), either online or in printed form. Other documents are made available in at least two official languages, normally German and French (Art. 46 para. 3, Parliament Act); in exceptional cases, where a document is requested by a committee at short notice, or is particularly voluminous, it is not always provided simultaneously in two languages, and the translation may arrive a little later.

At committee presentations, visual aids are generally provided in a language other than that of the presenter, if this can reasonably be expected.

Members may submit their written proposals in the national language of their choice. Amendments to items discussed in the councils are translated immediately into German and French and circulated at the same time; other texts – motions, postulates, interpellations or parliamentary initiatives – are translated as and when possible into German, French and Italian, then circulated. The publications, parliament databases and navigation software are generally made available in at least two national languages (parliamentary sessions perspectives, etc.), though more commonly they are issued in three languages (Federal Assembly guides, memoranda for parliamentarians, notices and biographical portraits, press releases, etc.), or sometimes even in four languages (Official Bulletin, website, etc.). Certain documents, also intended for third parties, may also be produced in other languages (in particular English).

2.2. Plurilingualism and the organs of parliament

The national languages also influence the composition of the various organs of parliament. Thus the presiding college of the chambers must be composed in a way that takes appropriate account of the strength of the parliamentary groups and the official languages (Art. 6 para. 2, National Council Standing Orders): last year, the president of the National Council was a German speaker and her counterpart in the Council of States was an Italian speaker. This year, both presidents are German speakers; in all likelihood, the presidents of the National Council and the Council of States will be French-speaking next year. As a general rule, when one president is a German speaker, at least one of his or her vice-presidents is French-speaking and vice-versa.

The Parliament Act also requires the official languages to be taken into account in the composition of parliamentary committees and of their presiding colleges (Art. 43 para. 3, ParlA).

It is also interesting that until the 1960s, language determined where the parliamentarians sat in the National Council chamber: French-speaking and Italian-speaking members sat to the left of the President and the German speakers occupied the other seats. This tradition eventually gave way to a system of grouping members according to their political allegiances.

Linguistic criteria also apply to the election by parliament of the members of the Federal Council (the government). The Constitution requires the "language regions of the country [to be] equitably represented" in the government (Art. 175 para. 4, Federal Constitution), traditionally reserving two seats for representatives of the Latin-language minorities. However, the criterion of belonging to a specific linguistic community has never been precisely defined and sometimes there are problems of interpretation.

Finally, the allocation of positions according to linguistic criteria also applies in the Federal Administration in general, and in the Parliamentary Services in particular. The Federal Act on the Personnel of the Swiss Confederation calls for the national linguistic communities to be fairly represented within the Administration (Art. 4 para. 2 let. e, Federal Personnel Act). Currently, the parliamentary administration, when all positions are taken together, is 67% German-speaking, 25% French-speaking, 7% Italian-speaking and 1% Romansh-speaking. These figures are close to the demographic percentages found among the Swiss population and in parliament. In the senior management positions in the parliamentary administration, linguistic minorities are even slightly over-represented, without this being the result of a specific policy. Within the administration, each employee can communicate in the official language of their choice: conversations are often in a mix of several languages and dialects are frequently used in the parliamentary administration.

2.3. Plurilingualism and legislative procedures

As mentioned above, all legal texts must be adopted by a majority of both chambers and must be published at the same time in each of the three official languages. This requirement means that the legislative process must be organised so that the texts progress in parallel, but without delaying the final decision.

At the start of the parliamentary procedure, the government presents drafts to parliament in the three languages. At this stage, the drafts have already been the subject of intense preparations at departmental (ministerial) level, involving specialists on the subject matter and translator-linguists. At the preparatory committee stage, the German and French texts serve as the basis for parliamentary discussions. This also applies during the debates in plenary session: the chambers work with synoptic tables, which are constantly amended in German and French as the details of the individual articles are discussed. Proposals for amendments are given to the members in these two languages. At each stage in the parliamentary process, modifications are entered into the different language versions, which progress in parallel (the formal joint drafting process). The Italian texts are adapted and revised internally as the process goes back and forth, but do not form part of the discussions held in the Councils.

Once the drafts have been debated in the two chambers, the laws are checked one final time by the Parliamentary Drafting Committee. This committee decides on the definitive version of the three texts before they are put to a final vote in the two chambers. The drafting committee ensures that the texts are intelligible and concise. They also make sure that they conform to the will of the legislature and they check that the three official language versions accord with each other, making terminological, stylistic or syntactic modifications.

The Drafting Committee is a joint committee for both chambers. It comprises parliamentarians who are native German, French and Italian speakers, who meet in three sub-committees. These sub-committees are assisted by specialists from the Parliamentary Services and also call on the assistance of other experts from the Administration. In addition, they can consult with the rapporteurs from the committees that have examined the draft.

The Drafting Committee is not permitted to make fundamental changes. If it notices serious omissions, vagueness or contradictions, it notifies the presidents of the chambers. If, after the final vote, it is found that an act contains formal errors or that it is not in line with the results of the parliamentary debates, the Drafting Committee orders the required corrections to be made before the text is published in the Official Compilation of Federal Legislation. These modifications are indicated in the text. After an act is published in the Official Compilation, the Drafting Committee can only order the correction of obvious or trivial errors.

2.4 Digression: sessions outside Bern

The Swiss Parliament has its seat in Bern, the federal capital, which is located in the German-speaking part of Switzerland. Since the establishment of the modern federal state in 1848, parliament has convened three times outside Bern, on each occasion in a different linguistic region of the country: in 1993 in the French-speaking region (Geneva), in 2001 in the Italian-speaking region (Lugano) and in 2006 in the Romansh part (Flims). Although these three "extra-mural" sessions were primarily required because renovations were being made to the parliament building, the choice of organising them in other regions of the country was made with the aim of raising members' awareness of the realities of the minority linguistic communities. By meeting in each of the linguistic regions, parliament visibly demonstrated its commitment to the national languages.

3. A few considerations by way of conclusion

Parliamentary plurilingualism is an asset. It allows a range of parties to participate in the decision-making process, it legitimates the decisions of parliament, and it contributes actively to national cohesion. It is an undeniable bonus and balancing factor.

On the other hand, plurilingualism is a considerable challenge when it comes to the administration of parliament. It necessitates major investment in terms of staff, infrastructure and documentary resources. Managing a multilingual administration requires a great deal of effort at every level, and not simply in relation to interpreting and translating. Basically the entire administrative apparatus must be able to act – and react – in several languages. This involves the entire staff: from guides to security guards, from restaurant staff and administrative personnel to case officers, IT specialists and the Secretary General.

The Parliamentary Services staff have to have two separate skill sets: they have to be highly competent in their own specialist subjects (law, finance, IT, etc.), but must also have a good command of the national languages. To be clear, this does not mean

mastering several national languages to a level of perfect fluency, but being able to understand and be understood in other languages (functional plurilingualism). Every employee of the Parliamentary Services must be able to speak and write in a second official language. At management level, staff should have sound active knowledge of at least a second official language and a passive knowledge of a third official language (not counting English).

These requirements sometimes seriously complicate the recruitment process: a candidate may be an excellent lawyer or a brilliant computer specialist but lack the required language skills. Moreover, in recent years, the Swiss have tended to learn other foreign languages, primarily English, rather than another national language (especially Italian). This phenomenon is not confined to parliamentary staff; it affects a good number of parliamentarians, some of whom now even claim to use English as a lingua franca. This is why the Parliamentary Services also funds courses in language proficiency for members of parliament who request help.

The Swiss are happy to claim their place as one of Europe's multilingual countries. With an average of 2.0 languages, the adult Swiss population ranks third behind the people of Luxembourg (3.0) and the Dutch (2.2) [figures from 2008]. By comparison, the average in the European Union is around 1.1 languages.

Plurilingualism is also a burden in financial terms and when it comes to time management. Producing documents in several languages, checking translations, revising and harmonising texts are complex processes that require a large number of staff and a lot of time. However, a growing number of parliamentary tasks are matters of urgency. Due to a lack of funding or of time, it may be tempting to neglect the linguistic aspects and make do with one language only, that of the majority ...

However, plurilingualism acts as a guarantee for the quality of the legislative process. The collaboration between lawyers and linguists in several languages, along with the exchanges between parliamentarians, often makes legislative texts clearer. Comments made by translators frequently lead to improvements in the initial text. Each language conveys a culture and a world view that is not always easy to express in another language. Each language has its own spirit: Italian its musicality, German its authority and French its clarity. Was it not Charles V (1500-1558), the Holy Roman Emperor, who said that he spoke Italian with musicians, German with lackeys and French with ladies (as well as addressing God in Latin and his troops in Spanish)? Which means that plurilingualism requires us to find simple formulations that can easily be transposed into another language. This in turn requires us to "consider well the rules to be made and ensure that the words to say it come more easily". Although a degree of lyricism may indeed be lost, the text gains considerably in intelligibility, which is a plus for the citizen: it sometimes happens that the Italian version of a German text provides the answer in French to an apparently insoluble problem.

Finally, plurilingualism requires us to seek a delicate balance between the right of members to speak in their own language and to have the information that they require

on the one hand, and the need for effective and efficient parliamentary procedures on the other.

Finding that balance is not only a matter of resources and common sense, but above all of political will.

Mr Marc BOSC, President, noted that the Swiss case but the bilingualism of Canada in context. He opened the floor to questions.

Mr Manuel CAVERO (Spain) noted that, in his country, there were also certain linguistic difficulties and that it had been interesting for him to hear about the experiences of a multilingual country in which the languages were on an equal footing. Concerning the financial consequences of such plurilinguism, he wanted to know how much of the budget was dedicated to maintaining it. He also asked if the Swiss people was content to continue financing that system.

Mr Marc BOSC, President, remarked that finding parliamentary staff who could speak both languages of his country was very difficult. This was complicated further by the arrival in Canada of people with different native languages: seeking to represent them as well would be even more difficult. He asked how Switzerland dealt with this problem

Mr Victor YÉNÉ OSSOMBA (Cameroon) asked for greater clarity on Swiss financial dealings. He asked if the secrecy of Swiss banks posed a moral problem in the world.

Mr SCHWAB responded to Mr CAVERO GOMEZ by noting that cost was not an issue that was raised in Switzerland. The country was sufficiently wealthy to afford to give its cultural multilingualism full expression in its institutions. In the European Parliament the calculation had been made: a third of personnel were engaged in interpretation and translation, at a cost of 2.2 Euros per citizen per year. In Switzerland it was not an issue of translation: using three languages was a daily reality in the country. There were often referendums in Switzerland, but there had never been one on that subject.

He responded to the President by noting that 25% of the Swiss population was of foreign origin. There were many more people who spoke English, Portuguese, Albanian, Serbo-Croat and Turkish than who spoke Romansch. At the point of employment, multiculturalism was not taken into account because the first foreign language every person in Switzerland had to learn was another of the national languages. There was a debate about introducing English into the curriculum as a priority, but there was no consensus on this as yet.

He noted that the question posed by Mr OSSOMBA fell outwith the scope of his communication, but remarked that Switzerland had made considerable efforts to reform banking secrecy.

Mr Marc BOSC, President, thanked Mr Philippe SCHWAB for his communication and thanked members for the questions they had asked.

6. Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic, Portugal: "Parliamentary Terminology: creating a terminological and textual database at the Portugese Parliament"

Mr Marc BOSC, President, invited Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic, Portugal, to open the debate.

Mr José Manuel ARAÚJO (Portugal) spoke as follows:

Introduction
The Terminological and Textual Database of the Assembly of the Republic (BDTT-AR) is a multilingual linguistic resource offering Portuguese, English and French. It consists of a structured database that compiles the terminology in use within the Portuguese Parliament.

The database shows Portuguese terms and has equivalents in English and French, as well as definitions for the terms, and all the sources used are rigorously documented.

The terminological database is linked to a textual database that provides access to the texts from which the terminological information contained in the BDTT-AR was extracted. It is thus possible to check occurrence of the terms in one or several texts and see them in the various contexts in which they are used.

The BDTT-AR is the outcome of a multidisciplinary collaboration between the translation service of the Assembly of the Republic and the Linguistics Centre of the Universidade Nova de Lisboa (CLUNL).

1. Objectives
The initial purpose of the database was to meet the needs of the Portuguese Parliament's translators by creating a multilingual linguistic resource that would help to solve translation problems, and also to serve anyone who has to write texts in English and French.

Another goal emerged early in the project: the need to organise the body of parliamentary knowledge.

Linking the Parliament with university terminologists contributed to the scientific accuracy of the available data and helped to improve the coherence of the texts produced and made available by the Assembly of the Republic, which thus enhanced the accuracy of its discourse.

This project was accompanied by other internal measures in the area of translation:

- centralisation of translation requests in the Assembly translation service
- acquisition of a tool to aid translation
- creation of an application for translation requests on the Intranet
- harmonisation of terminology in English and French of several reference texts that contribute to the smooth functioning of Parliament, including the Constitution of the Portuguese Republic, the Rules of Procedure of the Assembly of the Republic, the Statute of Members, the Electoral Law, etc.

2. Target audience

The database users on the Intranet are the institution's translators, but anyone who needs to produce specialised texts in Portuguese, English or French can make use of this multilingual resource, such as MPs, jurists, writers and advisers.

Users who access the database on the Internet include: freelance translators, including those who work with the Assembly of the Republic (and, in fact, they are obliged to consult the database); students; teachers, and anyone else with a strong interest in the parliamentary domain.

3. Work structure

The collaboration between the two institutions was organised as follows: the University was responsible for developing work methods suited to the AR, designing the databases, providing support and scientific knowledge, and training working groups involved in the project.

The AR was charged with providing the logistical resources, creating the necessary working groups, applying the working methods and developing the database.

The project involved three major steps:
a) implementation;
b) development;
c) maintenance.

The first two stages included several steps that began by assessing the terminology needs of the AR.

a) Implementation

Meetings were held with the various services of the AR that produce any kind of parliamentary documentation to decide upon the relevant documents to work with, and how to carry out the work, as well as the most important specialised areas.

Having identified the needs of the AR in terms of terminology and knowledge organisation, the theoretical and methodological criteria were established that led to the design of the database by the CLUNL and its development by the Assembly of the Republic.

b) Development

This stage involved creating the terminological record with relevant terminological fields and the information they should contain, always keeping the users of the database in mind.

A working database was also developed for data entry. The interface for the database to be available for consultation on the Intranet and Internet was designed afterwards.

These databases were envisaged for the dissemination of the data as an immediate process, without any data migration. The data provided can be made visible and hidden under the criteria established by the AR and this result is immediately visible in the BDTT-AR, both on the Intranet and on the Internet.

The third step was the compilation of the corpus, i.e., the organisation of the texts deemed relevant for this project, which the AR had selected based on the initial meetings. The corpus initially consisted of eight texts and has been gradually supplemented with new texts as the project has progressed. Texts already included have been updated too (the corpus is composed of legislation and whenever it is revised new terms can be introduced) and this makes it possible to keep abreast of parliamentary terminology as it evolves over time. The BDTT-AR corpus currently consists of twelve texts and their updates, making a total of twenty texts.

This stage included the processing of the corpus and its computerisation, the creation of criteria for organising it, as well as criteria for the extraction of terms.

The corpus was then processed semi-automatically with a specific tool to enable the Terminology Group to identify and choose candidates for terms.

In addition to creating lists of candidate terms extracted from the corpus and preparing them for validation by the experts, the terminology process included the validation of the terms in Portuguese and the search for their equivalents in English and French.

The contribution of experts in this case was extremely important because it allowed the data to be validated, and only the terms validated by all the experts were made available on the Intranet and Internet. The validation was performed in close collaboration between the Terminology Group and the Group of Experts, both supported by the CLUNL.

It should be noted that the good cooperation established between the Group of Experts and the CLUNL was crucial to this stage of the project. The experts, who received specific training in this field from the CLUNL, diligently assumed the role of ‘validation agents’, helping to ensure the accuracy of the terms made available.

After the validation process, the Terminology Group then searched for the equivalents in English and French, based on the official translations of the above-mentioned reference texts provided by the AR.

c) Maintenance

Finally, the maintenance stage involved ensuring that the AR could work independently, since it would be responsible for managing the database, consulting the university terminologists whenever necessary.

At this stage, and in order to maintain the momentum of the BDTT-AR, it was decided to continue making the terms in the database available gradually.

4. Definitions

The availability of definitions in Portuguese was requested by the AR during the second stage of the project, which enriched the content provided by the BDTT-AR and broadened the database's target audience. This was no longer merely the institution's translator since it began to cover other professionals interested in the parliament and related issues, whether or not they worked in a foreign language, and even students.

This stage of the project had two main steps: reviewing the existing definitions and the wording of new definitions for the terms available. The Terminology Group was responsible for reviewing and editing the definitions, preparing them for subsequent validation by the Group of Experts.

In the process of reviewing definitions, the Terminology Group examined a list describing some of the terms most relevant for the Parliament. The definitions in this list were then revised/rewritten in accordance with the criteria established for the drafting of definitions for the BDTT-AR.

New definitions were drafted en bloc, i.e., starting by identifying and defining the generic term to distinguish the characteristics specific to each term. This approach ensured consistency in the wording of the definitions, thereby significantly enhancing their quality and accuracy.

The definitions, like the terms, were also subjected to validation by members of the Group of Experts. The experts were sent lists of definitions and these were discussed at weekly meetings attended by all the Group of Experts and some members of the Terminology Group and the CLUNL, who chaired the meeting.

After each definition had been discussed it was validated or amended in accordance with the suggestions of the experts. If no agreement was reached, the definition could be rewritten by the Terminology Group and submitted at the next meeting.

The validation meetings, which took place between December 2010 and July 2012, were highly productive and resulted in the definition of the terms regarded as most relevant.

The innovative character of this type of validation should be noted, because it managed to secure a meaningful dialogue between academic terminologists and parliamentary experts, with positive results for both institutions.

5. Working groups

Two working groups were created for the project at the AR, composed of parliamentary staff from different services and departments of the institution:

a) Terminology Group;
b) Group of Experts.

The Terminology Group was composed of translators, terminologists, documentalists and writers, and it was responsible for compiling the corpus, extracting the terminology from texts, drawing up lists of terms for validation, drafting definitions, etc.

The Group of Experts, composed mainly of jurists with extensive parliamentary experience and thorough knowledge of the legislative texts produced by or used at the Assembly, was responsible for the validation of the terms and definitions, i.e., of all the information available in the BDTT-AR on the Intranet and Internet. This group had an odd number of members in case a vote was needed with respect to the validation of terms and definitions.

As mentioned, both groups were composed solely of parliamentary staff, who received continuous training throughout the project from the CLUNL in the area of terminology, whenever necessary.

The groups were also supported by a terminologist from the CLUNL, who assisted the Terminology Group, and clarified the doubts of the Group of Experts.

6. Project implementation – availability on the Intranet and Internet

The first stage of this project ran from 1 April 2005 to 1 April 2007; the second ran from 7 September 2009 to 7 September 2012.

The terminology database was made available on the Intranet on 12 June 2006, with 400 terms and their equivalents in English and French. The same database was made available on the Internet in November 2007.

January 2010 saw the development of textual database, which was made available on the Intranet in February 2011 and on the Internet in September of the same year.

We currently have about 1500 terms available on the Internet from a total of about 3500 terms entered into the working database.

As we took terms from the corpus we realised that parliamentary terminology was very repetitive, hence the relatively small number of available terms. In addition, the difficulty of establishing the limits of "parliamentary terminology" meant that the experts rejected the terminology taken from the selected corpus that was not directly related to the functioning of parliament.

7. Services provided

The BDTT-AR is a multilingual resource consisting of a terminological database and a textual database.

The terminological database is based on the Portuguese context and provides equivalents in English and French that relate to that context. Each terminological record contains information relating to the parliamentary term, such as the grammatical category, definition, acronym, equivalents and the respective contexts.

With respect to terminology, the database allows a simple search by term or by the beginning of the term, as well as an advanced search for truncated terms, acronyms, equivalents, or even terms contained in a definition. The terminological record provides linguistic information such as grammatical category and the acronym, which may sometimes be used more often in Parliament than the term itself. There is also a 'Phraseology' field that includes, for example, verbs most often used with the particular term.

In addition to the English and French equivalents, the record also provides contexts for these equivalents, derived from official translations of texts in Portuguese entered in the textual database.

The textual database contains all the texts that constitute the corpus from which the terms in the terminological database were extracted, showing the terms in a wider context, as well as the number of occurrences of the term, the kind of occurrence in the text, etc.

A search of the textual database will give the full, reduced or truncated terms in one or more texts, since it is possible to choose the text or texts, according to the desired search.

These two databases are inter-connected, which allows navigation from one to the other, depending on the specific interests of each user, i.e., users can start from the term and access the text or start from the text and access the term.

Also provided are the sources, which are extremely important. All data found in the BDTT-AR are accompanied by their documentary sources, i.e., the source from which the information was extracted or which was used to check it. Thus, in addition to ensuring the occurrence of terms in context, users themselves can consult the sources used if further information about a particular term is required.

8. Conclusion

This database was designed keeping in mind the requirements needed to ensure the quality of the content, which is systematically validated by the various working groups that include linguists, terminologists, translators, documentalists, jurists and other experts from various parliamentary areas.

Internally, the BDTT-AR brings together an extensive range of parliamentary and legal information in Portuguese. From the point of view of translation, the database means greater certainty in the choice and justification of the terms used and, from the point of view of text production, it offers greater consistency in spoken and/or written pieces.

Externally, through this database, the AR demonstrates a concern for the proper dissemination of information on terminology and shows the integrity and control of the accuracy of its discourse; the BDTT-AR may also play the role of a reference database in the parliamentary area within Portugal's Public Administration itself.

The BDTT-AR is also quite important with regard to the international activity of the AR, because it contributes to its active participation with speeches and written texts in various conferences and/or meetings.

The BDTT-AR is a dynamic database, whose content is constantly updated.

Mr Marc BOSC, President, thanked Mr ARAÚJO and opened the floor to questions.

Ms Claressa SURTEES (Australia) remarked that there really was a need for a translation of terms. She asked if the users and their interests had been identified.

Mr ARAÚJO indicated that MPs, judges, academics and researchers used the database but that the principal users were linguists and literary students.

Mr Marc BOSC, President, asked if the database was accessible to everyone, including journalists.

Mr ARAÚJO replied that the database was completely accessible and open. ASGP colleagues could tell their services at home of the existence of the database.

Mr Carlos GUTIÉRREZ VICÉN (Spain) congratulated the speaker on the project and noted that it might be the cause of an improvement in everyone's working methods. He asked if they used a system to check the translation of terms before improving upon them.

Mr ARAÚJO indicated that everyone thought of Google translate but that the Portuguese arm of the European Commission had brought into service a database that enabled the translation of archives up to 30 years old.

Mr Marc BOSC, President, thanked Mr ARAÚJO for his communication and thanked members for the questions they had asked.

7. Concluding remarks

Mr Marc BOSC, President, reminded members that the deadline for the single post of ordinary member of the Executive Committee would fall at 11.30 am on the next day.

As two candidacies had already been received, there would be an election at 4 pm the next day.

He closed the sitting.

The sitting ended at 5.15 pm.

FIFTH SITTING

Wednesday 15 October 2014 (morning)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 10.30 am

1. Introductory remarks

Mr Marc BOSC, President, reminded members of the deadline for the nomination of candidates for the post of ordinary member of the Executive Committee.

Mr José Manuel ARAÚJO noted that he had intended to put forward his candidacy but that, because the ASGP was a consensual organisation, he had decided instead to support the candidacy of Mr Najib EL KHADI from Morocco, who would increase francophone representation.

Mr Marc BOSC, President, said that if an election had to be held, it would take place at 4pm on that day.

He read out a message from Mr Geert Jan A. HAMILTON, who was in the Hague, thanking them for his election by acclamation to the position of Vice-President of the Association and said that he looked forward to working with the new President, Doris MWINGA.

2. Orders of the day

Mr Marc BOSC, President, read the proposed orders of the day, which had not changed since the previous day.

The orders of the day were agreed to.

Mr Marc BOSC, President, asked members to approach the secretariat with any suggestions for the agenda for the conference in Hanoi, bearing in mind that there was less time available for agenda items than in previous years.

3. New Member(s)

Mr Marc BOSC, President, said that the secretariat had received requests for membership which had been put before the Executive Committee and agreed to, as follows:

Mr. Dragoljub RELJIC	Secretary General of the National Assembly of Bosnia Herzegovina
Mr. José Carlos RODRIGUES DA FONSECA	*Secretary General of the National Assembly of Guinea Bissau*

The new members were agreed to.

Theme: Parliament and the media

4. Communication by Dr. Athanassios PAPAIOANNOU, Secretary General of the Hellenic Parliament: "The reaction of the media to parliamentary transparency"

Mr Marc BOSC, President, invited Dr Athanassios PAPAIOANNOU, Secretary General of the Hellenic Parliament, to make his communication.

Dr Athanassios PAPAIOANNOU (Greece) spoke as follows:

Dear Colleagues,

"Parliamentary Transparency" of the Hellenic Parliament is a program which introduces for the first time in the parliamentary practice the obligation to upload all decisions of the Speaker and the Secretary General of the Parliament, with the exception of decisions that contain sensitive personal data.

This innovative program has become since January 1st, 2014 the key tool to make the Parliament's actions susceptible to the citizens' control.

Not unexpectedly, this program has provided new material for the media to criticize the financial affairs of the parliament, to make an issue about the MPs' expenses, the parliamentary employees' status and thus even worsen the image of Parliament to the people.

In my presentation, I intend to share with you this experience and my thoughts about the advantages and the disadvantages of this system as it has worked so far.

First however, I need to give you a brief background information about our decision to establish this system, then I will present to you the system itself and some useful statistics. At the end, I will present to you some characteristic headlines from newspapers and I will make an overall evaluation of the system and its effects.

a. Background information
In the last five years, i.e. since the economic crisis broke out, one of the main characteristics of this period has been the acute criticism against the Parliament by the media and the public opinion. Dissatisfaction with political parties always existed but

this was targeted against the government –whatever it was- and it indirectly favored the opposition. In the last years however, criticism is against all the parties, all "politicians", against Parliament as a whole. People believed that the political system was too costly, that the Members of Parliament only took care of their own interests and that there were many things going on which were hidden from the public eyes.

Our Parliament reacted in two ways. The first was to gradually reduce its budget, the MPs' remunerations and the employees' salaries as well its operational costs. Since 2009 the total budget has been reduced by almost 40%. This reduction has not been made only for financial reasons – after all the parliamentary budget is just 0,3% of the total budget- but for political reasons. The people had to see that the parliament shares the sacrifices made by the people.

But to a public opinion which believes that there are things hidden from it, reduction would not enough. Transparency was necessary if people were to trust again their political institutions. And this is what we did. After some initial piecemeal steps –e.g. since 2011 all donations to NGOs are published, since 2012 all financial data of each MPs are published in the Internet- the big step was made as of 1.1.2014: all decisions issued by the Speaker of the House and the Secretary General as well as some other officials are published in a special internet page of the Parliament, the so called "Parliamentary Transparency", that we will see briefly now.

b. The transparency webpage
This is the home page of the official web site of the Hellenic Parliament. In this page, at the left, figures the "Parliamentary Transparency" in a way that facilitates the user to find it and open it. (Power-point presentation follows)

This slide shows the home page of the "Parliamentary Transparency". At the left side, there is a summary information about "Parliamentary Transparency", which gives some basic information to the new users of the system. Also, at the end, there is an invitation to the public to submit suggestions for the better operation of the system.

At the right side, there is the first simple search for downloading the documents: each document is digitally signed and assigned a unique Internet Uploading Number (IUN) certifying that the decision has been uploaded at the "Parliamentary Transparency".
So, in the search machine, first of all, figures this number.

Then, we have search by subject category. The categories are enumerated by the Parliament's Standing Orders themselves, e.g.: circulars for the application of laws, the Parliamentary budget, decisions for the creation of committees and working groups, decisions for the remuneration of the members of the committees, Public Procurements for public works, decisions for the hiring, firing, retirement and promotion of employees, donations to NGOs, etc.

Then, each category includes several sub-categories. For example, the category for the creation of committees contains the following sub-categories: Creation of Standing

Committees; Creation of Special Standing Committees; Creation of Special Permanent Committees; Creation of Investigation Committees etc.

Apart from the content of the decisions, we also have other search criteria, such as: the date of the uploading, key words, the registration number of the document, the signing person (e.g: the Speaker of the House, the Secretary General, the President of the Scientific Council and other high ranking officials) etc.

And here is a decision which appears following the search. As you see, at the upper right side of each document, appears the phrase "must be uploaded to parliamentary transparency" and also the unique Internet Uploading Number (IUN). The phrase "must be uploaded etc." is necessary so that the IT employee who runs the system has no doubt about whether the document should be uploaded in the internet.

c. Basic statistical data

Now, I would like to present you some basic statistical data:
First of all, we have a total of 866 documents published until the middle of September.
So, we'll see data concerning the distribution of these documents according to the signing person: 237 published decisions signed by - the Speaker of the House, 500 signed by the Secretary General, 44 by the President of the Scientific Council - the Scientific Council issues opinions on the constitutionality of the draft laws which are discussed to the Parliament, 60 by the Director of the European Programs Implementation Service etc.

In other words, the "pie" of documents is composed as following: 58% - the Secretary General; 27% - the Speaker of the House; The other 15% is signed by other persons, each one ranging from 1% - 7%.

Now, we'll see data concerning the distribution of documents according to the subject category. As we can see, most of the documents concern public procurements (261 documents) and parliamentary missions abroad (242 documents).

And last, but not least we can see the data concerning the most frequently downloaded documents. These documents concern:

- The number of the personnel of the Hellenic Parliament
- The number of the scientific advisors of the MPs
- The decision for the creation of the working group responsible for the "Parliamentary Transparency".
- The Activity Report of 2013 of the Parliamentary Budget Office

Reading the above statistics, a reasonable person would wonder why the activity report of the Parliamentary Budget Office was downloaded less frequently than the e.g. the number of the Parliament's employees. The answer is simple: more users are interested in whether the Parliament has too many employees and the MPs have too many scientific advisors than to find information about the condition of the economy. But I will come back to this later on.

d. Media's response
I said from the beginning that we expected that the media –printed, internet and TV- would find exciting material in the decisions which would be published in the Transparency System and this was a cost which we were willing to undertake. I have to admit however that the media response exceeded our worse nightmares.

I will give you a few examples of the articles which appeared in the media. Keep in mind that the articles I will present appeared mainly in newspapers. I can assure you that the comments made in the internet were much worse and the reports in the TV were much more tantalizing as they were accompanied by videos.

Let's see some samples of the media articles, comments and, mainly, headlines (see slides).

d. Overall evaluation
I am sure that we all, as Secretaries General, have enough experience so that I don't to go into details to explain and convince you that such headlines are, at best, exaggerating, and misleading and, some of them, written in bad faith.

The question now arises whether we, in the Greek Parliament, have second thoughts about the project of Parliamentary Transparency given the above described negative media coverage. I have to tell you that some high officials and MPs o have second thoughts about the project. They claim that the publication of all these decisions feeds populism and make the people "see the tree and not the forest".

I don't share these second thoughts, and –fortunately for me- neither the Speaker of the House shares these reservations.

Parliamentary Transparency "has come to stay" for several reasons:

a. Transparency is a universal demand which has deep political roots: in a democracy the people is the ultimate judge of the actions of the public officials. Only if it has all the data available it may judge in an informed way.

b. If the people are not convinced that they have all the information, they will tend to think that many things are taking place behind their backs that are not true but still nobody will believe a system which is not transparent. For example, it is better for the people to know exactly where the money are spent than to let their imagination loose and be vulnerable to the distortions of the populists or the extremists.

c. The prospect that the decisions will be published through the internet make the decision makers more conservative in spending public money. To make it more precise, it provides us, as Secretaries General, more power to argue against expenses that either the MPs or the rank and file officials of our Parliaments propose to make.

d. With the passing of time, the people will be more accustomed to the publication of the decisions and they will be "fed up" with the headlines about such issues. The less people will be impressed, the less the media will cover the issues. In fact, it seems that the avalanche of publication which followed the initiation of the Transparency website in the first months of 2014 has subsided to some extent although I will never be sure about that.

Concluding, democracy in the long term has nothing to lose from transparency; it can only gain.

Mr Marc BOSC, President, thanked the speaker and observed that the situation had analogies in other member Parliaments.

Dr Hafnaoui AMRANI (Algeria) asked about the universality of transparency. Were all decisions of the bureau published, including sensitive ones, or were some kept confidential?

He noted that the media tended to seek out confidential information, particularly on the private discussions of parliamentarians held in corridors. He asked if suggestions had been made to improve the decisions taken by the Bureau. He asked if all decisions taken in relation to the markets were published, or only the results.

He suggested that, with time, the criticisms would become fewer and that this would be a good thing.

Dr PAPAIOANNOU replied that all the decisions of the President and Secretary General were published except in relation to expenditure of less than 3,000 Euros and difficult decisions in relation to personnel (only promotions and new appointments were published). There had been few suggestions to improve the system. The public did not submit many suggestions but, after a year, any such suggestions were published.

Mr Najib EL KHADI (Morocco) said that he would play Devil's advocate by asking if the actual result of the decision to be more transparent would not be a negative one as far as the image of Parliament was concerned. Sometimes mass media was looking only for a scandal.

Dr PAPAIOANNOU replied that it was difficult to know what the best solution would be. The criteria were necessarily subjective. The system suffered from exaggerated criticisms, but it was best system for the citizens. In time, citizens would be able to tell the difference for themselves.

Mr José Manuel ARAÚJO (Portugal) noted that transparency was vital for Parliaments. He asked if there was a system to prevent and respond to journalistic attacks.

Dr PAPAIOANNOU said that there was a communications service, but that, although it did respond, it did not take action. Between 5 and 10 decisions were published each day without any indication about which of them would generate media interest. Travel expenses were usually picked up on. Any rebuttals unit would have to be staffed and this would be difficult to justify in times of budgetary hardship.

Mrs Doris Katai Katebe MWINGA (Zambia) said that she was astonished by the level of detail published by the Parliament. She asked if all administrative questions were published in this way. She also asked if there was any way of correcting incorrectly published information such as inaccurate statistics.

Dr PAPAIOANNOU indicated that his trip to participate in the ASGP had not been disclosed but that all other trips, in general, were published. Inaccurate information was contradicted but it was difficult to make use of defamation law because judgements were not reached until years later.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that the reactions of the media could at best be mitigated. In Indonesia, reforms were underway to disclose the contents of meetings and publish details of the private lives of Members. She asked whether a parliamentary television channel could be a counterfoil to negative publicity.

Dr PAPAIOANNOU replied that a parliamentary television channel could contribute to the positive information about Parliament provided to the public. However, it was not there to protect the reputation of Parliament against the media. It was a question of ethics, and it was essential that the channel remained neutral.

Mr Oscar G. YABES (Philippines) asked for confirmation that the Secretary General had agreed the decision taken about the website, and asked whether the consent of parliamentarians had been sought. The ordinary citizen rarely contacted their elected representative, but, if they were able to do so, in the Philipinnes there would be an excess of critical and badly informed contributions.

Dr PAPAIOANNOU responded that the decision on the website had been taken between the President and the Secretary General. However, if the President hadn't taken the initiative, nobody else would have done so. Responding to criticisms made by individual users was one thing, but responding to the media was more difficult. In general, once a member of the public received a response, that was the end of the matter.

Mr Marc BOSC, President, asked about the impact of transparency on the behaviour of Members. In Canada, it was believed that transparency initiatives had improved behaviour.

Dr PAPAIOANNOU replied that one of the advantages of the system was the reduction in Member expenses. Now Secretaries General had a weapon in their armory to achieve this.

Mr Emmanuel ANYIMADU (Ghana) observed that sometimes civil servants leaked information. He asked what would be done in such a case.

Dr PAPAIOANNOU said that before the initiative had been introduced, there had been numerous leaks. For reasons of personal security, no details could be published before Members went on a trip.

Mr Modibedi Eric PHINDELA (South Africa) asked what contact was made with journalists. He also asked whether there was a press office within Parliament. Whatever happened, the media was only interested in sensational headlines.

Dr PAPAIOANNOU answered that the President had a press officer and that daily contact was made with journalist. There were also offices dedicated to press relations. Journalists were aggressive in Greece.

Mr Yambandjoï KANSONGUE (Togo) said that without a team in the heart of Parliament ready to rebut inaccurate stories. Otherwise the situation was dangerous for the public, which had, after all, elected their parliamentarians.

Dr PAPAIOANNOU said that he agreed entirely that a permanent team was needed to respond to criticisms. His personal opinion was that a communications strategy was of the utmost importance.

Mr Marc BOSC, President, thanked Dr PAPAIOANNOU for his communication and thanked members for the questions they had asked.

5. General debate: Why have a parliamentary television channel?

Mr Marc BOSC, President, invited Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, Morocco, to open the debate.

Mr Najib EL KHADI (Morocco) spoke as follows:

Ladies and gentlemen,

It is quite legitimate to raise today the question of the need for a parliamentary channel in full context of political, economic, social and technological changes.

Dedicate a TV channel for the promotion of parliamentary activities was considered for many years as a necessary means to improve the image of parliaments, attract the interest of people to public matters and encourage them to become more involved in the politics.

However, it was found that there is still a negative perception of parliaments by its citizens ("antiparliamentarism") and that the turnout in elections and political consultations are continually falling, even in the most developed countries.

In some countries, the parliamentary channel is being challenged for its sizable cost especially during periods of crisis and budget cuts.

The spectacular advances in information technology and communication and the expansion of social networks have significantly changed the habits of our citizens and continue to impact our lives and our values.

Youth in particular, are increasingly using the Internet as a means of information and entertainment at the expense of traditional media such as television. The video broadcasting on the Internet and sites such as You Tube replace increasingly on television. Some parliaments have decided to use only Internet video broadcasting channel as parliamentary work.

From the choice of having a television station dedicated to parliament and a video channel on the Internet, other options can be considered.

In this regard, parliaments use spaces in existing public TV channels to broadcast a few plenary sessions or spread special programs devoted to parliamentary work.
For this purpose it is appropriate to quote that beyond a parliamentary channel, other means of communication are used in parliaments such as "parliamentary radio", "open days", "mobile Parliaments", partnership programs with other institutions and ministerial bodies. Whence the question about the place of parliamentary channel over these means of communication, and if they are complementary or can be substituted one for the other?

So, it would be interesting, in this debate, to share views with parliaments that have already had the experience of a parliamentary channel, and to reflect on the upfront cost, justification of the operating costs in the current context, as well as the balance sheet and the results to date, taking into account the indicators of the rate of hearing of a parliamentary channel compared to other TV stations.

Moreover, and beyond the question of the usefulness of the parliamentary channel, other issues calls for our thinking, especially those concerning its mission, role, governance, status and even its positioning compared to other TV channels.

Does the parliamentary TV have a role to inform, to communicate about parliament or to participate in educating people about citizenship and democracy? What is the relationship that parliamentary channel should have with the various partners and

institutions? And what type of governance attribute to it? Will it be independent or dependent of Parliament?

Our discussion today is very important, as it allows us to ask the right questions, to stimulate reflection and use this meeting to share our experiences in this area.

We are led to continue our reflection on this timely topic and innovate in the use of approaches and means to our parliaments for more openness, accessibility and transparency.

Finally, we are always seeking ways of reconciling voters and elected officials, citizens and institutions and this since the birth of democracy in AGORAS Greeks to the present, knowing that the fight against the negative perception of citizens in relation to political institutions is an ongoing process, and certainly not limited to technical approaches.

Thank you

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

Mr Ali AFRASHTEH (Iran) spoke as follows:

Dear audience, Excellencies, Today, it is a pleasure for me to make some points about the necessity of establishing and promoting Parliamentary TV Network. Parliaments are one of the symbols of democratic systems. Establishing and improving audio-visual media, written media such as the press and parliamentary newsletters along with parliamentary websites are the most important media tools for parliaments.

The media are turning toward specialization regarding the developments in the role of parliaments in domestic arena and international affairs and the complexity of different sciences and technologies. The establishment of special sports and entertainment channels is an example. Therefore, one of the parliamentary needs in communication section is the advocacy of MPs to establish parliamentary TV Network.

Honorable parliamentary secretary generals, In Islamic Republic of Iran, special attention is attached to the media communications and raising public awareness. So, our constitution also pays close attention to the media coverage of the plenary sessions of the parliament. For example, in article 69 of our constitution it is stipulated that parliament discussions should be open and their full reports should be released through state radio and newspaper to keep the public informed. Closed door sessions will be held in special cases and due to security reasons at the request of the president, ministers or ten members of the parliament.

Establishing parliamentary TV Networks enhances the public oversight over the activities of the MPs and administrative services of the parliamentary secretary generals. Establishing parliamentary TV Network is beneficial at both domestic and foreign levels.

Therefore, I would like to put my speech over the necessity of establishing parliamentary TV Networks into domestic and foreign levels.

A) The necessity of establishing Parliamentary TV Network in domestic arena
Dear audience, The most important reasons for establishing Parliamentary TV Network in domestic arena are as follow:

Increasing the social capital of the parliament
One of the strategies of the MPs to enhance public trust in parliament is to establish and define communication channels with people that increase social capital of the sovereignty. The lawmaker needs various tools to safeguard social capitals. Media are the most important communication channels in the age of rapid development of information technology and communications. Therefore, strengthening pubic support is the most important advantage of integrated management of parliamentary media by secretary generals. On the other hand, Parliamentary TV Network functions as a two-way road and transfers the major concerns and ideas of the public to the MPs.

Improving popular support of parliamentary approvals
People know about the activities of the MPs and the law-making process through the media. This enhances the strategic depth of the public support of the parliamentary approvals. Public informing and reflecting the reasons of pros and cons of bills and motions lead to final approval of a bill or motion with more public support.

Enhancing public participation and making parliamentary elections more competitive
The Media are the driving force of the conscious public participation in parliamentary elections that results in competitive parliamentary campaigns. The media enhance the public awareness of the society with regard to the parliamentary services and responsibilities. The media, from one point of view, reflect the weak points and deficiencies of MPs through reflecting their stances and law-making abilities. This can lead to more parliamentary campaigns.

Formation of the required communication channels to use the potentials of NGOs.
Parliamentary media are one of the required channels to keep in touch with the NGOs and prepare the ground for the outlooks and idea of the elites. This lets the MPs make optimum use of the high potentials of scientific and knowledge-based associations.

Specialized awareness-raising of the public in the process of examining bills and motions
Parliamentary TV Networks provide the beneficiaries and those interested in the related issues with motions and bills discussion sessions.

B) The reasons for the importance of establishing parliamentary TV Network in inter-parliamentary arena

Dear audience, Honorable parliamentary secretary generals, The above-mentioned issues concentrated more on the importance of establishing parliamentary Network in domestic section. The media play a crucial role in developing parliamentary public

diplomacy with regard to the new international relations. Lawmakers have to take practical steps to publicize parliamentary services in order to strengthen parliamentary public diplomacy and this can be done through collaborating with administrative service officials of other parliaments.

The systematic cooperation of parliamentary secretary generals in media enhances the parliamentary media diplomacy. The media make it easy to exchange administrative experience and parliamentary service and act as a bridge between lawmaking parliaments or parliaments and the public. The media help the lawmakers be aware of the parliamentary services of other countries through expediting the process of information flow. This can be an outset to form a media information bank. On the other hand, cooperation between parliamentary TV Network prevents trial and error methods in managing the parliamentary administrative services.

Dear audience and honorable parliamentary secretary generals, The parliamentary audio-visual media will, in medium run, have a positive feedback in promoting the administrative system, lawmaking and parliamentary monitoring through the constant exchange of theoretical and experimental knowledge of the parliaments in the realm of lawmaking.

Improving the parliamentary TV channels, defining a planned framework for these channels and adopting measures for mutual cooperation of parliamentary TV Networks enhance the consulting ability of parliamentary secretary general associations for inter-parliamentary union.

In the end, it is possible to say that the parliamentary secretary generals' support of the parliamentary TV Networks and determining a certain source to exchange experiences can, at domestic level, help form a sustainable relation between lawmakers and the public and, at inter-parliamentary level, improve the parliamentary public diplomacy in international relations arena.

Thank you.

Dr Hafnaoui AMRANI (Algeria) said that Mr EL KHADI had asked some interesting questions. Many countries would want such a television channel. For example, he himself had made contact with the French Parliament to seek advice on the installation of such a channel but Mrs PONCEAU, Secretary General of the Senate had dissaded him on the basis of cost and the difficulties posed by bicamaralism. In Algeria certain debates (oral questions, Government statements and finance bills) were broadcast on the public channel. In the end the project had foundered because the Executive had wanted complete control.

On the issue of independence versus dependence, he felt that it was indispensable for a parliamentary channel to be able to rely on a wide range of funding sources. He asked if it would be possible to conduct a survey within the ASGP on the costs and outcomes of parliamentary television channels within member countries.

Mr Md Ashraful MOQBUL (Bangladesh) said that his country had a parliamentary television channel but that the media had asked for there to be advertising and leisure programmes on the channel. He was not convinced that this would be a good idea, but wondered if universities could put out programmes, paying Parliament in order to do so.

Mr Modrikpe Patrice MADJUBOLE (Democratic Republic of the Congo) said that he had prepared a written contribution but that he would prefer to respond directly to the issues raised. In developing Parliaments, parliamentary television channels were an essential. Before the democratisation of his country, only a Government channel broadcast throughout the country. Afterwards, private television channels overtook it. The President of the Republic decided to create a parliamentary channel. This made public the important activities of the National Assembly and the Senate. The electorate could follow their elected representatives directly. This allowed Parliament to fulfil its mission of scrutinising the Government and to disseminate its work.

It had been necessary to wait until the 1990s for a multy-party system and media plurality to emerge. Despite the development of new technologies, the RDC was vast in scale and it was difficult to reach all of its population with the internet. Television remained very important, therefore. He made the following points:

- It was important that the management of the parliamentary television channel returned to Parliament under the authority of a nominated director of the Bureau.
- The channel's administration should include representatives of parliamentary groups.
- The channel should be formed as a commercial operation but funded by Parliament.
- By virtue of its financial autonomy the channel could remain independent.
- It needed to have editorial independence.

Mr Saïd MOKADEM (Maghreb Consultative Council) said that, since 1995, the French National Assembly had conducted an annual survey in order to understand Parliament's place in society. The response had been that Parliament had lost its standing and stood only just above senior civil servants in the rankings. Part of the problem had been publicity about parliamentary work, which had led to a rupture between the public and parliamentarians. He asked about the human and financial resources needed to sustain a parliamentary television channel.

Mr Félix Owansango DEACKEN (Gabon) asked what sanctions parliamentary personnel could face if they lacked objectivity in their work, notably in regard to the opposition.

Mrs Libia Fernanda RIVAS ORDONEZ (Ecuador) suggested that the response to the question about the utility of a television channel was greater proximity to the citizen. In Ecuador there was a parliamentary channel and a radio station which broadcast the work of parliamentarians (particularly plenary sessions), which reinforced the image of Parliament.

Mrs Françoise MEFFRE (France), said that the French parliamentary channel was very old, and had been designed to keep the public informed about parliamentary activities in a pre-internet age. The situation had changed and now most meetings in the hemicycle and committees were directly transmitted. The French channel did more than simply broadcast the debates. Not every French citizen had access to the internet, but nonetheless it was still possible to ask if the channel now represented value for money. It was financed out of the National Assembly budget but it had not evolved and it was difficult to maintain the interest of the public.

Mr NGUYEN Hanh Phuc (Vietnam) stated that it was important that modern Parliaments had their own television channel. In Vietnam, the channel would be inaugurated at the end of the year. It was a duty for Parliament to inform citizens about what was going on. Electors needed objective information about the debates. However, cost was a problem, as were audience levels and internet access.

Mrs Chloe MAWSON (United Kingdom) said that in the UK the parliamentary channel was funded by the BBC, which in turn was funded by the licence payer. It had existed for more than 20 years but only 1% of the total audience watched it. There was a parliamentary website which disseminated the work of Parliament and the BBC estimated that this was used more than the channel because audiences could more easily select the information they wanted.

Mrs Maria ALAJOE (Estonia) said that Estonia was unsure whether to create such a channel because of the difficulties of attracting an audience, which would always be less than 1% of the population. Plenary meetings were broadcast via the website but viewing numbers were feeble. Debates on current affairs had more success. Parliament did not fund the broadcast of daily debates but the equipment had proved to be useful. Collaboration with radio and public television channels had been an efficient way of achieving coverage of important debates.

Mr Serguey MARTINOV (Russian Federation) said that a television channel was useful in revealing the opinions of Senators but now the media were present in the hemicycle anyway. Debates and news programmes were useful but each region had its own channel and could broadcast that which interested in in particular. Senators wanted the more comprehensive broadcast offered by a dedicated channel.

Mr Najib EL KHADI thanked his colleagues and said that he had learnt a great deal. The ASGP offered a unique opportunity to work on good practice and exchange points of view. The problem was the situation faced on the ground: Togo had, for example, set out the difficulties face in developing countries, but the same could be said to apply in developed nations. There were no guarantees that a channel would generate better levels of public engagement and an improved image. It would be a good idea for the Association to prepare a report on the basis of a survey of its members because there was no existing research on the impact and concrete aims of a parliamentary channel.

He indicated that there was no universal and enduring recipe for the success of a parliamentary television channel. Secretaries general were in the process of learning.

The purpose of the debate had been to allow members to pose questions and to embark upon a debate which would probably be followed up in a future session.

Mr Marc BOSC, President, thanked Mr EL KHADI for his moderation and members for their contributions to the debate.

6. Election to the post of ordinary member of the Executive Committee

Mr Marc BOSC, President, announced that the deadline for the receipt of nominations for the post of ordinary member of the Executive Committee had been reached. He was therefore delighted to announce the election by acclamation of Mr Najib El KHADI of Morocco.

7. Concluding remarks

Mr Marc BOSC, President, closed the sitting.

The sitting ended at 12.15 pm.

SIXTH SITTING

Wednesday 15 October 2014 (afternoon)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mr Marc BOSC, President, welcomed everyone to the afternoon's sitting.

2. Communication by Ms Nataša KOMNENIĆ, Deputy Secretary General of the Parliament of Montenegro, "Strategic and annual planning in parliaments – challenges and outcomes in the Parliament of Montenegro"

Mr Marc BOSC, President, invited Ms Nataša KOMNENIĆ, Deputy Secretary General of the Parliament of Montenegro, to make her communication.

Ms Nataša KOMNENIĆ (Montenegro) spoke as follows:

Today, I will talk about strategic and annual planning in parliaments and the experience of the Parliament of Montenegro in that sense. Strategic planning is critical to any organization success. It is different from typical planning as it not only about what we will do, but also about why we do it. This is why simply listing objectives and activities is not enough. There has to be a vision. There has to be an answer to a question where we want to be. As in business, in today's world it is not enough simply to adapt and react, even if, adequately; it is more about being proactive and prompt the change. Strategic planning is crucial in that context. Parliaments are no different from any other organization in that regard. They also can benefit significantly from having a strategic plan. Here are just a few benefits that first come to mind:

- It ensures the most effective use of the organization's resources by providing focus on priorities.
- It makes visible the connection between individual contributions and institutional development;
- It ensures a continuous self-assessment to help identify improvements or areas that require additional efforts;
- It may help in acquiring a more coordinated external support.
- It also brings along the opportunity to think outside-of-the-box.

Strategic planning is not only about having a plan. The process itself is equally important. How it is done and who is involved at what stage are vital questions. In Parliament, especially, answering these questions is not an easy task. Parliament is an organization with the given political nature; it is also a changing environment due

to the limited parliamentary terms; its administration often assumes the negative implications of a bureaucracy; available resources are often limited. These may all be the obstacle that make the strategic planning path bumpy.

Here is more about our experience on the matter.

Montenegro renewed its independence in 2006, and its Parliament had to assume all functions, roles and responsibilities of a nation's parliament. At the time, the Parliament of 81 MPs (the same as today) had some 70 members of staff. Joining the European Union had already been one of the most important country's strategic goals, so the changes in Parliament to that regard were already underway. However, they were more driven from the outside and happening on ad hoc basis. With the Parliament striving to become a modern democratic legislature of a country aspiring to the EU membership, a more systematic approach in the reform process was clearly needed.

We knew it was always going to be a challenge to create a single strategic document for the Parliament as a whole. Finding all the necessary ingredients to make a good strategic plan, such as: time, dedication, discipline, focus and commitment among all stakeholders is a huge task. However, recognizing such difficulties but also the importance of having a more systematic and planned reform processes, the Parliamentary Service's leadership took an initiative and decided to develop several strategic documents related to strengthening administrative capacities. These included HR strategy and the ICT Strategy. We thought this approach would secure better focus and control of the processes. We also had external assistance available to work on these papers. Somewhere around the same time in 2010, the Opinion of the European Commission was published, which gave positive assessment of Montenegro's ability to become full fledge member of the Union. The European Commission also listed key priorities which Montenegro needed to fulfill in order to start the negotiations. The first priority was to improve Parliament's legislative and oversight role.

At the end of 2010, the Parliament Service took the opportunity and prepared a draft Annual Action Plan with activities and measures in line with the Commission's recommendations, later adopted by the Collegium of the Parliament. Even though it was not formally a strategic paper, it did come as a result of strategic approach in thinking through what Parliament should do and why. It also had the leverage of being the document adopted by the parliamentary leadership for the Parliament as a whole. The document was supposed to bring about more active and even proactive role in the process of EU integration, as well as to prepare Parliament for the role it would take following the accession, as one of the national parliaments in the EU.

The plan proved to be an efficient tool for introducing novelties in the work of the Parliament Service, as well as the Parliament as a whole. Most of these, at the time new activities, have become part of today's common parliamentary practice. Here are just a few examples: the adoption of annual legislative agenda and calendar of activities, the adoption of committee annual work plans and annual reports, as well as production of briefing papers for the proposed legislation. The plan also helped in establishing the Committee of European Integration and strengthening its role in the integration process, as well as in establishing procedures and improving capacities in

the harmonization process. The Plan also introduced a reporting obligation every three months, which ensured staying on the course with planned activities.

In this Communication, I will briefly refer to the Parliament's Legislative Agenda, which was drafted as a result of the Action Plan. It is mainly based on the Government's Annual Work Program, but it also includes bills under procedure and those proposed by MPs. The plan is updated after each first regular session, and a report on its implementation is prepared twice a year. This instrument may serve as a very effective tool for analyzing not only Parliament's work but the Government's, as well.

Going back to the strategic papers developed by the Parliamentary Service, I will give you some details about the first paper of this kind ever done in Parliament, which was the Human Resource Strategy. Prior to drafting the document, a comprehensive SWOT analysis of the Parliamentary Service was undertaken. It was not done without the anticipated portion of indifference and resistance to these kinds of ideas, as well as a lot of time and effort invested in bringing together conflicting views on certain matters. Nevertheless, we managed to come up with a vision, mission and the priorities in the context of human resources development for the period January 2011 through December 2013. The priorities have been defined as follows:

- Equal treatment and fairness with respect to meeting the needs and requests of elected members;
- Professionalism in dealing with elected members, other internal and external stakeholders;
- Responsiveness to the needs and priorities of elected members;
- Integrity and transparency in all aspects of Parliamentary Service's work.

On this basis, the paper presented strategic objectives with indicators and activities to be implemented over the specified period. A part it also outlined the strategic plan that, in addition to the specified activities, defined deadlines and persons responsible. Another document we drafted based on the Strategy was the Annual Training Plan, which specified trainings for staff to be organized by the Parliamentary Service, the Central Human Resource Agency or trainings organized in cooperation with other organizations and institutions. The Strategic Plan, as well as the Annual Training Plan are updated on annual basis, while the Strategy itself has been revised in 2013. The benefits of the Strategy were more than obvious: capacities at a level of both the Parliament's Service and the HR unit have increased significantly with improved procedures, as well planning systems, internal communications and reporting. We managed to shape a unit that was able to assume all HR related activities specifically in terms of recruitment and promotion, as well as in organizing in-house trainings, which were all critical from the aspect of raising parliamentary autonomy. The capacities of the Parliament's Service in general have been increased. Now, with 130 members of staff and a completely revised organizational structure, it is much more able to meet the everyday increasing demands related to Parliament's work.

The ICT Strategy we are currently working on is very important as it is supposed to be the backbone of all operations in Parliament. After carefully scanning the ICT current state of affairs and its impact in domain of support to legislative and

oversight role, capturing and recording proceedings, reporting on parliamentary activity, parliamentary research and library services, public relations and outreach, and administrative functions and human resources, the following (draft) vision was defined: ICT is an appropriate strategic enabler for a connected, open, accessible, efficient and greener Parliament of Montenegro. With five goals, 12 strategic objectives, and around 50 activities, we have developed a good draft document. However, as I stated already, the process is equally important. It determines the ownership and the ownership determines the success in implementation. Following the example of other parliaments around the world, we will try to establish a Working Group on ICT Planning and Coordination. We would like to see this body not only take ownership but also oversee higher-level ICT strategic planning and management activities. We hope it will engage in making priorities of strategic objectives, recommending actions to be included in the plan and incorporating a budgeting process alongside the strategic plan to determine its feasibility. Ideally, MPs should participate in the group, as well.

The last, but not the least important planning document I would like to mention is the Legislative Openness Plan, which is still in draft stage. I believe the Parliament of Montenegro is among the first parliaments working on such a plan. The idea came as a result of the Parliament's becoming a member of the Legislative Openness Working Group, which was established last year in London in the framework of the Open Government Partnership. The Parliament's plan will be based on OGP priorities, as well as on principles contained in the Declaration of Principles of OGP. However, the plan will also take into account principles contained in the Declaration of Parliamentary Openness, which is supported by some 140 CSOs from more than 75 countries worldwide.

Of course, we had to make sure that all these documents are complementing each other, and I believe we managed to do so.

Strategies, plans, "managing by goals'' are all terms related to business. However, all organizations share similar goals such as achieving high level of efficiency and productivity, good visibility, as well as exemplary reputation and image. Planning, especially strategic one, remains important regardless of all the challenges and difficulties that the process brings along. The plan has be written down and it has to say why something needs to be done. For how can we make the organization improve if we do not know why we need to improve? We need to know why, before we can answer how. It is what strategic planning is all about. At the end of the day, going with the flow will not make the organization work better; a compelling vision, on the other hand, might.

I believe that the Parliament of Montenegro has become well aware of the benefits of strategic approach and planning tools, and that it will continue to use them successfully in addressing the future challenges.

Mr Marc BOSC, President, thanked Ms KOMNENIĆ and opened the floor to questions.

Mr Austin ZVOMA (Zimbabwe) asked whether the strategic plan had been a product of the administration, the Members, or both; and asked what had informed the process.

In Zimbabwe the Parliament had been involved in formulating a strategy. This had begun in 2000, with the administration forming a strategic plan. It was now being used as a tool to measure performance. The Parliament had then migrated to a Quality Management System and had gained international certification.

The administration in Zimbabwe had noted that the administrators were not Parliament and thus that any strategic plan that they formulated could not properly be called a strategic plan for Parliament. Consequently a system had been formed, whereby the strategy was approved by committees that represented the Members of both Houses. The administrative strategic plan now had to be aligned with the overall strategic plan, which was guided by Members.

Mr Joseph MANZI (Malawi) asked for further clarification on the institutional set-up of the Parliament of Montenegro. He wanted to know where the policy direction; and monitoring of implementation of strategy was carried out.

In Malawi, strategy was directed by a Commission chaired by the Speaker and supported by staff. The Parliamentary Services Commission provided progress updates on, and challenges to, the implementation of the strategic plan.

Dr Ulrich SCHÖLER (Germany) said that the German Bundestag had not yet had the courage to initiate a project of that kind. He asked about how responsiveness to the needs and priorities of elected representatives was achieved, and how those needs and priorities were articulated. He asked how the administration prioritised those needs and priorities.

He also asked about the political aspects, particularly about conflicts between the Executive and an independent Parliament with its own agenda.

Mr Modibedi Eric PHINDELA (South Africa) said that the South African Parliament had faced the same challenges as the Zimbabwean Parliament.

He asked whether the strategic process was sanctioned by law. In South Africa, strategic planning was a requirement of the process by which the Parliament was given its budget.

He also noted the tension between political considerations and the strategic plan, which did not always pull in the same direction. In South Africa, a traffic light system indicated the state of implementation of each strategic objective. Usually those objectives that were coloured red had not been implemented for political reasons.

He asked if strategic objectives were politically neutral.

Ms KOMNENIĆ said that most of the comments and questions were linked between the question of how to balance administrative and political considerations.

It was difficult to make a long-term strategic plan for Parliament as a whole. This was why strategies had been articulated for each of the separate parliamentary services. These strategies related to services that were relatively neutral and could consequently be quite long-term.

In the Parliament of Montenegro, it had been decided to make the annual plan more political in its essence because of its more short-term outlook.

The Parliament of Montenegro had been planning to implement quality management to ISO standards as part of its development of its ICT capacity.

In terms of the implementation of strategic plans, it had been ensured that all planning documents had good indicators against which implementation success could be measured. Wherever possible the indicators had been quantified.

The impetus to join the European Union had helped to form the consensus needed in the creation of a strategic plan.

A system of regular reporting had also been devised. A revision of the annual plan was prepared every three months.

In terms of identifying the needs of MPs, the parliamentary service relied to a certain extent on what the MPs told them. So far there had been no conflicts. There had also been no conflicts between what the Executive and Parliament wanted to date.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda the purpose of strategic planning was for the Parliament to have a clear idea of its direction, with milestones along the way. The plan was for a period of five years, and it bridged the gap between one Parliament and another.

After a plan was drafted, it was submitted to the Board of Management, then to the Chairs and Vice-Chairs of Committees, and then finally to the Parliamentary Commission, which made and approved the strategic plan.

The principal challenges to the implementation of the plan were the design of strong indicators for the achievement of the goals set; and changes to the timings envisaged by the plan.

Dr Winuntuningtyas Titi SWASANANY (Indonesia) noted that strategic planning in Indonesia was not straightforward. Since 1945, when the Indonesian Parliament had been established, there had been no strategic plan until 2009.

The strategic plan was for internal use only. The public assessed the success of the Parliament by the legislation that it produced. She asked which office was responsible for the formulation of the strategic plan, and which office was responsible for information on the implementation.

Mr Philippe SCHWAB (Switzerland) said that the communication reminded him of a communication he had made some years before. Switzerland's objective had not been to join the European Union. He was interested in the constraints in the

Montenegro Parliament, particularly budgetary constraints given the increase in MPs.

He wanted to know what role the parliamentary staff had played in the drafting of the strategy.

He also asked which political body had validated the strategy, which was important in case of any conflict.

Mr Modibedi Eric PHINDELA asked whether the strategic plan and the annual plan were separate. In South Africa the annual plan represented the incremental implementation of the strategic plan. If in Montenegro the two documents were separate, he wanted to know what tool was used to measure implementation.

Ms KOMNENIĆ said that the leadership of the parliamentary service had taken the initiative in creating the strategic plan. The office of the Secretary General had been responsible for formulating the plan.

Reviews of the implementation of the plan were done regularly, at least every three months, at the end of which period a review was published.

On the issue of budgetary constraints, the annual procurement process always took account of the strategic plan. Care was taken, however, to ensure that the strategic objectives could be achieved within the constraints of the existing budget. Only if there was a project that had already been planned would it be included in the strategic objectives.

The Secretary General, his deputies and assistants took the initiative on strategy but the relevant staff were always involved in the drafting. Approval, however, had to be given by a high-level group including MPs.

The annual plan was, in large measure, a political document, and had to be agreed by the political parliamentary leadership. The strategies for the different sections of the administration did not usually require political validation.

There was no legislation that required Parliament to adopt strategic plans.

Mr Marc BOSC, President, thanked Ms KOMNENIĆ for her communication and thanked members for the questions they had asked.

3. Communication by Ms Claressa SURTEES, Deputy Clerk of the House of Representatives, Australia: "A second debating chamber of the Australian House of Representatives: 20 years on"

Mr Marc BOSC, President, invited Ms Claressa SURTEES, Deputy Clerk of the House of Representatives, Australia, to make her communication.

Ms Claressa SURTEES (Australia) spoke as follows:

Introduction

Sunday 8 June 2014 marked the 20th anniversary of the establishment of the second debating chamber of the Australian Parliament's House of Representatives, now called the Federation Chamber, originally known as the Main Committee. Its establishment was recommended by the House Standing Committee on Procedure in a major 1993 report, About Time: Bills, Questions, and Working Hours. The committee noted the increasing pressure of legislative business and recommended, among other things, that a Main Committee of the House of Representatives be established to deal with the second reading and detail stages of bills referred to it by the House.

The report was agreed in principle and on 10 February 1994 the House amended standing orders to establish a Main Committee, whose purpose was to consider bills referred to it (second reading and consideration in detail stages) and orders of the day for resumption of debate on motions connected with committee and delegation reports. Other standing order amendments agreed that day set out the way the Main Committee would operate and made clear the Committee could only consider matters referred to it by the House and would report them back to the House. When questions needed to be decided there could be no divisions, a matter was to be returned to the House if disagreement arose.

The concept and the establishment

The Main Committee began its life as a recommendation of the House Procedure Committee in 1993, when it reviewed House activities and suggested a package of procedural reforms. The Procedure Committee was seeking to achieve a balance: accommodating wishes for greater opportunities for Members to debate government bills and avoiding the need for debates to be guillotined or closured but without requiring the House to increase the number of sitting days. At the centre of the proposed reforms was the recommendation that 'a Main Committee (Legislation) be established to take the second reading and consideration in detail stages of such bills as are referred to it by the House...' This was the beginning of a forum that would contribute greatly to increased oversight of the Executive particularly through debate on legislation.

The Procedure Committee envisaged the Main Committee as a 'second legislative stream' but when it was established the mandate had already increased. It was to consider bills referred to it and orders of the day for resumption of debate on committee and delegation reports.

First steps in the new era

The Main Committee first met on 8 June 1994 to consider five bills referred by the House on 2 June. Deputy Speaker Jenkins outlined its procedures and noted the significance of the occasion:

The first meeting of the Main Committee heralds a new era in the deliberations of the parliament. There has been much discussion about and interest in the proposed operation of this Committee. I am sure that, with the cooperation of all members, the Main Committee will make the positive contribution to the workings of the House of Representatives envisaged by the Standing Committee on Procedure.

On 30 June 1994 Mr Jenkins reported to the House:

The Main Committee has sat for 10 hours over the last two weeks. That has meant that we have dealt with the equivalent of another half week of government business without having to come back to Canberra on another occasion to achieve that. When the Main Committee runs for a full session hopefully the measure of imposing a guillotine can be well and truly avoided.

In 1995, its first full year of operation, the Main Committee met for a total of 108 hours. A steady increase in meetings and hours between 1994 and 2013 is demonstrated in Attachment B. In its peak year, 2011, during the 43rd Parliament, the Federation Chamber met for 377 hours.

Currently it may meet from 10.30am to 1.30pm and 4.00pm to 9.00pm on Mondays and 9.30am to 1.00pm on Wednesdays and Thursdays, that is, 15 hours per week. If required, it may also meet between 4.00pm and 9.00pm on Tuesdays and 4.00pm and 7.00pm on Wednesdays.

Operations: a committee and debating chamber

The Federation Chamber is an unusual creation. It has always been a committee — comprising all members of the House—but it has never been an investigatory committee. It was and is a creature created by the House and subordinate to it; any substantive decision must be confirmed by the House and it meets when the House is sitting. When it meets, it does so as a debating chamber. In relation to bills it operates like the 'Committee of the Whole'.

Unless standing orders provide otherwise, the rules and practices of the House apply in the Federation Chamber, so observers would notice that traditional aspects of debate in the House are mirrored. Members' remarks must be addressed through the Chair, Members must not reflect on their colleagues and so on. Chair duty in the Federation Chamber is an interesting opportunity particularly for new members of the panel and staff of the Department of the House of Representatives find it useful to begin their chamber experience in the Federation Chamber.

Characteristics of the Main Committee

- All Members of the House are members of the Main Committee and are eligible to participate in its proceedings
- The Deputy Speaker (assisted by the Second Deputy Speaker and members of the Speaker's panel) is Chair of the Main Committee
- It may only meet when the House is sitting
- Procedures in the Committee are substantially the same as those operating in the House for the same type of business. ...[A]ny decision it makes on business referred to it must be confirmed by a decision of the House at the report stage
- There is no provision for division in the Committee. If a decision cannot be determined on the voices it is reported to the House as unresolved. Only one dissenting Member is required to make a question unresolved. ...
- Any Member may move that further proceedings on an item of business be taken in the House or that the committee adjourn. (In 2013 standing orders

were amended to require a Minister to move for the return of a matter to the House)
- The quorum of the Committee is three ... the Chair, one government and one non-government Member
- Proceedings are suspended while divisions are taking place in the House
- In cases of disorder the Chair may suspend proceedings, and on motion by any Member the Chair must do so. (In 2006 a sessional order enabled the Chair to direct a member or members to leave the room for 15 minutes and this provision has become permanent.)

The Federation Chamber's subordinate role has always been considered to be demonstrated in the need for items of business to be referred to it by the House and for its substantive decisions to be confirmed by the House. Certainly its decisions have been and are reported to the House and confirmed. For example, when a bill that has passed the second reading stage in the Federation Chamber is reported to the House (and it is noted whether it has been amended or not), the question is then put 'that the bill be agreed to'. Once agreed, a Minister then moves the third reading immediately (by leave).

But there have been slight, technical, inroads on the concept that all of the Federation Chamber's work needs to be referred to it by the House. These began with the introduction of periods when backbench Members could make short statements on topics of their choice. Currently, some items of private Members' business in the Federation Chamber are moved formally by the Member in the Federation Chamber (albeit after being selected for debate in the Federation Chamber and having time allocated by the Selection Committee, and also being included in the Notice Paper). Parallel legislative stream and much more.

The scope of work undertaken by the Federation Chamber has expanded gradually. Attachment C to this paper outlines the principal kinds of business considered by the Federation Chamber and the volumes of time devoted. Following are some examples of the expansion of scope.

In June 1995 the House referred Appropriation Bill (No. 1) 1995-96 to the Main Committee and debate on the second reading and consideration in detail stages of the main Appropriation Bills has taken place in the Federation Chamber each year since then. This has involved the Main Committee and Federation Chamber meeting more frequently than the standard meeting times during Budget sessions and, importantly, has enabled many Members significant opportunities to participate in Budget debate and scrutiny. This careful scrutiny of Budget legislation and questioning of Ministers about portfolio expenditure has strengthened the House's capacity for Executive oversight.

In 1996 the House for the first time referred an item of Private Member's business, the Euthanasia Laws Bill 1996, to the Main Committee for consideration. The bill itself was highly controversial and the mechanics of its referral, consideration and finalisation were unusual and complex. These days, the consideration of private Members' bills in the Federation Chamber goes unremarked.

In October 1997, after seeking Members' views, the Procedure Committee recommended that Thursday meetings of the Main Committee start 15 minutes earlier, begin with 15 minutes of 90-second statements and end with a 30 minute adjournment debate comprised of 5 minute speeches. Sessional orders for the 1998 autumn sittings allowed a trial and the House then in 1998 adopted as (permanent) standing orders the 3 minute statements and adjournment debate on Thursdays. Speeches during these statements and the adjournment debate are on subjects chosen by each Member.

The proposal for 90-second statements in the Main Committee was not so successful. They were a regular feature in the House from March 1988, but it was not until March 2008 that 90-second statements occurred in the Federation Chamber. Currently, they occur there for 45 minutes on Monday afternoons, and for 30 minutes each day in the House from 1.30pm.

Cooperation is encouraged—strongly

Initially there was some concern that the Main Committee might be used as a quiet backwater for debating Government bills that were controversial but it was designed carefully and has inbuilt incentives for cooperation. These are considered to have contributed to its long success.

There has always been consultation between government and opposition representatives about the bills that would be referred, although the original view that only non-controversial legislation would be referred has not been sustained. Amendments have been proposed in the Federation Chamber, bills reported to the House with unresolved questions, and, sometimes, bills have been returned to the House without being considered at all.

Quorum requirements have always required a Chair, a Government Member and an Opposition Member to be present. So, it has been a simple matter for an Opposition to bring a meeting to a halt by removing its part of the quorum.

A third encouragement to cooperation was and is embedded in the provision that decisions need to be unanimous: one dissenting voice is sufficient to mean that a question is considered unresolved and the matter is to be reported to the House, although an unresolved question will not necessarily end debate on an item.

Order and disorder

It has been accepted that meetings are less formal than proceedings in the House. Some meetings have involved robust and even acrimonious debate and this possibility was factored in to the initial arrangements: the Deputy Speaker could adjourn or suspend a meeting if disorder occurred, and this is still the case. In 2006 the House adopted a sessional order enabling the Chair to deal with disorder without stopping the meeting: the Chair could now direct a Member or Members to leave the room for fifteen minutes. This became a standing order although it was not exercised until earlier this year.

This is not to suggest that the Federation Chamber—and the Chair—have not had their moments, but serious moments are rare. On three occasions disorderly conduct in the Main Committee has been followed in the House by the Member being named

and suspended and each involved a Member reflecting on or defying the Chair. Disorderly conduct has been reported to the House and addressed there by the Speaker.

Chamber of innovations

There have long been calls for debate in the House to be improved by greater spontaneity and interactivity. In 2000 the Procedure Committee recommended the House adopt a sessional order to trial the use of interventions during consideration of orders of the day in the Main Committee. This would enable a Member to ask the Chair if the Member speaking on an order of the day was willing to give way. The Member could refuse and continue speaking or accept and allow the other Member to ask a short question relevant to the Member's speech. This recommendation was taken up and used quite frequently in the Main Committee. In 2013 the standing order was amended to apply in the Chamber also. It has been exercised there quite regularly.

The periods of Members' statements at the start of meetings (30 minutes of three minute statements, with no question or requirement for relevance as referred to earlier) were taken up with enthusiasm. The period was renamed 'Members' Constituency statements' in 2008 and Parliamentary Secretaries and Ministers have been able to use these brief opportunities to step away from their Executive roles and focus on issues in their electorates. At least once this opportunity has also been taken up by the Speaker.

Other innovations have related to its environment and have served as useful trials. These include the use of digital clocks to display speaking time limits, and screens to display captions describing the current items of business. Both of these features have since been introduced in the House.

Maturing and meeting objectives

When recommending the establishment of the Main Committee and other reforms, the Procedure Committee downplayed the proposals: 'The committee has not sought to be radical, nor original, nor overly ambitious. ...' Nevertheless, the Main Committee was established with the hope that high volumes of Government bills could still be dealt with—given adequate scrutiny and opportunities for debate—without the need for guillotines, closures, or additional sitting days. Success came quickly:

One of the most striking indicators of the success of the Main Committee in allowing more time for consideration of legislation is the dramatic fall in the use of the guillotine. In each of the years 1991, 1992 and 1993 there were over 100 bills guillotined. In 1994 there were 14 and these in the first half of the year. ...[T]he Main Committee must be considered to be a major contributor to this improvement.'

The Main Committee was established to assist the House in oversight of the Executive's legislation. It has enabled that and more. Opportunities it has provided for backbench Members to speak in statements and adjournment debate have been taken up enthusiastically, as have those to propose formal items of private Members' business. The 43rd Parliament (with minority government) demonstrated the enormous capacity of the Federation Chamber in this regard.

There have been some valuable and sometimes extensive debates on Committee reports. The intimacy and informality, with visitors seated in galleries close to Members and at the same level, can be very apparent when Committee witnesses are in the galleries as the reports of inquiries are debated. All Members are seated close to each other and often demonstrate solidarity. On at least one occasion a Minister has been prompted to participate in debate on a Committee report.

Main Committee/Federation Chamber: 20 years on
When it recommended the establishment of a Main Committee, the Procedure Committee remarked that the Main Committee would be 'more a break with form than practice'.

On 3 June 2004, Deputy Speaker Causley, marked the 10th anniversary:

> It is appropriate that as Deputy Speaker I note this occasion and acknowledge the way the Committee has become such a valued feature of the House. It has enabled more time to be spent on the consideration of legislation, helped to reduce the use of the guillotine and given valued opportunities to members to raise matters of importance to their constituents. I think we all appreciate that the Committee provides good opportunities for genuine debate. I acknowledge the contribution of my predecessors... I also thank members of the Speaker's panel who preside here, the whips and all members and staff for their support in helping the Committee to operate as well as it does.

At this time of the 20th anniversary, it is possible to conclude that the Federation Chamber has evolved slowly but significantly. It has become the venue where procedural innovations have been trialled and where the House has begun to address many issues that face modern parliaments. These include the wish for more interactive debate, for backbench Members to raise and debate matters of concern to them and their electorates, for committee members—and other Members—to debate committee reports, and for the House to have days and hours of sitting that provide greater certainty than previously. This helps Members to balance the time spent on their parliamentary duties in Canberra with their electorate responsibilities, often far from Canberra. This is certainly a valuable contribution to the work of the House and its capacity to provide effective oversight of the Executive.

Mr Marc BOSC, President, thanked Ms SURTEES and opened the floor to questions.

Me Jeremiah NYEGENYE (Kenya) said that the model of the Main Committee had been adopted by the Kenyan National Assembly, and had been tested for the first time the previous Tuesday. It was really the entire House in Committee, chaired by the Speaker, but was a subterfuge to allow members of the Executive to speak. It was extremely unpopular with the Executive, some members of which had disappeared between entering the building and arriving at the Main Committee.

He was interested in the three-minute time limit. The Kenyan Senate had adopted a five-minute limit for speeches made on topical subjects. In more than a year, just one or two Senators had used this new mechanism.

Mr Paul GAMUSI WABWIRE (Uganda) said that in Uganda most members did not have many opportunities to speak because they were too numerous.

He asked who determined the agenda for the second chamber. He also asked whether there was a tendency for members to drift from the main chamber to the second chamber because of their own emphasis on constituency issues. Finally, he asked if the two chambers sat concurrently.

Mr Liam LAURENCE SMYTH (United Kingdom) said that the UK House of Commons had stolen the idea of a second chamber from the Australian Parliament. This second chamber had been in existence for fifteen years. The Procedure Committee had recently produced a report suggesting only minor changes. Members and the public loved the second chamber, and it brought the opportunity to discuss a wider range of issue. The only downside was that there were no debates in the second chamber, which stayed away from legislative business, and confined itself to 30- or 90-minute debates.

The main chamber had 650 members, who rarely got the opportunity to speak. The second chamber was an excellent training ground for young clerks, who seemed to function extremely well without wigs.

Ms SURTEES noted that the Australian second chamber had no mace, but had aspirations to claim the spare mace from the Kenyan Senate.

She could not say why members of the Kenyan Senate did not avail themselves of the opportunities to make short statements. In Australia they were extremely popular, even the 90-second ones. Perhaps the solution was to have shorter speaking times.

In response to the questions from Uganda: she said that the agenda of both chambers was determined by the Leader of the House, but in the case of the Federation Chamber, there was a significant amount of negotiation with the Opposition business managers because of the need for the agenda to be consensual.

She said that the only difficulty relating to competition between the chambers arose when contributors were expected to be in two places at once, and on such occasions speaking lists had to be manipulated. She noted that the two chambers were required to sit concurrently.

In response to Mr LAURENCE SMYTH, she said that Australia also borrowed from the UK on occasion.

Mr Marc BOSC, President, asked how often it occurred that the same subject was debated in both chambers.

Ms SURTEES said that the same item of business could not be taken in both chambers at the same time. The same subject could be discussed in both chambers, but they would have separate items of business that initiated them.

Ms Jane LUBOWA KIBIRIGE (Uganda) wanted to know if the Federation Chamber was closed when there were divisions in the main chamber.

Ms SURTEES said that the Federation Chamber suspended in the event of a division in the main chamber.

Mr Marc BOSC, President, thanked Ms SURTEES for her communication and thanked members for the questions they had asked.

4. Concluding remarks

Mr Marc BOSC, President, closed the sitting, reminding members that they were welcome to remain in the conference centre to network.

The sitting ended at 4.10 pm.

SEVENTH SITTING

Thursday 16 October 2014 (morning)

Mr Marc BOSC, President, was in the Chair

The sitting was opened at 10.30 am

1. Introductory remarks

Mr Marc BOSC, President, welcomed everyone to the sitting.

2. Orders of the day

Mr Marc BOSC, President, read the proposed orders of the day, which had not changed since the previous day.

The orders of the day were agreed to.

3. Examination of the draft agenda for the next meeting (Hanoi, March 2015)

Mr Marc BOSC, President, read the proposed agenda for the next meeting, in Hanoi in March 2015, as follows:

Matters put forward for inclusion in the Draft Agenda for the March 2015 meeting in Hanoi

Possible subjects for general debate

1. Lobbyists and interest groups: the other aspect of the legislative process

   Moderator: Mr Philippe SCHWAB, Secretary General of the Federal Assembly of the Swiss Confederation

2. The structure of parliamentary secretariats (title to be confirmed by the Vietnamese delegation)

   Moderator: Hon. Mr. NGUYEN Hanh Phuc, Chairman of the Office for Vietnam's National Assembly

Communications

1. Communication by Dr Mohamed AL-AMR, Secretary General of the Shura Council of Saudi Arabia: "What do parliamentarians want from the media, and what does the media want from parliamentarians?"

2. Communication by Mr José Manuel ARAUJO, Deputy Secretary General of the Assembly of the Republic of Portugal: "Legislative Consolidation in Portugal: better legislation, closer to the citizens"

3. Communication by Mr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly of Turkey: "Parliamentary public relations: contact made by the Turkish Parliament with young people"

Other business

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

2. Administrative questions

3. Draft agenda for the next meeting in Geneva (October 2015)

The draft agenda was agreed to.

4. Presentation on the forthcoming session in Hanoi

Mr Marc BOSC, President, welcomed Mr NGUYEN Si Dzung, Deputy Secretary General of the National Assembly of Vietnam, to present on the forthcoming session in Hanoi.

Mr NGUYEN Si Dzung (Vietnam) said that it was an honour, both for the people of Hanoi and the people of Vietnam to invite the Association's members to visit Hanoi in March 2015.

He then showed a short video.

Mr Marc BOSC, President, thanked Mr DZUNG for his presentation.

5. Presentation on recent developments in the Inter-Parliamentary Union (IPU)

Mr Marc BOSC, President, invited Ms Kareen JABRE, Director, Division of Programmes, to give her contribution. Ms JABRE was accompanied by Ms Norah BABIC.

Ms Kareen JABRE (IPU) congratulated Mrs Doris Katei Katebe MWINGA on her election and passed on the regret of the IPU Secretary General, Mr Martin CHUNGONG that he had not been able to attend.

Ms Jabre had worked for the IPU for fifteen years, heading up the gender programme and had only recently been made Director of the Division of Programmes. She said that the IPU greatly valued its cooperation with the ASGP.

The IPU had set out its four priorities in its strategy, adopted in 2012. The ASGP had followed and contributed to numerous questionnaires related to IPU initiatives. The IPU was currently attempting to enhance the praline database and, with this aim, had distributed further questionnaires.

It was expected that the Common Principles would be adopted that day by the Governing Council, and work would then commence to implement them.

The IPU continued to work on capacity-building in Parliaments. Its priorities were post-conflict countries but it was willing to provide support wherever needed.

A further priority was enhancing gender equality, both in terms of women's participation in, and access to, Parliaments. An innovative document had been adopted in Quebec for parliamentarians to use in evaluating their performance against gender equality objectives. The IPU had been supporting parliaments in carrying out self-evaluation. There were also support projects for newly-elected women in Parliament, and work had been done in the Ivory Coast, Burundi and other Parliaments.

The IPU had two thematic priorities: violence against women; and reforming laws to eliminate discrimination against women in the legislative framework.

The IPU had recently concluded a regional seminar in Morocco, which had been a great success. It also had a child rights programme, which functioned both at international and national level. A regional seminar on child nutrition would take place for Asian Parliaments.

The IPU had three development priorities: HIV and Aids; maternal and new born health and mortality; and involving Parliaments in the implementation of the sustainable development goals to be adopted the following year.

She thanked the ASGP for its input into the work of the IPU and said that she would like to hear from members about what they would like to do to enhance cooperation between the two organisations.

Mr Marc BOSC, President, asked members if they had any questions for Ms JABRE.

Mr Joseph MANZI (Malawi) asked about IPU programmes in African countries with a first-past-the-post system. He noted that in such countries, the turnover of Members was very high. In Malawi in the last Parliament, 75% of the MPs were new. He asked what seminars and exchange programmes the IPU ran for newly-elected representatives.

Ms JABRE said that such programmes of support were run by the IPU, and in addition it had tools for new MPs. The offer was not systematic but the IPU would act in response to specific requests.

Ms Norah BABIC said that in the 130th Assembly a panel discussion on turnover had been held and that she was willing to share information on that.

Mr Khudi Nazar NASRAT (Afghanistan) asked why no peace-keeping elements had been included in the IPU programme.

Ms JABRE said that there was no specific programme on peace-keeping negotiations but that peacefulness was of course part of the capacity-building work done by the IPU.

Dr Mohammed Abdullah AL-AMR (Saudi Arabia) noted that the IPU website contained many important documents but that they were only available in French and English. He asked that Arabic should be added as an approved language for the IPU website. In the ASGP, Arabic-speaking colleagues were unable to fully participate because of the linguistic obstacle.

Ms JABRE thanked Dr AL-AMR for his question and said that the IPU was aware that it needed to try to make its documents available in as many languages as possible. Most recent IPU publications had been translated into Arabic and Spanish, even though the two official languages of the IPU were English and French. In relation to the website, the United Arab Emirates had offered its support in the creation of an Arab version of the IPU website, and this would happen as soon as possible. Similarly, efforts were being made to reach out to Spanish-speaking members.

Mr Marc BOSC, President, thanked Ms JABRE for her interesting presentation.

6. Financial and administrative matters

Mr Marc BOSC, President, said that the budget for the coming year had been reviewed and adopted by the Executive Committee, and he was pleased to announce that the finances were in very good shape. Members would have noted that considerable savings had been made by the move to digital-only publication of the journal.

He observed that the new website was now fully operational and was a big improvement. Karine VELASCO was engaged in taking photographs of members for inclusion on the website, and members would soon be asked for biographies in Word format as well. The President encouraged members to be proactive in sending these in. New members would soon be asked for photographs and biographies as part of the affiliation process.

The President also announced that the IPU had asked the ASGP to reduce the amount of printed paper it used, in line with the recent policy of the IPU.

One of the ways that this could be achieved was by ensuring that all documents were available, in both French and English, on the website before the start of each conference. This relied upon members observing the deadlines set for them for the provision of documents, which did not always happen.

To aid this process the President announced that the deadline for the submission of documents would be moved forward by two weeks to three weeks in advance of the

conference. He thanked members for their cooperation on this matter, which would permit the Association to reduce its negative impact on the environment, as part of a gradual improvement.

7. Closure

Mr Marc BOSC, President, said that he had enjoyed his three-year term as President of the Association and wished Mrs Doris Katei Katebe MWINGA well in her work.

He thanked Dr Ulrich SCHÖLER for his support and assistance in the changes that had been made to the format of the Association's meetings, particularly by means of the introduction of working groups, which had the effect of increasing participation.

The Association was very vibrant and in good health. The President thanked the Association staff for their work.

He also thanked the interpreters, the staff of the IPU in charge of the organisation of the conference and the members of the Executive Committee.

The next Session would begin on 29 March 2015 and would be held in Hanoi.

The sitting ended at 11.00 am.