



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

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

Welcome and presentation on the Vietnamese parliamentary system
(*NGUYEN Hanh Phuc, Vietnam*)

Saudi Shura Council Relationship to Society - Hope and Reality
(*Mohamed AL-AMR, Saudi Arabia*)

Public Relations of Parliaments: The Case of Turkish Parliament
(*İrfan NEZİROĞLU, Turkey*)

Active transparency measures and measures related to citizens right of access to public information in the Spanish Senate
(*Manuel CAVERO, Spain*)

The Standing Orders of political parliamentary groups
(*Christophe PALLEZ, France*)

Powers and competences of government parties and opposition parties in a multi-party parliament
(*Geert Jan A. HAMILTON, The Netherlands*)

Lobbyists and interest groups: the other aspect of the legislative process (*General debate*)

Legislative Consolidation in Portugal: better legislation, closer to the citizens
(*José Manuel ARAÚJO, Portugal*)

The formation of government in the Netherlands in 2012
(*Geert Jan A. HAMILTON, The Netherlands*)

When the independence of the Legislature is put on trial: an examination of the dismissal of members of the party in Government from the party vis-à-vis their status in Parliament
(*Jane L. KIBIRIGE, Uganda*)

Finding the structure of a parliamentary secretariat with maximum efficiency (*General debate*)

The Committee system in India: Effectiveness in Enforcing Executive Accountability
(*Anoop MISHRA, India*)

INTER-PARLIAMENTARY UNION

Aims

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

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

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

Membership of the Union

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

Structure

The organs of the Union are:

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

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

Official Publication

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

List of attendance

MEMBERS PRESENT

NAME	COUNTRY
Mr. Sayed Hafizullah HASHIMI	Afghanistan
Mr. Khudai Nazar NASRAT	Afghanistan
Mr. Rahimullah GHALIB	Afghanistan
Dr. Hafnaoui AMRANI	Algeria
Mr. Bachir SLIMANI	Algeria
Ms. Claressa SURTEES	Australia
Mr. Alexis WINTONIAK	Austria
Mr. Abdulla ALDOSERI	Bahrain
Mr. Md. Ashraful MOQBUL	Bangladesh
Mr. Hugo HONDEQUIN	Belgium
Mr. Marc VAN DER HULST	Belgium
Mr. Tshewang NORBU	Bhutan
Mrs. Barbara DITHAPO	Botswana
Mrs. Emma ZOBILMA MANTORO	Burkina Faso
Mr. Renovat NIYONZIMA	Burundi
Mr. Marc RWABAHUNGU	Burundi
Mr. OUM Sarith	Cambodia
Mr. Victor YÉÑÉ OSSOMBA	Cameroon
Mr. Gali Massa HAROU	Chad
Mr. Mario LABBE	Chile
Mr. Luis ROJAS GALLARDO	Chile

NAME	COUNTRY
Mr. David BYAZA-SANDA LUTALA	Congo (Democratic Republic of)
Mr. Modrikpe Patrice MADJUBOLE	Congo (Democratic Republic of)
Ms. Vassiliki ANASTASSIADOU	Cyprus
Mr. Jiří UKLEIN	Czech Republic
Mr. Petr KYNŠTETR	Czech Republic
Mr. Claus DETHLEFSEN	Denmark
Mr. Bienvenido EKUA ESONO ABE	Equatorial Guinea
Mr. Victorino Nka OBIANG MAYE	Equatorial Guinea
Mr. Debebe BARUD	Ethiopia
Mr. Negus LEMMA GEBRE	Ethiopia
Mr. Seppo TIITINEN	Finland
Mr. Christophe PALLEZ	France
Mrs. Corinne LUQUIENS	France
Mr. Zurab MARAKVELIDZE	Georgia
Dr. Horst RISSE	Germany
Dr. Ulrich SCHÖLER	Germany
Dr. György SUCH	Hungary
Mr. Helgi BERNÓDUSSON	Iceland
Mr. Shumsher K. SHERIFF	India
Mr. Anoop MISHRA	India
Mr. Ayad Namik MAJID	Iraq
Mr. Hamad GHRAIR	Jordan
Mr. Justin N. BUNDI	Kenya

NAME	COUNTRY
Mr. PARK Heong-Joon	Korea (Republic of)
Mr. Allam Ali Jaafer AL-KANDARI	Kuwait
Mrs. Daiva RAUDONIENE	Lithuania
Mr. Riduan RAHMAT	Malaysia
Mr. Ahmed MOHAMED	Maldives
Mr. Byambadorj BOLDBAATAR	Mongolia
Mr. Abdelouahed KHOUJA	Morocco
Mr. Najib EL KHADI	Morocco
Ms. Juliet MUPURUA	Namibia
Mr. Geert Jan A. HAMILTON	Netherlands
Mr. Henk BAKKER	Netherlands
Mr. Boubacar SABO	Niger
Mr. Basil EDHERE	Nigeria
Mr. Sheikh Ali bin Nasir bin Hamed AL-MAHROOQI	Oman
Mr. Amjed Pervez MALIK	Pakistan
Mr. Mohammad RIAZ	Pakistan
Mr. Frank WEVER	Panama
Mr. Oscar G. YABES	Philippines
Mrs. Marilyn B. BARUA-YAP	Philippines
Mr. Artemio A. ADASA	Philippines
Mrs. Ewa POLKOWSKA	Poland
Mr. Lech CZAPLA	Poland

NAME	COUNTRY
Mr. José Manuel ARAÚJO	Portugal
Mr. Sergey MARTYNOV	Russian Federation
Mr. Domingos José TRINDADE BOA MORTE	Sao Tomé and Príncipe
Dr. Mohammed Abdullah AL-AMR	Saudi Arabia
Mr. Baye Niass Cissé	Senegal
Mr. Gengezi MGIDLANA	South Africa
Mr. Masibulele XASO	South Africa
Mr. Manuel CAVERO	Spain
Mr. Carlos GUTIÉRREZ VICÉN	Spain
Mr. Dhammika DASANAYAKE	Sri Lanka
Mr. Neil IDDAWALA	Sri Lanka
Mr. Abdelgadir ABDALLA KHALLAFALLA	Sudan
Ms. Kathrin FLOSSING	Sweden
Mr. Philippe SCHWAB	Switzerland
Mr. Somsak MANUNPICHU	Thailand
Mrs. Saithip CHAOWALITTAWIL	Thailand
Mr. Charae PANPRUANG	Thailand
Mr. Mateus XIMENES BELO	Timor Leste
Dr. İrfan NEZİROĞLU	Turkey
Ms. Jane LUBOWA KIBIRIGE	Uganda
Mr. Paul GAMUSI WABWIRE	Uganda
Mr. Mohamed Salem AL-MAZROUI	United Arab Emirates
Mr. Abdulrahman AL SHAMSI	United Arab Emirates

NAME	COUNTRY
Mr. Edward OLLARD	United Kingdom
Dr. José Pedro MONTERO	Uruguay
Mr. NGUYEN Hanh Phuc	Vietnam
Mrs. Doris Katai Katebe MWINGA	Zambia
Mrs. Cecilia MBEWE	Zambia

ASSOCIATE MEMBERS

NAME	ORGANISATION
Mr. Kenneth MADETE	East African Legislative Assembly (EALA)
Dr. Cheick Abdelkader DANSOKO	ECOWAS Parliament
Mrs. Maria SANWIDI WARE	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Mr. Said MOKADEM	Maghreb Consultative Council

SUBSTITUTES

NAME	COUNTRY
(for Mr/s.)	
Mr. Srun DARA (for M. LENG Peng Long)	Cambodia
Mr. André Gagnon (for Mr. Marc BOSC)	Canada
Mr Tatang SUTHARSA (for Dr. Winantuningtyas Titi SWASANANY)	Indonesia
Mr. Yasuo KURATA (for Mr. Takeshi NAKAMURA)	Japan
Mr. George Ionut DUMITRICA (for Mr. Cristian PANCIU)	Romania
Ms. Olga FOLOMEEVA (for Mr. Sergey MARTYNOV)	Russian Federation

Mr. Jossey MWAKASYUKA (for Dr. Thomas Didimu KASHILILAH)	Tanzania
Mrs. La-Or PUTORNJAI (for Mrs. Norarut PIMSEN)	Thailand
Mr. Oscar PIQUINELA (for Virginia ORTIZ)	Uruguay
Mrs. Philippa HELME (for Mr. David NATZLER)	United Kingdom

ALSO PRESENT

NAME	COUNTRY
Mr. Ahmad MORSHIDI	Brunei
Mr. Pehin Dato Hj JUDIN	Brunei
Ms. Rose Aminah ISMAIL	Brunei
Mr. Ivan Mitov SLAVCHOV	Bulgaria
Mr. Roger Mbombo GAYALA	Congo (Democratic Republic of)
Mr. Hassan Said GOUMANHEH	Djibouti
Ms. Warsiti ALFIAH	Indonesia
Ms. Sulis WINURINI	Indonesia
Ms. Hanan ALFATLAWI	Iraq
Mr. Thiha HAN	Myanmar
Dr. Rabi AUDU	Nigeria
Mr. Bashar SULAIMAN	Palestine
Mr. José CORTILLA	Panama
Mr. Edgardo PANGILINAN	Philippines
Ms. Agata KARKOWSKA-SOKOLOWSKA	Poland
Ms. Sandisiwe SCHALK	South Africa
Mr. Michael WATERS	South Africa

Dr. Fadia DIB	Syrian Arab Republic
Mrs. Ammar BAGDADHE	Syrian Arab Republic
Mrs. Fade WARDEH	Syrian Arab Republic
Mr. Owen MWANDUMBYA	Tanzania
Mrs. Andhika THONGPRASOM	Thailand
Ms. Kanjanat SIRIWONG	Thailand
Ms. Tatiya RATANAWIROJ	Thailand
Mr. Pakorn NUANMANEE	Thailand
Mr. Kunnavuti TUNTRAKUL	Thailand
Ms. Krisanee MASRICHAN	Thailand
Ms. Kanteera LEELANOND	Thailand
Mr. NGUYEN Sy Dung	Vietnam
Mrs. NGUYEN Thuy Anh	Vietnam
Mr. NGUYEN Van Tien	Vietnam
Mr. Maxas NG'ONGA	Zambia
Ms. Victoria KALIMA	Zambia
Mr. Oliver SPENCER	OSCE

APOLOGIES

NAME	COUNTRY
Mr. Gerd SCHMITT	Germany
Dr. Ute RETTLER	Germany
Mr. Satoru GOHARA	Japan
Mr. Shinji MUKO-ONO	Japan
Mrs. Ruth DE WINDT	Suriname

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FIRST SITTING

Sunday 29 March 2015 (morning)

Mrs Doris Katai Katebe MWINGA, President, was in the Chair

The sitting was opened at 10.45 am

1. Opening of the session

Mrs Doris Katai Katebe MWINGA, opened the session, which was her first as President of the Association. She thanked Mr Marc BOSCH, the outgoing President, for all his hard work at the head of the Association.

She thanked the Vietnamese hosts, who had provided excellent facilities and would be laying on some excellent events. The Association would hear from the Secretary General of the Vietnamese Parliament later that morning.

The staff were there to welcome members: during meetings: Inés and Emily could usually be found near the podium, and Karine and Daniel near the entrance to the room. When the Association was not sitting they could be found on the floor below, in room 244C.

The President reminded members to check that their details were correct on the list of members, as soon as possible and to sign in as soon as possible. She also reminded them to supply photographs of themselves for the Association's website.

Members would be going on an excursion to Trang An on Monday 30 March. The President set out the arrangements for the visit and urged members to give the secretariats their responses as soon as possible.

The President announced that the IPU secretariat had just learnt that Columbia had been obliged to pull out of hosting the Autumn session that year, which was due to have taken place in Cartagena. Consequently, the next ASGP session would be in Geneva, and the dates had moved, to 18 to 21 October.

At the end of that morning's session, there would be a group photograph.

2. Election to the Executive Committee

Mrs Doris Katai Katebe MWINGA, President, announced that there would be two possible elections during the session, one for a new Vice President and another for one or two ordinary members of the Executive Committee.

The vote for the Vice-President, if required, would take place on Tuesday 31 March at 10.30 am, with the deadline for the nomination of candidates at 4 pm on the Sunday.

The vote for one or two ordinary members of the Executive Committee, if required, would take place on Tuesday 31 March at 4 pm, with the deadline for the nomination of candidates at 10.45 pm earlier that day.

She reminded members that it was usual for experienced and active members of the Association to stand for election. Women remained under-represented on the Committee, as did francophones.

She explained the process to be followed by potential candidates. The staff were all available to provide information and support.

The President announced that a candidacy for the position of Vice President had already been received, from Mr Philippe SCHWAB of Switzerland. Two candidacies had been received for the position of ordinary member, from Ms Claressa SURTEES of Australia and Mr José Manuel ARAÚJO of Portugal.

3. Orders of the day

Mrs Doris Katai Katebe MWINGA, President, noted the following modifications to the draft agenda:

- Tuesday afternoon: Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (The Netherlands) was unable to attend, so her communication would be presented by one of her colleagues, Mr Henk BAKKER.
- Tuesday afternoon: Mrs Kathrin FLOSSING (Sweden) would now present her communication on Tuesday afternoon. If elections needed to be held on that afternoon, her communication would be moved back to Wednesday morning.
- Wednesday morning: There was an additional communication from Mr Kyaw SOE (Myanmar) on “The Myanmar Hluttaw and the role of ICT in its development”.

Mr José Pedro MONTERO (Uruguay) would postpone his communication until the next session in October

She read the proposed orders of the day as follows:

Sunday 29 March (morning)

9.30 am

Meeting of the Executive Committee

10.30 am

Opening of the session
Orders of the day of the Conference
New members

Welcome and presentation on the Vietnamese parliamentary system by Hon. Mr NGUYEN Hanh Phuc, Chairman of the Office for Vietnam's National Assembly

Theme : Public and Media relations

Communication by Dr Mohamed AL-AMR, Secretary General of the Shura Council of Saudi Arabia: "Saudi Shura Council Relationship to Society - Hope and Reality"

Communication by Dr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly of Turkey: "Public Relations of Parliaments: The Case of Turkish Parliament"

Communication by Mr Manuel CAVERO, Secretary General of the Senate, Spain: "Active transparency measures and measures related to citizens right of access to public information in the Spanish Senate"

Sunday 29 March (afternoon)

2.30 pm

Theme: Politics in Parliament

Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the National Assembly of France: "The Standing Orders of political parliamentary groups"

Communication by Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands: "Powers and competences of government parties and opposition parties in a multi-party parliament"

General debate: 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

Note on the general debate:

The law is the result of a process in which many people have a hand, within Government and Parliament. Other bodies also have an active role to play through consultation. Constitutional and administrative courts; financial overseers and other independent bodies can all participate.

However, decisions taken in Parliament are also the product of external influences, such as social or economic organizations or groups looking out for their vested interests. It is difficult to assess the impact of these influences as they are not always subject to transparency measures. Their discreet presence in the corridors of power (lobbyism) can generate fear that control of the decision-making process has been taken out of the hands of the public.

The purpose of the debate is to examine the situation and to look at the effectiveness of measures taken to regularise the involvement of lobbies in the legislative process.

4 pm: Deadline for nominations for the post of Vice-President of the ASGP

Monday 30 March

Excursion to TRANG AN, world heritage site

(8.30 am – 5 pm)

Situated on the southern shore of the Red River Delta, Trang An is a spectacular landscape of limestone karst peaks permeated with valleys, some of which are submerged, and surrounded by steep, almost vertical cliffs. Exploration of some of the highest altitude caves dotted across the landscape has revealed archaeological traces of human activity dating back almost 30,000 years. They illustrate the occupation of these mountains by hunter-gatherers and how they adapted to climatic and environmental changes. The property also includes Hoa Lu, the old capital of Viet Nam in the 10th and 11th centuries AD, as well as temples, pagodas, paddy-field landscapes, with villages and sacred sites.<http://whc.unesco.org/en/list/1438/>

Tuesday 31 March (morning)

9.30 am

Meeting of the Executive Committee

10 am

Communication by Mrs Jane L. KIBIRIGE, Clerk of the Parliament of the Republic of Uganda: "When the independence of the Legislature is put on trial: an examination of the dismissal of members of the party in Government from the party vis-à-vis their status in Parliament"

Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: "Legislative Consolidation in Portugal: better legislation, closer to the citizens"

10.45 am: Potentially, election for the post of Vice-President of the ASGP and, immediately after a decision has been taken, deadline for nominations for the post of one ordinary member of the Executive Committee

11 am

Visit to, and lunch at, the Vietnamese Parliament

Tuesday 31 March (afternoon)

3 pm

Communication by Mr Henk BAKKER, Director, Operational Management of the House of Representatives of the States General of the Netherlands: “The formation of government in the Netherlands in 2012”

Communication by Ms. Kathrin FLOSSING, Secretary General of the Riksdagen of Sweden: “Plain language: a promising strategy in the Swedish Parliament for clear communication and improved efficiency”

General debate : Finding the structure of a parliamentary secretariat with maximum efficiency

Moderator: Hon. Mr NGUYEN Hanh Phuc, Chairman of the Office for Vietnam’s National Assembly

Note on the general debate:

Parliamentary secretariats are structured differently in different Parliaments. In the context of the recent establishment, or re-establishment, of Parliaments across the world, the purpose of this debate is to consider different structural models for the Parliamentary secretariat, with particular emphasis on both administrative and legislative efficiency, and synthesis with the work of Parliament.

4 pm: Potentially, election of one ordinary member of the Executive Committee

Wednesday 1st april (morning)

Meeting of the Executive Committee

10 am

Communication by Mr Anoop MISHRA, Secretary General of the Lok Sabha, India: “The Committee system in India: Effectiveness in Enforcing Executive Accountability”

Communication by Mr Kyaw SOE, Director General of the Union Assembly, Myanmar: “The Myanmar Hluttaw and the role of ICT in its development”

Presentation on recent developments in the Inter-Parliamentary Union

Administrative and financial questions

Draft agenda for the next meeting in Geneva (Switzerland), October 2015

The agenda for the Session was agreed to.

4. Members

Mrs Doris Katai Katebe MWINGA, President, said that the secretariat had received requests for membership which had been put before the Executive Committee and agreed to, as follows:

Mr. Bachir SLIMANI	Secretary General of the National People's Assembly, Algeria (replacing Mr Mourad MOKHTARI)
Mr. Abdulla ALDOSERI	Secretary General of the Council of Representatives, Bahrain (replacing Mr Jamal ZOWAIED)
Mr. Christophe PALLEZ	Secretary General of the Questure, France (replacing Mr Olivier CHABORD)
Mr. Anoop MISHRA	Secretary General of the Lok Sabha, India (replacing Mr Pushpender Kumar GROVER)
Mr. Peter FINNEGAN	Acting Clerk of the Dail Eireann, Ireland
Mrs. Daiva RAUDONIENE	Secretary General of the Seimas of Lithuania
Mr. Domingos José TRINDADE BOA MORTE	Secretary General of the National Assembly of Sao Tomé and Príncipe (replacing Mr Romão PEREIRA DO COUTO)
Mr. Gengezi MGIDLANA	Secretary to the Parliament of South Africa

As observer:

Mr. Mahmood Salim MAHMOOD	Executive Director of the Pakistan Institute for Parliamentary Services (replacing M. Khan Ahmad GORAYA)
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The new members were agreed to.

Mrs Doris Katai Katebe MWINGA, President, said that the Executive Committee had agreed to put forward the following ex-member of the Association for honorary membership:

Mr Austin ZVOMA	Zimbabwe
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The honorary member was agreed to.

5. Welcome by the host Parliament

Mrs Doris Katai Katebe MWINGA, President, welcomed Hon. Mr NGUYEN Hanh Phuc, Chairman of the Office for Vietnam's National Assembly to give a welcome address and a presentation on the Vietnamese parliamentary system.

Hon. Mr NGUYEN Hanh Phuc (Vietnam) spoke as follows:

It gives me a great pleasure on behalf of the Office of the National Assembly (NA) of Viet Nam to welcome you in Hanoi to attend the Spring Meeting of the Association of Secretary General of Parliament (ASGP) 2015. The hosting of this conference marks significant progress by the National Assembly of Viet Nam in the process of international integration.

On behalf of the host country, I would like to brief you on the National Assembly and our ongoing reforms in recent years.

History of development, Viet Nam's NA was formed and developed along with the struggle for independence and liberation as well as the current cause of national development and defense. Nearly 70 years ago, at the height of the fight for independence, in August 1945, the "Tan Trao National People's Congress" was convened. On behalf of the entire people, the Congress approved the decision to conduct the general uprising, appointed an interim government to lead the entire population to seize power and build a new regime. In that sense, the Tan Trao National People's Congress is considered the predecessor of the current NA.

After the August Revolution, on January 6th 1946, a general election was carried out for the first time in the country, opening up a new era in the history of the Vietnamese people, marking the birth of the National Assembly of Democratic Republic of Viet Nam, the first democratic state in Southeast Asia.

Since then, as a supreme organ of the State power and the highest representative body of the people, the NA has made active contributions to national development. In 2013, the NA passed the new constitution, marking a new period in the ongoing reform of the country and creating a solid legal foundation for industrialization, modernization and international integration.

With regards to functions and mandate of the NA, as the highest representative body of the people and the highest state authority, the NA as mandated by the Constitution, has the right to make constitution, laws and decisions on important issues of the country and perform the supreme oversight of State activities. Under the 2013 Constitution, functions and duties of the NA are defined in a more specific and substantive way, ensuring that the state power is unified, with a clear assignment, coordination and control among state agencies in the implementation of legislative, executive and judiciary rights.

The NA carries out legislative activities based on the annual program for laws and ordinance promulgation during its tenure. Accordingly, at the request of entities entitled to submit draft laws and ordinances, the Standing Committee of the NA shall devise the program for law and ordinance promulgation to be submitted to the NA for approval. Only draft laws and ordinances which are included in the program will be discussed at the NA's sessions. Every year, the NA reviews and adopts an average of 20 laws.

With regards to making decisions on important issues of the country, the NA has the authority to make decisions on issues related to national budgets, social-

economic development policies and plans, investment policy of targeted programs, projects of national importance and other important issues.

With regards to monitoring activities, the NA exercises its supreme oversight on the compliance with the Constitution, laws and resolutions of the NA and supervise activities of the President, the Standing Committee of the NA, the Government, the People's Supreme Court, the People's Supreme Procuracy, the National Election Council, the State Audit and other bodies established by the NA. In particular, one of the monitoring tools recently used by the NA is to gather vote of confidence, a means for the NA to exercise its supervision rights in measuring the credibility of a person who holds a position elected or approved by the NA. Such measurement provides a basis for evaluating this official. The NA holds confidence polls once in each term at the last session of the third year of the term. If the person subjected to confidence vote gathering is rated as "low confidence" by more than half the total number of deputies, he or she may choose to resign. If the person subjected to confidence vote gathering is rated as "low confidence" by two-thirds of the deputies, the Standing Committee shall submit to the NA for conducting a confidence poll.

As for deputies of the NA, Viet Nam's NA is structured in the uni-chamber model with a maximum total number of five hundred members, including both full-time and part-time ones. Deputies are elected for a term of 5 years. The election of members of the NA of the Socialist Republic of Viet Nam is conducted based in the principle of universality, equality and direct voting and in form of secret ballot.

In the NA elections of the XIII tenure in 2011, 500 deputies were elected from 180 constituencies across the country. On average, each constituency had 5 candidates and 3 were elected. Deputies of the NA are either full-time or part-time. Full-time deputies devote all their working time to perform duties and power of an NA deputy at the NA headquarters or offices of local NA delegations. Part-time deputies are supposed to spend at least a third of their working time to perform duties and powers of an NA deputy. At the NA tenure XIII, the number of full-time deputies is 154, accounting for 30.8%.

The 2013 Constitution and the Law on Organization of the NA stipulate that deputies are central to all activities of the NA. The noble the duty of deputies is to represent and protect interests of voters, maintain in close contact with voters and work under the supervision of voters. NA deputies meet voters at least four times each year before and after each session of the NA.

With regards to organizational structure, the NA establishes the Standing Committee of the NA to perform a number of tasks, duties and powers of the legislative body when the NA is not in session and chair sessions of the NA. In addition, the Standing Committee of the NA also has the authority to make ordinances on issues assigned by the NA and interpret the Constitution, laws and ordinances.

The Standing Committee consists of a Chairman, Vice Chairmen and members. The Chairman of the NA shall be the Chairman of the Standing Committee and so are the Vice Chairmen of the NA. In the NA tenure XIII, the Standing Committee has 18 members.

With regards to committees of the NA: the NA of Vietnam currently consists of an Ethnic Council and 9 standing Committees in charge of different types of policies.

The Ethnic Council, committees of the NA have the function to appraise laws and other projects assigned by the NA or the Standing Committee of the NA; perform oversight within their mandate prescribed by laws; make recommendations on issues under the scope of activities of the Committee. In case of necessity, the NA will establish an interim Committee to study and examine a project or make investigation on a specific issue.

NA session: Normally, the NA is convened twice a year. The first session starts in May and the last session starts in October. Each session lasts about a month. Sessions of the NA are held publicly. Citizens may be allowed to observe the public sessions of NA. Sessions, during which the NA discusses issues of special interest to voters shall be broadcasted live on TV and radio.

The assisting apparatus, under the provisions of the Law on Organization of the NA, the Office of the NA is an administrative and advisory body of the NA, the Standing Committee, the Ethnic Council, different NA Committees and NA deputies. The Secretary General of the NA, elected and dismissed by the NA, is the Chairman of the NA Office, responsible to the NA and the NA Standing Committee for the activities of the Office. A Secretariat is established to assist the General Secretary of the NA. Currently, the Office of the NA has approximately 1000 employees working in 28 departments divided into 3 main blocks. One block assists the Ethnic Council and other Committees; one for administrative affairs and the last for public service provisions.

The adoption of the 2013 Constitution promises to boost the overall reform of the country. In this process, the NA of Viet Nam has worked hard to improve our operational efficiency, ensuring that the NA is really the highest representative body of the people, closely linked and hold accountable to the voters. To accomplish this goal, it is very important to enhance the capacity of deputies, NA agencies and its assisting apparatus. In particular, the Law on Organization of the NA upon its entry into force on January 1st 2016 requires substantial efforts to restructure the assisting apparatus, including the role of the Secretary-General, the Secretariat and the NA Office. Therefore, within the framework of the ASGP Conference, we are more than willing to welcome your inputs and experience sharing so that we could improve the competence of our assisting apparatus to meet the requirements of the NA during reform and international integration.

Thank you and I wish you an enjoyable stay in Vietnam.

Ms Claressa SURTEES (Australia) asked whether Vietnamese MPs worked full- or part-time. She also asked which meeting dealt with the budget.

Mr Mohammed RIAZ (Pakistan) asked if MPs working part-time had the same functions as those who worked full-time.

Mr Somsak MANUNPICHU (Thailand) asked about the underlying philosophy of the system of full- and part-time MPs.

Hon. Mr NGUYEN (Vietnam) replied that 154 MPs, 30% of the total, had full-time roles, and the remainder had part-time roles. Full-time MPs dedicated all their working time to the National Assembly. The others worked at a local level and were

only obliged to commit a third of their working time to this role. There were MPs at local level who worked together to consult the public and to transmit their requests at a national level. Their responsibilities were the same, the only difference being the level of time commitment required for the work of the National Assembly.

A financial and budgetary committee checked the budgetary proposals, taking account of how far they had progressed. The President of the Assembly gave the budgetary committee its mandate. An audit report was presented in May, and this is also when the accounts were presented. At the end of the year, budgetary decisions were taken both by central Government and by local authorities. Between sessions, a specialist committee met to examine the accounts.

Mr Md. Ashraful MOQBUL (Bangladesh) asked how many MPs there were in relation to the 500 constituencies.

Mrs Corinne LUQUIENS (France) asked how the parliamentary services providing assistance to the MPs were organised. She wanted to know how they worked and how staff were recruited.

Mr Geert Jan A. HAMILTON (Netherlands) asked how Vietnamese MPs were elected, who could become a candidate, and who the electorate were.

Hon. Mr NGUYEN (Vietnam) said that there were 500 MPs representing 182 constituencies. For example, a constituency may have five candidates, of whom three were selected on the basis of votes cast. Concerning the electoral system, since 2013 an Electoral Commission had had the ambition to create a National Council for Elections on the basis of a law that would enter into force in 2016. Elections would be held in June 2016.

At a local level, candidates were designated by the organisations that they represented, their eligibility having first been verified. Electoral laws were strict. The principles were those of transparency and democracy. The election of full- and part-time MPs followed the same procedures. Full-time MPs were those who already had experience. MPs had the use of a secretariat at local level. At national level, an office of the National Assembly provided all the information they might need in order to make contact with their electorate. The new law allowed for local MPs to participate in meetings with regions and constituencies other than their own. This was a new measure to improve communication.

Mrs Doris Katai Katebe MWINGA, President, thanked Hon. Mr NGUYEN for his welcome.

6. 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?”

Mrs Doris Katai Katebe MWINGA, President, invited Dr Mohamed AL-AMR, Secretary General of the Shura Council of Saudi Arabia, to make his communication.

Dr Mohamed AL-AMR (Saudia Arabia) spoke as follows:

Shura Council, in the recent period, has been significantly developed in terms of its openness and its relationship with the public and media discourse, where it has become more interactive towards the local and international community, contributed to the rapid development that the evolution of the electronic methods of communication all over the world.

Before entering into the subject of the Agenda, we will display a rapid general view about the Council: The system has ensured its independence in terms of decision-making, setting its meetings agenda and mechanism of work and its financial and control plans, as regulatory authority in the kingdom would be under the control of the Cabinet. As for the number of members, they are 150 members, 30 members of whom are women. Where this ratio (quota) formed the high female representation within the parliaments of the world when issuance of the resolution to appoint the female members of the Board in 2013. All female members take part in discussion and make notes on the subject under discussion, and the submission of proposals then the vote to approve or not at the stage of voting.

At the beginning of each year, the members are optionally distributed to the ad hoc committees that are between 12 to 15 different committees are considered the backbone of works being achieved by the Council including the study of systems, discussion of the annual performance report of the officials, state authorities and institutions in the presence their representatives, international conventions and treaties referred to it for studying according to its rules and powers, as well as proposals submitted by one of the Council members or the number of members on a new system or amendment of the in force system.

As for the administrative and organizational terms, the Council in the exercise of its works through its system, internal regulations, rules of work and its committees conforms to other Councils in other world countries. The organizational structure does not differ from any parliamentary council as all councils are similar in their objectives and work whereas the Council is a member in the majority of associations and regional and international parliamentary councils and associated with most of the legislative and parliamentary unions and councils in the world through mutual visits, joint meetings and formation of parliamentary friendship committees between them.

The Council is keen to develop its systems and mechanisms on an ongoing basis through strengthening the Council frameworks and means and methods of efficiency, organization and vital in a way fits with the rapid developments taking place in the State during the last decade in various fields, and in a way copes with the era in which we live and in line with its conditions and information.

Therefore, the focus in this stage was on the (community) and the latest innovative ways to communicate with its members, decreasing the gap between the Council and the Citizens, their representation and attention to their requirements, building bridges of cooperation and participation, mutual benefit and transmission of experiences between the two parties.

From this base, the Council sought to apply the above objectives through several means setting the studies and plans based on scientific and professional basis that keep abreast with the citizens' intellectual and moral needs interesting in delivering the true image of the Council, its work and its members, targeting all classes and focusing on the scarcity's classes faraway of the parliamentary scene.

We represent the most important methods, applied in the Council, seeking for this objective:

A-With regard to the Council works:

1-The Shura Council members' field and mutual trips to the various regions and territories of the Kingdom of Saudi Arabia which are coordinated between the Department of the Council areas and between the official bodies representing each region.

Members review conditions and projects of development there, make rounds to the most important service, health and education institutions and utilities and interact with the citizens of the region to find out their inspirations.

At the end of each trip, a detailed report shall be submitted to the involved authority to take official action towards it.

The number of mutual visits to the regions of this year approximately reached (10) visits.

2-Open the Council doors for visits of schools and universities in order to review the parliamentary experience, attend part of the weekly session and meet members of the Council in some times. The visit is demanded via the link included in the website where all transactions between the two parties can be electronically conducted in the same day. It is noteworthy that the public relations staff has been trained on such tasks, ways to deal with all segments of society, the ability to deliver information completely and clearly and to respond to all questions asked by visitors.

The number of visitors of this year reached (1295) students nearly.

3-Allowing visit for the state guests and government officials, where the number of this year reached 300 guests nearly.

4-Enabling citizens to ask the Council visit via the website link at any time.

5-The ad hoc committees host a number of officials government entities, private entities or citizens in some cases whether to submit a proposal, report discussion or work on a specific study. The approximate number of the committees' guests of this year reached (268) guests.

6-The ad hoc committees coordinate field visits for their members inside and outside Riyadh to projects of government entities which have the jurisdiction so as to find out the work mechanism and quality of the provided service. The number of visits of this year reached (9) visits, and here are some examples:

-Visit of Education Affairs and Scientific Research Committee to the University of Hail.

-Visit of Transport, Communications and Information Technology Committee to King Abdullah Port in Rabigh.

7-His Excellency the Speaker of the Council hosted a number of Excellencies, Highnesses and Senior Officials as official visits to discuss important topics or to discuss the Ministries' reports headed by some of the guests.

The number of visits of this year reached 18 gusts nearly.

8-The Council keeps pace with world's most important days and awareness campaigns and spreads this kind of awareness among its employees and members. The Council previously participated in the most important national festivals fit its nature, for example: (National Day, the International Day for Breast Cancer, Awareness Day Harmful Effects Of Drugs , First Aid Week ... etc).

9-The Council welcomes the reception of citizens' petitions that include their suggestions via the Council website which receives all the petitions and refers them to ad hoc committees for consideration.

B-With respect to the members and staff:

The members and staff of the Council have a prominent role in decreasing the gap between the two parties; the citizens and the Council, so they always strengthens their presence in the social, charitable and media forums and meet the public invitations. Members and some of the staff are also invented to participate in some cultural events and lectures that focus on the transfer of expertise and experience for students of private schools and universities.

C-Media strategy:

The Council established a committee for setting its information and communication strategy, where the Committee has prepared studies, labor policies and mechanisms of implementation and evaluation of the proposed programs. It also has formed eight teams among the members of the Supervisory Committee and the staff of the Council of leaders and staff to accomplish the tasks, follow-up them and monitor the implementation of all processes and programs assigned to it according to the competence of each team which are as follows:

- Mass Media Team
- Means of Social Media Team
- Social Partnerships Team
- The Council visual identity Team
- Council Gateway Team
- Events, seminars and public meetings team
- Scientific activity and training team
- Women's events team

Each team has put a large number of brilliant and innovative proposals we started to apply a part thereof and we are working on the completion of the remaining according to the time plan and specific strategy.

Due to the limited time, here are the most prominent of what has been applied:

-The development of the portal to become more interactive to ensure updated information permanently.

-The presence of the Council in the social sites officially (Twitter, Instagram ...)

-Official announcement of opening the visits and encourage the public, students and government and private institutions to visit the Council.

-It is noteworthy that the Public Relations Department has designed a simple attendance certificate to be distributed to the students after the end of the visit as a souvenir as well as holding some cultural competitions for students on the information that has been explained to them during the visit as a way of encouragement to deliver information.

-Broadcasting weekly sessions and discussions on TV.

-Reporters adoption to attend the sessions and publishing weekly reports thereon in newspapers in addition to conducting periodic interviews with members to discuss the most important issues.

-Giving opportunity for post-graduate students to address the Shura topics in their research.

-Encouraging and inviting Students Shura Councils held in schools and informing them with system of parliamentary work on the ground and their representation simply.

-Lightening formalized institutional image of Shura Council when representing news and information to the masses

-Permanent coordination with press, television and radio to cover the Council activities.

-Issuance of electronic and printed monthly magazine on the Council including the latest news, visits, intellectual and societal contributions, articles by its members and their internal and external participations and shall be widely distributed in addition to the electronic parliamentary bulletin interesting only in parliaments news of the world and the most important international treaties and conventions.

-Members encouraging appearing in mass media.

-Inviting the community segments and opinion leaders to attend the annual Royal speech ceremony.

The most important ideas we are going to activate:

-An annual symposium to present and discuss the outcome of the legislative year to which the thinking and opinion leaders in the community are to be invited and open discussion.

-Launching a debate platform on the website to communicate with the Council ad hoc committees on discussed topics.

-Adding special links of the website to communicate directly with members and committees heads.

-Establishing a studied and public informative database for systems, topics, reports and resolutions that reflects the Council's most important achievements and outputs.

-Setting up an institutional framework to support and care for intellectual seminars and activities in the Kingdom.

-Attracting outstanding young people in particular into an interactive seminar with the Council members to take advantage of their ideas and suggestions which will contribute to educate them about parliamentary work and train them on participate in decision-making.

-Organizing participation of the Council through its members and staff in any important national event in their practical regulatory capacity, which reflects a positive image in the public opinion.

-Participation expansion in voluntary works and social responsibility activities innovatively.

-Attracting groups benefiting from modifying or creating systems submitted by Shura Council members and getting them informed with the experience and the latest results.

Ladies and Gentlemen:

The electronic openness, cultural awareness increase and community pressure have formed strong reasons to accelerate development in the Shura Council systems in addition to the interest in all what would improve performance efficiency and keep pace with global developments in this field. So the objective of such conferences was promoting the transfer of useful experiences and exchange of experiences which achieve the basic benefit to the homeland and the citizen; the matter which we all seek as being part of parliaments agreed upon one goal: service and development of communities and their individuals.

Mrs Doris Katai Katebe MWINGA, President, thanked Dr AL-AMR for his communication.

7. Communication by Dr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly of Turkey: “Parliamentary public relations: contact made by the Turkish Parliament with young people”

Mrs Doris Katai Katebe MWINGA, President, invited Dr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly of Turkey, to make his communication.

Dr İrfan NEZİROĞLU (Turkey) spoke as follows:

[A brief video presentation relating to the text below can be found here: <http://irfanneziroglu.com/video.aspx?v=12>]

I would like to thank first of all Vietnam's National Assembly for the kind hospitality extended to us since we arrived in Hanoi and Dr. AL-AMR (Secretary General of the Shura Council of Saudi Arabia) for his interesting and fruitful communication on the relationship between parliamentarians and the media and vice-versa.

As we have agreed at our last meeting in Geneva, the second communication on the theme "Public and media relations" will be delivered by myself on the Parliamentary Public Relations (PR) with a particular focus to the good practices of the Grand National Assembly of Turkey (GNAT-the Turkish Parliament).

Parliaments are the structures where the sovereignty of the people is expressed. In other terms, they belong to the public. Assuming such a role, parliaments are also at the center of the political debate. Therefore, most of the time because of the ongoing political discussions and their media reflections, the parliamentary institutions face difficulties in preserving their credibility (image) towards the public.

As the General Secretariats, I mean the administrative bodies of our Parliaments; we are not also immune from the difficulties resulting from the political atmosphere surrounding all of us. In the eyes of the public, the Parliament is solely composed of the political party groups formed by the MPs and most of time, the intensive administrative work behind it is underestimated.

Despite our efforts to disseminate accurate information through ways of publications, new information technologies and the media, a large extent of the citizens knows little about the real work carried out by our administrations, thus our contribution to the functioning of the Parliament.

At this point, Dear Colleagues, let me mention that the media have certainly a vital role to play in increasing the awareness of the citizens about the parliamentary administrative activities but I believe, we have also a great responsibility in heightening the awareness of the public about the parliament through creating strong and interactive ties between various groups of citizens using different PR tools.

Working in the parliaments, we rarely have to deal with one homogenous public only, but instead are faced with a range of different audiences, in other words, different target groups whose needs have to be addressed in different ways.

The public is more than the sum of citizens and journalists, it also includes the parliamentarians, the staff, the retailers and all other stakeholders effective in shaping the public opinion. And the role of PR in a parliament is to manage all forms of communication between people, organisations, institutions and the public, both externally and within the parliament itself.

But how to do that?

There is no doubt that the objective of PR is to spread true and accurate information through transparent ways and to build up and maintain trust, goodwill and credibility of the parliament in the public.

Transparency and openness is not only essential in the parliamentary work but applies to all the activities carried out by our administrations.

By the very nature of our institutions, openness can not always be easy to achieve in all cases, but keeping all parties well-informed about our activities shall be the basic condition for a successful PR management.

As the Secretary General of the Turkish Parliament, I believe that the parliamentary PR should be different than the one carried out in the private sector.

Their effects shall not only be measured in terms of visibility in the media, which can sometimes be misleading. For us, attracting the attention of the media can never be through any means.

We should be highly professional in helping the public as well as the journalists to get a rapid access to the information. As the Parliaments, we cannot wait for the media to ask questions but we should circulate the accurate information about our activities at our own initiatives.

Let me also emphasize that as parliamentary institutions, we have also great responsibility towards the society and fulfilling the needs of all of our counterparts. Therefore I believe that, to positively affect the society in certain areas and to be a role-model for domestic and international collaborators should be the most important outcome of a well-managed parliamentary PR system.

In 2012, the new Law on the Administrative Organization of the Turkish Parliament was adopted and entered into force. Since then, the Turkish Parliament's administrative organization is in a process of self-transformation.

In this new period, PR gained particular importance and different audiences such as the visitors, youth & university students, persons with disabilities, children and disadvantaged social groups are considered as the most important partners of the Parliament. These groups have never attracted such a focus from the administration of the Parliament nor any specific social engagement programme have been implemented before.

Today, my aim is to talk about the good practices of the Turkish Parliament touching upon two dimensions: "External PR" and "Internal PR".

Naturally, the external PR will be explained more comprehensively since it directly affects the perception of the Parliament from the outside.

Press relations: A better communication policy

Considering the need for a better communication policy with the press, we started to put into practice many new services:

In the Turkish Parliament, there are nearly 150 journalists who closely follow and report the parliamentary activities on a daily basis and having resident offices in the Parliament building. To keep them well-informed about the administrative activities, we have predominantly used information technologies:

The agenda, the daily programme, announcements about the foreign delegations visiting the Turkish Parliament and press releases made by the General Secretariat are sent via e-mail.

Electronic newsletters concerning the activities performed by the Turkish Parliament have been prepared and distributed via e-mail to regional and local media as well as to the web-based online media.

A Media Follow-Up System has been established to follow the news broadcasted in print and online media related to the Turkish Parliament, legislative activities, deputies, General Secretariat and current political affairs.

A Media Archive System was established to keep the record of the news printed or broadcasted about the Speaker of the Parliament and MPs.

The online version of 40 national newspapers were made accessible to the MPs on parliamentary intranet page.

Through subscription to some international databases providing access to free databases, online version of more than 2200 daily newspapers from 95 countries in 54 languages were made available on intranet page.

Better and quicker access to information and the “e-Parliament”

The Turkish Parliament considers digital communication as an integral part of its PR activities. The “e-Parliament” project that we launched in 2012, helps us to get use of digital communication for further promoting our public activities. To this end;

A mobile application was developed to provide timely and accurate information about legislative and scrutiny activities as well as the administrative ones.

This application can be downloaded by smartphones and tablets and provides access to legislative and scrutiny activities, the Parliament’s Agenda, Press and Media, Parliament’s Library and other useful information for the public.

The application having two different versions for the MPs and the citizens is used by almost all the MPs. This application is available in App Store for IOS, Google Play Store for androids and in Windows Store for Windows 8.1 and Windows Phone.

The Turkish Parliament has two verified Twitter accounts, namely GNAT^{official}¹ and GNAT^{General Assembly}² and these two accounts are followed by nearly 230.000 and 285.000 citizens respectively.

These figures places the Turkish Parliament as the third most followed parliament on Twitter among world's parliaments.

The Turkish Parliament has two different accounts on Facebook³ as well.

With the aim of disseminating information about the Parliament's functioning and activities, our parliamentary website were made available in 8 different languages namely, English, French, Spanish, German, Arabic, Chinese, Russian and Kazakh language⁴.

An "e-Petition" system was set up to make the Committee on Petitions easily and quickly accessible for the citizens. Via the system, citizens make their application to the Committee in an electronic environment. This system has actively been used by approximately 100.000 citizens and we are happy to see that the number of users rises every day.

As the Turkish Parliament, we attach utmost value to the opinions and proposals coming from children, youth, elderly, men and women, persons with disabilities, in sum from all parties of the society. To this aim, an application was designed for the citizens called "I have a Proposal".

Via this application, citizens may submit their proposals to a system on the parliamentary website. Applicants may comment on the ongoing activities of the Parliament or chose "A new Proposal" title to submit their views and proposals.

An institutional communication system based on e-mail and SMS (short message service) was established in order to send the announcements, statements and other information messages to the MPs and staff.

¹ <https://twitter.com/tbmmresmi> ;

² <https://twitter.com/TBMMGenelKurulu>

³ <https://www.facebook.com/TBMMresmi>

<https://www.facebook.com/pages/TBMM-Genel-Kurulu/147994631981141>

⁴ <http://global.tbmm.gov.tr/index.php/EN/yd/>
<http://global.tbmm.gov.tr/index.php/FR/yd/>
<http://global.tbmm.gov.tr/index.php/ES/yd/>
<http://global.tbmm.gov.tr/index.php/DE/yd/>
<http://global.tbmm.gov.tr/index.php/AR/>
<http://global.tbmm.gov.tr/index.php/ZH/yd/>
<http://global.tbmm.gov.tr/index.php/RU/yd/>
<http://global.tbmm.gov.tr/index.php/KK/yd/>

A new system was also set up for the visitors who want to pay a visit to the MPs. Visitors can request appointment from the MPs using Visitors' Appointment System. When their request is approved, visitors are informed by a SMS. This system increased the quality and speed of the service we deliver to the visitors.

In order to increase the public awareness about the Turkish Parliament and its legislative functions, an online quiz was prepared at the homepage.

Carrying out all the projects that I tried to summarize till now, we always try to keep the pace with the changes in the digital world.

With this thought, we created an environment where the staff working in information services collaborate with the ones responsible for the PR since we think that these two inter-related staff groups should both follow the developments in the digital world and know the best-use of PR instruments reciprocally.

Recently, we also established a new unit under the PR department for the promotion of new PR projects in the Parliament.

A Visitors Friendly Parliament: Public Day

Turkish Parliament is one of the most visited parliaments in the world. The majority of the visitors come to the Parliament to visit the MPs and there are days when the number of visitors reach nearly 8000 people. These high figures inspire us to carry out new PR projects to better host the public visiting the Parliament.

The Turkish Parliament is always open to the public. For three years, Saturdays have been declared as "Public Day" which is an opportunity for citizens to explore inside the campus, the Parliament building, the Plenary in a guided tour. The entry requires no appointment and during the guided tours, visitors receive information about the history of the Parliament, its functioning as well as the premises. At the end of the tours, visitors receive also certificates signed by the Speaker of the Parliament.

Besides the Public Day, guided tours upon appointment are also available for students and other visitors.

For the undergraduate students, presentations on legislation, scrutiny, parliamentary diplomacy, international relations and parliamentary PR are also available.

Relations with the Universities, Youth and Children

Youth and children constitute one of the most important targetgroups of the Turkish Parliament. I believe that a healthy communication with these two groups enhances the public dialogue and contributes to the strengthening of the democratic culture.

In this framework, let me mention about the project we call "Cooperation with the Universities".

This project was launched in order to share our institutional accumulation of information and experience with undergraduate students, especially in the fields of legislation and scrutiny. In return, the academic background of the universities will

also be at our service that can contribute to the duties and activities of the Parliament. In this context, cooperation protocols were signed with some universities. Presentations on Parliamentary Law have been made for the students studying Law, Political Sciences, International Relations and Communication. With the aim of increasing the number of graduate papers about the Turkish Parliament, academic study topics are proposed to the researchers and sources in the Parliament's Library are opened to them.

Another dimension of the project is hosting university students and academics in the Turkish Parliament. During the visits, presentations on institutional structure and legislative procedures are made for university delegations coming from all around Turkey.

Besides the university students, we attach particular importance to children as well. A special website for children was designed namely "the Turkish Parliament for Children." Cartoons, an e-library, games, information about social responsibility projects carried out by the Parliament are available on the website. For the creation of cartoons, a cartoon competition was organized to especially attract the university students studying visual arts. Children books were prepared on the history and premises of the Turkish Parliament as well as its functioning. These books are given to children visitors as gifts.

Children living in nursing homes are of special importance for the Turkish Parliament. We try to bring these children together with staff's children in almost every activity we carry out such as festivals organized at the end of the scholar year in the Parliament's campus or valonia festival.

Overcoming the obstacles (A Parliament without Obstacles)

In the Turkish Parliament, all our endeavours towards persons with disabilities are based on "human rights" model rather than the "medical" one. In this context, many improvements have been made in the last three years.

Today I am proud to say that, the Turkish Parliament revised its services, equipment and facilities as defined in the UN Convention on the Rights of Persons with Disabilities. Mobility aids, devices and assistive technologies as well as other forms of assistance, support services and facilities were made available and suitable for persons with disabilities. Parliamentary staff are trained so as to better provide assistance and services to the persons with disabilities. All this work carried out by our Administration has contributed to raise the awareness of the society and the Turkish Parliament has been seen as a role-model by other public institutions in Turkey.

Within the framework of our approach called "a Parliament without obstacles", representatives of some NGOs working in the field were invited to the Parliament to share their opinions. Accordingly, appropriate measures were taken and the campus as well as the premises were made accessible to the persons with disabilities on equal basis with others.

A special Reception Area for persons with disabilities, elderly, pregnant, illiterate and visitors needing special care was established. In this area there is an induction loop system for people with hearing loss and deafness and visitor badges, maps and leaflets about the Parliament are also available in Braille.

Staff receiving the visitors are regularly trained for an accurate communication with people disabilities. Trainings include courses for basic sign language too. Recently, we have organized sign language courses given by the sign language interpreters working in the Turkish Parliament. The parliamentary staff has the opportunity to participate in these courses voluntarily. By the way, let me also mention that we employ many staff with disabilities in different departments.

The Turkish Parliament's website has specially been designed for the persons with visual impairment. A software programme suitable for screen readers is available and thanks to this programme, blind people may listen to the history of the Turkish Parliament, its duties and functions, information about the election system, legislation and scrutiny activities, inter-parliamentary relations and publications such as the Rules of Procedures, Guidelines of Deputies etc.

For us, the most important part is the BrowseAloud system that we made available in the Minutes section of the website. Persons with visual impairments can listen to the summary of the minutes thanks to this tool. Recently, we started to interpret the minutes in sign language as well.

Besides these arrangements, publications for an accurate communication with the visitors with disabilities were prepared as well as leaflets, maps and even menu cards in Braille are available in the Turkish Parliament's campus.

A Communication Center for the Persons with hearing&speaking disabilities was established. The visitors with hearing&speaking disabilities can request appointments from the deputies or administrative departments by SMSs.

Last but not least, the Turkish Parliament donates wheelchairs bought in return for the plastic waste collected in the campus.

An Eco-Friendly Parliament

The administration of the Turkish Parliament considers the well-management of social and environmental effects of its activities as an important part of its PR policy. For us, to implement a sustainable environmental protection policy is both a duty and responsibility towards the society as well as other public institutions. In this framework, many projects have launched to underline the Parliament's sensitivity about the environment.

Parliamentary staff has voluntarily founded a group working for rising the environmental sensitivity and consciousness.

This group has been working on topics such as recycling, electromagnetic pollution and green office. They also organize activities for a sustainable environment in cooperation with other public institutions and NGOs.

In order to enhance the green consciousness of children and the society, Valonia Festival was organized and valonia oaks at the Parliament's campus were collected with children coming from nursing homes. This projects aims at creating new forests throughout the country by valonia oaks collected from the Parliament.

To make the Turkish Parliament more eco-friendly, a project called "Paper-less Parliament" has been started in an attempt to use less paper during the daily parliamentary activities. To start with, the number of the parliamentary sessions' documents has been reduced. Staff has been encouraged to use both sides of the sheets and to recycle paper.

The Turkish Parliament's efforts to pave the way for a greener future were also awarded by NGOs working in the field.

Developing the Cooperation with the Public Institutions

The Turkish Parliament attaches utmost importance to increase the cooperation with other public institutions. We believe that the representatives of the departments performing similar duties should come together from time to time to exchange their good practices, discuss the problems faced and find common solutions.

Upon the initiative of the Turkish Parliament, since 2012, representatives from legal affairs, foreign affairs, human resources, information departments and departments of strategy development have been coming together and networking to share their good practices.

Moreover, representatives of different public institutions are invited to join the trainings organized by the Turkish Parliament in its area of competences such as minute-taking and sign language. Especially the stenography courses have been very popular and we are very pleased to see that today in every ministry in Turkey, there is a stenographer trained by our Parliament.

Inter-Parliamentary Cooperation

With the increasing role of Parliaments and their enrollment in foreign affaires, parliamentary diplomacy has constituted one of the most important aspects of traditional diplomacy. Today, our presence here is also a proof of it.

As the administration of the Turkish Parliament, we believe that there is much to be done in this field and we try to develop new projects to further the inter-parliamentary cooperation in the administrative level as well.

To this aim, the Turkish Parliament has published handbooks in 8 languages namely, English, French, Spanish, German, Arabic, Chinese, Russian and Kazakh language⁵.

In order to strengthen the inter-parliamentary cooperation delegations composed of foreign parliamentary staff have been invited to Turkey and trained in the Turkish Parliament in the fields of legislation, foreign relations, protocol, PR and media relations.

Society Engagement Programs

To foster a culture of sustainability, the Turkish Parliament started a project for the donation of the excess fresh food produced in the Parliament's restaurants. Approximately 500 portions of fresh food are donated to individuals in need.

Excess food waste on the other hand, is sent to animal shelters every day instead of being thrown out. To raise the consciousness about the project, information cards have been put on the tables in the Parliament's restaurants to invite the individuals not to dispose any trash like toothpicks etc. within the plates.

This project also has been a model for many public and private institutions including the Presidency of the Turkish Republic, has been supported by famous singers and received awards. The media has made a comprehensive coverage of the project as well.

5 http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Ingilizce.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Fransizca.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Ispanyolca.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Almanca.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Arapca.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Cince.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Rusca.pdf
http://www.tbmm.gov.tr/yayinlar/yabanci_diller/TBMM_Kazakca.pdf

Campaigns for a Healthful and Safer Society

The Turkish Parliament has been engaged in campaigns for a healthful and safer society. In this framework, Stop-Smoking campaign has been started featuring the MPs and the staff. The Turkish Parliament was awarded for its countrywide contributions to the combat against tobacco.

We have also other popular projects aiming at attracting the attention of the society to consume less salt or to use seat belts for drive safety.

Within the context of the project called "Consume Less Salt", saltshakers have been removed and information cards about the salt consumption have been put on the tables in the Parliament's restaurants.

The "Belt Up for Your Beloved" project on the other hand, was carried out in order to increase the public awareness about wearing seat belts. Primary school students were invited to the Parliament to check the staff driving into the campus. Those who wore seat belts were presented flowers while the others were warned with information leaflets on drive safety.

Charity activities

The parliamentary staff has established a Volunteers Club to organize charity activities such as collecting books, clothes, toys, donation of food, visiting the nursing houses and prisons. As the Turkish Parliament, we strongly support our staff to engage in such campaigns and provide them with the necessary facilities.

A Learning and Participatory Parliament

There is no doubt that the parliamentary staff is an integral part of the internal PR.

It is through the staff skills, attitudes and their ability of communication that we create a credible image before the public. Their stands are also very important in terms of the interaction with the MPs. Therefore, the parliamentary staff should always be kept up with the new PR instruments as well as the global learning trends and their participation to the decision-making process is crucial.

In this context; we have organized workshops with the participation of the parliamentary staff. We have prepared the Strategic Plan as well as the Annual Action Plan in conformity with the results of the workshops.

We have a popular project called “I have a Project-I have a Proposal”. Through this project, staff’s views and proposals are collected through an intranet based system. Projects and proposals are evaluated by a committee composed of representatives of different departments. The best projects and proposals are rewarded. Thanks to this initiative, staff’s projects&proposals have been implemented or they lead to new projects to be included in the Annual Action Plan.

We have re-designed the parliamentary training policy: Specific needs of the departments are defined and an Annual Training Plan has been prepared.

During my term, a “Distance Education System” has been made available so as to plan and carry out the trainings using information and communication technologies.

In order to strengthen the inter-staff communication, the motivation and sense of belonging; social, sports and arts activities have been organized.

The Turkish Parliament has also trainees coming from highschoools or universities each year selected according to objective criteria set by our Administration.

Surveys

As the Secretary General of the Turkish Parliament, let me underline that surveys have been the most helpful instrument of the internal parliamentary PR. We have evaluated the work we carry out, defined the needs and measured the satisfaction level of our stakeholders.

The Turkish Parliament has done satisfaction surveys with MPs, visitors, employees and other stakeholders. The results of the surveys have been considered for further improvement.

Implementation of the European Foundation for Quality Management (EFQM) Excellence Model

Ending my speech, I would also like to mention about a very recent development occured in the Turkish Parliament. As the administration of the Turkish Parliament, in order to satisfy our stakeholders’ expectations and learn about new improvement opportunies, we signed a goodwill agreement with Turkish Quality Foundation and started to implement EFQM Excellence Model in all of our departments. Following the trainings of the staff and self-assessment process, necessary actions have been taken for continuous improvement.

As a result of these efforts, the General Secretariat of the Turkish Parliament has been qualified for recognition level that is the highest award for the national quality movement.

The quality journey of the Turkish Parliament is only one dimension of our search for further improvement. It will not be wrong to say that the Turkish Parliament is proud to be a *Sherpa* for Turkish public administrations and our aim is to further strengthen this leading role.

Thanking you for your attention, I would like to emphasize that the Turkish Parliament has always been ready to share its good practices in all fields. We believe that learning is a mutual process and Parliaments' administrations have much to learn from each other. Therefore, we should work for more inter-action, exchange and dialogue between our Parliaments.

Mrs Doris Katai Katebe MWINGA, President, thanked Dr NEZİROĞLU for his communication.

8. Communication by Mr Manuel CAVERO, Secretary General of the Senate, Spain, “Active transparency measures and measures related to citizens right of access to public information in the Spanish Senate”

Mrs Doris Katai Katebe MWINGA, President, invited Mr Manuel CAVERO, Secretary General of the Senate, Spain, to make his communication.

Mr Manuel CAVERO (Spain) spoke as follows:

1. Parliamentary publicity

The parliament, in the exercise of the powers entrusted to it by the constitutional system, is ruled by the principle of publicity. Indeed, the right to know what the people's representatives do within the exercise of the representative mandate granted by citizens in elections is one of the main pillars of democracy. The parliament is, *par excellence*, the place where politics becomes public.

In Spain, this principle of publicity is enshrined in article 80 of the 1978 Constitution, and further developed by the Standing Orders of the Congress of Deputies and of the Senate. The aim is to guarantee at the highest regulatory level that the common rule governing the parliamentary activities of both Congress and Senate, with few exceptions, is that of publicity, so that the activity performed by members of the Congress and of the Senate can be subject, in a very wide sense, to political oversight.

According to this, the actual publicity of the Senate's parliamentary activity has been traditionally conducted through the – limited – presence of people in plenary sittings and the intermediation of the media. The broadcasting of parliamentary sittings, whether by TV or Internet, and the growing amount of information in the web page complete today the non-formal publicity channels for the activity of the Spanish Senate, as it is the case in many other parliaments.

In turn, formal and official publicity of the Senate's activity has been channeled through the more traditional media, such as the Senate's Official Gazette and the Journal of Debates. The Senate's Official Gazette publishes parliamentary acts (legislative, related to oversight,...) as well as acts and rules of a more administrative nature (regarding the staff or contract procedures thereof, among other aspects), whilst the Journal of Debates includes the comprehensive reproduction of debates held in plenary sittings and in the Senate's committees.

Until 2010 both the Senate's Official Gazette and the Journal of Debates were published in paper. In November that same year a very important decision was taken: since January 1, 2011, both publications would be edited solely in electronic format.

As a result of this, the Senate's Official Gazette made a triple distinction:

- it would only publish agreements adopted and texts approved by the Senate's bodies.
- the exception to this rule would be the publishing in the Official Gazette of all documents that make up the procedure for the adoption of the laws (draft bills, amendments, texts adopted in the different stages of the procedure by the relevant bodies taking part in the process, etc...).
- And, what represented an almost revolutionary change in the Senate, the rest of texts or documents making up the procedure for the adoption of parliamentary files would be published with official character and exclusively in the Senate's web page. A Resolution had been previously adopted by the Bureau setting up the Senate's electronic seat, thus granting a formal official character to what was published in the web, which until then had been merely an informal and non-official publicity mechanism of the organisation and the activities of the Chamber.

According to this third paragraph, the web started to publish, with an official nature, all matters related to the composition of the Chamber, its Committees or the parliamentary groups, as well as the questions requiring a written reply by the Government, whose procedure is fully electronic (both question and answer) and whose publishing in the Senate's Official Gazette was very expensive.

These decisions combined exploiting the advantages offered by information technologies in order to rationalise and simplify procedures with the need to make savings in the Budget. And, as a result of all that, such decisions allowed to make the activity of the Senate available to citizens, free of cost, transparent and in a clear manner.

Together with this, formulae allowing to follow the sittings of the Senate and its committees have been promoted, whether through the television, radio or Internet, as well as the possibility to access videos and prerecorded sittings.

@senadoesp has been likewise set up, as a direct communication channel with citizens, without intermediaries, complementing the aforementioned publicity measures. In social networks the Senate provides direct access to the contents of its

web and also allows to pose questions and consultations, which is another way to access information.

2. From the classical concept of publicity to the categories of transparency and right of access to public information

If, as it has been pointed out, the democratic parliament has been in essence an institution whose official activity was subject to formal publicity requirements (much higher, we must underline, than the publicity requirements regarding the actions of other State's powers), our society has been demanding for quite a time now an additional step, not only to the parliament but to all State's powers and other private entities with an influence in public powers (lobbies) or those who receive important sums of public money (foundations, associations and even the media).

Transparency is part of the paradigm of an open government, within the framework of public policies, according to which public administrations can improve their performance making their data available to citizens, who, this way, can scrutinize public management. Transparency is indeed the first step towards the setting up of standing areas of participation and cooperation.

It is not enough with making information on what the parliament does available to citizens. Citizens are demanding with growing insistence to know in what and how is public money spent and which is the real procedure leading to the adoption of agreements in a Chamber, not in general terms but in every single case.

As regards parliament, the goal would be to make available, by means of active transparency measures, and through its publishing in the Chamber's web site, as much information as possible on, at least, its members, functioning, activity, economic, budgetary and contract procedures regime, personnel, etc.

And, on a simultaneous basis, the parliament must recognize, to the largest possible extent, the right of citizens to access public information available (passive transparency), with clearly assessed limits, and with jurisdictional guarantees for those cases in which the parliament does not provide the requested information or does so in a deficient way.

3. The situation in Spain

It has not been a long time since Spain adopted the first Act introducing the notion of transparency as a requisite for the functioning of public administrations.

A bit longer than one year ago, Act 19/2013, of December 9, on transparency, access to public information and good governance (hereinafter TA) was adopted with a view to extending and strengthening transparency in public activities and guaranteeing the right of access to public information on such activities (apart from establishing requirements related to "good governance" which go beyond the framework of this communication and which, additionally, are not applicable to the Spanish parliament).

The TA is addressed mainly, that is, those who are subject to its requirements, to the State's administration, the administration of the Autonomous Regions (regions) and the local administration (municipalities and other similar entities), as well as other public entities.

Moreover, in its article 2 (1) letter f, it includes the “The Household of HM the King”, the Congress of Deputies, the Senate, the Constitutional Court and the General Council of the Judiciary, as well as the Bank of Spain, the State Council, the Ombudsman, the Court of Auditors, the Economic and Social Council and equivalent regional institutions....”, specifying that such bodies shall be subject to the TA “as regards those activities subject to administrative law”. Therefore, the requirement is not applicable to the whole of their actions but it is limited to the aforementioned matters, namely, activities subject to administrative law; it is not a maximum requirement, but it does have a great significance, since it covers a large spectrum of matters regarding which up to now there was no need of transparency.

As regards the Chambers (Congress of Deputies and Senate) and in order to respect parliamentary autonomy granted by the Constitution (article 72(1), the TA includes an additional provision (eight) establishing that “The Congress of Deputies, the Senate and the Legislative Assemblies of the Autonomous Regions shall establish in their respective regulations the specific enforcement of the provisions contained in this Act.”

This formula allows to adequately combine the principle of separation of powers with the observance of the Spanish Constitution and the rest of the Spanish legal framework by the Spanish Parliament as regards the enforcement of the TA by the Congress of Deputies and the Senate.

The entry into force of the TA as regards transparency and the right of access to information took place on December 10, 2014, namely, one year after its publication.

4. Measures adopted by the Senate

Once the TA was approved, but before its entry into force, the Senate amended its Standing Orders in June 2014. In relation to the matter dealt with in this communication, the amendment granted the Bureau of the Chamber, as steering body of the latter, the power to “adopt the necessary rules and measures to guarantee the transparency of the activity of the Chamber and the right of access to the public information of the Senate” (article 36 (1), letter g).

Together with this general provision on transparency, the amendment of the Standing Orders included likewise the explicit acknowledgement of the existence of budgetary reserves as financial resources of the Senate (sixth additional provision), resulting from the financial autonomy of the Senate laid down by the Constitution. This allowed to attain a double goal: lay down a first rank regulatory support, such as the parliamentary Standing Orders, of a reality stemming from the reestablishment of the Senate in 1978, although its recognition was strictly supported by agreements of the Bureau of the Chamber; and, in the second place, and on this basis, grant transparency to this financial resource as well as to its implementation to the Senate’s expenditures.

On the other hand, the Bureau of the Senate has adopted a series of agreements in two stages all throughout 2014 concerning both active and passive transparency which are detailed in the following paragraphs.

5. Active transparency

According to the terms of the TA, a first relevant decision was taken in the sense of making available all information on this matter in a “Portal of Transparency”, and doing so in a clear, structured and accessible way.

Currently, this Portal has four main sections: (1) on transparency; (2) institutional and organisational information; (3) economic and contractual information; and (4) information (in general terms). Each one of these sections deals with the following matters:

- *On transparency*
 - Regulation
 - Standing Orders of the Senate
 - Rules regarding the right of access to public information of the Senate
 - Administrative rules (includes Rules on budgetary procedure, oversight, accounting, and contract procedure by the Senate)
 - Chart of Services
 - Quality and transparency commitments

- *Institutional and organisational information*
 - Functions of the Senate
 - Senate’s bodies
 - Speaker
 - Plenary
 - Bureau
 - Board of Spokespersons
 - Permanent Deputation
 - Committees and Reporting Subcommittees
 - Senators
 - Members of the Senate
 - Statute, functions, economic regime and social protection
 - Declarations of assets, activities and incomes
 - Incompatibilities regime
 - Parliamentary groups
 - Parliamentary groups and political parties
 - Functions of Parliamentary Groups
 - Parliamentary administration
 - Organisation chart
 - Functions
 - Staff of the Senate
 - Organisation and Staff rules (Statute of the Staff of the Cortes Generales, Collective Agreement for Contract Staff, Organisation Rules, Organic Chart, work days and schedule)
 - Compatibilities

- *Economic and contractual information*
 - Planning
 - IT and communications Plan
 - Works Plan
 - Installations Plan
 - Budget of the Senate

- Budget of the Senate
 - Implementation of the Senate's budget
 - Annual accounts
 - Estimates for the implementation of budgetary reserves for investment expenditures
 - Contracts
 - Concontractual guidelines
 - Statistics
 - List of contracts in force awarded since 2007 through open and negotiated procedures
 - List of minor contracts
 - Profile of the contracting party
 - Agreements
 - Agreements in force signed by the Senate
 - Subsidies and public aids
 - Scholarships granted by the Senate
 - Scholarships financed by the Senate
 - Seminars
 - Awards
 - Subsidies
 - Subsidies to parliamentary groups
 - Declarations of assets, activities and incomes of Senators
 - Remunerations, economic regime and social protection for Senators
 - Senate's assets
 - Real state assets
 - Historical-artistic heritage
 - Moveable assets
- *Information*
- Access to information
 - Information Office
 - Frequent questions
 - Forms
 - Information requests
 - Suggestions and complaints
 - Right of petition
 - Visiting the Senate
 - Attending plenary sittings
 - Requests for researcher cards
 - Requests for Press accreditations
 - Statistics

As it can be inferred from the listed content of the transparency Portal, a considerable part of the information that must be subject to publicity according to the TA, was already available in the Chamber's web page, and in many cases for a considerable time now.

Thus, in matters specifically pertaining to transparency, considerable progresses had been made in recent years: thus, the economic regime of Senators and members of the Congress of Deputies and their declarations of activities, assets and incomes were available in the web page.

The new contents resulting from the obligation laid down by the TA in the sense of providing information “on the activity - of the Senate – subject to administrative law” are mainly related to economic matters:

- the Senate’s budget, even detailing subconcepts, the implementation and liquidation of the budget, and the financing of expenses through budgetary reserves.
- the planning of works and installations, together with the existing one related to IT and communications.
- contracting by the Chamber, which to a large extent was already in the web page as regards contracts of a greater economic relevance; it was completed with comprehensive details about the so called “minor” contracts, namely, those not exceeding annually 50.000€ for works and 18.000€ for the rest of cases.

This information structure cannot be deemed as final, since the Bureau of the Senate might adopt new measures aimed at improving the transparency of the Chamber’s activities as regards active transparency. Moreover, the information provided is limited to the Senate as institution; therefore, it does not cover the information related to parliamentary groups, except those cases linked to the chamber itself (members, subsidies allotted by the Senate’s budget, etc).

Together with organizing the information in clear and structured terms, other actions have boosted active transparency:

- the obtention of the AA certificate in the accessibility level.
- using open formats allowing to reuse data. This is the case of the Senate’s Official Gazette, the Journal of Debates and the voting in plenary sittings. This is the beginning of a path that the Senate shall continue to follow.
- the development of *responsive design* applications in order to improve navigation in mobile devices.

6. The right of access to public information of the Senate or passive transparency

Another crucial element of the adjustment of the Senate to the requirements of the TA, is the adoption by the Bureau of the Chamber of the Rules, on the basis of the aforementioned amendment of the Standing Orders of the Chamber, regulating the right to access the Senate’s public information.

The main features of this Rules are the following:

- from a subjective point of view, the right of access is recognised to the maximum extent, since it can be exercised by any person with minimum identification requirements which, in any case, do not require procedures based on electronic certificates.
- it is not necessary to reason the request, and it is suggested to contact electronically, although this is not mandatory. Obviously, the access to information is free of cost.

- moreover, in line with the territorial nature of the Senate, the request can be made in Spanish or in any of the official languages of the Autonomous Regions.
- as from the matter's perspective, the right is applicable to all the Senate's public information, both that of parliamentary nature and that regarding the Senate's activity subject to administrative law.

There are limits to the provision of information (parallel to those laid down by the TA), among which there is the privacy of persons, protection of personal data or criminal investigations. As regards parliamentary information, the limits are to be found also in the Standing Orders or in the agreements adopted by parliamentary bodies.

- the Senate has a deadline of one month to reply to the request.
- should the access to information be denied, it shall fall upon the Bureau of the Chamber to adopt a decision, which has to be reasoned.
- those whose request of information on the activity of the Senate subject to administrative law is denied, can initiate a legal procedure before the Supreme Court (which is the competent body since these are materially administrative acts of the Senate), thus providing full judicial protection to the right of access to information. However, this jurisdictional guarantee is not applicable to denials of information on parliamentary activity.

7. Conclusions

The Senate has made a remarkable effort to comply with the requirements of the TA. And it has done so within the deadline established to this end by the provisions of the entry into force of the said act.

In fact, the survey carried out by Transparency International and published in April 2014, already granted the Senate 83,3 points out of 100, as well as the third position within the total number of 19 analysed parliaments (Congress, Senate, and the 17 regional parliaments of the Autonomous Regions).

The TA has entailed an in depth review of the Senate's administrative practices and procedures. Acts which in the past were based on specific agreements adopted by its steering bodies have been subject, as a result of the implementation of the TA, to new rules of general nature, previously laid down and published, which entail a self-limitation of the said bodies in order to guarantee that the Chamber operates in strict observance of the law.

Moreover, the TA entails a change of mentality, both for the steering parliamentary bodies of the Senate and for the administrative services of the Chamber, as compared to practices long consolidated. Particularly, that the Chamber's public information is a heritage at the disposal of citizens, subject to the requirements of transparency which represent the starting point for public powers' accountability, and this case, of the parliament.

In this line, it is obvious that a greater active transparency will make it less necessary to resort to the passive transparency mechanisms: the more information available in the web page, the less necessary for citizens to exercise their right to information.

There is still room to increase active transparency up to the limits laid down by the TA as unavoidable; but we have to appreciate the importance of the efforts made by the Senate to meet the requirements of the TA as compared to the previous situation. There is still a lot that can and must be done, but the change that has taken place represents an unthinkable progress not very long ago.

Mrs Doris Katai Katebe MWINGA, President, opened the floor to questions on all three of the communications that had been made that morning.

Mr Shumsher K. SHERIFF (India) asked in what capacity the creation of a public Parliamentary television channel was envisaged. He asked if Parliament would benefit from its own channel, or whether it would make use of a channel belonging to one of the public broadcasters.

Mr Somsak MANUNPICHU (Thailand) asked Dr NEZİROĞLU a question about how the effectiveness of Parliament's engagement with schools and the public would be measured. He congratulated the Turkish Parliament for its initiatives in this respect.

Mrs Philippa HELME (United Kingdom) asked the Spanish Secretary General whether Parliamentarians had resisted the cessation in the printing of papers. In the UK, speeches were still printed.

Mr José Manuel ARAÚJO (Portugal) asked how the use of both Facebook and Twitter could be justified.

Dr AL-AMR (Saudi Arabia) said that his Parliament had a service dedicated to the media with different channels which transmitted information to the Council. The Twitter account was very active and enabled the public to gain better access to information.

Dr NEZİROĞLU (Turkey) replied to the question about schools by noting that agreement protocols has been signed. Until that moment, seven or eight universities had planned to include teaching on Parliamentary law. Some of his colleagues were participating in that teaching.

For primary and secondary level, an agreement had been signed with the Minister of Education and the information had been diffused.

He noted that the users of Facebook and Twitter were not the same. There were two Twitter accounts: one relating to the plenary and another relating to more general Parliamentary news. A small team managed the second of these accounts. There was a Parliamentary television channel but it only broadcast between two and seven pm.

Mr CAVERO (Spain) said that in Spain there was no official Parliamentary television channel. Material was transmitted to the public and private broadcasters and videos were put online.

He said that publications existed in electronic form. At the end of 2010, some MPs has opposed this change, but not strongly. Official bulletins and new laws had passed to electronic publication a year previously. Nothing was sent out in paper form. This had worked well, despite the continued requests for special dispensation.

He noted that there was a Twitter account but it had been decided that the Parliament would not enter into debates in that forum. Comments were blocked.

Mr Sayed Hafizullah HASHIMI (Afghanistan) asked how secretaries general managed to organise student visits and whether work experience programmes existed.

Ms Claressa SURTEES (Australia) said that the Australian Parliament shared the desire to diffuse information about the work of Parliament more widely. She noted that nothing could replace direct relationships with the public, even if the resources offered by social networking sites were free and efficient. Concerning transparency, she asked what the contribution of Parliamentarians was to the communication strategies being developed.

Mr Md. Ashraful MOQBUL (Bangladesh) asked Mr AL AMR who organised and met the cost of visits throughout the country.

André GAGNON (Canada) said that these issues related to the question of how the public could present ideas to Parliament in the form of petitions. He asked what filter there was for such initiatives.

Dr AL-AMR (Saudi Arabia) responded that visits took place on a monthly basis. Delegations were received. Basic information was provided and the visitors could attend meetings as well as meet particular MPs. They also had the opportunity to meet officials from the Council. Students were particularly interested in issues to do with ethics. The objective was to provide a civic education based in reality. Concerning transparency, there was a tendency to open up to society either by publishing information or by inviting journalists.

He added that visits were organised within the regions, allowing the pursuit of projects at a local level.

Dr NEZİROĞLU (Turkey) said that the content was decided in conjunction with the public depending on the amount of time they had at their disposal. It sometimes happened that work experience students undertook a programme lasting one or two weeks. Those wishing to study Parliament as part of their university studies were supplied with reports.

Students did not seem to be particularly interested in the individual initiatives offered by MPs.

He noted that there was a difference between petitions and proposals. The internet provided information on all of these initiatives enabling citizens to respond.

Mr CAVERO (Spain) said that in Spain they had tried to make a distinction between personal communications and communications by the institution or chamber. During meetings, tweets by Parliamentarians that were published were the responsibility of the individual concerned. Some had decided to publish their salaries on their own websites but that did not count as an institutional communication.

In Spain a right of petition dating from the Middle Ages existed.

Mrs Doris Katai Katebe MWINGA, President, thanked members for the questions they had asked on all three communications on the theme of public and media relations.

9. Concluding remarks

Mrs Doris Katai Katebe MWINGA, President, closed the sitting.

The sitting ended at 12.40 pm.

SECOND SITTING

Sunday 29 March 2015 (afternoon)

Mrs Doris Katai Katebe MWINGA, President, was in the Chair

The sitting was opened at 2.30 pm

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, said that not everyone had returned their forms for the visit to Trang An. It was essential that this happened as soon as possible in order to ensure that members were all able to participate.

The President set out the timings for the visit.

Members were reminded to sign in and to check their contact details.

The President announced that it was possible that two elections would be held during the session: the first for the Vice President, and the second for at least one ordinary member of the Executive Committee.

The vote for the Vice-President would take place on Tuesday 31 March at 10.30 am, with the deadline for the nomination of candidates at 4 pm on Sunday 29 March. The vote for one ordinary member of the Executive Committee would take place on Tuesday 31 March at 4 pm, with the deadline for the nomination of candidates falling immediately after the result of the vote earlier that day.

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

Information and nomination forms were available from the secretariat. The candidacy of Mr Philippe SCHWAB (Switzerland) had already been received for the post of Vice-President, and the candidacies of Mr José Manuel ARAÚJO (Portugal) and Ms Claressa SURTEES (Australia) had been received for the post of ordinary member of the Executive Committee.

2. Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the National Assembly of France: “The Standing Orders of political parliamentary groups”

Mrs Doris Katai Katebe MWINGA, President, invited Mr Christophe PALLEZ, Secretary General of the Questure of the National Assembly of France, to make his communication.

Mr Christophe PALLEZ (France) spoke as follows:

In June 2014, an internet newsletter revealed that the main opposition political group in the French National Assembly (the right wing UMP group) had granted, in 2012, a loan of 3 million Euros to the political party (the UMP) which it represented in Parliament.

Apart from the fact that the decision to grant such a loan was taken by the Chair of the aforementioned group without informing the members of the group, this disclosure created controversy because it implied that a political party had taken advantage of public funding outside of the rules which apply in France to the financing of political parties. It must be made clear that most of the financial resources of parliamentary groups in the French National Assembly come from the operational grant which is allocated to them by the National Assembly itself. Such funding is supplemented by a relatively small amount provided by the contributions of the members of the group.

This scandal highlighted the weakness of the rules dealing with the financing of political groups, the lack of scrutiny concerning their use and ultimately the absence of any administrative status framing these bodies which nonetheless play a key role, as is the case in most parliaments, in the operation of legislative proceedings. It is for this reason that the French National Assembly decided upon the drawing-up of such an administrative status which was implemented in real terms as of January 2015. The aim of this paper is to present the basis of this status.

First of all, we must examine the legal and administrative position of the political groups before the implementation of the reform passed in September 2014.

The paradox facing political groups before September 2014: they were recognized by the Constitution but lacked any administrative status.

Since 2008, the French Constitution recognizes the existence of political groups stating that: “*The Rules of Procedure of each House shall determine the rights of the Parliamentary groups set up within it.*”

In fact, since 1910 the Rules of Procedure of the National Assembly have recognized the idea of parliamentary groups and this has become, over time, an essential element in the functioning of parliamentary work given that almost all procedures require the support of such groups and MPs who are not members of such groups (at the present 9 out of 577) remain marginalized. The present wording of the Rules of Procedure provides parliamentary groups with many advantages and lays down the rules concerning their setting-up (a minimum of 15 MPs) and their prerogatives.

However, the Rules of Procedure said nothing until very recently on the question of the status of parliamentary groups. They merely made provision, in a text over sixty years old, for the fact that the groups “*may be serviced by an administrative secretariat to be recruited and remunerated as determined by the group itself*” and that “*the rules governing such secretariats, their accommodation and equipment and the rights of access for their staff to the precincts of the House shall be determined by the Bureau of the House on a proposal made by the Questeurs and the chairmen of groups*”.

As a consequence, the internal organization of the groups was entirely left up to their own discretion. Two groups had adopted the status of associations but the other groups had no legal identity and thus merely constituted *de facto* groupings. The parliamentary activity of the groups was unhindered by this uncertain or legally non-existent situation: an officially constituted group could table motions, support amendments, obtain the holding of a debate or request the setting-up of a committee of inquiry. However, without any status and exempted from any rules concerning its management, how could it employ assistants and benefit from the grants provided by the National Assembly?

The media scandal in June 2014 demonstrated that it was no longer possible, in a world where the need for transparency is primordial, to maintain a situation in which groups would receive an annual amount of over 10 million Euros in operational grants and would employ overall around one hundred members of staff, without having to be accountable to citizens, to the National Assembly nor even to their own members.

The reform of September 2014: the Rules of Procedure require the groups to set themselves up as associations.

On September 17, 2014, the National Assembly adopted a modification to its Rules of Procedure which was tabled by the President of the National Assembly, the “*Questeurs*” (MPs in charge of the administrative and financial management of the National Assembly) and the six chairs of the political groups. This modification states that “*Groups are set up as associations and are presided over by the Chair of the group and are made up of their members and those aligned.*”

This means that the groups must take on a legal status within common law which is laid down by the law (July 1, 1901) and which, in France covers over one million non-profit-making bodies endowed with legal personality. Consequently the groups are required to conform, as all other associations, to two formal rules: the association must be declared at the local *préfecture* and this declaration must be published in the *Journal officiel* along with a statement of the aim and the official seat of the association. Nonetheless, two specificities must be noted concerning the rules applied to political group associations. These concern the freedom of membership and of organization:

- the association is composed of all the MPs who are members of the group along with the MPs who are aligned to the group. In other words, the members of a group are by definition members of the association;

- the association is necessarily presided over by the Chair of the parliamentary group. What does this status of association bring to the groups?

First of all, it provides them with an indisputable legal status or personality which clarifies their situation in the eyes of public opinion (and of lawyers) as well as granting the staff of the groups a safety mechanism. Before the creation of such a status, an Association of the Chairs of Political Groups (APG) was set up to take on, in the place of the groups themselves, the obligations incumbent upon the employer concerning social organizations (declaration of income and payment of social contributions). The APG was legally, if not *de facto*, the employer of certain members

of staff. From now on the groups themselves have taken over from the APG as regards the social declarations and as regards the work contracts which are signed in its name.

However the most important thing is that the adoption of the status of association has led the groups to create a more formal framework regarding their governance mechanisms and to ensure the transparency of their accounts. Thus the annual accounts and the reports of the Audit Commissioner certifying their truth and fairness must be put for approval before the General Assembly of the association.

Like all associations which receive public funding, the groups must publish their accounts as well as the reports of the Audit Commissioner. However this publication will be on the website of the National Assembly and not, like for other associations, in the *Journal officiel*. The openness of such a publication will allow the media and all observers of Parliament to check that the rule introduced by the *Bureau* of the National Assembly at the time of the modification of the Rules of Procedure (i.e. that “*the grants allotted to groups are exclusively to be used for the expenses required for the activities of the group, as well as for the remuneration of its staff*”) is properly respected. Any other use of the funds, such as, for example, the granting of a loan to a political party or to an MP of the group, is clearly now prohibited.

It should be noted that scrutiny by the National Assembly itself of the grants which it allocates to the political groups, has not been introduced. It was decided that such scrutiny would be contrary to the independence of the political groups which is laid down in the Constitution (“*Political parties and groups...shall be formed and carry on their activities freely*”).

The limits of this independence from a purely practical point of view must be underlined. The administrative management of the groups is partly carried out by the departments of the National Assembly which draw up pay slips for the group staff members and which make the declarations and the payment of social contributions. This work, which is meant to simplify the tasks of the groups (the “little groups” have only a few members of staff) will continue under the new association status. The groups have obtained the granting of the fact that the new rules obliging them to set themselves up as associations will not be accompanied by any extra management work on their part.

The new administrative status of the parliamentary political groups of the National Assembly is now in its first year of experimentation. The end of the term of Parliament, in 2017, will represent a test of the solidity of this status with the possible disappearance of certain groups.

Mr Geert Jan A. HAMILTON (Netherlands) thanked Mr PALLEZ for his presentation and said that it answered a problem he had encountered. In his Parliament each group received a set amount out of which to pay its staff. There had been a recent scandal where a Member had been accused of paying his son to complete some contractual work. He wanted to know what status the papers in this case would have, for example whether they belonged to the Parliament or to the company involved.

Dr Hafnaoui AMRANI (Algeria) congratulated Mr PALLEZ on his communication on a system that was new even in France. He described a sort of nomadic tradition within the Algerian Parliament, enabling Members to get round the financial system. Algerian political groups were not given funding. He asked whether each group really received 10 million Euros, or whether the budget was relative to the size of the group.

Mr Manuel CAVERO (Spain) said that the situation in France seemed to be similar to that in Spain. In France it was the Court of Auditors that verified the accounts. The groups in Spain did not come under the umbrella of the transparency measures. Spain would like to learn from the experiences of France in future.

Mr Philippe SCHWAB (Switzerland) asked about the contract of the staff. He also asked why the reform had not been used to cut the cord between the Assembly services and the staff of the groups.

Mr PALLEZ agreed with Mr HAMILTON that there were difficulties associated with information disclosure. On the other things, political groups now had to disclose their accounts, expenses and wages, increasing transparency.

In response to Mr AMRANI, he said that the group leaders had responsibility for the finances, but that this was not a significant change, except that this role had been formalised. He did not think that there would be much floor crossing. The 10 million Euros was to be shared out between all the groups, depending on their size.

In response to Mr CAVERO he noted that the groups now had a separate legal status. The amount of money given to the groups was large and there was someone employed to manage the salaries of the employees.

In response to Mr SCHWAB he said that the group was the legal employer of the staff. He noted that not all groups would have been capable of functioning without the administrative support of the Assembly, particularly because of their size.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr PALLEZ for his communication and thanked members for the questions they had asked.

3. Communication by Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands: “Powers and competences of government parties and opposition parties in a multi-party parliament”

Mrs Doris Katai Katebe MWINGA, President, invited Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands, to make his communication.

Mr Geert Jan A. HAMILTON (Netherlands) spoke as follows:

Respect for minorities is a basic principle in a democratic society that is based on the rule of law. The right to speak openly, the right to ask questions, the right to criticise, the right to protest, the freedom of association: these are all prerequisites for a free

democracy. Opposition in parliament means just that. It offers a countervailing power.

When the opposition voices a concern, it does so not only on behalf of their electorate but also on the basis of their perception of the needs of society as a whole.

Ian Shapiro, author of the book 'The moral foundations of politics', stated the following: "Democracy is an ideology of opposition as much as it is one of government". The task of the opposition is to scrutinise government decisions and policies and to represent a credible alternative government. Opposition ensures transparent and responsible government. Without this, democracy cannot exist.

Every opposition party in parliament has a legitimate right to strive to be a ruling party after elections. Each government party must reckon with the possibility that it does not come back in a new government after elections. In multi party democracies, where regime changes may occur with some regularity, political parties have an interest that the rules of the game they have to deal with, are comfortable for both government parties and opposition parties. Sometimes the majority tends to forget this, when they expect that they will remain in power forever.

A multi-party system is a system in which several major and many lesser parties exist, seriously compete for, and actually win public offices. In such a system multiple political parties have the capacity to gain control of government offices, separately or in coalition. A long list of countries can be named that are examples of nations that have used a multi-party system effectively in their democracies. To name a few: Brazil, Denmark, Finland, Germany, India, Indonesia, Ireland, Israel, Italy, Japan, Mexico, New Zealand, Norway, Pakistan, Portugal, Romania, Serbia, SouthAfrica, Spain, Sweden and Philippines. In these countries, usually no single party has a parliamentary majority by itself. Instead, multiple political parties form coalitions for the purpose of developing power blocks for governing.

An example of such a coalition is the one between the Christian-Democratic Union of Germany (CDU/CSU) and the Social Democratic Party (SPD) set up after the 2013 federal elections. In the vast majority of multi-party systems, numerous major and minor political parties hold a serious chance of receiving office, and because they all compete, a majority may not control the legislature, forcing the creation of a coalition. In some countries, every government ever formed since its independence has been by means of a coalition. Multi-party systems tend to be more common in parliamentary systems than in presidential systems, and they are particularly common in countries that use proportional representation.

In some multi-party systems, only two or three parties have a substantial chance of forming a government with or without forming a coalition. An example of this is the United Kingdom, where only the Conservative Party, the Labour Party, and the Liberal Democrats so far have had a serious chance to win enough seats to be a part of the government; the Liberal Democrats have never had enough seats to form a Government, but have held enough seats to contribute to a Coalition. To date, the Liberal Democrats have been in power only once in a coalition, which is the incumbent Conservative-Liberal Democrat Coalition. This is also the case in Canada, where majority governments are very common.

In my country, the Netherlands, this year (2015) we celebrate the existence of 200 years of modern parliament. In those 200 years no political party has ever gained a majority of seats in parliament, whether the House of Representatives or the Senate, on its own. One third of the seats is the highest level one party has ever reached. At the moment we have fourteen political groups in the House of Representatives and twelve in the Senate.

Opposition in a multi-party system with ever-changing majorities and a fragmented political landscape can be fairly complex. The Senate of the Netherlands currently has two parties in the governing coalition and ten parties making up the opposition. Our House of Representatives includes twelve opposition parties. The current political climate in the Netherlands has put the Senate in a somewhat unique position, because for the first time in decades the reigning coalition does not have a majority in the Senate. Some say that this damages the position of the Senate because it puts all the various parties – both opposition and coalition – in an increasingly political position.

But one can also argue that it allows the Senate to fulfil its role as 'chambre de réflexion' even better than before, because it can never be assumed that a majority of senators will be in favour of a bill.

In my opinion, the current political climate has not fundamentally changed the way the Senate does its job. In fact one can witness that the current situation often enhances the quality of the debate and broadens the support for a bill a great deal. Coalition partners have to produce really excellent arguments if they want a bill to be passed by the Senate well. Last year, the coalition parties signed a political agreement with three opposition parties regarding the budget plans. The agreement involved the so-called 'constructive three' and included healthcare, pensions, education and childcare. In order to come to this agreement, the government coalition was forced to consult, debate, persuade and compromise. This is an essential part of democracy.

The wide range of parties in the Dutch system is not ideal. Working with twelve or even fourteen different parties creates a heavy workload for the parliamentary

administration and makes political compromises all the more complex. If all political parties wish to speak during the debate on a legislative proposal, the debate can be very lengthy and there can be an element of repetition in the arguments explored.

Raising the electoral threshold and thus reducing the number of political parties in parliament could address these problems. It would force the smaller parties to join forces, reducing political fragmentation. It would take away some of the imbalance in parliament and make it easier for the opposition to find support for legislative initiatives, for instance. However, so far, there has been no proposal in the Netherlands to raise the electoral threshold.

The question I would like to ask you if you have in your rules of procedure special regulations for government parties and special regulations for opposition parties. In the Netherlands we do NOT. Our rules of procedure do not include the words 'minority' or 'opposition'. This is because under the Dutch system these parties do

not need special treatment because of their numerically weak position. They are considered equal and complementary partners.

In our rules of procedure there are certain guarantees for the fair and equal treatment of political parties:

- in principle all parliamentary parties must be represented in each committee (with due regard for the proportionate numerical strength of the political parties)
- committee chairmanships are distributed between all the major political parties, including the opposition;
- all members of the Senate/House are entitled to be present during submission meetings; at these meetings they shall be given the opportunity to put forward questions and make comments concerning the legislative proposal for which the meeting has been convened;
- every senator can insist on a plenary debate on a legislative proposal;
- each member shall be given the floor immediately for personal business or for a motion of order;
- all parliamentary parties are in principle granted an equal maximum amount of time during the first term of a debate in a plenary session;
- if the President has to limit the floor time, the President shall divide the available time for holding the floor fairly among those persons who have indicated that they wish to have the floor, for which he shall take into account the size of the parliamentary parties to which they belong.
- if a member requires information from one or more Ministers on a subject not included under the order of the day, he may seek the leave of the Senate to hold an interpellation, with an indication on the main points on which he wishes to ask questions;
- every member who wishes to put forward written questions to one or more Ministers shall submit these questions to the President; the President shall send these questions to the Minister concerned, unless he has serious objection to the questions on account of their form or content;
- based on the proposal of the President, of a committee or of one or more members, the House and the Senate may decide to deliberate on aspects of government policy or other matters that it considers appropriate; the House of Representatives even knows the phenomenon of a 'thirty members debate'. A thirty members debate shall be held if a request to do so is supported by at least thirty members (which is 20% of the total number of members of 150); the President sets the day on which the thirty members debate will take place;
- and there is a free election for the President of the Senate and the House.

This means that the Speaker or President can even be a member of an opposition party. Once elected, the Speaker or President of course remains aligned to his or her own party, but is thereafter considered to be above parties. He or she is the representative of the parliamentary house as a whole. Any Speaker or President who sought to favour the representatives of his or her party over those of other parties would not sit comfortably for very long.

Presidents and Speakers of parliament have a great responsibility in maintaining neutrality and making sure that all political parties can play an equal part in the debate.

In some cases, this requires giving the opposition parties a slight advantage in order to keep the balance and maintain a fair parliamentary process. However, this should never lead to a 'dictatorship of the minority'. Just as there should never be a dictatorship of the majority either.

In our Senate a very important body that maintains the balance between the majority parties and the opposition parties is the Committee of Senior Members. This committee, chaired by the President of the Senate, consists of the chairmen of the parliamentary parties. The committee assists the President in managing the business of the Senate. For this the President shall consult the committee with regard to the decisions and proposals he makes pursuant to the Rules of Procedure. It is an important task of the Secretary General of the Senate and his staff to support the President and this committee to make sure that all political parties have a fair share in the decisionmaking processes. Neutrality, integrity, expertise and service orientation are therefore key qualities of the services of parliament. All political parties should feel comfortable with the support and services of the staff. It therefore is extremely important that the officers and employees of the parliamentary staff are politically neutral and serve all Senators without bias or prejudice.

To summarize, I would like to emphasise that democracy is an inclusive process that all political parties should be able to participate in meaningfully. Maintaining an open political debate boils down to a mind-set: parliamentarians need to keep an open mind to other points of view in the public debate – and may sometimes even be willing to change their own point of view. A parliament should never simply rubberstamp government proposals, even when the coalition has a comfortable majority.

Regulation can enhance due parliamentary processes. But regulation, even procedural rules or the constitution itself, is only an instrument. In the end it comes down to respect for free political debate. The acceptance of a legislative proposal should always be the result of a debate in which all arguments have been heard and debated. Without this, a free democracy is an empty shell.

Mr Marc VAN DER HULST (Belgium) said that the situation in Belgium was similar to that in the Netherlands. There was no distinction drawn between majority and opposition groupings. Rapporteurs were, however, supposed to rotate between majority and opposition groupings. There could be groupings initiated by minorities. There were usually more opposition than ruling parties, meaning that the opposition got more time for speaking and for questions. Thus under the Belgium system, opposition groups were better protected than other groups.

Mrs Corinne LUQUIENS (France) thanked Mr HAMILTON for his presentation which had sent chills down her spine. At the National Assembly there were already six groups, which seemed to be enough. Since the reforms of 2008, the official opposition had been given special status, including increased speaking time and increased rights to question the Government and to chair committees. However, minority groups also had separate rights, such as the right to propose the agenda for a particular session. For these reasons she hoped that the number of political parties would not increase any further, making it very difficult to run the Parliament.

Mr Ed OLLARD (United Kingdom) said that in the UK there were separate allocations of time and rights between the Government and opposition parties. The UK system was intended to reflect the special responsibilities of the Government to the Parliament. The Parliament was supposed to scrutinise the work of the Executive. He wanted to know how this responsibility of the Parliament was reflected within the system in the Netherland.

Dr Horst Risse (Germany) said that in Germany the opposition was much smaller (20% of Members) and thus weaker than it used to be. There had been a discussion about how to protect the rights of the opposition. One solution taken on by the Government had been to allow the opposition to use minority rights. The opposition had no formal standing in Germany, as it did in France, for example. However, the opposition factions got an additional allowance to pay staff simply because they were in the opposition.

Mr HAMILTON noted that either there seemed to be no specific set of rules or no code of conduct to enshrine the rights of the opposition. He thought that the system in the UK was different to most other continental systems in that Ministers were part of the Parliament, something which was impossible under the continental system. On the continent, even government parties within Parliament could be quite nasty towards the Government.

The existence of sixteen parties was indicative of an independent spirit. However, sometimes some of these groups would come together on a particular issue.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr HAMILTON for his communication and thanked members for the questions they had asked.

The Association took a short coffee break.

4. General debate: Lobbyists and interest groups: the other aspect of the legislative process

Mrs Doris Katai Katebe MWINGA, President, invited Mr Philippe SCHWAB, Secretary General of the Federal Assembly of the Swiss Confederation, to open the debate.

Mr Philippe SCHWAB (Switzerland) spoke as follows:

Introduction

Legislation is the result of a process involving a variety of participants, primarily the parliament and the government, along with their administrations. It is the responsibility of the latter to identify a general interest and to seek out the majorities required through a public discussion.

However, parliamentary decisions can also result from external influence applied by groups that are promoting their own vested economic or social interests. The extent of the influence of these extra-institutional actors is hard to determine because they usually evade the transparency requirements that apply to the democratic debate. Their discreet presence in the corridors of power leads to fears that they have usurped the decision-making process.

The term lobbyist (from the “lobby” or hallway of parliament) is often said to have been coined by the US president Ulysses Grant (1822-1885), who was annoyed by persons who would wait for him in the foyer of a large hotel in Washington hoping to secure favours. However, the term originated as reference to the hallway of the House of Parliament in London, where members of the Houses of Commons and Lords met before and after parliamentary debates.

Lobbying and interest groups: a question of definition

Lobbies are interest groups that seek to influence the government and the political process in manner favourable to their own interests. In contrast to political parties, which take part in elections and accept the decision of the electorate, interest groups normally operate outside the margins of the public debate.

Interest groups are organised in a variety of ways. This is reflected in the various terms used to describe their activities: the talk is of influence groups, interest associations, or pressure groups, of networks, think tanks or lobbies, not to mention NGOs, specialist consultancy firms or certain multinational companies.

By definition, the lobby is a non-institutional agency that has no public duties or obligations.

A distinction may be made between seven main categories of lobby

1. Business, social, and professional associations and trade unions;
2. Consultancy firms;
3. Non-governmental organisations;
4. Think tanks and academic and para-academic institutions;
5. Groups of associations, religious and community groups;
6. Organisations representing provincial, regional or local authorities;
7. Public relations services of large, often multinational companies.

Lobbying is a difficult phenomenon to measure precisely. No one disputes that it goes on, or that it influences public policy and the decisions taken by governments and parliaments. The fact that more than 8,000 lobbyists (as of March 2015)¹ are duly listed in the European Union transparency register is proof of this. In the Swiss

¹ <http://ec.europa.eu/transparencyregister/public/homePage.do>

Parliament, the wide range of active groups is reflected in the public list of persons accredited by MPs for access to the corridors of the Parliament Building and in the number and diversity of cross-party parliamentary groups².

The actual influence of lobbies over the legislative process is also difficult to assess, but it certainly exists: if you need convincing, you need only ask MPs: for each legislative bill or before any major debate, their mailboxes fill up with leaflets, reports, memoranda of all kinds, proposed amendments, not to mention invitations to lunch, to take part in debates or to set up parliamentary clubs.

The lobbies intervene at several stages in the law-making process:

- the pre-parliamentary phase when a bill is drafted,
- the parliamentary phase when the bill is debated, and
- the post-parliamentary phase when the bill is implemented.
-

The group of persons involved is therefore very large and the lobbying targets not only public office holders in the legislature and executive but also civil servants. Moreover, indirect lobbying also takes place, using other agents to put pressure on the authorities (media coverage, demonstrations, opinion campaigns, etc.).

Originally, interest groups were mainly found in business circles (employers' associations, trade unions, federations from agriculture or industry, etc.). In Switzerland, for example, the business community was the first to organise its activities from the second half of the 19th century, and they were quick to institutionalise their relations with the political authorities. This gave rise to a form of parastatal administration, certain features of which remain to this day.

Over time and as the domain in which the state's sphere of action has expanded, the influence of interest groups has extended to other fields of interest for society in a broader sense (patient or consumer rights organisations, environmental protection organisations, citizens groups, etc.). Nowadays, these groups can be found in all areas of state activity and regulation.

Lobbying and interest groups: a problem of role

Relations between lobbyists and politicians traditionally fluctuate between cooperation and confrontation. The explanation for this lies in the ambivalence of the lobbyist's role in the law-making process.

For some people, the role of interest groups is to supply information and expertise. Their function is to provide data, insights and ideas. To this extent, they reflect a society based on freedom of expression and association and on a plurality of opinions. From this angle, lobbyists can be viewed as representatives of civil society who are participating in public affairs. In Switzerland, interest groups are regularly listened to in consultation procedures and at parliamentary hearings. Moreover, this

² Cross-party parliamentary groups are not parliamentary bodies but are forums for members of parliament who are interested in a specific issue (art. 63 para. 1, Parliament Act of 13.12.2002, SR 171.10).

right to participate is set out in our Federal Constitution³ and in the law⁴ and it constitutes a key stage in political decision-making process. This approach can be explained by a need for efficiency: opening the legislative process up to non-institutional representatives allows us to identify needs, locate problems and find possible compromises. A system of this type is essential in a system of direct democracy, where each law passed by parliament can be contested by calling for a referendum.

For others, interest groups are tainted by a negative image based on suspicions of underhand activities. Lobbies are part of the dark side of politics and operate secretly, without limits or controls. They are said to have an excessive power to influence. Their aim is to circumvent the traditional channels of power and to promote vested interests that are contrary to the general interest. In such cases, lobbying is synonymous with patronage, collusion, and dodgy dealing and is the root of all evil. Clear cases of this arise when interest groups put pressure on elected representatives, by attempting to establish complicit relationships or by doing their job by preparing questions to ask the government, or even paying them money. At the start of this year, the Swiss Parliament was confronted with a situation like this when it was revealed that a former Swiss ambassador to Germany, who had since become a lobbyist, had drafted various parliamentary questions on behalf of the ministry of justice of a foreign state. In the United Kingdom, two former government ministers recently resigned after being accused by journalists of accepting money to exert their influence for the benefit of a private company⁵. In 2011, three members of the European Parliament who had tabled amendments to legislation in return for money were entrapped by *Sunday Times* journalists posing as lobbyists. Trafficking in influence in this way has fuelled suspicions as to the integrity of certain interest groups and has contributed to their demonisation.

There are two schools of thought on how the role of interest groups should be regarded: the Tocquevillian tradition takes the view that the state must be limited in size and cannot assume responsibility for the common good on its own without competition from different social groups. In contrast, the Rousseauist tradition believes that interest groups corrupt the general interests of the people⁶.

The truth of the matter almost certainly lies between these two positions and there are certainly as many situations as there are types of interest group. This is why it is difficult to lay down unequivocal rules for supervising lobbying efficiently, because the line between giving sound advice and defending vested interests is constantly moving.

Lobbying and interest groups: defining the regulatory framework

³ Art. 147 of the Federal Constitution of the Swiss Confederation of 18.4.1999 (SR 101) : “[...] interested groups shall be invited to express their views when preparing important legislation or other projects of substantial impact as well as in relation to significant international treaties”.

⁴ Consultation Procedure Act of 18.3.2005 (SS 172.061).

⁵ „Sturz zweier Titanen in Grossbritannien“, *Neue Zürcher Zeitung*, Zurich, 25.2.2015, p. 5.

⁶ In his work *The Social Contract*, Rousseau argued: “It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts” (*The Social Contract*, Volume II, Chapter III, Librairie de la Bibliothèque nationale, Paris, 1894, p. 45).

If it appears reasonable for interest groups to plead their cases to elected politicians, it is important at the same time to prevent lobbies from compromising democratic principles and good governance, the principal objective of which is to ensure that general interests prevail over individual interests.

A number of international organisations⁷ are proposing various methods of regulating lobbying. Several approaches are feasible:

1. Increase the transparency of lobbying activities

- State regulation of lobbying activities or self-regulation.
- Setting up public registers of interest groups, on a voluntary or mandatory basis.
- Strict regulations on access to decision-makers (lists, system of accreditation, public register of authorisations for access to parliament and its buildings).
- Publication of information, position papers and opinions issued by interest groups and sent to policy political makers.
- Publication of details of persons and organisations consulted when drafting legislation.
- Public disclosure of schedules and meetings between decision-makers and interest groups.

2. Encouraging a culture of integrity

- Drawing up codes of ethics to regulate the conduct required from political and administrative decision-makers when dealing with representatives of interest groups (refusing gifts, declaring assets and financial interests, declaring other interests, etc.).
- Drawing up codes of conduct to regulate the conduct required from lobbyists when dealing with political decision-makers and to prevent influence peddling.
- System to regulate conflicts of interest when a public servant (member of parliament, minister, public official) leaves the public sector to work, for example, as a consultant.

In a word, the challenge is

- to contain/provide a framework both for lobbyists and public decision-makers,
- to instil a culture of transparency,
- to ensure access to administrative information and the publication of information on party financing
- and to fight corruption and conflicts of interest.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr SCHWAB.

⁷ See in particular the recommendations from the Council of the Organisation for Economic Cooperation and Development (OECD) on Principles for transparency and integrity in lobbying, 18.2.2010 - C(2010)16

She announced that, it being after 4 pm, the deadline for the receipt of nominations for the position of Vice President, had expired. The following four candidacies had been received:

Mr Philippe SCHWAB, Switzerland, a current member of the Executive Committee;

Mr Ayad Namik MAJID, Iraq, a current member of the Executive Committee;

Mr Shumsher K. SHERIFF, India, a current member of the Executive Committee;
and

Mr Abdulla Khalaf Aldosery, Bahrain, a member newly accepted into the Association that day.

The President announced that there would therefore be an election, at 10.30 am on Tuesday 31 March, at the start of which each of the candidates would have the opportunity to make a short statement of a maximum of two minutes.

Returning to the matter in hand, she opened the floor to the debate.

Ms Claressa SURTEES (Australia) spoke about the most important aspects of her written contribution.

Mrs Doris Katai Katebe MWINGA, President, urged members to consult the written contribution submitted by Polish colleagues. She called Dr SCHÖLER.

Dr Ulrich SCHÖLER (Germany) spoke about the most important aspects of his written contribution.

Mr Sergey MARTYNOV (Russian Federation) spoke about the most important aspects of his written contribution.

Mr Bachir SLIMANI (Algeria) congratulated Mr SCHWAB on initiating a debate on such a topical subject. He thought it was perhaps excessive to describe lobbying as an equal part of the legislative process.

Lobbying was aimed at countering the aims of the voters, who had put the legislature in place. He asked whether there should be a legal and ethical framework for lobbying to help to distinguish good from bad examples.

Mr André GAGNAN (Canada) said that the House of Commons was in the process of reviewing the code of conduct for Members, particularly the parts of it relating to conflicts of interests.

The Commissioner for Conflicts of Interests had asked for greater control over pressure groups and had put forward proposals to achieve this, but parliamentarians had expressed concern about what they perceived to be a restriction of their freedom to do their jobs well. They did not want to have to provide too much detail on their meetings with interest groups because they felt that this would impede their ability to meet with citizens.

Ms SURTEES referred to a bottle of wine valued at 3,000 Australian dollars, and said that it was quite incredible that wine of that price could have been forgotten.

Mrs Corinne LUQUIENS (France) said that France's regulations had been produced rather later than those in other countries. She did not think that regulations should prevent elected representatives from making contacts within civil society. Regulation should aim to prevent conflicts of interest and associated corruption.

In the US the situation whereby various groups could fund election campaigns appeared to many Europeans to be contentious. The regulations should aim to prevent the buying of votes.

Mr Ed OLLARD (United Kingdom) said that in the previous year the Government had introduced a Transparency in Lobbying Bill, which had now been enacted. During the passage of the bill, parliamentarians made a strong defence of the virtues of lobbying and felt that they needed to maintain regulation of their own proceedings.

What resulted was a statutory register of lobbyists. So far not many people had signed up to this. The parliamentary side placed on Members the responsibility for making declarations on the contacts they had made, which was the opposite of the situation in Germany, where outside bodies had the responsibility to make declarations. The situation was policed by the disciplinary system.

Ms Juliet MUPURUA (Namibia) asked what, under systems where Members were required to register their interests, was the system that applied to staff.

Mr Gengezi MGIDLANA (South Africa) said that there was a Code of Conduct for Members in relation to conflicts of interest. However, Members were always able to lobby on behalf of their constituents. Staff of Parliament also had to declare their interests on an annual basis.

Mr Geert Jan A. HAMILTON (Netherlands) said that in his Parliament it was permissible to accept either gifts of a value of less than 50 Euro, or which were consumable in one day. Under this system a gift bottle of wine worth 3,000 dollars would be acceptable.

About half of the Senators were part-time members, meaning that about half of all Senators were actually lobbyists. The ethical code imposed strict restrictions in order to deal with this situation.

He noted that in some countries, registered lobbyists had increased rights to be heard. In the Netherlands, on the contrary, the commissions organising hearings were the bodies to decide who could be heard or not. On occasion lobbyists had very meaningful contributions to be made.

Ms SURTEES said that in the statement of standards for Ministerial staff, staff members were required to declare to their Minister all gifts and hospitality received.

Mr SCHWAB thanked all the contributors in the debate. He needed to apologise for the controversial title of the debate, which did not quite reflect reality. Lobbying was not the “other” side of the legislative process, but “another” side.

He noted that nothing had been said to challenge the assertion that lobbies did exist, whether altruistic or selfish in purpose. Like all other activities associated with the law-making processes, lobbying needed to be regulated. It seemed that a number of different solutions were possible, all of which were designed to enhance the ethics and integrity of parliamentarians.

The contribution from Poland stated that in Poland that, under law, lobbyists were required to be registered in order to gain access, and sanctions were envisaged in case of breaches.

In most countries it was very clear that corruption was a criminal offence, and there were clear sanctions set out. However, there was no hard law against undue influence. It seemed that there were many examples of soft law such as best practices and rules for ethical behaviour, or codes of conduct. These systems were flexible but therefore difficult to implement. It was difficult to see who exercised oversight within these soft environments, or indeed what sanctions were possible.

Switzerland had opted for self-regulation by lobbyists, but this system did not commit the Parliament to anything. The proposal of a stricter of regime seemed to have provoked parliamentarians to object in Canada and the UK. Parliamentarians seemed to think that they could absolve themselves and he could not become too upset about this as it was their responsibility to ensure that they behaved with propriety.

In Switzerland, as with elsewhere, politicians were part-time, and it was difficult to say to an elected representative that they had to forget everything that they had done in the morning by the time that they arrived to sit in Parliament in the afternoon.

The American system had a number of weaknesses, party funding in particular.

There was no single system that enabled the creation of a set of rules for lobbying. Each Parliament had to look to its own philosophical and political systems and decide what would be best for it.

In recent history, two former Ministers had got caught out by journalists pretending to be lobbyists and at least one of them had been forced to resign. This was an example of oversight being exercised by the media.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr SCHWAB for his moderation and members for their contributions to the debate.

5. Concluding remarks

Mrs Doris Katai Katebe MWINGA, President, reminded members that they should be at the NCC at 8 am in the morning in order to participate in the visit. She closed the sitting.

Mr David BYAZA-SANDA LUTALA (Democratic Republic of the Congo) asked about the eligibility of the candidates for the Vice-Presidency.

Mrs Doris Katai Katebe MWINGA, President said that there were four candidates.

The sitting ended at 5.05 pm.

THIRD SITTING

Tuesday 31 March 2015 (morning)

Mrs Doris Katai Katebe MWINGA, President, was in the Chair

The sitting was opened at 10.00 am

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, reminded members that there would be an election for a new Vice President during the morning's sitting. For that reason she would stop taking questions on Mr ARAÚJO's communication at 10.20 to allow time for each of the four candidates to make a speech before the vote took place.

The four candidates were:

- Mr Abdulla ALDOSERI, Secretary General of the Council of Representatives, Bahrain,
- Mr Ayad Namik MAJID, Secretary General of the Council of Representatives, Iraq,
- Mr Philippe SCHWAB, Secretary General of the Federal Assembly, Switzerland, and
- Mr Shumsher K. SHERIFF, Secretary General of the Rajya Sabha, India

Two minutes after the result of that election had been announced, the deadline for the receipt of candidacies for the two posts of ordinary member of the Executive Committee would be announced. She noted that it was usual for experienced and active members of the association to stand for election, and that women and francophone members remained under-represented.

She also announced that Mr Somsak MANUNPICHU (Thailand) would be standing down both from the Association and from the Executive Committee. Consequently, it was possible that there would be a third vacancy as ordinary member of the Executive Committee, depending on the outcome of the vote for a new Vice President. If that third vacancy became available, it would be filled during the Association's October sitting in Geneva.

The President reminded members of the logistical arrangements for their visit to the Vietnamese Parliament at lunchtime.

2. Orders of the day

Mrs Doris Katai Katebe MWINGA, President, noted the following modifications to the orders of the day:

- Ms Kathryn FLOSSING (Sweden) had decided to postpone her communication until the following conference.
- Mrs Jane KIBIRIGE (Uganda) had agreed to present her communication that afternoon to allow time for the election to take place during the morning.

She read the proposed orders of the day as follows:

Tuesday 31 March (morning)

9.30 am

Meeting of the Executive Committee

10 am

Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: “Legislative Consolidation in Portugal: better legislation, closer to the citizens”

10.30 am: Election for the post of Vice-President of the ASGP and, immediately after a decision has been taken, deadline for nominations for the post of one ordinary member of the Executive Committee

11 am

Visit to, and lunch at, the Vietnamese Parliament

Tuesday 31 March (afternoon)

3 pm

Communication by Mr Henk BAKKER, Director, Operational Management of the House of Representatives of the States General of the Netherlands: “The formation of government in the Netherlands in 2012”

Communication by Mrs Jane L. KIBIRIGE, Clerk of the Parliament of the Republic of Uganda: “When the independence of the Legislature is put on trial: an examination of the dismissal of members of the party in Government from the party vis-à-vis their status in Parliament”

4 pm: Potentially, election of one ordinary member of the Executive Committee

General debate: Finding the structure of a parliamentary secretariat with maximum efficiency

Moderator: Hon. Mr NGUYEN Hanh Phuc, Chairman of the Office for Vietnam’s National Assembly

Note on the general debate:

Parliamentary secretariats are structured differently in different Parliaments. In the context of the recent establishment, or re-establishment, of Parliaments across the world, the purpose of this debate is to consider different structural models for the Parliamentary secretariat, with particular emphasis on both administrative and legislative efficiency, and synthesis with the work of Parliament.

The orders of the day were agreed to.

3. New Member(s)

Mrs Doris Katai Katebe MWINGA, President, said that the secretariat had received a request for membership which had been put before the Executive Committee and agreed to, as follows:

Mrs. Cecilia MBEWE

Deputy Clerk of the National
Assembly, Zambia

The new member was agreed to.

4. Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: “Legislative Consolidation in Portugal: better legislation, closer to the citizens”

Mrs Doris Katai Katebe MWINGA, President, invited Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal, to make his communication.

Mr José Manuel ARAÚJO (Portugal) spoke as follows:

PART I

Improving the quality of the law as a central theme of parliamentary activity – strategies to follow and measures to be implemented

Introductory note

Improving the quality of the law is a topic that has always been on the parliamentary agenda. It is a common concern for the various organs of sovereignty in Portugal (Parliament, Government, President and Courts). Also part of the international agenda, particularly for the OECD and the EU, and the Vice-President Frans Timmermans is soon due to disclose the new priorities of the European Commission at the level of Better Regulation.

Although the quality of the law is a very old issue that was even in contention in ancient Greece, and it is interesting to note that the philosophers of the time advocated the importance of public participation to improve this quality, it is now, in the 21st century, that the question of Better Regulation has actually taken on greater relevance. Initially, the focus was on the wording of the law, but with the Lisbon Strategy, attention shifted from questions of formal legislation and technical aspects

of greater clarity and coherence, to aspects related more closely to employment and economic growth.

These new values were in the normative instruments to improve the quality of legislation and the main goal of the actions taken for Better Regulation became the achievement of better outcomes for companies and economic operators. This resulted in a very close connection, not always peaceful for the experts and specialists in the field, between the need to improve legislation and economic recovery. Which placed the emphasis on one of the instruments to improve the quality of the law: the assessment of the impact of legislation, especially *ex ante* assessment as a requirement for the process of making laws.

Initiatives under the "better regulation" programme came to be generally linked to economic strategies of quantitative evaluation whose main objective is the reduction of administrative costs and charges. This is particularly relevant in the context of economic crisis with which Portugal and the European Union are struggling.

What does better regulation mean – is it impossible to define?

Several definitions have evolved over time, as is clear from the above, but we can consider that the current view is that better regulation involves taking measures at different stages of the political and legislative cycle, to simplify the law and improve its accessibility. It also implies cutting unnecessary red tape, introducing systems to assess the *ex ante* and *ex post* impact of legislation and, above all, improving the participation in the making of laws of those on the receiving end by including consultations throughout the legislative process. Laws with more involvement are better laws whose application is generally better accepted by citizens.

Also indisputable is the fact that citizens, to whom the law is addressed, are much more demanding today and this is necessarily reflected not only in the way legislation is drafted, but also in how it is applied and assessed. Parliaments today have to deal with this increased rigour at a time when they are simultaneously opening up to society and striving for new forms of democratic legitimacy. Which is not always easy to manage! It is known that revealing parliamentary proceedings generates expectations that must be met, otherwise democratic legitimacy is compromised.

The main problems facing parliaments in improving the law, from the citizens' perspective

The lack, in many parliaments, such as the Portuguese assembly, of a legislative agenda, negatively affects the legislative process in that it does not give members an opportunity for a mature reflection on most legislative initiatives. Neither the definition of planned public consultations nor *ex ante* impact assessment.

The exponential increase in legislative initiatives, which does not always translate into real legislative inflation (because most of them do not become law, but do contribute to the statistics of each parliamentary group or Member, which, in a context of transparency of parliamentary proceedings, is tempting) compromises the work capacity and time of the services and Members and leads to a parliamentary

culture that tends to be administrative and bureaucratic in the management of legislative procedures.

At the moment legislative power is fragmented in that, in addition to parliament and government, more and more normative production centres are emerging, particularly in terms of oversight, given the new regulatory role of the welfare state. We are also witnessing the multiplication of political players and pressure groups in society, often people with different interests, ranging from trade unions to powers in the legal, business and communications worlds which, although having no formal power, have the means and tools to exercise substantial political power.

This fragmentation of legislative power is reflected in the quality of laws. Of course it can lead to important laws being blocked, but it can also see the passage of laws motivated by private interests. These laws are often passed outside the conventional participation procedures and the pluralistic voting that results from public parliamentary debate. Maybe contributing to the lack of unity and coherence of the legal system.

Hence the importance of participation in the legislative process, but also that it should be exercised in a public and transparent manner to ensure adversarial debate throughout the legislative process.

This generally happens in the Assembly of the Republic of Portugal, where all documents relating to the legislative process (from the text of the initiative to the proposed amendments, from the opinions and reports to the input from citizens and experts, through the final text of law) is available in real time on Parliament's website. However, there is still no law in Portugal regulating lobbying and allowing, as in other countries, the registration of interests of lobbying organisations/entities.

What has the Portuguese parliament done to improve the quality of the law?

Over the past legislatures, the Assembly of the Republic has been working at both the political and technical level to improve the quality of legislation.

As is clear from the OECD report in 2009, *Better Regulation in Europe: an assessment of regulatory capacity in 15 Member-States of the European Union*, the strategy of the Assembly of the Republic in recent years has been to increase the transparency of the legislative process which, currently, is total. The OECD mission that was in the Portuguese parliament recognised, in that report, that *“Portugal has made impressive progress over a very short-period (three years) in the development and implementation of policies for Better Regulation, which is now recognised as an important part of effective public governance....An important transition has taken place over the last couple of years regarding public consultation, from reliance on formal requirements to experiments with broader and more flexible approaches. The website of the Parliament provides an impressive amount of up-to-date information on the preparation of laws (discussion in committees, Rapporteur’s report, etc.) and gives the possibility for citizens to interact with the Parliament.”*

Transparency in drafting legislative acts generally works as an indicator of quality. Regarding transparency, Portugal’s parliamentary legislative procedure is exemplary. As soon as it is admitted, every citizen can follow the various stages of the

legislative procedure step by step (on the AR website, on the pages of the Committees and through the Parliament Channel). From the submission of the legislative initiative, the entire process is scrutinised; there is an almost total transparency of the legislative procedure, largely thanks to the use of ICT. Currently, the only preparatory business that is not on the parliament website is that which is done in working groups, whose meetings are not public, and some of the draft amendments submitted in the discussion of the specific terms (although, as a rule, these are included in the report of the discussion of the specific terms, as an attachment). Any citizen can follow every step of the various stages of the legislative procedure and make suggestions.

Furthermore, the Assembly of the Republic has tried to improve the quality of the law through the use of various instruments:

- **Technical note** - prepared by the AR services for all government bills and members' bills since the review of the Rules of Procedure of the AR in late 2007. It is drawn up within 15 days of the date of the initiative admission order and follows the initiative throughout the legislative process. It is an integral part of the Committee's opinion. It includes an analysis of the legislation, its legal and constitutional framework, comparative law, suggestions for holding consultations.
- **Consultations/Participation** – these take place particularly in parliamentary committees and the purpose is to ensure that more interests are taken into account. This is a key instrument to ensure that the legislation to be produced is of good quality, particularly given the increasing legislative complexity and areas in which the law intervenes. The contributions also help to determine whether the laws will be well received by those on the receiving end. More information generates greater acceptance and transparency.
- **Final wording** – suggestions for the final wording are the responsibility of the Support Division services in plenary and are approved by the competent committee for the subject matter. The final wording contributes to the quality of the law because it discloses the relationship processes within the normative acts, "*smoothing the rough edges*" of the text approved from the point of view of form, accuracy of the legislative references, acuteness of cross-references, numbering and terms, framing the new law in the context of the legal system and applying a consistent set of rules and techniques from formal legistics.
- **Republication** – is key to making the law more understandable, in particular where the law in question has undergone a number of changes or where changes have substantially altered the original legislative thinking. In the last revision of the law on the formulation of legislative acts, the Assembly of the Republic determined that it should republish in full the legislation that takes the form of a law, where there are more than three amendments or if the total number of amendments involve more than 20% of the articles. In addition, the title of laws that amend other laws must specify the modified law and the number of the amendment.

- **Impact assessment of legislation** - the creation of the Budget Technical Support Unit (UTAO) (a service of the AR) in 2006 sought to make a contribution in this regard, since one of the competences that the Resolution establishing the Unit gave it was the power to undertake *a technical study on the budget impact of admitted legislative initiatives that the President of the Assembly of the Republic decides to submit*. Furthermore, with the review of the Rules of Procedure of the Assembly of the Republic in 2007, Article 131 states that the technical notes drafted for each initiative should include an assessment of the consequences of adoption and an estimation of the cost of its implementation. However, the provision of this principle has had a little application, and it is the only prescription on technical notes that is not fulfilled, for obvious lack of conditions and/or access to the necessary information. There have been some studies on impact assessment but only with respect to the budget (for example, on the implementation of certain social benefits or a contribution rate).
- **Legislative compilation** – this presents the laws governing certain matters properly organised in chapters or divisions, thereby facilitating consultation. It is an important tool to simplify legislation, particularly if it ensures that new laws published on the subject are included in the compilation. The AR Services themselves took the initiative and developed several legislative compilations, by areas. They are published on the AR website and are updated by the services at the beginning of each legislative session, making the continuous monitoring of legislative developments necessary. The compiling process initially requires a structured and systematic collection of the laws in force in the particular area and sending the respective list to the competent government authorities to jointly confirm the laws in force, especially to see if any have been amended by government executive laws. The compilation is organised by chapters/thematic areas, each of which contains all laws relevant to it, to be made available on separate screens (e.g. the Committee on Education was provided with the laws on education, higher education, pre-school, primary and secondary education, the laws on science, etc.). A link to the text published in the *Diário da República* [Official Gazette] is included for each law, along with another link to the database of AR parliamentary business, for access to the file on the initiative in question, including preliminary work.

The AR website currently has these compilations:

[Laws in the area of the Media](#)

[Laws in the area of Defence](#)

[Laws in the area of Education, Science, Culture, Sports and Youth](#)

[Laws in the area of Health](#)

[Laws in the area of Domestic Violence](#)

[Legislation in the area of Immigration](#)

A number of other compilations are in preparation, particularly in the area of forests, mortgage and consumer protection.

The following methodology has been used for the compilations:

- To cover as many laws (in the broad sense) as possible.

- Regarding the titles, the criterion has been to allow the most direct access possible, given that the information provided is meant for ordinary people (clear language, though without losing sight of the technical nature of some issues).
- In terms of structure, there are two blocks: one of a general nature, with cross-cutting materials, and the other sectoral, directly indicating the topics that are addressed.
- When the matters fall within the competence of several parliamentary committees they have been included, without prejudice to their possible inclusion by other committees that they also relate to, in any compilation that they may develop. Again, the concern has been to simplify, since the main recipients are the citizens.

PART II

Legislative consolidation and bringing Parliament closer to citizens – the case of the Working Group for the Legislative Consolidation of the Assembly of the Republic

Consolidation as a tool to improve the quality of law

Another instrument widely used to improve the quality of law, which allows simplification of access and the best knowledge of the law, is legislative consolidation. Consolidation experiments (which in both the French Parliament and the European Parliament are called codification) denote the concern to reach out to citizens, since the objective is not to legislate again, but gather existing legal regimes in a single legal instrument to improve the accessibility of the law. Consolidation involves the need for a new legislative act but one that does not innovate, aiming only to incorporate in a single legal instrument the regime that has already resulted from the integrated application of the various pieces of legislation regulating the matter. Thus, the number of laws is reduced, citizens can know exactly what laws are in force in a particular area of law and a higher degree of legal certainty is assured by eliminating outdated norms and expressly repealing those that had been only tacitly repealed.

Constitution of the Working Group for Legislative Consolidation in the Assembly of the Republic

Parliament, as the legislative body par excellence, also has the responsibility to ensure the accessibility of the law to citizens. This is why the President of the Assembly of the Republic proposed the establishment of the *Working Group for Legislative Consolidation* to the Conference of Leaders at the end of 2013, approved by unanimity.

This Working Group is composed of 1 Member of each Parliamentary Group, and is supported by the Services of the Parliament. Its powers are:

- to develop the methodology to use to collect legislation and establish criteria for legislative consolidation;

- to make contact, with respect to legislative consolidation, with other organs of sovereignty, in particular with the government;
- to consult with legal practitioners when necessary;
- to collect existing sectoral legislation and present it coherently in a single act or a small number of acts (consolidated texts).

Thus it is not for the Working Group to create new legal solutions, but only to collect the norms in existing legislation and present them coherently in a single act or a small number of acts (consolidated texts); however, it may eliminate obsolete or contradictory norms. Obviously, since there is agreement of the parliamentary groups, it will be possible to introduce one legal innovation or another to harmonise the systems to be consolidated. A concrete example: in the case of rights and duties of users of health services (the consolidating law resulting from the activity of the Working Group and has already been published), users had rights in public hospitals in relation to accompanying children (minors) that they did not have private ones, and this system has been harmonised with clear benefits for citizens, who now have the same rights in both types of hospitals, thus levelling up.

Work done in a year and a half of activity:

➤ The first step: establishing a methodology

As this was the first experiment at legislative consolidation in Parliament, the Working Group first focused on pinpointing the sectors to address the consolidation and on preparing a list of legislative instruments that would be the subject of its work, after it had fixed a number of criteria for consolidation.

The methodology adopted included these points:

1. Form of consolidating act and type of legislative instruments to be included in the consolidation: From the legal standpoint there are considerable advantages in having the consolidation done from the Assembly of the Republic. Although the government enjoys equivalent legislative powers, the fact that the Assembly of the Republic has legal predominance in the exercise of the legislative function, as expressed, for example, through parliamentary reservations, means that acts of consolidation in which parliamentary legislation is incorporated must be approved by the AR. The consolidation should thus be made by law (the consolidating law).

As the consolidation is a process of rationalisation of normative activity based on the collection of existing sectoral legislation and the proposal of its coherent presentation in a single act or a small number of acts, since there is legislation on a material reality - e.g. users' rights in the field of health – it is advantageous to collect government executive laws for the consolidation act.

Given the characteristics of the system of normative acts in Portugal, legislative consolidation that fails to take government legislation into account runs the risk of being incomplete and of little use for its purposes.

Strictly speaking, consolidation is the permanent activity of organisation into a limited group of acts, norms from various legislative instruments on identifiable matters, without any material changes being introduced.

It makes sense to read through parliamentary legislation with government legislation, avoiding duplication, repetition and inconsistencies. There may be situations where it is appropriate to consolidate government texts in parliamentary law.

2. Respect for the system of acts of the Constitution

This is one of the fundamental principles of the consolidation task. It can only be ascertained from the legal consolidation point of view, if there is hierarchical parity between acts to be collected. Thus, laws with stronger force (laws for which the Constitution requires approval by special majorities that are not needed for most laws or laws that determine the existence of subsequent legislative acts) should not, in principle, be included in a consolidated text along with laws or executive laws which do not have this characteristic.

3. Systems that overlap (express repeals)

One of the features that can easily be seen when assessing texts that it is intended to include in a consolidating law is that texts from different times but on the same matter may have a distinct regulation, with large areas of overlap and possible tacit repeals.

This type of operation has the disadvantage of not offering citizens or administrators of justice a complete answer on the legislation in force. So the technique of express repeal should be used wherever possible.

4. Updating of language and organisational references

Regardless of the area to be consolidated, over time the legislative instruments in most cases feature a very wide diversity of language, especially when it comes to technical terminology, which should be standardised for the purpose of consolidation acts.

Thus, in a very simple example we have taken from the health area, the profusion of terms such as "user", "patient" or "sick person" has to be reduced to a single expression in the consolidating law. And this is not always easy because in addition to the temporal connotation there are sometimes ideological links of certain parliamentary groups to a specific terminology. In other words, the language is rarely neutral.

References to government departments, for example, also require updating in the consolidating law, either because they no longer exist or do not have competence in the matter.

5. Concrete rules for preparing the consolidated texts:

The full text must be preceded by a memorandum (which is published) that explains the work done and options for the inclusion or not of related legislative instruments. This does not usually happen in the laws of the Assembly of the Republic which, although they contain a statement of reasons when they are admitted as a government bill or as a bill of one or more Members, when they are passed by final

global vote and published as law in the Official Gazette this explanatory memorandum disappears, leaving only the articles. This is because the laws of parliament are manifestations of the intention of a number of policy makers (and not of a single decision maker, as is the case of the government's executive laws) and therefore the explanatory memorandum very often has political ideology options which then vanish from the articles as an outcome of the negotiations/participation that characterises parliamentary legislative work.

However, in the case of consolidations, it was decided by the Working Group that published laws should always have a preamble, also bearing in mind that this is a simplification exercise for the public and that this preamble is useful for the recipients of the law.

Moreover, during the technical consolidation work, i.e. when the consolidating text is still in preparation, the source must always be referenced at the end of each article (legislative instrument or instruments, if more than one) contained in the consolidated wording. If the original wording of the legislative instruments included in the consolidation is not respected, the changes to the original text should be marked in bold so that the policy maker can identify them. Where there are substantive changes that signify real legislative changes, the suggested option or alternatives involved should be explained in a footnote.

➤ Consolidation tasks completed so far

The Working Group was working on legislative simplification throughout 2014, promoting the consolidation of legislative instruments in various areas, as can be seen on the relevant page of the Parliament website. The result was the publication of two laws:

1. **Law 15/2014 of 21 March** - Law consolidating legislation on the rights and duties of users of the health services
- 2.
3. **Law 43/2014 of 11 July** – which amends law 74/98 of 11 November, on the publication, the identification and the form of legislative instruments. This law introduced the concept *consolidating laws* as follows:

Article 11-A

Consolidating laws

1 – Consolidating laws gather together in a single legislative act the norms relating to certain area of the legal system regulated by various laws.

2 – Consolidating laws do not affect the material content of the consolidated legislation, except where, in particular, there is need to:

- a) update and standardise the wording and legal concepts;
- b) standardise the same factual reality.

3 – Consolidating laws:

- a) may contain systematic organisation and distinct numbering of the consolidated legislation;
- b) maintain the repeal norms of the consolidated laws and also indicate the norms repealed for the purpose of the consolidating law;
- c) safeguard the regulation adopted under the consolidated legislation repealed, unless expressly provided otherwise.

Bearing in mind that it is not always possible to employ consolidation as a tool for simplifying legislation, and in certain cases this will not be the best tool to improve the accessibility and understanding of existing legal regimes, **the Working Group has also compiled legal norms in areas such as legislation applicable to foreigners residing in Portugal.**

The relationship of the Working Group with citizens

As already mentioned, the parliamentary legislative process is open to scientific and academic contributions, and to public consultation by interested parties in general. As the AR is a very transparent institution, the Working Group noted that there is not enough publicity given to parliamentary legislative procedure and citizens' accessibility to parliamentary business. Parliament should adopt a communication strategy to motivate the participation of citizens and encourage their interest in the legislative process, in particular with regard to simplifying legislation.

Thus, given the importance of civil society's participation in the process of simplifying and improving the law, the Working Group **created an online form**, which is on the home page of the AR's website. Any citizen or legal practitioner can use it to send suggestions to the Assembly of the Republic for the simplification/improvement of laws. The form is available on the home page of [the Parliament website](#), with a call for participation. A number of suggestions for improving the law have been received, some of which have been forwarded to other parliamentary bodies – particularly to the relevant parliamentary committees for the matter in question or to parliamentary groups – when they are not related to the powers of the Working Group, because they are requesting new legislative measures, for example.

A small number in fact contain concrete contributions for consolidation. For instance, a university lecturer in conjunction with a firm of lawyers drafted a consolidation in the field of nuclear law and sent this work to the AR as an attachment to the form. As this concerns highly technically complex legislation, it is being studied and updated by the Working Group.

Recently, the Working Group also held two public hearings, to which were invited all the university research centres, legal practitioners, associations representing sectoral interests and the general public, in order to increase the dialogue with the community and to receive their contributions in respect of areas where the quality of the law could be improved.

Indeed, the constitution of the *Working Group for Legislative Consolidation* and its goals are the result of the need and commitment of the AR to ensure the effective and equal access of citizens to the law that applies to them.

The purpose of this notice is to tell all the Members about the work that has been done and, more importantly, to ask for everyone's support, especially by indicating areas of the legal system that need easier integrated access (consolidation, legislative compilation or other instrument considered appropriate).

Work in progress

Currently, the Working Group is preparing legislative consolidation in several areas: electoral law, data protection, consumer protection, associations, advertising and forests.

At the same time, given that the legislature is nearing its end (2015 is a year of elections to the Assembly of the Republic) the Working Group intends to leave some thoughts on how to continue and enhance the work already done.

Parliament therefore sent a questionnaire via the European Centre for Parliamentary Research and Documentation and obtained responses from 19 Chambers, which are being studied in order to garner the best experiences in the area of simplification.

The Working Group is also going to hold an international conference on 26 May on the topic, *Simplifying and Improving Laws*. This conference will be addressed by national and international speakers. Its purpose is to exchange experiences and share practices adopted by different parliaments and/or by independent outside bodies that are working towards improving the accessibility of the law and simplifying legislative instruments. It will be attended by the Vice-President of the European Commission, Frans Timmermans, with responsibility for "Better Regulation", and it is worth pointing out that the European Commission's new programme and measures to improve legislation should be presented at the end of April.

Future steps – setting up Legislation Technical Support Unit?

The creation of a new functional unit, operating within the Parliamentary Support Services Directorate, with the power to collect, consolidate and simplify legislation, is currently under study in the Portuguese Parliament. The competences of this unit are still under evaluation, and could include:

- a) preparing studies and providing technical opinions on the consolidation and simplification of laws;
- b) preparing preliminary drafts of consolidation and simplification of laws;
- c) proceeding with the compilation of the legislation in force in areas where it is not possible to consolidate it;
- d) checking the validity of legislative instruments and updating them at the end of each legislative session, updating the available consolidations;
- e) performing other tasks that are requested by the Conference of Chairmen of Parliamentary Committees, the parliamentary committees or the President of the Assembly of the Republic, pursuant to their powers.

In principle, this unit must submit a proposal on the thematic areas to consolidate at the beginning of each legislative session. This proposal should include matters arising from proposals by citizens, simplifying laws with an impact in their lives. In political terms, the areas proposed for consolidation may be approved by the Conference of Chairmen of Parliamentary Committees or the President of the

Assembly of the Republic. However, there still remains the political debate that will form the basis of the solution to adopt.

For technical reasons, we are not in a position to transcribe the questions relating to this communication. The following members contributed to the discussion: Mr André GAGNON (Canada), Mr Christophe PALLEZ (France), Mr Geert Jan A. HAMILTON (Netherlands) and Mr ARAÚJO (Portugal).

Mrs Doris Katai Katebe MWINGA, President, thanked Mr ARAÚJO for his communication and thanked members for the questions they had asked.

5. Election of a new Vice President

Mrs Doris Katai Katebe MWINGA, President, called upon each of the four candidates for election to the post of Vice President to make a short speech supporting their candidacy. The following four candidates spoke: Mr. Abdulla ALDOSERI (Bahrein), Mr Philippe SCHWAB (Switzerland), Mr Shumsher K. SHERIFF (India) and Mr Ayad Namik MAJID (Iraq).

Mrs Doris Katai Katebe MWINGA, President, explained the voting procedure and declared the vote open.

After the vote and the count:

Mrs Doris Katai Katebe MWINGA, President, announced that 82 voters had voted. Mr SCHWAB had received 54 votes. Since this represented over 50% of the votes cast, he had been elected as Vice President of the Association without need for a second round of votes.

She announced the start of a period of two minutes before the deadline for nominations for the two available posts of ordinary member of the Executive Committee was reached.

After the two minutes had passed:

Mrs Doris Katai Katebe MWINGA, President, announced that the deadline for the receipt of nominations had been reached. There were three candidates for the two available posts of ordinary member of the Executive Committee, as follows:

Mr José Manuel ARAÚJO (Portugal),

Mr Mohammd RIAZ (Pakistan), and

Ms Claressa SURTEES (Australia).

The vote would take place at 4 pm that day.

6. Concluding remarks

Mrs Doris Katai Katebe MWINGA, President, closed the sitting so that members could depart for the visit to the Vietnamese Parliament.

The sitting ended at 11.25 am.

FOURTH SITTING

Tuesday 31 March 2015 (afternoon)

Mrs Doris Katai Katebe MWINGA, President, was in the Chair

The sitting was opened at 3.00 pm

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, thanked the Vietnamese hosts for the lunchtime visit.

As President, she said that she had received several representations that appeared to contest the election that was held this morning, or at least the basis on which it was held.

The count had taken place in the Executive Committee room. It was conducted by the four members of the secretariat and supervised by Geert Jan A. Hamilton, our existing Vice President.

Once the votes had been counted, the ballot papers were replaced in the ballot box, which was then re-sealed.

The process followed was as described by the Note on the Procedure for Elections, which was made available to all members of the Association before the election took place, and follows precedents from previous years. The note states that:

- 1) The “election will be supervised and organised by the Bureau of the Association” (under rule 15, the Bureau is composed of the President, the two Vice-Presidents and the two Joint Secretaries, who are appointed by the President); and
- 2) “A member who is a candidate in a particular election will not take part in the supervision or organisation of that election”.

The fact that the candidates were precluded by the guidelines from supervising the votes, prevented the public counting of the vote. For this reason, the counting of the votes had always taken place away from the plenary room, usually in the Executive Committee meeting room.

Where members were uncertain or unhappy proceedings, it was open to them to question the way that things were done, either in the plenary or, ideally, via a member of the Executive Committee, during Executive Committee meetings.

She proposed that the following day the Executive Committee met early to discuss what could be done about future elections.

2. Communication by Mr Henk BAKKER, Director, Operational Management, of the House of Representatives of the States General of the Netherlands: “The formation of government in the Netherlands in 2012”

Mrs Doris Katai Katebe MWINGA, President, invited Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General of the Netherlands, to make Mrs Jacqueline BIESHEUVEL-VERMEIJDEN’s communication in place of Mr BAKKER.

Mr Geert Jan A. Hamilton (Netherlands) spoke as follows:

The forming of a new government in the wake of parliamentary elections is always an important and far-reaching event in the operation of parliamentary democracy. In the Netherlands, this process is often anything but simple. Because of the proportional representation electoral system used for Dutch parliamentary elections, many different parties are represented in parliament. This means that no individual party has an overall majority and a coalition government always needs to be formed following elections.

In this context, the forming of a government in the Netherlands is a complex process of negotiation that has even been known to last longer than six months. Intensive political negotiations take place in order to form a government that has the support of a majority in parliament.

But who makes the decisions in this process of negotiation and what form does the process of forming a government take? In the Netherlands, neither the Constitution nor the law stipulate the procedure to be followed in this. However, a standard procedure has gradually emerged over the years that is consistently applied in the formation of a new government. When the last Dutch Cabinet was formed in 2012, there was an interesting new development in this. I will return to that later.

The Netherlands has been a constitutional monarchy since 1814. Initially, the formation of the government was exclusively in the power of the King. However, from 1848 onwards, as the parliamentary system developed it became standard practice for the King increasingly to take account of the majority views within parliament when forming a new government after elections. From that date, the King instructed a skilled negotiator, known as a *formateur*, to negotiate the formation of a majority government in consultation with the political leaders in the parliament. As a result of this, a standard practice for forming a government gradually emerged. In it, the King started by consulting the political leaders, the leaders of the parliamentary groups in the House of Representatives. Based on their advice, the King then appointed one or several *informateurs* or *formateurs* to conduct the negotiations on the formation of a new government in consultation with the parliamentary group leaders. These negotiations usually involve the future governing parliamentary groups entering into a detailed coalition agreement.

The process of forming a government therefore underwent a gradual process of transition, as parliament itself slowly gained more and more influence. This

happened in many European countries over the course of the twentieth century. In the Netherlands however, the King remained involved in the formation of government as an impartial supervisor of the process, over and above the parties.

In the lead-up to the elections of 2012, the Dutch House of Representatives decided to make some important changes to the existing practice for forming a government. In the spring of 2012, it added a new provision to its Rules of Procedure (*Reglement van Orde*). This new provision stipulates that, following elections, the House of Representatives meets in its new configuration to consult on the appointment of *informateurs* or *formateurs* tasked with forming a new government.

In two key respects, this new rule marks an important change in the process of forming a government in the Netherlands. The first of these is that the House's Rules of Procedure now regulate an important aspect of this process (the appointment of *informateurs/formateurs* by the House). For the first time ever, the formation of the Dutch Cabinet is enshrined in regulations. Secondly, the King is no longer involved in the appointments. As a result, the power of controlling the process of forming a government has shifted still further towards parliament itself.

Shortly after the revision of the Rules of Procedure, in September 2012, there were early parliamentary elections in the Netherlands. After these elections, the new procedure was applied for the very first time. For the first time ever in Dutch parliamentary history, the House of Representatives itself took control of the formation of government, the appointment of *informateurs* and a *formateur* and the determination of their brief. There was initially some scepticism as to whether this new procedure would prove successful. Would the formation of a Cabinet without the King's involvement end in chaos? In fact, some of the parties would have preferred to see the old practice continue. As it turned out, the formation of the Cabinet in 2012 actually ran in a relatively orderly and smooth fashion, by Dutch standards.

After its completion, the House of Representatives commissioned an evaluation conducted by a committee of external experts. This evaluation took a closer look at several aspects of the new procedure.

1. A key aspect in the evaluation was the role played in the procedure by the President of the House of Representatives. In forming the Cabinet, the President of the House, assisted by the Secretary General, played a key role as process coordinator. This was a new role for the President. A great deal of work was done in order to prepare for this new task. On the day following the elections, the President convened a meeting of the leaders of the parliamentary groups to discuss how best to initiate the formation process. The leader of the largest parliamentary group came forward with the suggestion of introducing an exploratory process in order to ensure that effective preparations were made for the first debate in the House on the appointment of the *informateurs/formateurs*. As the process continued, the President, together with the Secretary General, systematically discussed each subsequent step in the formation process with the leaders of the parliamentary groups. Ultimately, these were the people who would need to take the political decisions.

It is partly thanks to the coordinating role played by the President that the formation of the Cabinet of 2012 went so smoothly. Before every debate in the House, it was

clear which conclusions the Parliamentary group leaders had reached and which decision, supported by a parliamentary majority, could be put before the House. The evaluation recommended that this new practice be applied on subsequent occasions.

2. Another key aspect of the evaluation was the role played by the King in the new process. In the formation of the Cabinet of 2012, it was the first time that the King was actually on the sidelines. The King was notified on progress in the formation of a new government on only a few occasions. The evaluation concluded that the role of the King in the new procedure for forming a government deserves closer attention. According to the Dutch Constitution, the King is part of the government and is the Head of State. As such, it is fully justified that he should be informed about progress made in the formation of the Cabinet at every phase. The committee of external experts felt that this did not happen to a sufficient extent in 2012. In any subsequent Cabinet formation, the committee concluded that the King's right to be informed should play a greater role in the process.

3. A third key aspect of the evaluation concerned the question of whether the Cabinet formation has become more open and transparent and more democratic as a result of these changes. This had been one of the key arguments put forward by those in favour of the change to the regulations. The evaluation concluded that the new procedure involving a debate in the House, in which decisions on the formation of the government were taken, does make some contribution towards openness and transparency. However, the formation of a government in the Netherlands, as elsewhere in the world, is primarily a political process of negotiation that benefits from a degree of confidentiality. Ultimately, it is easier – or less embarrassing – to make compromises in private than in the full glare of daylight.

4. Numerous other points also emerged from the evaluation. These involved, for example, the administrative support for the negotiators, the publication of documents, as well as the role of the Senate in forming the Cabinet.

The new procedure has now been successfully applied. However, that offers no guarantees for the future. Forming a government in the Netherlands is and will remain a complex process of negotiation that cannot be directed along the right path simply by introducing a new rule. It will be interesting to see how effective the new procedure proves to be next time.

Mr Manuel CAVERO (Spain) asked if the changes had been made as a result of complaints about the role of the monarch in the Netherlands, and, how the monarch felt about this.

Mr HAMILTON said that he imagined that the question had been asked because Spain also had a monarch. He said that the monarch was vulnerable, though no actual complaint had been made. This vulnerability was the reason underlying the decision to ensure that appointments were ratified by democratically elected representatives.

He said that there was some written law but that most of this was the result of custom.

Mr Horst RISSE (Germany) said that Germany had a long tradition of coalition Government. Last time, after general elections held in September, it took until December for a Government to be formed. Coalition negotiations had taken place between the leaders of the group and there had been no role for any third party. He argued that it had been a parliamentary process, insofar as political leaders were part of Parliament, but there was no organisational structure underlying this.

Mr HAMILTON said that what helped in the German situation was that the total number of political parties was smaller than was the case in the Netherlands. With such a large number of parties, a number of different configurations were possible, which was what made the process so unwieldy.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr HAMILTON for his communication and thanked members for the questions they had asked.

3. Communication by Mrs Jane L. KIBIRIGE, Clerk of the Parliament of the Republic of Uganda: “When the independence of the Legislature is put on trial: an examination of the dismissal of members of the party in Government from the party vis-à-vis their status in Parliament”

Mrs Doris Katai Katebe MWINGA, President, invited Mrs Jane L. KIBIRIGE, Clerk of the Parliament of the Republic of Uganda, to make her communication.

Mrs Jane L. KIBIRIGE (Uganda) spoke as follows:

Legislatures by their nature are required to be independent in the way they execute their functions. This is the very essence of the doctrine of separation of powers among State Organs. This notwithstanding, the Executive always tests this independence most especially in multiparty dispensations like the one prevailing in Uganda. The parties in Government and indeed those in opposition desire that their members always tow the party line. In young democracies, like Uganda, the desire goes as far as requiring them to tow the party lines in their legislative functions. Where this has failed, an acrimonious relationship that tests the independence of legislatures has always developed.

In Uganda, early last year we had a similar challenge that saw the party in Government and the Executive pit their might against the independence of the legislature. It is on this tricky experience that I choose to share with you today though I must also point out that the biggest party in opposition did tow with the idea sometime back but seemed to back off for strategic reasons. May be, together we can tap into each others wisdom and experience resulting in advising each other on how such a delicate relationship can be managed while effectively executing our mandate as Chief Executives of the Houses of Parliaments.

On 16th April 2013 the Rt. Hon. Speaker of the Parliament of Uganda received a communication from the Secretary General of the National Resistance Movement Organisation (NRMO) to the effect that four members of Parliament had been

dismissed from the NRM Party. The NRM party is the ruling party. Accordingly, the Speaker was requested to evoke her powers to declare their seats vacant and direct the Clerk to Parliament to inform the Electoral Commission so that by-elections are organised in their respective constituencies per article 81 (2) of the Constitution of Uganda. Article 81 (2) provides as follows-

“81. Election of members of Parliament

(1)

(2) Whenever a vacancy exists in Parliament, the Clerk to Parliament shall notify the Electoral Commission in writing within ten days after the vacancy has occurred; and a by-election shall be held within sixty days after the vacancy has occurred”

The request made to the Rt. Hon. Speaker raised the following issues-

1. Whether a Member of Parliament, elected under the mandate of a Political Party, and expelled from the Political Party automatically loses his or her seat in Parliament by virtue of the expulsion.
2. What is the status of the Member of Parliament elected under the mandate of a Political Party, who is expelled from the Political Party?

After considering the matter referred to her, consulting the legal services of Parliament and consulting the relevant laws on the subject, the Rt. Hon. Speaker came to the conclusion that she had no legal mandate to declare the seats of the various dismissed members vacant. In so doing, she found that-

1. It is true that in accordance with article 69 of the Constitution of the Republic of Uganda, the people of Uganda, through a free and fair referendum, chose and adopted the multiparty political system as the political system of their choice. Accordingly, the country reverted to the multiparty system of governance. Indeed, the current 9th Parliament was constituted under the multiparty system of governance.
2. It is also true that under Article 83 (1) (g) a member of Parliament shall vacate his or her seat in Parliament if that person leaves the political party for which he or she stood as a candidate for election to Parliament to join another party or to remain in Parliament as an independent member.
3. The affected members of Parliament may have been dismissed from their party but she did not have any confirmation that they had either joined another political party or chosen to become independent members of Parliament.

She invoked the cardinal rule in Constitutional interpretation that requires provisions of the Constitution with the same subject should, as much as possible, be construed as complimenting and not contradicting one another. She emphasised that the Constitution must be read as an integral and cohesive whole. She referred to this as the rule of harmony, rule of completeness, exhaustiveness and paramountcy of the written Constitution. These positions have for long been emphasised by the Ugandan courts.

She further noted that the members still possessed the requirements for being members of Parliament as prescribed under article 80 (1) of the Constitution but also that the question as to whether the seat of a member of Parliament has become vacant is within the jurisdiction of the courts of law under article 86 of the Constitution. Article 86 (1) provides that-

“86. Determination of questions of membership

(1) The High Court shall have jurisdiction to hear and determine any question whether-

- (a) a person has been validly elected a member of Parliament or the seat of a member of Parliament has become vacant; or*
- (b) a person has been validly elected as Speaker or Deputy Speaker or having been so elected, has vacated that office.”*

She concluded on this point by asserting that taking a decision on the matter would require collective and constructive reading of Articles 80 and 83 of the Constitution. While article 80 deals with the qualifications and disqualifications of members of Parliament, article 83 prescribes and defines the tenure of members of Parliament. Article 83, which is more critical to the situation, provides that-

“83. Tenure of office of members of Parliament.

(1) A member of Parliament shall vacate his or her seat in Parliament—

- (a) if he or she resigns his or her office in writing signed by him or her and addressed to the Speaker;*
 - (b) if such circumstances arise that if that person were not a member of Parliament would cause that person to be disqualified for election as a member of Parliament under article 80 of this Constitution;*
 - (c) subject to the provisions of this Constitution, upon dissolution of Parliament;*
 - (d) if that person is absent from fifteen sittings of Parliament without permission in writing of the Speaker during any period when Parliament is continuously meeting and is unable to offer satisfactory explanation to the relevant parliamentary committee for his or her absence;*
 - (e) if that person is found guilty by the appropriate tribunal of violation of the Leadership Code of Conduct and the punishment imposed is or includes the vacation of the office of a member of Parliament;*
 - (f) if recalled by the electorate in his or her constituency in accordance with this Constitution;*
 - (g) if that person leaves the political party for which he or she stood as a candidate for election to Parliament to join another party or to remain in Parliament as an independent member;*
 - (h) if, having been elected to Parliament as an independent candidate, that person joins a political party;*
 - (i) if that person is appointed a public officer.*
- (2) Notwithstanding clause (1)(g) and (h) of this article, membership of a coalition government of which his or her original political party forms part shall not affect the status of any member of Parliament.”*

My independent research revealed that the debate on *'leaving'* or being expelled from a party vis-à-vis the tenure of a Member of Parliament had for long raged on with no proper path being found. I discovered that a similar debate had taken place in the 7th Parliament in 2005, long before I was appointed to the institution, when Parliament was considering the Constitutional (Amendment) (No. 3) Bill, 2005. In that instance, the House could not reach a decision and the Attorney General withdrew the proposed clause 26 which sought to amend Article 83 (1) (g) to include expulsion of party members. It therefore remains a grey area in Parliamentary practice; it is not dealt with in our laws, neither is it canvassed in the Rules of Procedure of Parliament. A decision on this matter had the potential of having serious constitutional implications. *Why?* A Political Party could be denied the powers to do away with members who offend the internal rules of that party, while again the affected members could have theirs' and their constituents' constitutional right to determine their representatives to Parliament infringed. This is especially so given that the mandate of a Member of Parliament who comes to Parliament on a party ticket is shared by both the party and the electorate who participate in their nomination and the voters who elect the member. It called for caution on all parties involved with the Rt. Hon. Speaker choosing to err on the side of caution. She informed the legislature and indeed the Secretary General of the NRMO of that she was not convinced beyond doubt that she should have exercised her mandate under Article 81 (2) without clear guidance from the courts of judicature.

You will agree with me that the matter was tricky and indeed tested the independence of the legislature as against the might of the Executive and the party in Government. The party being aggrieved filed in the Constitutional Court for an interpretation. The Constitutional Court in the majority decision held that-

1. The expulsion from a political party is a ground for a Member of Parliament to lose his or her seat in Parliament under article 83 (1) (g) of the Constitution.
2. The act of the Speaker in the ruling made on 02nd May 2013, to the effect that the four members of Parliament who were expelled from the party for which they stood as candidates for election to Parliament should retain their seats in Parliament was inconsistent and in contravention of various articles of the Constitution.
3. The ruling of the Rt. Hon. Speaker created a peculiar category of members of Parliament unknown to the Constitution.

However, there was a dissenting judgment by His Lordship Justice Remmy Kasule. His views were that-

1. The expulsion from a political party is not an automatic ground for a Member of Parliament to lose his or her seat in Parliament under article 83 of the Constitution unless he voluntarily leaves the political party under which he stood for election.
2. The ruling of the Speaker of Parliament that the dismissed members of Parliament remain in Parliament did not contravene any provisions of the Constitution.

3. The Rt. Hon. Speaker of Parliament did not create a peculiar category of MPs, unknown and contrary to the constitution.
4. The continued stay of the dismissed members of Parliament after their expulsion from the party under which they stood for election is not contrary to or inconsistent to the Constitution.
5. The dismissed members of Parliament did not vacate their seats in Parliament. They are still members of Parliament under the Constitution.

Not being a lawyer myself, the issues were intriguing. However, the matter now rests in the Supreme Court at the instance of the aggrieved dismissed members. The court granted them reprieve when it granted an injunction restraining their eviction pending its final determination of the matter. We still await the final determination and guidance by the Supreme Court. The determination of this case shall also define the weight of the Attorney General's advise to the Speaker of Parliament notably because the Attorney General is part of the Executive and a member of the party in government.

This situation was unprecedented in our country's history. In fact, an interaction with our legal services revealed that they were fortified in their guidance on the issue by precedents from other jurisdictions like Malawi and India.

Knowing the sitting arrangements in the Ugandan Parliamentary Chamber, it posed a challenge as to where the members who had been dismissed from their party and were neither independents nor members of the opposition would sit. It posed a challenge because under the Westminster system the representatives of the party in government always seat at the right hand of the Speaker while those representing the opposition seat at the left hand of the Speaker. No provision is made for independent members or members that have been expelled by their party. To solve this dilemma, the Speaker invoked her powers under rule 9 of the Rules of Procedure, which provides that every member shall, as far as possible; have a seat reserved for him or her by the Speaker. The same rule requires the Speaker to ensure that all members of Parliament have a comfortable seat. She was confronted with a novel scenario for which she failed to find a precedent all over the Commonwealth. She had members whose membership to the House had not been determined under Article 86 of the Constitution and yet they could not occupy the seats allocated to the Party in Government (NRMO) nor to the Party/parties in opposition, under rules 9 (2) & (3) of the Rules of Procedure for the Parliament of Uganda. Since rule 9 does not set out who occupies the seats in between those occupied by the party in government and the opposition parties, she ruled under rule 8 of the Rules of Procedure of Parliament, that the members of Parliament who had been dismissed from NRMO were to occupy some of the seats in the space in between those occupied by the party in government and the opposition parties.

In all this, the Speaker was required to direct me as the Clerk to Parliament to communicate to the Electoral Commission the dismissal of the members and as such the occurrence of vacancies in their respective constituencies. Such is not provided for in the Ugandan law. I have quoted for you the relevant article 81 (2), which makes no provision for the Speaker directing the Clerk. The role of communicating vacancies is for the Clerk but nowhere is it provided that in so doing, the Clerk shall

be under the direction of the Speaker. These are the pressures that we as administrators in legislatures face. It was a clear test to the independence of Parliament amidst a challenge from the Executive and indeed a popularly elected party in government. The actions of the Speaker were meant to safeguard such independence.

I have reproduced the important Constitutional provisions to facilitate your understanding of the dilemma that was posed by the situation I am sharing with you. As I pointed out, the matter is before the Supreme Court of the land however; I believe that the provisions I have reproduced in this paper will aid you in forming your own conclusions. This notwithstanding, out of this entire test, I have learnt valuable lessons-

1. Always consult the law in exercise of your mandate;
2. Rely on the technical teams you put in place to always facilitate decision making;
3. The relationship between the majority party in Parliament and the independence of the legislature is a very tricky one but has the potential of affecting the functioning of an efficient legislature.
4. Legislatures should always be independent even amidst criticism.
5. Other State Organs also have a role to play in the growth of democracy and as such legislatures should not fear their intervention in matters but should turn to them as an independent arbiter.
6. The fusion of the Executive and the legislature can always be fertile ground for conflict.

I thank you.

Mrs Corinne LUQUIENS (France) said that MPs derived their legitimacy by means of their election through majority vote. The fact that they presented themselves under the banner of a political party was not a determining factor. If they left or were excluded from their party, it did not have an impact on their mandate. She cited the case of an MP who became a Minister, who left the Government because he had not paid his taxes. He became an MP once more because the only thing that could remove his mandate was a legal conviction.

Mr Marc VAN DER HULST (Belgium) said that in Belgium the situation was comparable to that in France in that an MP would not lose their mandate because of an expulsion but the system was nonetheless proportional and such an event would have an impact on the composition of committees and other bodies. There was a tendency to cross the floor. In the Chamber, a representative could join another political group without any impact on proportional representation. If a Senator left his political group, he had to sit as an independent.

Mr Najib EL KHADI (Morocco) said that the discussion underlined a complicated ethical, moral and constitutional issue. The institutional participants were the

parliamentary groups. He asked whether, in Uganda, the internal regulations permitted contributions made by the institution.

Mrs KIBIRIGE said, in response to Mr EL KHADI, that the speaker was not supposed to take decisions or to negotiate, but that her role was to deal within the parties within the Parliament itself. She was not permitted to take part in party politics but was supposed to be impartial.

She said that the members concerned had been disconnected from their committees. They could lose their seats through the courts or, if they crossed the floor, they would lose their seats automatically.

Mrs Doris Katai Katebe MWINGA, President, thanked Mrs KIBIRIGE for her communication and thanked members for the questions they had asked.

4. Election of two ordinary members of the Executive Committee

Mrs Doris Katai Katebe MWINGA, President, announced that an election for two ordinary members of the Executive Committee would take place. She invited each of the candidates to present themselves, as follows:

Ms Claressa SURTEES (Australia) said that she had a long career in her Parliament, even serving as a Serjeant at Arms. She had participated in ASGP sessions since 2004 and had learnt a great deal in doing so. She would consider it to be an honour to be able to support the Association as a member of the Executive Committee.

Mr José Manuel ARAÚJO (Portugal) explained that he wanted to become an ordinary member of the Executive Committee to maintain his active role on the Association, which had begun in 2012. He said that he had presented communications and acted as a rapporteur for discussion groups. He had been a parliamentary civil servant since 1991. He spoke French, English, Spanish and Portuguese, and could therefore act as a bridge between different groups of candidates.

Mr Mohammad RIAZ (Pakistan) explained that he had worked in the Ministry of Finance; in the Prime Minister's Office, where he had been in charge of the social sector; and had also worked as a diplomat. He believed that this experience would enable him to make a meaningful difference to the work of the ASGP. He had only worked in the Parliament for a single year but he was committed and able, and would help keep the Association to its high standards.

Mrs Doris Katai Katebe MWINGA, President, explained the voting procedure and declared the vote open.

After the vote and the count:

Mrs Doris Katai Katebe MWINGA, President, announced that 70 voters had voted, and that the results were as follows:

Mr Mohammd RIAZ: 27 votes,
Mr José Manuel ARAÚJO: 57 votes
Ms Claressa SURTEES: 48 votes

Consequently, she announced that Mr ARAÚJO and Ms SURTEES had both been elected as ordinary members of the Executive Committee.

5. General debate: Finding the structure of a parliamentary secretariat with maximum efficiency

Mrs Doris Katai Katebe MWINGA, President, invited Hon. Mr NGUYEN Hanh Phuc, Chairman of the Office for Vietnam’s National Assembly, to open the debate.

Hon. Mr NGUYEN Hanh Phuc (Vietnam) spoke as follows:

It is a great honor for the Vietnamese NA Office to host the ASGP Meeting in Hanoi. In this meeting, we look forwards to discussing and sharing views with you on a question, which is not new but has never been thoroughly addressed. How do we organize the assisting apparatus of Parliaments for maximum effectiveness? We understand that this topic has been raised several times in the previous ASGP meetings. However, no optimal answer has been worked out to the question “which is the best for an assisting body and in which conditions will it facilitate the Parliamentary operation most effectively?”.

The idea behind our proposal of this topic comes from the fact that, in recent years, along with the robust development of representative democracy, the world have witnessed the formation of new parliaments in some countries, the re-establishment of parliaments in the others and even the vigorous transitions taking place in some parliaments. In that process, the issue on how to establish and operate the most effective assisting apparatus to the Parliament has attracted great attention of scholars and researchers, even in long-established Parliaments.

As for Vietnam, recent reforms pose great challenges to the renewal of the National Assembly’s assisting body. The 2013 Constitution has set out a legal framework for developing the National Assembly as the highest representative body of the people and also the highest organization in the State system. The State power is unified, while decentralized, coordinated and supervised among different state agencies in exercising legislative, executive and judicial functions.

For the assisting agency of the National Assembly, the Law on the Organization of the National Assembly, which was adopted by the NA and will take effect from the 1st January 2016, contains for the first time provisions on the NA assisting body.

Accordingly, the head of NA assisting body shall be the Secretary General, who is elected, dispensed and dismissed by the NA. He/she is responsible for advising and facilitating the activities of the NA, the Standing Committee and NA deputies, which

is similar in most of the parliaments in the world. However, the Law provides that the Secretary General is also the Chairman of the NA office and assisted by the Secretariat.

The question here is how we handle the relationship between the Secretariat and the NA Office. The NA Office is functioned as an administrative and advisory body serving the NA, the Standing Committee, Ethnic Council, NA committees and deputies whereas the functions and mandate of the Secretariat are not clearly defined. In practice, the Secretariat assist the Secretary General with the NA's legislative affair. It also assists the NA Office in administrative affairs. Last but not least, it operates as an assisting body to the Secretary-General himself.

In studying the experiences of other Parliaments, we understand that the structure of the assisting body varies between Parliaments. In some parliaments, all assisting bodies are under the leadership of the Secretary-General. In the others, the assisting mechanism is divided into different agencies. The division is based on different criteria. For example, in some countries such as France, the assisting apparatus is divided into 2 basic functions, legislative and administrative departments. In other countries such as the Republic of Korea, the apparatus is divided into various departments, a department for the overall operation of the Parliament, a department for research, a department for information and library and a department for budget. Some parliaments even maintain an umbrella agency to bring all these supporting departments together. It shows such an extensive diversity in the structure of assisting bodies. However, apart from the differences, to ensure efficiency in operation, each country will have a certain set of principles in organizing the assisting apparatus taking into account the country's specific circumstances.

Therefore, in this discussion, we hope to listen to you on this issue including different models of assisting apparatus and the advantages, disadvantages of each model.

Thank you very much!

Mrs Doris Katai Katebe MWINGA, President, thanked Hon. Mr NGUYEN and opened the floor to the debate.

Mr Somsak MANUNPICHU (Thailand) indicated that the subject had been difficult to grasp. At the moment, a reform was taking in place in Thailand. In as far as the Deputy Secretary General was a counsellor close to the Senate, it was difficult to make predictions about future need, even though they were necessary. Colleagues would be able to help in managing crises. The means was to manage staff and ensure that the services responded to need. The structure could be reorganised. It would be foolish to remain trapped within the constraints of the existing structure and consequently in need of intervention by independent consultants.

Mr Ali AFRASHTEH (Iran) presented a written contribution, as follows:

It is my pleasure today to deliver a lecture on the structural necessities to a parliament secretariat with maximum efficiency. Indeed, success of any organization necessitates due attention of its members to the factor of efficiency, and the secretariats of parliaments have the important responsibility of prioritizing real needs and fulfilling the missions of the organization and long- term goals. Thus, the

manner of enhancing the efficiency of parliament secretariats was picked as one of the key topics for the meeting of IPU secretaries general.

There are multiple factors which can enhance efficiency and productivity, and accordingly there is a sustainable relationship between *maximum efficiency* and *modern methods of managing human and capital resources* and *improving processes*. As a result, the better a secretariat prepares a principled program for fulfillment of the three factors above, the more successful it will be.

A) Improving Processes

Improving processes will lead to facilitation of affairs. One of the measures parliament secretaries can adopt for improving processes is to establish necessary channels for receiving experts' views. The productivity of any organization rests on its intellectual interaction with experts. Parliament secretariats must be a center for convening experts' views. As regards managing processes, it is a necessity to establish maximum alignment between adoption of policies and strategic plans.

Changes in behavioral patterns of organizations and fast development of ICT have raised the role and standing of secretariats in the process of exchanging information leading in its own turn to replacement of traditional patterns of management with modern patterns of management. Following developments in communications science and the increasing role the internet plays in the lives of people from all social classes, it is a must for the parliament's secretariat to consider taking advantage of the potentialities in cyber space. Thus, during the reconstruction process, the structure of the secretariat must be reformed in such a manner that by utilizing technological potentialities, the access time to latest organizational experiences is made shorter which in turn augments the efficiency of the organization.

Exchange of technical experiences on raising security and safety of the services rendered is another factor which can directly increase the efficiency of parliaments' secretariats. Each parliament is in possession of worthwhile experiences on methods of optimization in managing human resources. Given the necessity of mobilizing isolated experiences of states, it is suggested that the establishment of a data base of parliament secretaries' documents and experiences for the purpose of supporting the legislature, be put on agenda as a priority.

Establishment of an integrated evaluation system can also lead to improvement of processes. The efficiency process is expedited only when the performance of parliament secretariat is evaluated on the basis of clear criteria. Establishing fixed criteria will not only prevent disorganization in policy making but also will facilitate the process of supervision and evaluation. Making use of advanced archiving techniques and adoption of appropriate measures for ensuring security of archived back-up documents are prerequisite to the success of a parliament secretariat.

B) Human Resources Management

Dear guests and honorable parliament secretaries,

One of the other necessary measures for enhancing the efficiency of parliament's secretariat is human resources management. Meanwhile, making use of the potentiality of unofficial discussion groups and scientific associations increases the efficiency of the secretariat indirectly. As a result, in order to increase efficiency,

parliaments today benefit from communication with not only official but also unofficial discussion groups. In fact, secretaries general and officials in charge of executive affairs of parliaments have a crucial role in organizing the outcomes of unofficial discussion groups.

Association of Secretaries General of Parliaments (ASGP) is the consultative arm of Inter Parliamentary Union (IPU). Secretaries general of parliaments are also faced with barriers and shortcomings of operational and executive nature in relation to the legislation and thus pooling of their experiences can provide proper intellectual support for evolution in the structural system and familiarity of the IPU with shortcomings in the executive sphere. Parliamentary secretariats are the driving force underlying identification of real needs of November 2015 and March 2016 ASGP meetings which will be held respectively in India and Zambia. In this line, I propose the establishment of a Cyber Dialogue Center between the secretaries of parliaments with the purpose of intellectual contribution of Association members and the resolution of common executive challenges in order that human resources are taken advantage of in the best possible manner.

C) Capital Resources Management

One of the other prerequisites to increasing efficiency of parliamentary secretariats is management of capital resources. Definition of the concept 'efficiency' indicates that there is a direct relation between efficiency and costs. Thus, it is necessary for the secretariat to adopt a proper approach for reduction of costs and for optimal use of the existent resources.

The secretariats can be an integration force in a system and they can here bring about a sustainable link between ASGP and IPU. Establishment of a data base for back-up legislative documents and continuous exchange of experience between parliamentary secretaries on human resources management will enhance the efficacy of parliamentary secretariats. It is necessary to benefit from the experiences of secretaries general of parliamentary bodies at regional, continental, and extra-regional level. At the same time, using the experiences of executive secretaries in other countries will also culminate in reduction of costs and optimal utilization of capital resources.

One the other area as regards the mission of parliamentary secretariats is the use of public diplomacy techniques by taking advantage of the media potentialities. The secretariats can establish maximum alignment between organizational missions and public demands. In addition, by conveying information on latest decisions and policies adopted by the organization, they can directly provide the members with informational support.

Holding joint seminars, launching educational workshops, exchange of experiences of parliamentary secretaries in the sphere of human resources management and finding a joint solution for countering frequent challenges and common concerns are among the other factors which can help ideal use of capital resources.

In the end, it can be concluded that a parliamentary secretariat can enhance both efficiency and efficacy by accumulating successful examples in performance of national and regional parliamentary secretariats, recording latest results of field and experimental researches, making use of the potentialities of cyber space, establishing

cyber dialogue centers between parliamentary secretaries, making necessary coordination for holding scientific-specialized meetings between parliamentary secretaries of regional countries, identifying shortcomings and neglected areas, facilitating the process of accountability, strengthening public supervision and establishing an integrated evaluation system.

In this line, I suggest holding a specialized seminar exclusively for the parliamentary secretariats of IPU which puts the following items on the agenda: exchange of specialized experiences and latest achievements on information technologies for the purpose of promoting synergy between the administrative sectors of parliaments and also reinforcing parliamentary exchange between these sectors which will be significant steps toward realization of the goals of the Association of Secretariats General of Parliaments.

Thank you.

Mr Sergey MARTYNOV (Russia) presented a written contribution, as follows:

1. On behalf of the Council of Federation, the upper chamber of the Russian parliament, I would like to thank you for the warm and hearty reception and note the excellent level of organisation of today's event.

Professionalism, openness and hard work are the pillars that comprise the foundation of Vietnam's current development along with the economic and social reforms under way.

It is no exaggeration to say that your country plays one of the leading roles in the political life of Southeast Asia, while demonstrating an exceptionally responsible approach to solving both global and regional problems.

2. As I see it, the topic selected today – “Seeking the most effective structure of parliamentary staffs” – is of great importance not only for countries that have only recently begun reforming their political institutions based on democratic principles⁸, but also for countries with a well-developed parliamentary system.

The structure of the Staff of the Council of Federation is typical as a whole for the upper chambers of bicameral parliaments.

The structural subdivisions of the Staff are: Secretariat of the Chairman of the Council of Federation, secretariats of the Deputy Chairmen of the Council of Federation, Secretariat of the General Secretary of the Chairman of the Council of

⁸ In 2014 (the first year of the Constitution of the Socialist Republic of Vietnam from 2013), the country's National Assembly adopted 29 laws within two sessions on key areas – laws on the structure of the government staff, on a market economy with socialist orientation, human rights and the fundamental rights and duties of citizens. According to experts, this marks the first time Vietnam has held National Assembly sessions that covered such a wide range of issues. Assessing the results of legislative work by the country's parliament in 2014, Hanoi deputy Dinh Xuan Thao noted: “The positive developments in legislative work lies in the fact that the articles of the law speak about the rights of the country's citizens and organisations. Whereas in the past attention was devoted to governance when developing laws, now it's devoted to ensuring human rights. In general, it could be said that the quality of the parliament's legislative work improved considerably last year”.

Federation and staffs of the committees of the Chairman of the Council of Federation and offices.

Since 2011, our chamber has committed itself to enhancing its role in the Russian political system and better exercising its constitutional powers.

During the reforms, instead of the previous twenty seven committees and commissions of the Council of Federation ten committees were established. Such consolidation made it possible to work on the comprehensive preparation of laws and monitor their enforcement without excessive separation of different areas.

3. Such modernisation has certainly affected the Staff as well.

The organisational structure and staff numbers of committees and structural subdivisions were optimised. At the same time, we tried to maintain highly professional personnel.

At present, the Staff of the Council of Federation has just over 800 employees; 98% of them have a higher education, while 18% have graduate degrees⁹.

The reforms have resulted in a significant improvement to the quality and efficiency of legislative work.

4. Time does not stand still and we continue to work on improving the structure of the Staff.

As part of the transition to paperless technologies, the concepts of electronic document management and ensuring senators and the members of our events have access to electronic document packages via mobile devices are gaining steam.

The automated system or the support of legislative activities, various databases and analytical software on support are becoming increasingly important.

The website of the Council of Federation has begun posting senators' blogs and material from our television channel "Vmeste-RF" ("Together-RF"), accounts have been created on the most popular social networks¹⁰ and a number of opportunities for closer interaction with citizens have been developed¹¹.

As a result of all these innovations, the requirements for employees of the Staff of the Council of Federation are also changing with less demand for couriers and specialists who handle paperwork. At the same time, employees who are well versed in modern electronic and information technologies have greater value. The structure is changing as a result of these objectives.

⁹ 124 employees have the academic degree of a candidate of science and 23 employees are doctors of science.

¹⁰ Accounts on the social networks: Facebook, Twitter, YouTube and Live Journal have been given the single name SovFedInfo for your convenience; the Council of Federation also has a page on Flickr.

¹¹ Так называемая «виртуальная приемная» с возможностью создать личный кабинет, задавать вопросы, направлять жалобы и обращения.

Thank you once again for the opportunity to speak at today's meeting. I would like to emphasise that global inter-parliamentary cooperation is an essential condition for the sustainable development of law-governed states and the prosperity of their people. I have no doubt that we will reach some very interesting and useful conclusions during our discussions.

Thank you for listening!

Mr Christophe PALLEZ (France) explained that the parliamentary secretariat in France was divided between two sections: one for legislative work and the other for administrative work (logistical support). He said that this structure existed for historical rather than rational reasons. In France, administrative power was divided between the supreme power held by the President and four "Questeurs", who were MPs. This was the rationale behind the existence of two services. It posed some problems: some services in common (IT and HR) were managed by the two Secretaries General. Decisions and actions taken had to be perfectly coordinated and transparent. It could not be considered to be a model: some African nations had taken on some elements of the French system, but not the dualistic aspect.

Ms Philippa HELME (United Kingdom) brought news from the UK. Until that time, the Clerk had been responsible both for procedure and the management of the House. A debate had recently been held in order to decide whether or not to split the office. The debate had been heated and a committee had been created to decide how best to structure the secretariat general. It had been decided that the Clerk would become Head of the Parliamentary Service, but that a new post of Corporate Director, externally recruited, would be created. The new Clerk had been recruited and the second recruitment exercise was underway. The debate revealed that parliamentarians remained convinced of the need to have an independent secretariat and that management competencies were considered important, if secondary.

Mr Bachir SLIMANI (Algeria) said that the Algerian parliamentary administration was the responsibility of the Secretary General, who was the spinal column of the organisation. The other services were legislative support and support to MPs. There was a legislation department and an administration department, that managed human resources. In the Questure, there were three vice-presidents, charged with financial matters. The Bureau was composed of nine vice-presidents according to party proportions. The office of the President had responsibility for the agenda, PR, parliamentary diplomacy and audit. The same situation existed in the Senate.

Mr Geert Jan A. HAMILTON (Netherlands) said that his Parliament had recently celebrated its bicentenary. There had always existed the Constitutional Office and the two Clerks. There were certain conditions attached, such as literacy and the inability to leave without authorisation. The Secretary General was responsible for all activities, particularly those with a constitutional element. To assist him he had two Directors, one for administrative and the other for legislative matters. Parliament managed its own budget: it was presented to the Government and approved by the Chamber. Auditors checked the accounts, as in a Government department.

Mr Thiha HA (Myanmar) said that his country was emerging from 60 years of undemocratic rule. The system in Myanmar was unique: there was no suitable model. The forthcoming elections would enable the system to evolve, perhaps in a

new direction. He was happy to be able to contribute to such a debate and to benefit from the experience of others.

Mr Najib EL KHADI (Morocco) thought the theme was still a relevant one. In the twenty-first century, not all parliamentary structures were fit for purpose and they could be reconsidered. It was clear that efficiency did not rely entirely on the structure of the parliamentary service. Culture and ethics were important too. With the need to manage both the foreseen and the unforeseen, the fundamental risk for the Secretary General was being absorbed by the exigencies of day-to-day management. Medium- and long-term management should not be forgotten.

Hon. Mr NGUYEN said that it had been an interesting debate, revealing considerable diversity of models. The issue was knowing how to resolve the various conflicts. He indicated that, personally, he had accumulated functions that were extremely onerous. The role of the secretariat would be replaced by the Director of the Office of the National Assembly. He said that he would like to know more about different models around the world. He noted that he hoped to identify chairmen of committees to whom he could delegate particular tasks.

In respect of the contribution from Morocco, he said that the secretariat, whether technical or administrative, needed to put emphasis on professionalism and ethics. The ASGP would help young parliaments to find the most efficient ways of working.

Mrs Doris Katai Katebe MWINGA, President, thanked Hon. Mr NGUYEN for his moderation and members for their contributions to the debate.

5. Concluding remarks

Mrs Doris Katai Katebe MWINGA, President, closed the sitting.

The sitting ended at 5.00 pm.

FIFTH SITTING

Wednesday 1 April 2015 (morning)

Mrs Doris Katai Katebe MWINGA, President, was in the Chair

The sitting was opened at 10.12 am

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, welcomed delegates and reminded them to sign in if they had not already done so. She also asked them to send in their photographs for the website as soon as possible.

She reminded members of the IPU "Open Consultation on the theme of the next Global Parliamentary Report", which would take place at 14.30 later that day in Room 343. She encouraged as many Secretary Generals as possible to attend.

2. Orders of the day

Mrs Doris Katai Katebe MWINGA, President, read the proposed orders of the day as follows:

Wednesday 1st April (morning)

9.30 am

Meeting of the Executive Committee

10 am

Communication by Mr Anoop MISHRA, Secretary General of the Lok Sabha, India: "The Committee system in India: Effectiveness in Enforcing Executive Accountability"

Communication by Mr Kyaw SOE, Director General of the Union Assembly, Myanmar: "The Myanmar Hluttaw and the role of ICT in its development"

Presentation on recent developments in the Inter-Parliamentary Union

Administrative and financial questions

Draft agenda for the next meeting in Geneva (Switzerland), 18-21 October 2015

The orders of the day were agreed to.

3. New Member

Mrs Doris Katai Katebe MWINGA, President, said that the secretariat had received a request for membership which had been put before the Executive Committee and agreed to, as follows:

Mr Frank WEVER Secretary General of the National Assembly,
Panama

The new member was agreed to.

4. Communication by Mr Anoop MISHRA, Secretary General of the Lok Sabha, India: “The Committee system in India: Effectiveness in Enforcing Executive Accountability”

Mrs Doris Katai Katebe MWINGA, President, invited Mr Anoop MISHRA, Secretary General of the Lok Sabha, India, to make his communication.

Mr Anoop MISHRA (India) spoke as follows:

Introduction

The work done by the Parliament in modern times is not only varied in nature, but considerable in volume. The time at its disposal is limited. It cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A good deal of its business is, therefore, transacted in Committees of the House, known as Parliamentary Committees. These Committees are appointed to deal with specific items of business requiring expert or detailed consideration. The system of Parliamentary Committees is particularly useful in dealing with matters which, on account of their special or technical nature, are better considered in detail by a small number of members rather than by the House itself. Moreover, the system saves the time of the House for the discussion of important matters and prevents Parliament from getting lost in details and thereby losing hold on matters of policy and broad principles.

As the content and form of parliamentary control over the Executive vary from country to country, depending upon the type of the Constitution it has adopted, different Parliaments may constitute different types of Committees. Variations can also be noticed even within the same Parliament over a period of time. Yet they cannot be considered to be altogether different, since Legislatures across different political systems share certain common attributes, especially in respect of the nature of functions, they perform. Based on the experience of Parliaments all over the world, the committee system with adequate powers has been widely acclaimed as the best suited device for detailed scrutiny of the administrative actions to enforce Executive accountability to Parliament and, through it, to the people at large.

The Committee System in India

The origin of the Committee system in India can be traced back to the Constitutional Reforms of 1919. The Standing Orders of the Central Legislative Assembly provided for a Committee on Petitions relating to Bills, Select Committee on Amendments of Standing Orders, and Select Committee on Bills. There was also a provision for a

Public Accounts Committee and a Joint Committee on a Bill. Apart from Committees of the Legislative Assembly, members of both Houses of the Central Legislature also served on the Standing Advisory Committees attached to various Departments of the Government of India. All these committees were purely advisory in character and functioned under the control of the Government with the Minister-in-charge of the Department acting as the Chairman of the Committee.

After the Constitution came into force, the position of the Central Legislative Assembly changed altogether and the committee system underwent transformation. Not only did the number of committees increase, but their functions and powers were also enlarged.

By their nature, Parliamentary Committees are of two kinds: *Standing Committees* and *Ad hoc Committees*. Standing Committees are permanent and regular committees which are constituted from time to time in pursuance of the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business in Lok Sabha. The work of these Committees is of continuous nature. The Financial Committees, Departmentally Related Standing Committees (DRSCs) and some other Committees come under the category of Standing Committees. *Ad hoc* Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal *Ad hoc* Committees are the Select and Joint Committees on Bills. Railway Convention Committee, Joint Committee on Food Management in Parliament House Complex, etc. also come under the category of *ad hoc* Committees.

Ad hoc Committees

Ad hoc Committees are appointed by the House or the Speaker or the Presiding Officers of both the Houses in consultation with each other as the case may be from time-to-time on *ad hoc* basis as and when necessary for a particular purpose, such as Select/Joint Committee on a Bill or policy matter – for example, Select Committee on the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1996; Joint Committee on the Constitution (Eighty first Amendment) Bill, 1996 (relating to reservation of seats for women in Lok Sabha and Legislative Assemblies of the States); Joint Committee on the Broadcasting Bill, 1997; Joint Committee on Essential Commodities (Amendment) Bill, 1998; Committee to inquire into the misconduct of Members of Lok Sabha (2007); Committee on Draft Five Year; and Joint Committee to suggest facilities and remuneration for Members of Parliament (1993).

The Joint Parliamentary Committees (JPCs) on special issues are constituted to investigate serious issues which have greatly agitated the public mind and which involves frauds or corruption on a large scale. Such Committees are set up on the basis of a consensus arrived at between the Government and the Opposition. JPC is a well-known and potent investigative mechanism of Parliament. These Committees becomes *functus officio* after submission of their report to the Parliament. The following JPCs in this category have been constituted so far - (i) Joint Committee to enquire into Bofors Contract (1987); (ii) Joint Committee to enquire into Irregularities in Securities and Banking Transactions (1992); (iii) Joint Committee on Stock Market Scam and matters relating thereto (2001); (iv) Joint Committee on Pesticide residues in and safety standards for soft drinks, fruit juices and other

beverages (2003); and (v) Joint Committee to examine matters relating to allocation and pricing of telecom licences and spectrum (2011).

Besides, the following Committees are also being appointed by the Presiding Officers on *ad hoc* basis for particular purposes periodically; Railway Convention Committee; Joint Committee on Food Management in Parliament House Complex; Joint Committee on Installation of Portraits/Statues of National Leaders and Parliamentarians in Parliament House Complex; Joint Committee on Maintenance of Heritage Character and Development of Parliament House Complex; Joint Committee on Security in Parliament House Complex; and Joint Committee on the Welfare of Other Backward Classes; etc.

The constitution, composition and functions of these Committees constituted by the House through motions are laid down in the motions and in the case of Committees constituted by the Presiding Officers their terms of reference are decided by the Speaker, Lok Sabha and the Chairman, Rajya Sabha in consultation with each other as may be necessary subject to the relevant rules and directions relating to Parliamentary Committees.

There are also House specific *ad hoc* Committees like the Committee on Provision of Computers to Members of Lok Sabha and the Committee on Provision of Computers to Members of Rajya Sabha; the Committee on Member of Parliament Local Area Development Scheme, each for the Lok Sabha and the Rajya Sabha.

Standing Committees of Parliament

Standing Committees are those which are periodically elected by the House or nominated by the Speaker, Lok Sabha, or the Chairman, Rajya Sabha, singly or jointly and are permanent in nature. In terms of their functions, Standing Committees may be classified into two categories. One category of Committees like the Departmentally Related Standing Committees (DRSCs), Financial Committees etc., scrutinize the functioning of the Government as per their respective mandate. The other category of Committees like the Rules Committee, House Committee, Joint Committee on Salaries and Allowances, etc. deal with matters relating to the Houses and members.

Parliamentary Committees

In India, there are 55 Parliamentary Committees out of which 31 are Joint Committees of the two Houses. Of the remaining 24 Single House Standing Committees, 12 belong to the Rajya Sabha and 12 to the Lok Sabha.

As may be seen, 24 of the 31 Joint Committees are Departmentally Related Standing Committees (DRSCs); 16 (sixteen) Committees (one each on – Agriculture; Information Technology; Defence; Energy; External Affairs; Finance; Food, Consumer Affairs and Public Distribution; Labour; Petroleum and Natural Gas; Railways; Urban Development; Water Resources; Chemicals and Fertilizers; Rural Development; Coal and Steel; and Social Justice and Empowerment) are serviced by the Lok Sabha Secretariat. Likewise, 8 (eight) Committees (one each on – Commerce; Home Affairs; Human Resource Development; Industry; Science & Technology, Environment & Forests; Transport, Tourism and Culture; Health and Family Welfare; and Personnel, Public Grievances, Law and Justice) are serviced by the Rajya Sabha Secretariat.

The remaining seven Joint Committees are: Committee on the Welfare of Scheduled Castes and Scheduled Tribes; Committee on Empowerment of Women; Committee on Public Accounts; Committee on Public Undertakings; Joint Committee on Office of Profit; Joint Committee on Salaries and Allowances of MPs; and Library Committee. All these seven Joint Committees are serviced by the Lok Sabha Secretariat.

Of the 24 Single House Committees, 9 each in the Lok Sabha and Rajya Sabha, have similar functions in the respective Houses. They are: Business Advisory Committee; Rules Committee; General Purposes Committee; Committee of Privileges; Committee on Petitions; Committee on Government Assurances; Committee on Subordinate Legislation; Committee on Papers Laid on the Table; and House Committee. Of the remaining six Single House Standing Committees, three Committees, *viz.* the Estimates Committee; the Committee on Absence of Members from the Sittings of the House; and the Committee on Private Members' Bills and Resolutions exist only in the Lok Sabha. The three Single House Committees that exist in the Rajya Sabha are the Ethics Committee, the Committee on Provision of Computers to Members of Rajya Sabha and the Committee on Member of Parliament Local Area Development Scheme. Three Committees with similar functions in the Lok Sabha are also constituted as *ad hoc* Committees.

The Estimates Committee consists only of Members of Lok Sabha because it is only this House which has financial powers. There is no Committee on Absence of Members in the Rajya Sabha and the House itself undertakes the task of granting leave to the members. The Committee on Private Members' Bills and Resolutions also does not exist in the Rajya Sabha and the House deals with the Bills and Resolutions of Private Members directly.

Composition: All the 55 Committees whether elected or nominated consist of members in proportion to the respective strength of the parties and groups in the Houses. The all-party composition of the Committees and the fact that they operate across party lines are important features of Parliamentary Committees. This non-partisan approach generally manifests itself through the conduct of inquiries and the drawing up of conclusions.

Executive Accountability through Parliamentary Committees

Under the Indian Constitution, no moneys can be drawn or spent by the Government out of the Consolidated Fund of India except under the authority of law passed by Parliament. One of the important ways in which Parliament controls the Executive is, therefore, through its control over the Exchequer. Parliamentary powers and procedures in this respect are defined by the Constitution itself. Article 113 (2) states that all estimates other than those relating to the expenditure charged on the Consolidated Fund of India “shall be submitted in the form of demands for grants of the House of the people and the House of the People shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein”.

Parliamentary control over public expenditure is, however, not limited only to the voting of moneys required by the Government for carrying out the administration of the country. The essential adjunct of parliamentary system is the accountability of

the Executive to Parliament and the right of Parliament to oversee the way in which the Executive functions. The checks that Parliament exercises over the Executive stems from the basic principle that Parliament embodies the will of the people and it must, therefore, be able to supervise the manner in which public policy approved by Parliament is carried out and public money spent.

Parliamentary control over the Executive functions is principally aimed at - (a) no wastage of resources occurs and public money is not misapplied, and (b) adequate results of the money spent are obtained. Parliament of India discharges its surveillance responsibility through a network of committees comprising the three Financial Committees i.e. the Committee on Public Accounts, the Committee on Estimates and the Committee on Public Undertakings and 24 Departmentally Related Standing Committees.

Financial Committees of Parliament

Public Accounts Committee

The Public Accounts Committee (PAC), set up in India in February 1921 in the wake of the Montague-Chelmsford Reforms, is the oldest of the three Financial Committees of the Indian Parliament. Though modeled on the pattern adopted in British Parliament, it functioned more or less as an adjunct of the Finance Department till 1950. However, with the coming into force of the Constitution in January 1950, the Public Accounts committee underwent a radical change and became a full-fledged Parliamentary Committee.

The main function of the PAC is to examine the accounts showing the appropriation of sums granted by Parliament for expenditure of the Government of India and annual financial accounts of the Government of India and such other accounts laid before the House as the Committee may think fit. In scrutinizing the Appropriation Accounts of the Government of India and the Reports of the Comptroller and Auditor General (C&AG) thereon, the Committee has to satisfy : (a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged; (b) that the expenditure conforms to the authority which governs it; and (c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by the competent authority.

As the vital link of Parliament, the PAC has the duty to invite the attention of the Houses to all instances and tendencies that weaken legislative control over appropriation. With this purpose in view, the Committee compares estimates and accounts, enquires into excess votes, and concerns itself with new financial procedures and old standards of exactitude. Since the Committee became a Parliamentary Committee under the control of the Speaker from January 1950, it has presented 1,507 Reports till December 2014. In the current Sixteenth Lok Sabha, the PAC has presented 13 Reports so far.

The recommendations of the PAC are held in great respect by the House as well as the administration. It has played a prominent role in the history of parliamentary control over finance in India although its effect cannot be measured in quantitative terms. Through its constant vigil over the administration and detailed examination of the Accounts of the Government, the PAC has sought, over the years, to ensure financial discipline in Governmental spending.

Estimates Committee

The Estimates Committee of Indian Parliament was first constituted in April 1950 to examine the estimates with a view to suggesting economies in public expenditure and improvements in organisation, efficiency, etc. A special feature of the Estimates Committee is that it consists exclusively of members of the Lok Sabha. The reason appears to be that since the Constitution of India vests all financial powers almost entirely in the Lok Sabha, it is the Lok Sabha alone which should exercise the power to scrutinize the expenditure of the Government of India incurred against the budgetary grants made by the Lok Sabha and suggest economies.

Like other parliamentary committees, the Estimates committee is also empowered to send for “persons, papers and records”. The examination by the Committee of the estimates for the Ministries/Departments of the Government of India is a continuing exercise throughout the financial year and the committee reports to the House as its examination proceeds. It is not incumbent on the Committee to examine the entire estimates in any one year. The Demands for Grants may be finally voted even though the Committee has made no report.

The Estimates Committee also enquires into the activities of the Government Departments since all their activities involve expenditure. With this purpose in view, the Committee reviews organisation and functions, work schemes, financial affairs, etc., of a Government Department and a scrutiny from all these angles results in an accurate assessment of its efficiency. The Committee also discusses the origin and development of administrative agencies in order to judge their importance in the mechanism of Government. It searches for organisational inadequacies at particular levels of the administration or in particular sections.

The Estimates Committee has so far examined almost all the Ministries of the Government of India, their subordinate and attached Departments, and various public and departmental undertakings. A reference of the reports presented by the Committee so far would reveal that it has always had a positive and constructive approach in dealing with the subjects taken up for examination. Its appraisal of the functioning of the various Government departments has always been objective and non-partisan. While pointing out the organisational inadequacies and inefficiency in the execution of projects/schemes, the Committee, at the same time, provides a forum for interaction between the Government and Parliament and an opportunity for information to flow from the former to the latter and ultimately to the people. Since its inception in April 1950, the Committee has presented 1,091 Reports covering almost all the Ministries/Departments of the Government of India. Out of these, 612 are Original Reports and 479 are Reports on Action Taken by the Government on earlier Reports of the Committee. Thus, during its more than sixty years of existence, the Estimates Committee has certainly performed its role with vigor, objectivity, impartiality and a sense of fairness.

Committee on Public Undertakings

The public undertakings under the administrative control of the Government of India were brought under the detailed parliamentary scrutiny with the constitution of a separate committee of Parliament, namely, the Committee on Public Undertakings (COPU) in May 1964. The main purpose behind the setting up of this Committee was to secure the accountability of various categories of undertakings in

the public sector as also to control their affairs in such a manner that they contribute effectively to the cause of all-round socio-economic development of the country.

The jurisdiction of the Committee is quite vast. At present the Committee has powers to probe into the affairs of every corporation or company whose annual report is placed before the Houses of Parliament. Thus, all the public corporations established from time to time under the Central Acts and all the Government companies established under the Indian Companies Act, 1956, in which Central Government is a shareholder could be examined by the Committee.

The Committee acts as the eyes and the ears of Parliament as far as parliamentary control over public undertakings is concerned. The reports of the Committee cover a wide gamut of activities of the public undertakings and reveal the manner in which they are functioning and suggest the measures for further improvements. A distinctive feature of the Committee's reports is that they not only bring out into sharp focus the accountability of the public undertakings but also that of their controlling Ministries/Departments. The Committee has, since its inception, presented 581 reports till date. Of these 289 are Original Reports, and 292 are reports on Action Taken by the Government on Original Reports of the Committee. The Committee has made several hundred recommendations covering almost all areas of enterprise working such as, project planning, financial management, production management, material management, personnel policies, labour management, sales and marketing, export promotion, import substitution, inter-enterprise interaction, quality control, balanced regional development, protection of consumers, and so on.

So far as the question of effectiveness of the Committee is concerned, the Committee, as an effective tool of legislative control, has considerably helped increase the efficiency and economy in public sector. The Committee has been significantly instrumental not only in identifying the operational deficiencies in the working of public undertakings but also in suggesting remedial measures inspiring the undertakings as also their controlling ministries to rectify the faults that had come to its notice in the course of investigation. While the Committee's 'investigative' and 'monitoring' roles has brought to light many defects and undesirable practices in the working of public undertakings in different functional areas, its 'advisory' role has helped these undertakings to re-orient their operations with a view to making them more efficient and goal-oriented.

Departmentally Related Standing Committees

To ensure effective parliamentary scrutiny over the administration, especially on matters dealing with the Budget and vital policy formulations, the system of Departmentally-Related Standing Committees (DRSCs) was conceptualized and it was initiated in the early part of 1993 covering under their jurisdictions all the Ministries/Departments of the Government of India. Initially 17 DRSCs were constituted on 8 April 1993 with the following functions of each of them:

To consider the demands for grants of the concerned Ministries/Departments and make a report on the same to the Houses. The Report shall not suggest anything of the nature of cut motion;

To examine such bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, as the case may be, and make report thereon;

To consider annual reports of Ministries/Departments and make reports thereon;

To consider national basic long term policy documents presented to the Houses; if referred to the Committee by Chairman, Rajya Sabha or the Speaker, as the case may be, and make reports thereon.

Of the 17 DRSCs - 6 Committees (one each on Commerce; Home Affairs; Human Resource Development; Industry; Science & Technology; Environments & Forests; and Transport, Tourism and Culture) were managed and serviced by the Rajya Sabha Secretariat and 11 Committees (one each on Agriculture; Defence; Energy; External Affairs; Finance; Food, Civil Supplies and Public Distribution; Information Technology; Labour and Welfare; Petroleum and Chemicals; Railways; and Urban and Rural Development) were managed and services by the Lok Sabha Secretariat. Each of these Committees had 45 members - 30 to be nominated from the Lok Sabha and 15 from the Rajya Sabha. However, with effect from 20 July 2004 the DRSC System was restructured and the number of DRSCs was increased from 17 to 24. The membership of each of the 24 DRSCs was, however, reduced from 45 to 31; *i.e.*, 21 from the Lok Sabha and 10 from the Rajya Sabha.

With the restructuring of the system of DRSCs, while a few Committees have been newly created, a few have been renamed according to the change in their jurisdiction. So far as the DRSCs managed and serviced by the Lok Sabha Secretariat are concerned, five more Committees have been created, thereby raising the number of such Committees from 11 to 16. Of these five Committees, four are the newly created ones. They are - the Committee on Water Resources, the Committee on Chemicals and Fertilizers, the Committee on Coal and Steel, and the Committee on Social Justice and Empowerment. This apart, the Committee on Urban and Rural Development has been bifurcated creating two separate Committees - one on Urban Development and another on Rural Development.

In the process of restructuring of the system of DRSCs, three Committees have been renamed. The Committee on Food, Civil Supplies and Public Distribution has been renamed as the Committee on Food, Consumer Affairs and Public Distribution; the Committee on Labour and Welfare has been renamed as the Committee on Labour; and the Committee on Petroleum and Chemicals has been renamed as the Committee on Petroleum and Natural Gas.

As regards the DRSCs managed and serviced by the Rajya Sabha Secretariat, the total number of such Committees has been raised from six to eight with the creation of two more new Committees - one on Health and Family Welfare; and another on Personnel, Public Grievances, Law and Justice.

The DRSCs do not consider the matters of day-to-day administration of the concerned Ministries/Departments and also generally matters which are under consideration of the other parliamentary committees.

The Departmentally Related Standing Committee System is a path-breaking endeavor of the Parliamentary surveillance over administration. With the emphasis of their functioning to concentrate on long-term plans, policies guiding the working of the Executive, these Committees are providing necessary direction, guidance and inputs for broad policy formulations and in achievement of the long-term national perspective by the Executive.

During the period from 1993 to 2013, the DRSCs of Rajya Sabha had presented 1406 reports to Parliament. Of these, 515 were reports on Demands for Grants; 259 on Bills; 88 on Annual Reports; and 544 on others which included Action Taken Reports, Reports on Subject referred by Hon'ble Chairman/Hon'ble Speaker, Reports on subjects selected by the Committee, etc.

In case of the DRSCs of Lok Sabha, during the period from 8 April 1993 till 31 December 2014, as many as 2,339 Reports were presented and 5,880 Sittings were held by the DRSCs. During the 15th Lok Sabha, the 16 DRSCs of Lok Sabha presented 662 Reports from 31 August 2009 to 31 March 2014. Of these 365 were original Reports on Demands for Grants, Bills, Policies, Annual Reports/Subjects and 297 were Action Taken Reports. There were as many as 1,409 Sittings with sitting duration of 2,417 hours. In the current, Sixteenth Lok Sabha, the sixteen DRSCs of Lok Sabha have held 145 sittings and presented 64 reports from 1 September to 31 December 2014.

Recommendations of the DRSCs are advisory in nature and not mandatory. Yet, an analysis of the action taken by the Government on the recommendations made by the 16 DRSCs of Lok Sabha during the Fifteenth Lok Sabha from 31 August 2009 to 18 May 2014 (i.e. the date of dissolution of 15th Lok Sabha) showed that 5,893 recommendations were made by these 16 DRSCs. Out of these, 3,754 (63.7 %) were accepted by the Government. In view of the Government's replies, the Committees did not pursue 313 recommendations (5.31%). The Committees have not accepted the replies of Government in respect of its 1,102 (18.7%) recommendations.

Impact Assessment/ Evaluation

In India, the most effective parliamentary control over the Administration is exercised through the three Financial Committees, 24 Departmentally Related Standing Committees and certain other parliamentary committees. These committees are vested with adequate powers to complete detailed examination of the working and plans/programmes of various Ministries/Departments and public institutions without, at the same time, impinging upon their day-to-day activities. Through these committees, the Administration comes in direct contact with Parliament. It is the top officers of the Administration which have to satisfy the committees that the amounts voted by Parliament are being or have been spent on the purposes for which they are sanctioned and in consonance with the policies approved by Parliament. They have also to satisfy the committees that all laws and rules governing the administrative and financial activities of the Departments have been complied with; the organization and the manning of jobs have been efficient; the performance has been commensurate with expenditure involved and that all possible methods of ensuring economy consistent with efficiency have been tried. The examination by these committees is severe. The committees frown on shortcomings, lackadaisical attitude and incompetence of the Administration and they do not let off the guilt easily. They keep the Administration on its toes and more

than bringing out the flaws, they are instrumental in inspiring reverence for parliamentary control among all the sections of the Administration so that misuse of public money and administrative powers and faults of like manner are prevented.

The observations and comments of the parliamentary committees attract official as well as public attention. Though the recommendations/suggestions of these committees may or may not be accepted by the Government in their entirety, they are given full consideration. They are examined at the highest level and if the Ministries do not find it possible to accept the committees' recommendations, they place before the committees the reasons for the same. The government before finally deciding to write to the committees the reasons for not being able to implement the suggestions reviews and evaluates the soundness of the policies or the decisions on which the committees had given adverse comments.

Conclusion

The Committees of Parliament, as in India, provide and serve as effective mechanism in enforcing Executive accountability. The suggestions and criticisms provided by these Parliamentary Committees give useful direction and guidance to the Government in the formulation of their future and regulation of present policies and activities. Also, the fact that their activities and achievements are being examined by a parliamentary body acts as deterrence to Government's extravagant spending and loose functioning. All this has helped the Parliamentary Committees to keep to essentials and exercise the broad parliamentary scrutiny which is not to substitute Parliament for Government but to energize the Administration and to encourage it to generate confidence in itself. In this manner, different parliamentary committees have been playing a vital role in ensuring Executive accountability to Parliament in a very effective manner.

Mr Manuel CAVERO (Spain) said that it was sometimes difficult to ensure that Ministers appeared in front of committees, particularly in the Spanish Senate, which was considered less important.

In Spain there were too many committees, and consequently they lost some of their responsibility for holding the Executive to account. The scrutiny of works was done by vote but only with the agreement of the Government. He wanted to know if the same problem arose in India.

Mr Ed OLLARD (United Kingdom) said that *ad hoc* committees had a mandate given to them by the Speakers of the two Houses. He wanted to know how work was coordinated between the two chambers. He wanted to know how the efficacy of special committees was measured.

Mr Nugyen SY-DUNG (Vietnam) asked how members were allocated to committees, and how staffing was allocated.

Mr Horst RISSE (Germany) asked if there had been an incidence of audit and how that had been conducted in the financial committees.

Mr Md. Ashraful MOQBUL (Bangladesh) presented a problem linked to the attendance of senior officials such as Ministers and heads of office. Those in

positions of responsibility were sometimes reluctant to participate in hearings. He asked how their presence could be assured.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda there were permanent and temporary committees. She asked about the duration of committee meetings and what could be done to assure quorum.

Mr Geert Jan A. HAMILTON (Netherlands) asked if the composition of committees reflected party proportions in Parliament. He asked what happened in the case of a vote, and whether members voted on their own account. In the Netherlands there were more seats for the big parties and committees tried to work on a consensual basis. The Minister could not refuse to attend a committee if he was asked to do so.

Mrs Barbara DITHAPO (Botswana) wanted to know how the mandate of *ad hoc* committees was defined and asked for the composition of special committees.

Mr MISHRA said that all committees were joint committees, comprised of 35 members, of which 21 were from the lower chamber, and 14 from the upper chamber. The only exception to this was the committee of evaluation.

The composition of committees was determined on party proportional lines.

The membership of *ad hoc* committees was determined either by the President or by another member. They decided the mandates of committees, which were usually negotiated with the majority and opposition parties.

On the issue of accounts, the internal auditor made his reports directly to the committee of public accounts, which decided whether to adopt them or not. This auditor participated directly in committee meetings and provided them with background for their debates.

On the issue of attendance, in India, Ministers were not invited to appear, but the Chief Executive of the relevant ministry appeared in their stead. This meant that there were no problems with attendance.

Committees were bipartisan. They worked in private but there had never been a lack of consensus.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr MISHRA for his communication and thanked members for the questions they had asked.

5. Presentation on recent developments in the Inter-Parliamentary Union (IPU)

Mrs Doris Katai Katebe MWINGA, President, invited Ms Karen JABRE, Director, Division of Programmes, to give her contribution.

Ms Karen JABRE (IPU) thanked the President for the opportunity to speak. She was grateful for the support given to the IPU by the ASGP.

She mentioned the Common Principles for support to Parliaments, which stated that Parliaments themselves were responsible for their development programmes. The Principles had been welcomed, with 66 expressions of support. The campaign to see them implemented would follow. All support for this work would be welcome, including by means of feedback. She noted that the IPU was working in particular with Afghanistan, in partnership with the UNDP, particularly on the capacity of parliamentary secretariats. This process had been yielding good results.

The Common Principles were one of the most recent projects in the field of capacity building. Recently the global parliamentary report had been launched. This examined the distance between a Parliament and its citizens. Two years later, a second report should be produced. The subjects of this report had just been identified. The first theme would be Government accounts. The second was lobbying and ethics, and the third was the response of Parliaments to crisis situations.

Members would be contacted once the inquiries were underway, and there was the possibility of a joint event being held, perhaps on electronic Parliaments.

She referred to work on gender equality. The IPU had drawn attention to the rights of women 20 years after Beijing, in particular violence towards women and discrimination.

Periodic examinations of human rights issues and matters concerning the rights of the child and migration were conducted. Work was underway on maternal and newborn health.

The priorities of the IPU over the months that followed would be sustainable development.

Mrs Doris Katai Katebe MWINGA, President, asked members if they had any questions for Ms JABRE.

Mr José Manuel ARAUJO (Portugal) asked how the Common Principles had been adopted.

Ms JABRE said that each Parliament had a different method. For some of them, consultation and discussion had taken place. Others had held discussions with the IPU. In every case, an official communication from the Secretary General was required. She said that she hoped that the ASGP would also adhere to the Principles.

Dr Mohammed Abdullah AL-AMR (Saudi Arabia) asked what the agenda was and how it could help Saudi Arabia to improve the standards of the Shura.

Ms JABRE responded that the IPU was ready to help and to respond to questions about cooperation.

Mrs Barbara DITHAPO (Botswana) suggested taking the objectives for sustainable development to regional fora for approval.

Mr Othom RAGO AJAK (Sudan) said that he thought the parliamentary process should be a theme in Geneva in the context of the global parliamentary report.

Ms JABRE said that in the months that ensued, questionnaires would be sent out, and that a plan of action would be communicated.

Dr Khalid Salim AL-SAIDI (Oman) was happy to witness the work of the secretaries general. He asked if the Common Principles would have an Executive role for each Parliament, for example on the role of women. He asked how representation of women could be improved.

Ms JABRE said that if a Parliament adhered to the Principles it meant that it undertook to respect them, but with autonomy in doing so because of the importance of the national context. She said that in order to improve the representation of women there were some official measures that could be taken, for example the use of quotas, but that what really needed to happen was a change of mentality.

Dr Mohammed Abdullah AL-AMR (Saudi Arabia) said that secretaries general were all confronted by the same linguistic difficulties. He asked whether Arabic could be made an official language to facilitate interpretation and translation.

Mrs Doris Katai Katebe MWINGA, President said that this was a recurring difficulty. She would relay his concerns to the IPU.

Ms JABRE said that an effort had been made on this issue. More and more documents were being translated into Arabic.

Dr AL-AMR said that the Arabic countries paid their fees and that, consequently, he believed it to be their right to have interpretation and translation into Arabic.

Ms JABRE said that more and more documents were being translated but that interpretation was not provided because neither Spanish nor Arabic were official working languages of the Union.

Mrs Doris Katai Katebe MWINGA, President, said that it was not the appropriate forum for these issues but that she would take them away with her. She thanked Ms JABRE for her interesting presentation.

6. Draft agenda for the next meeting in Geneva (Switzerland), 18-21 October 2015

Mrs Doris Katai Katebe MWINGA, President, said that the draft agenda for the next Session was available, as follows:

Possible subjects for general debate

1. The social composition of Parliament
Moderator: Mr Najib EL KHADI, Secretary General of the House of Representatives of Morocco

2. The prevention of conflicts of interest in Parliament
Moderator : Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General, The Netherlands – Informal discussion groups

Communications

1. Communication by Ms Kathrin FLOSSING, Secretary General of the Riksdagen of Sweden: “Plain language: a promising strategy in the Swedish Parliament for clear communication and improved efficiency”
2. Communication by Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament: “Parliamentary buildings: challenges and opportunities: an update’
3. Communication by Mr Shumsher K. SHERIFF, Secretary General of the Rajya Sabha of India: “Parliamentary and Media relations”
4. Communication by Dr Jose Pedro MONTERO, Secretary General of the House of Representatives of Uruguay: “The way in which parliamentary committees function in Uruguay”

Other business

1. Presentation on recent developments in the Inter-Parliamentary Union
2. Administrative questions
3. Draft agenda for the next meeting in Lusaka (Zambia) in March 2016

Mr Bachir SLIMANI (Algeria) asked when it would be possible to add communications to the agenda.

Mrs Doris Katai Katebe MWINGA, President, replied that she would be grateful for all suggestions. It was a good idea to submit them as soon as possible.

Dr Khalid Salim AL-SAIDI (Oman) asked if he could suggest a topic immediately.

Mrs Doris Katai Katebe MWINGA, President, replied that they should be submitted before July.

8. Closure

Mrs Doris Katai Katebe MWINGA, President, thanked Mr PHUC and the organisers of the conference, particularly for the wonderful meals, entertainment and the excursion. The hospitality had been perfect. She thanked members for their attendance and contributions. She also thanked the interpreters, Emily and Inés and the other members of the secretariat of the ASGP.

The next Session would begin on 18 October 2015 and would be held in Geneva.

The sitting ended at 11.30 pm.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Aims

The Association of Secretaries General of Parliaments, constituted as a consultative body of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing cooperation between the services of different Parliaments.

The Association also assists the Inter-Parliamentary Union, when asked to do so, on subjects within the scope of the Association.

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