UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

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

Review of the ASGP / 65th year / Nº 210 / Geneva, 18 – 21 October 2015

ASSOCIATION DES SECRETAIRES GENERAUX DES PARLEMENTS

UNION INTERPARLEMENTAIRE

ASSOCIATION OF SECRETARIES-GENERAL OF PARLIAMENTS

INTER-PARLIAMENTARY UNION

MINUTES OF THE AUTUMN SESSION

GENEVA

18 – 21 OCTOBER 2015

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.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Autumn Session 2015

Geneva
18 – 21 October 2015

List of attendance

MEMBERS PRESENT

NAME	COUNTRY
Mr. Khudai Nazar NASRAT	Afghanistan
Dr. Hafnaoui AMRANI	Algeria
M. Bachir SLIMANI	Algeria
Mr. Josep HINOJOSA	Andorra
Mr. Pedro AGOSTINHO DE NERI	Angola
Mr. Alexis WINTONIAK	Austria
Mr. Abdulla ALDOSERI	Bahrain
Mr. Md. Ashraful MOQBUL	Bangladesh
Mr. Hugo HONDEQUIN	Belgium
Mr. Marc VAN DER HULST	Belgium
Mr. Sangay DUBA	Bhutan
Mrs. Barbara DITHAPO	Botswana
Mr. Romulo DE SOUZA-MESQUITA	Brazil
Mrs. Emma ZOBILMA MANTORO	Burkina Faso

NAME	COUNTRY
Mr. Renovat NIYONZIMA	Burundi
Mr. Marc RWABAHUNGU	Burundi
Ms. Libéria das Dores ANTUNES BRITO	Cabo Verde
Mr. OUM Sarith	Cambodia
Mr. SRUN Dara	Cambodia
Mr. Victor YÉNÉ OSSOMBA	Cameroon
Mr. Charles ROBERT	Canada
Mr. Gali Massa HAROU	Chad
Mr. Mario LABBE	Chile
Mr. Miguel LANDEROS PERKIC	Chile
Mr. David BYAZA-SANDA LUTALA	Congo (Democratic Republic of)
Mr. Jean NGUVULU KHOJI	Congo (Democratic Republic of)
Ms. Lidija BAGARIC	Croatia
Mr. Jiři UKLEIN	Czech Republic
Mr. Petr KYNŠTETR	Czech Republic
Ms. Libia Fernanda RIVAS ORDOÑEZ	Ecuador
Mr. Bienvenido EKUA ESONO ABE	Equatorial Guinea
Ms. Maria ALAJÕE	Estonia
Mr. Debebe BARUD	Ethiopia
Mr. Negus LEMMA GEBRE	Ethiopia
Mr. Timo TUOVINEN	Finland
Mrs. Corinne LUQIENS	France

NAME	COUNTRY
Mr. Christophe PALLEZ	France
Mr. Félix OWANSANGO DEACKEN	Gabon
Mr. Zurab MARAKVELIDZE	Georgia
Dr. Ulrich SCHÖLER	Germany
Mr. Emmanuel ANYIMADU	Ghana
Mr. Konstantinos ATHANASIOU	Greece
Mr. José Carlos RODRIGUES DA FONSECA	Guinea Bissau
Dr. György SUCH	Hungary
Mr. Helgi BERNODUSSON	Iceland
Mr. Shumsher K. SHERIFF	India
Mr. Anoop MISHRA	India
Dr Winantuningtyas Titi SWASANANY	Indonesia
Mr. Ayad Namik MAJID	Iraq
Mr. Ali AFRASHTEH	Iran
Mr. Hamad GHRAIR	Jordan
Mr. Jeremiah M. NYEGENYE	Kenya
Mr. PARK Heong-Joon	Korea (Republic of)
Mr. Allam Ali Jaafer AL-KANDARI	Kuwait
Mr. Adnan DAHER	Lebanon
Mr. Lebohang Fine MAEMA	Lesotho
Mrs. Daiva RAUDONIENE	Lithuania
Mr. William BEFOUROUACK	Madagascar

NAME	COUNTRY
Mr. Ahmed MOHAMED	Maldives
Dr. Madou DIALLO	Mali
Mr. Najib EL KHADI	Morocco
Ms. Siniša STANKOVIĆ	Montenegro
Mr. Johannes JACOBS	Namibia
Mrs. Emilia Ndinelao MKUSA	Namibia
Mr. Geert Jan A. HAMILTON	Netherlands
Dr. Christward GRADENWITZ	Netherlands
Mr. Henk BAKKER	Netherlands
Mr. Boubacar TIENOGO	Niger
Mr. Sheikh Ali bin Nasir bin Hamed AL-MAHROOQI	Oman
Mr. Amjed Pervez MALIK	Pakistan
Mr. Mohammad RIAZ	Pakistan
Mr. Ibrahim KHRISHI	Palestine
Mr. Frank WEVER	Panama
Mr. Oscar G. YABES	Philippines
Mrs. Marilyn B. BARUA-YAP	Philippines
Mrs. Ewa POLKOWSKA	Poland
Mr. Lech CZAPLA	Poland
Mr. José Manuel ARAÚJO	Portugal
Ms. Cristina IONESCU	Romania
Mr. Sergey MARTYNOV	Russian Federation

NAME	COUNTRY
Mr. Sosthène CYITATIRE	Rwanda
Mr. Domingos José TRINDADE BOA MORTE	Sao Tomé and Principe
Mr. Baye Niass CISSÉ	Senegal
Mr. Daniel GUSPAN	Slovakia
Mr. Manuel CAVERO	Spain
Mr. Carlos GUTIÉRREZ VICÉN	Spain
Mr. Alalla Younis Said LORO	South Sudan
Mr. Dhammika DASANAYAKE	Sri Lanka
Mr. Gengezi MGIDLANA	South Africa
Mr. Masibulele XASO	South Africa
Mr. Claes MÅRTENSSON	Sweden
Mr. Philippe SCHWAB	Switzerland
Ms. Agatha RAMDASS	Suriname
Mrs. La-Or PUTORNJAI	Thailand
Mrs. Saithip CHAOWALITTAWIL	Thailand
Mr. Mateus XIMENES BELO	Timor Leste
Mr. Fademba WAGUENA	Togo
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
Dr. José Pedro MONTERO	Uruguay
Mrs. Doris Katai Katebe MWINGA	Zambia

NAME	COUNTRY
Mrs. Cecelia MBEWE	Zambia
Mr. Kennedy Mugove CHOKUDA	Zimbabwe

ASSOCIATE MEMBERS

Mr. Wojciech SAWICKI	Council of Europe
Mr. John AZUMAH	ECOWAS Parliament
Mr. Said MOKADEM	Maghreb Consultative Council

SUBSTITUTES

Ms. Colette LABRACQUE-RIEL (for Mr. Marc BOSC)	Canada
Mr. Yasuo KURATA (for Mr. Takeshi NAKAMURA)	Japan
Mrs. Daw Aye Aye Mu (for Mr. Kyaw SOE)	Myanmar
Mr. Brendan Keith (for Mr. David BEAMISH)	United Kingdom
Mr. Andrew KENNON (for Mr. David NATZLER)	United Kingdom
Mrs. NGUYEN Thanh Hai (for Mr. NGUYEN Hanh Phuc)	Vietnam

ALSO PRESENT

Mr. Sanyal Quadratullah RAZ	Afghanistan
Mr. Hrayr TOVMASYAN	Armenia
Mr. Bojan NINKOVIC	Bosnia-Herzegovina
Mr. Ivan SLAVCHOV	Bulgaria
Mr. HOK Bunly	Cambodia

Mr. KHLANG Oudam	Cambodia
Mr. Bernard Mulamba PENE KAHOYA	Congo (Democratic Republic of)
Ms. Michèle KADI	France
Ms. Warsiti ALFIAH	Indonesia
Mr. Andi ISWANTO	Indonesia
Mr. Mohammad MULYADI	Indonesia
Ms. I. MIJANOVIC	Montenegro
Mrs. Rabi AUDU	Nigeria
Ms. Agata KARWOWSKA-SOKOLOWSKA	Poland
Mrs. Bandeira Mandinga BILMA	Sao Tomé and Principe
Mr. Veerapan MOOKASOMBAT	Thailand
Ms. Krisanee MASRICHAN	Thailand
Mr. Worathep CHEUJEDONGK	Thailand
Mr. Russdy KHANTANIT	Thailand
Ms. Kanjanat SIRIWONG	Thailand
Mr. Piyachat CHUNCHIT	Thailand
Ms. Lilia MESQUITA	Timor Leste
Mr. N. MARIMO	Zimbabwe
Mr. Carlos Augusto CHACON	Andean Parliament
Mr. Eduardo CHILIQUINGA MAZON	Andean Parliament
Mr. Lawac A. BUDUYEMI	ECOWAS
Mr. Ezekiel FWANGDER	ECOWAS

APOLOGIES

Ms. Claressa SURTEES	Australia
Dr. Ute RETTLER	Germany
Dr. Horst RISSE	Germany
Ms. Yardena MELLER-HOROVITZ	Israel
Mr. Satoru GOHARA	Japan
Mr. Shinji MUKO-ONO	Japan
Mr. Claude FRIESEISEN	Luxembourg
Mr. Benoît REITER	Luxembourg
Ms. Renata VOSS	Netherlands
Ms. Martina BUOL	Switzerland

Table of contents

FIRST SITTING

Sunday 18 October 2015 (morning)

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

The sitting was opened at 11.05 am

1. Opening of the session

Mrs Doris Katai Katebe MWINGA, opened the session and welcomed members of the Association, particularly new members. She asked all those attending to check the attendance lists in the entry hall and to contact the staff if there were any discrepancies.

2. Election to the Executive Committee

Mrs Doris Katai Katebe MWINGA, President, announced that, during the course of the Session, there would be an election for one ordinary member of the Executive Committee.

The deadline for the receipt of nominations was 4 pm that day. It was conventional only to accept nominations from experienced and active members of the Association. Women and francophones remained under-represented on the Committee.

If there were any questions about the procedure, the President advised the members to consult the guidance, or one of the joint secretaries.

3. Orders of the day

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

Sunday 18 October (morning)

9.30 am

Meeting of the Executive Committee

***

11.00 am

Opening of the session

Orders of the day of the Conference

New members

Theme : Infrastructure

Communication by Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament: "Parliamentary buildings: challenges and opportunities: an update"

Communication by Mr. György SUCH, Director General of the Hungarian National Assembly: "The Hungarian National Assembly's Parliamentary visitors' centre, museum and underground parking garage"

Communication by Mr Christophe PALLEZ, Secretary General of the Questure of France: "Reconciling the twin considerations of public access to, and the security of, the National Assembly"

Sunday 18 October (afternoon)

2.30 pm

Communication by Mr. Shumsher K. SHERIFF, Secretary General of the Rajya Sabha of India: "Parliamentary control over Subordinate Legislation in India"

Communication by Mr Romulo DE SOUZA-MESQUITA, Director General of the Brazilian Chamber of Deputies: "Implementing the Open Parliament Policy in the Brazilian Chamber of Deputies"

General debate: The social composition of Parliament
Debate moderator: Mr Najib EL KHADI, Secretary General of the House of Representatives of Morocco

Note on the General debate:
This debate is not about the law or political science so much as the political environment in which parliamentarians work, a familiarity with which is indispensable to those parliamentary staff charged with management. The purpose of the debate is to use sociological approaches to answer important questions, namely:

What are the backgrounds of parliamentarians?
What difficulties and opponents do they encounter before they are elected?
What are their constraints and their preoccupations?
What are the peculiarities and specificities of their world?

4 pm: Deadline for nominations for one or more vacant posts of ordinary member of the Executive Committee

Monday 19 October (morning)

9.30 am

Meeting of the Executive Committee

***

10.00 am

General debate with informal discussion groups: The prevention of conflicts of interest in Parliament
Debate moderator: Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General, The Netherlands

Note on the General debate:
Members of parliament are elected politicians who have important roles to play in the general interest. Notably they are co-legislators and they exert control over the government. Sometimes MPs have outside interests, particularly financial ones. It is important to ensure that this does not improperly influence the performance of their duties and responsibilities as parliamentarians. Many parliaments have rules aimed at preventing conflicts of interest and secretaries general are sometimes asked to advise on such matters.

Note on the practicalities: After the opening presentation made by Mr HAMILTON, the Association will be divided into five groups. As its first item of business, each group should elect a rapporteur. They have until 12.30 to hold their discussions and formulate their views. Each group will be given a topic for discussion, as follows:

Group A (Arabic speaking): Are there formal limits for MPs to maintain or accept additional functions for which they receive income? If not, are there rules on how MPs should keep personal interests separated from their work as an MP?

Group B (Spanish speaking): Are there or should there be prohibitions or restrictions to financial interests MPs may hold? Are MPs obliged to declare their outside positions and interests and the income they receive from them?

Group C (French speaking): To what extent is it acceptable for MPs to accept gifts, including invitations to foreign trips, and does parliament keep (public) registers of gifts received and trips made which were paid for by third parties? Are there sanctions on breaking rules in this respect, and who is in charge of applying them?

Group D (English speaking group 1): Are there ,or should there be, limits to the right to be a spokesperson in parliament on matters that concern an MP's personal interest, directly or indirectly? What rules and mechanisms do exist?

Group E (English speaking group 2): Are there statutory or informal provisions barring an MP from taking part in a vote on a matter that concerns his or her personal interests? If yes: who decides if an MP with conflicting interests does not abstain voluntarily?

Monday 19 October (afternoon)

2.30 pm

If necessary, the election of one or more ordinary members of the Executive Committee

General debate (continuation) : The prevention of conflicts of interest in Parliament
The plenary will hear from each of the five rapporteurs in turn –in English or in French.
The general debate will take place on the basis of the reports made.
The moderator will conclude the debate.

Theme : Updates from parliaments around the world

Communication by Dr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly, Turkey: "The Turkish Parliament: a Parliament without obstacles"

Communication by Ms. Maria ALAJÕE, Secretary General of the Riigikogu, Estonia: "Parliament's role in strategic planning at a national level"

Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic, Portugal: "Communication in Parliaments: tools and challenges"

Tuesday 20 October (morning)

9.30 am

Meeting of the Executive Committee

***

10 am

Theme : Legislation

Communication by Mr Manuel CAVERO, Secretary General of the Senate, Spain : "The latest developments on the right to amend to have taken place in the Spanish Senate"

Communication by Mr Marc VAN DER HULST, Deputy Secretary General of the Chamber of Representatives, Belgium: "The new system of second reading in the Chamber of Representatives in Belgium"

Communication by Mr Mohamed Salem AL-MAZROUI, Secretary General of the Federal National Council of the United Arab Emirates: "The General Secretariat of Federal National Council's experience in studying law and legislation"

Tuesday 20 October (afternoon)

2.30 pm

Communication by Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Riksdag: "Legislation on financial compensation for members of the Swedish Parliament"

Communication by Mr. Mohamed Salem AL-MAZROUI, Secretary General of the Federal National Council of the United Arab Emirates: "The General Secretariat of Federal National Council's experience in studying law and legislation"

General debate: The impact of direct election of committee chairs
Debate moderator: Mr Andrew KENNON, Clerk of Committees, UK House of Commons

Note on the General debate:
In 2010 the UK House of Commons moved from a system in which committee chairs were elected from within each committee to one in which they were elected by the whole House before other members of a committee were appointed.
Does it make a difference to how committees work if the chair is chosen by the committee itself, or by some other means?
Does it affect how committee staff work – mainly for the chair or for the whole committee?
In cases where chairs are elected by the whole House, how much competition is there for such posts?

Wednesday 21 October (morning)

9,30 am

Meeting of the Executive Committee

***

10 am

Communication by Mr Gengezi MGIDLANA, Secretary to Parliament of the Republic of South Africa: "Role of Parliament in pursuing a developmental agenda"

Communication by Mrs Colette LABRECQUE-RIEL, Acting Clerk Assistant and Director General of International and Interparliamentary Affairs at the House of Commons of Canada: "Reforming Parliament from within"

Presentation on recent developments in the Inter-Parliamentary Union

Administrative and financial questions

Draft agenda for the next meeting in Lusaka (Zambia), 19-23 March 2016

Wednesday 21 October (afternoon)

2.30 pm

Conference organized jointly by the IPU and the ASGP

Powerful parliaments: building capacity for effective parliamentary oversight.

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The agenda for the Session was agreed to.

The President announced that time limits would apply to speeches: ten minutes for moderators opening a general a debate, with a further ten minutes for summing up; ten minutes for communications; and five minutes for other contributions.

There would be short coffee breaks whenever time permitted.

The President thanked all those who were making communications and moderating general debates.

She asked members to start thinking about topics for discussion for the next session, to be held in Lusaka in March 2016. She reminded members that all texts should be submitted three weeks in advance of the session in order to allow for translation into other languages.

She reminded members that they should try, wherever possible, to access their documents via electronic means.

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:

1.	Mr Josep HINOJOSA	Secretary General of the General Council, Andorra
2.	Mr Richard PYE	Deputy Clerk of the Senate, Australia (replacing Ms Carol MILLS)
3.	Mr Romulo DE SOUSA-MESQUITA	Secretary General of the Chamber of Deputies, Brazil (replacing Mr Sérgio CONTREIRAS DE ALMEIDA)
4.	Mr Dara SRUN	Deputy Secretary General of the National Assembly, Cambodia
5.	Mr Charles ROBERT	Clerk of the Senate, Canada (replacing Mr Gary O'BRIEN)
6.	Mr Jean NGUVULU KHOJI	Secretary General of the National Assembly, Democratic Republic of the Congo (DRC) (replacing Mr Modrikpe Patrice MADJUBOLE)

7.	Ms Lidija BAGARIC	Secretary General of the National Assembly, Croatia
8.	Dr Georg KLEEMANN	Deputy Secretary General of the Federal Council, Germany
9.	Mr Konstantinos ATHANASIOU	Secretary General of the Hellenic Parliament, Greece (replacing Dr Athanassios PAPAIOANNOU)
10.	Mr Siniša STANKOVIĆ	Secretary General of the National Assembly, Montenegro
11.	Mrs Emilia Ndinelao MKUSA	Secretary to the National Council of Namibia (replacing Mrs Panduleni SHIMUTWIKENI)
12.	Ms Renata VOSS	Secretary General of the House of Representatives, Netherlands (replacing Ms Jacqueline Biesheuvel-Vermeijden)
13.	Mr David Martin WILSON	Clerk of the House of Representatives New Zealand (replacing Mrs Mary HARRIS)
14.	Mr Javier Adolfo ANGELES ILLMANN	Deputy Secretary General of the Congress of the Republic, Peru
15.	Mr Hugo Fernando ROVIRA ZAGAL	Secretary General of the Congress of the Republic, Peru
16.	Mr Ion VARGAU	Secretary General of the Senate, Romania
17.	Ms Cristina IONESCU	Deputy Secretary General of the Senate, Romania (replacing Mr Constantin Dan VASILIU)
18.	Ms Shelda COMMETTANT	Clerk of the National Assembly, Seychelles (replacing Ms Azarel Jolinda ERNESTA)
19.	Mr Mohammed YAGOUB	Secretary General of the Council of States, Sudan (replacing Mr Naiem Ali GRAGANDI)
20.	Ms Agatha RAMDASS	Deputy Secretary General of the National Assembly, Suriname

21.	Mrs Wararat ATIBAEDYA	Secretary General of the Senate, Thailand (replacing Mrs Norarut PIMSEN)
22.	Mrs La-Or PUTORNJAI	Deputy Secretary General of the Senate, Thailand (replacing Mr Somsak MANUNPICHU)
23.	Mr Hebert PAGUAS	Deputy Secretary General of the Senate, Uruguay

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-members of the Association for honorary membership:

1.	Mrs Jacqueline BIESHEUVEL-VERMEIJDEN	Formerly Secretary General of the House of Representatives of the States General, Netherlands
2.	Mr Somsak MANUNPICHU	Deputy Secretary General of the Senate, Thailand

The honorary members were agreed to.

5. Official languages

Mrs Doris Katai Katebe MWINGA, President, said that Arabic-speaking nations had requested that Arabic be added as an official language of the Association.

It had been agreed that, where a member wished to make a communication or moderate a debate in Arabic, they would be able to do so, providing that a text in English or French was provided a minimum of 24 hours in advance and that it met with the approval of the interpreters.

No spontaneous questions or contributions from the floor would be accepted in Arabic, although any speaker who had made a formal presentation in Arabic would be given the opportunity to respond to questions at the very end in Arabic.

The interpreter would be free to provide interpretation into Arabic without restriction, unless there was undue pressure on the interpretation booths.

The same would apply to Spanish, should the question arise.

The President also announced that the permanent parts of the Association's website would be translated into Arabic and Spanish. Incoming contributions and communications could be translated into Arabic and Spanish on a voluntary basis by

the nations involved and provided to the staff, who would put them up on the website.

The need for translations into other languages reinforced the need for members to submit their texts to the staff a minimum of three weeks in advance of each session.

6. Collaboration with the Inter-Parliamentary Union

Mrs Doris Katai Katebe MWINGA, President, announced that the IPU secretariat had requested the assistance of two or three English-speaking members of the Association in formulating the questions due to appear in a questionnaire. She asked for volunteers, who would need to attend a meeting at 1.30 pm on Tuesday 20 October.

7. Communication by Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament: "Parliamentary buildings: challenges and opportunities: an update"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Alexis WINTONIAK, Deputy Secretary General of the Austrian Parliament, to make his communication.

Mr Alexis WINTONIAK (Austria) spoke as follows:

All over the world parliament buildings symbolize the political and national identity of a country or region. Thus, parliament buildings are more than just architectural monuments, they also carry a message. Whilst analysing the architecture of 196 parliament buildings – as undertaken for the 2014 Biennale di Venecia, where the Austrian contribution was devoted to the parliaments of the world – it is interesting to note that the majority of parliaments show an architectural style which represents classical Greek traditions, even though two thirds of parliaments have only been built within the past 50 years.

The Austrian Parliament is definitely a prototype of a building in a Greek/Hellenistic style. It was constructed from 1874 to 1883 next to the "Ringstrasse", after the fortification expanse surrounding the old inner city was razed. This gave way to an impressive boulevard with a number of representative buildings such as the Vienna City Hall, the University, the State Theatre, the State Opera and certainly the House of Parliament.

The Danish architect Theophil Hansen (1813-1891), who had worked and taught in Athens for a number of years, didn't see himself merely as a planner of a building complex but rather as the creator of a monumental synthesis of different arts, i.e. construction, engineering, infrastructure, design, decoration and furniture. Hence taking care to fit everything together harmoniously. The architect transformed and re-interpreted the Greek temple architecture, he dedicated the monumental structure with its wealth of symbolic features to democracy and made it an architectural parable illustrating the role of representatives of the people.

The architect used materials form the various parts of the Monarchy in order to demonstrate that the Parliament was the property of all peoples of the Empire, which at this time was composed of 17 kingdoms and lands representing 8 nations (Germans, Czechs, Poles, Slovenes, Croats, Ruthenias, Romanians and Italians), the other parts of the Empire having been represented in the Hungarian Parliament in Budapest.

The need for renovation

Since 1883 the building has been in use and it proved to be functional throughout the various eras and political systems in Austrian history. However, as with any other building there is an uncompromising technical life cycle, which is now demanding an overall refurbishment.

The main features of this overall renovation is to repair any damages and defects and to offset any shortcomings, to take all measures to fully comply with today's legal requirements, to optimise the building and operation logistics and to increase the usability of the building.

According to a feasibility study (2010-2011) the following issues must be addressed in the first regard:

sustainable building safety and structure protection
appropriate fire protection and emergency evacuation
barrier-free access to public areas and offices
ecology and reduced energy consumption
modern building technology and equipment
optimised workflows for parliamentary processes
modern plenary, committee and office workspace
improved access for visitors and the public

Project management

In August 2011 the Speaker appointed a project team composed of staff members of the parliamentary administration. Following European wide tenders in 2012, an external Project Management and an external Project Auditing were commissioned in 2013. The Architects and General Planning Group was contracted in 2014, following a 18 month competition and tender procedure.

The preliminary design is currently completed, the final design will be completed by mid-2016, followed by tenders for the construction and engineering companies. Works will start mid-2017 to be completed mid-2020.

During the construction time (2017-2020) the building will be fully cleared and parliament will be relocated to the nearby imperial palace (plenary hall) and temporary buildings (offices). A tender for the construction of these temporary buildings is currently under way.
The entire project is based upon the following basic decisions:

14.1.2014 Landmark decision on sustainable renovation

9.7.2014	Federal law on the renovation of parliament (financial frame: € 352,2 Mio. for the renovation, € 51,4 Mio. for the relocation)
31.8.2014	Commissioning of the General Planning Group
4.12.2014	Decision on full decant and relocation site
7.5.2015	Decision on yearly budgets until 2020

All decisions were taken by unanimity of all Parliamentary Groups.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr WINTONIAK for his communication and announced that questions would be grouped together at the end of the three communications that morning.

8. Communication by Mr. György SUCH, Director General of the Hungarian National Assembly: "The Hungarian National Assembly's Parliamentary visitors' centre, museum and underground parking garage"

Mrs Doris Katai Katebe MWINGA, President, invited Mr. György SUCH, Director General of the Hungarian National Assembly, to make his communication.

Mr. György SUCH (Hungary) spoke as follows:

1. The building of the Hungarian Parliament is located in downtown Budapest, on the bank of the river Danube. Over the years, the stately edifice has become one of the best-known symbols of Hungary and its capital city.
2. 2. It was built over a period of 17 years at the end of the 19th century (1885-1902).
3. Although the building contains a mixture of elements and motifs from several architectural styles (e.g. the decoration of the ceiling has Renaissance features), its style is predominantly neo-Gothic.
4. The dimensions of the building are overwhelming: the side parallel to the Danube is 268 metres long; the building is 123 metres at its widest; the total floor-space of the building is 18,000 m^2, arranged on four levels; the building contains 10 light wells, 13 elevators and several hundred offices; its cubic capacity is 473,000 m^3, which could contain 50 five-storey residential houses; its dome is 96 m high (which makes it Budapest's tallest building); the various premises are connected by a seemingly infinite set of corridors (e.g. the red carpet running along the House alone is close to 3 km long).
5. As one of the most important elements of the panorama of the Danube bank, the Parliament has been part of the World Heritage site since 2011.
    - The Parliament is home to the country's legislators;
    - it is where the erstwhile Hungarian royal crown is guarded;
    - it is the daily workplace of close to 600 people;
    - currently it also houses the Prime Minister's office and some of his staff;
    - with approximately 600,000 visitors per year, it is also Budapest's most visited tourist attraction.

6. At the same time, the surroundings of the Parliament had been rather shabby for decades.
   - there was a huge parking lot in front of the building;
   - there was heavy through-traffic in the square;
   - the building was inaccessible;
   - tourists had to queue in the open air, even if it was raining;
   - there was not a single public toilet;
   - an air of neglect pervaded the entire area.
7. In 2011, a parliamentary resolution was passed on the comprehensive reconstruction of the surrounding (Kossuth) square, to be completed by 31st May 2014. This included:
   - the construction of an underground car park;
   - a visitors' centre;
   - a museum, and
   - the reconstruction of the section of the Danube embankment in front of the building.
8. One of the paramount objectives of the reconstruction was to create a harmonious and spectacular spatial arrangement, one which:
   a) emphasises and reinforces the architectural significance of the Parliament (ensuring that the sight of the National Assembly can be properly appreciated from the streets leading to the square);
   b) harmonises with the bicycle and pedestrian routes of downtown Budapest;
   c) prepares the square for the growing number of visitors (construction of the visitors' centre and the infrastructure for catering and other services, enabling the shop outlets with storefronts facing the square to have open terraces).
9. The results of the design tender were announced on 3rd April 2012.
10. The first contractors started work on site in February 2012, and over two years were to pass before its completion. No development work of such magnitude had been undertaken on Kossuth Square since it was first built. No underground structure of this size had ever been built in the immediate vicinity of the building before. And the wall of the Parliament building, 1.5 m in girth, had never been breached.
11. While the project was being carried out,
    - the building received approximately 500,000 visitors each year;
    - the reconstruction of all public utilities in the square was performed at the same time (e.g. Budapest's main sewers, a tangle of utility networks, a tunnel for the heating system of the Parliament and a key pipeline carrying Budapest's drinking-water supplies.);
    - what's more, the construction works had to face the worst ever flood in the history of the country: the foundation pit had to be filled with water since the final inner supports (the ceilings and walls) were still to be added, so the walls of the pit would have collapsed immediately from the pressure of the huge body of water brought by the flood;

- as part of a separate project, the replacement of the Parliament building's stonework was also performed in line with an expedited schedule.

All this was done with a mere 5-member project bureau and the help of the Office's resources, and without exceeding the EUR 100 million budget.

12. Some 133 trees and 92,000 bushes were planted in the green areas. During the construction works, 50,000 m^3 of concrete was poured and 120,000 m^3 of earth was moved for the creation of the underground parking garage, as well as another 40,000 during the landscaping works. 3,000 tons of reinforcing steel were used; 150 km of electric cables and 3 km of water pipes were laid. More than 500 trucks carried the 24,000 tons of stone elements; the workers laid down a total of 2.5 million paving slabs. During the weeks of the flood, 80,000 m^3 of water was pumped from the Danube into the construction pit of the underground parking garage in order to support and secure the slurry wall. The finished underground parking garage is protected from the Danube flooding by two flood protection gates and two mobile dykes.

13. Hungary's largest ever spatial design project was completed by 15th March 2014. As a result of the investment, an imposing and homogeneous space was created, evoking the original concept of the erstwhile architect, Imre Steindl, with the aid of 21st century spatial architecture tools.

- The new decorative paving and increased green surface areas highlight the building of the Parliament and provide a setting worthy of the edifice.
- The river embankment was also renovated as part of the reconstruction. The area next to the building, which had previously been closed, was given a new pavement and turned into a pedestrian promenade. The area has links to both sides of the square. With the area between the public road and the river having been remodelled, it is now once again possible to take a walk around the Parliament building
- The new National Flag was installed in the centre of the square, and now flutters atop a needle-sharp, 33-metre high pole.
- Next to it, a surface of water reflects the renewed façade of the Parliament and enriches the view while preventing vehicles from entering the square.
-- In the summer, humidifiers are used to cool the air over some parts of the 55,000 square metres of new stone paving.
- Apart from the tram service operating along a modified track, vehicular traffic in the square has been completely removed.
- Surface parking has also ceased; vehicles may use a 600-space underground parking garage at the northern side of the square.
- A visitors' centre equipped with a souvenir shop and a cafeteria was opened, and is now able to receive and serve, in a quality environment, the more than 600,000 tourists who visit the building each year.
- The Museum of the National Assembly was opened inside the building.
- We decided to open the wide, beautifully arched ventilation tunnels to the public. One now houses the memorial to the victims of the 25 October 1956 massacre, and the other a stonework exhibition.
- And last but not least, the 4th permanent exhibition opened just this Monday: the History of the House

Mrs Doris Katai Katebe MWINGA, President, thanked Mr. SUCH for his communication.

7. Communication by Mr Christophe PALLEZ, Secretary General of the Questure of France: "Reconciling the twin considerations of public access to, and the security of, the National Assembly"

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

Mr Christophe PALLEZ (France) spoke as follows:

There are three main reasons for broad public access to the French National Assembly:

-There is a legal obligation to ensure the public nature of parliamentary work. Even though the main tool, in this field, is now the televised broadcasting of all the debates in plenary sitting and of the majority of committee meetings, the presence of spectators in the galleries of the Debating Chamber still remains an essential feature in the application of the principle of the public nature of debates.
It should be noted that since the committee rooms are not equipped to receive the general public, the rule is not to admit access to spectators other than journalists.
-It provides an essential element for parliamentary work – namely allowing MPs to meet the representatives and actors of civil society, administration and of interest groups as well as their voters.
-It fulfills the duty of communication by opening up the seat of Parliament to visitors who wish to get to know the historic monument which houses it and who want to discover how the institution works. The French National Assembly, like all Parliaments in democratic countries sees itself as a House of the People, open to the People.
These principles are concretely applied by means of several measures for the reception of the public.
To attend a plenary sitting (which was the case for 8,000 people in 2014), those interested must receive a ticket from an MP which grants them access to the galleries.
People coming to the National Assembly for a meeting, an appointment or a meal report to the desk in the entrance of one of the buildings where it is checked that they are expected. They are then given an access pass which allows them to move around the premises.
In addition, guided tours of the *Palais Bourbon* are organized from Monday to Saturday, including during sittings, for groups of between 10 and 50 people maximum who are invited by MPs. During parliamentary recess, the tours are not guided and visitors are provided with an audio-guide. Such non-guided tours have also taken place on Saturdays since 2013.Thus, each year some 130,000 people visit the French National Assembly.
What are the safety and security measures taken to deal with such large numbers of people? It is necessary here to distinguish between the rules which have applied for a

long time and the increased security measures implemented since the terrorist attacks in October 2014, in Ottawa and especially in January 2015 in Paris.

1. Safety and security measures which are applied in a normal situation

There are two types of security checks:

– Passing through a metal detector with the possibility of completing the check using a manual device;

– Checking of bags and personal effects by means of an X-ray machine.

These checks are carried out on all visitors. They are accompanied by an identity check. Thus there is a systematic identity check requiring the presentation of an identity document which must include a photograph (this document is exchanged for an access pass in most cases).

However, until 2015, this identity check only concerned people invited to attend meetings or receptions whose names were listed on a document sent prior to the event by the organizer to the relevant department of the National Assembly. As for groups of visitors, only the identity of the accompanying person(s) had to be provided and was checked. Based on the figure of 130,000 visitors for the historical and institutional visit and that of the 200,000 people who pass through the reception areas and whose identity is checked, we can get an idea of the proportion of visitors who enter the National Assembly anonymously and who move around almost exclusively under the guidance of specialized civil servants.

However, over recent years, there has been no serious incident involving any of the participants in the historical and institutional visit. The most serious problems have been caused by spectators during the plenary sitting who, in fact, were attending in order to demonstrate their positions in a spectacular fashion: the throwing down of tracts into the Chamber, the unfurling of banners, shouts etc.

The terrorist threat which France, in particular, has faced since the beginning of 2015 and the attack on the Canadian Parliament have led the authorities to reassess the measures concerning the reception and the checking of the public, notably by taking into account the advice of the Special Task Force of the National *Gendarmerie* (Police).

2. The strengthening of security and safety measures in 2015

One of the most obvious aspects of the new face of the *Palais Bourbon* (the seat of the French National Assembly) is the deployment of armed troops within the very premises themselves rather than simply on duty in the street or in front of the entrances. Now they are present in the reception areas, beside the security gates or beside the reception desks. Certain of these areas were originally conceived so as to welcome visitors, in comfort, in spaces which were open to the street. Thus the need to meet the new security requirements implies working, in the future, on the very design of such areas.
This is precisely the case for the planned reconstruction of a reception area given over, mainly, to the hosting of guests of the President of the National Assembly. It is planned, in particular, to provide the new space with thick bullet-proof glass to guard

against shots coming from the street. Moreover, this space will be bigger and will allow for easier movement than the current area.
However the essential point and the biggest change in our way of behaving is that from now on, people who come to the National Assembly from outside are subject to a prior security check against police files by a group of police officers who work directly with the President of the Assembly. Consequently, the identification information of such individuals (i.e. their surname, first name, date and place of birth) is transmitted in advance by the MPs or by the departments who receive them.
This change affects, firstly, people who wish to attend the plenary sitting and thus the MPs who provide them with access tickets. Such tickets were often given to guests at the last moment, and were, for example, left in an envelope to be collected at the reception desk. Sometimes they were left blank, without the name of the guest who could fill in his/her name once the ticket had been collected.
This practice has now been stopped. From now on, MPs must provide the precise information mentioned above, at least three days before the sitting otherwise they may not obtain the admission of their guests to the galleries. In addition, the very access ticket itself, has been replaced by remote computer reservation software (the seats are distributed between the political groups in the Assembly) which allows for a totally paperless procedure except for the printing of a list of guests authorized to have access once they have undergone a strict identity check at the reception desk.
The same checking procedure is applied to people who are invited to meetings and especially to groups coming for the historical and heritage tours. The penalty for not providing the identity information is the same: the person who is not listed and thus not checked in advance of his/her arrival is thus refused entry to the *Palais Bourbon*. This can, sometimes, create difficulties, with both the guests and with the MPs who invite them, for the staff who are in charge of strictly applying such rules. Thus, a certain flexibility is required if the MP present personally serves as a guarantor for the person in question.
In addition, it should be noted that individual visits during recess and on Saturdays have been suspended *sine die* as it now seems unthinkable to allow people, even if they have been identified, to walk freely around the rooms and areas which make up the heart of the historic building.
Many other measures have been taken, for example concerning the access or parking of vehicles but the major element which can be noted is that of prior identification and checking. This is the price to be paid (it is a high one from an administrative point of view) to continue to reconcile broad public access with a high level of security.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr PALLEZ for his communication and opened the floor to questions on all three of the communications.

She reminded members that no spontaneous interventions or questions could be accepted from the floor in languages other than English or French.

Mr Andrew KENNON (United Kingdom) said that it was very interesting to learn from countries which had advanced further than the UK. He noted that the UK Parliament sat in buildings that were 150 years old and that even Big Ben needed repairs.

He asked how political acceptance of the need to undertake long-term projects to upgrade buildings could be obtained. He said that UK parliamentarians were not attracted by the idea of "decanting" to other buildings whilst the work took place. He wondered how staff could communicate the need for upgrades to the political class.

He said that he had been intrigued by the communication on security and access. In the UK there was a Joint Committee of both Houses working on this project. The plan was to create an independent statutory body to carry out the work, as had been done for the Olympics.

Mr Baye Niass CISSÉ (Senegal) asked who had funded the work on the Austrian Parliament. He wanted to know if state aid had been provided. In Senegal the Parliament dated from before the independence and needed to be modernised in order to meet current security requirements.

Mr Geert Jan A. HAMILTON (Netherlands) said that the communications had been topical. The Parliament in the Netherlands was old, but the buildings were even older, the oldest originating from the thirteenth century.

The buildings had been preserved but were totally outdated from a technical point of view. There was a choice about either moving out totally or carrying out the work gradually whilst the buildings remained in use.

The problem in the Netherlands was that the buildings were owned by the Government. When taking decisions, Parliament controlled the Government but also had a big personal stake. It had just been decided that the entire Parliament would have to move out for six years.

He asked whether, in the case of the presenters, the Parliament was in control, and whether the decisions taken led to political controversy.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that it had been decided in Indonesia both to renovate existing buildings and to construct a new series of Parliamentary buildings in order to facilitate public access and maintain security at the same time.

In Indonesia the plan to renovate and construct had encountered some resistance and had become a politically-sensitive issue.

She asked who had the authority to oversee the renovations. She also asked about political resistance, and the response to that. She asked Mr SUCH who had the authority to collect income when buildings were rented out. She asked Mr PALLEZ about the balance between public access and security.

Mr José Manuel ARAÚJO (Portugal) asked about the expenditure entailed, and the reaction to that expenditure in Hungary and Austria. He asked whether parliamentarians and staff in France had a separate entrance to the Parliament buildings where they would not be submitted to the same security checks.

Mr Sergey MARTYNOV (Russian Federation) said that the chambers in the Russian Parliament were separately housed, and that the decision had been made to

co-locate them. There had been a bidding process which three proposals had won. These proposals had not won political support.

He observed that the presenters had talked about being sympathetic to the historic nature of the buildings. This did not apply in Russia. He asked what the presenters would include in a new building, if they had the opportunity to build one, and what restrictions the historic buildings imposed.

Mr WINTONIAK said that it was good to know that the Austrian Parliament was not alone. He said that at the beginning of the project there had not been political support. The staff had prepared option papers, ranging from very low cost "muddling through", to the construction of a completely new building. The options were priced and the implications were detailed. This approach prevented parliamentarians from shirking their responsibilities and doing nothing at all: their only options involved doing something.

The media had been sceptical at the outset. The Austrian people had responded by saying that they did not want their national Parliament to deteriorate. They accepted the need and the cost of the renovation.

The Austrian Parliament tried to be as transparent as possible, including by posting a detailed breakdown of the costs on its website. This generated acceptance.

The project had been financed by a vote in Parliament. This had been agreed with Ministers. The parliamentary administration was in charge of the building. The authority to oversee the budget was given to a specially constituted parliamentary committee.

He would have dreamt of being able to have a new building. He would build a modern building that would also become a landmark.

Mr SUCH said that the finances for the project had been provided by the Government. The Parliament had ownership of the building, not legally, but in practice. As part of the project, the parliamentary square had been redesigned, and in doing so the ownership of it passed from local government to the Parliament.

The Government's expenditure on the project had, of course, been opposed by the opposition, but that had not prevented it from going ahead. A compliance officer oversaw the budget. The process had been transparent and there had been no scandals. All information had been available on the website and anyone could ask to see the more detailed figures.

Public opinion had not been entirely favourable to the project.

In response to the question from Russia, he said that his building would be practical above all, particularly in the context of modern technology.

Mr PALLEZ responded briefly to the question from Portugal by explaining that parliamentarians and staff had privileged access by means of their badges. Parliamentarians used the automatic gates more and more but some were used to having a door opened for them.

Mrs Doris Katai Katebe MWINGA, President, thanked all the speakers for their hard work and suggested that discussions might continue throughout the lunchbreak.

8. Concluding remarks

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

The sitting ended at 12.35 pm.

SECOND SITTING

Sunday 18 October 2015 (afternoon)

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

The sitting was opened at 2.35 pm

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, opened the sitting. She observed that no candidacies had yet been received for the position of ordinary member of the Executive Committee. The deadline for the receipt of nominations would be 4 pm that day.

2. Communication by Mr Shumsher K. SHERIFF, Secretary General of the Rajya Sabha of India: "Parliamentary control over Subordinate Legislation in India"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Shumsher K. SHERIFF, Secretary General of the Rajya Sabha of India, to make his communication.

Mr Shumsher K. SHERIFF (India) spoke as follows:

The Constitution of India came into effect in 1950 and embodies the unity of India which is a land of diversity. There is geographical, linguistic, religious, social and political diversity of a billion strong population that constitutes one sixth of all humanity.

An ancient civilization that now firmly stands as a democracy in the comity of nations since its independence in 1947 from colonial rule, the Republic has reposed faith in the parliamentary system of governance. The Parliament of India is bicameral in nature and is the supreme legislative institution. It consists of the Council of States (Rajya Sabha), the House of the People (Lok Sabha) and the President of the Republic.[1]

The Constitution provides for separation of powers between the legislature, executive and judiciary. In so far as delegated legislation in the Indian context is concerned this goes by different names like rules, regulations, schemes, bye-laws, orders, circulars, ordinances, statutes and notifications, etc. All these are known as subordinate legislation.[2] All subordinate legislation framed under the Act have the

[1] There are 245 seats in the Rajya Sabha and 545 in the Lok Sabha. Rajya Sabha is presided over by the Vice President of India who is *ex-officio* Chairman, Rajya Sabha and Lok Sabha by the Speaker.

[2]Apart from explicit provisions or fields enumerated under enabling clauses of the Act, most often terms like 'direct', 'determine', 'notify', 'order', 'instruct', 'declare', 'issue' or 'publish' are used in the Act. Such

same force of law. The powers of statutory bodies are derived, controlled and restricted by the statutes which create them and rules and regulations framed thereunder. The term 'subordinate legislation' is interchangeable with the term 'delegated legislation' and accordingly, the expression 'subordinate legislation' is used in this paper.

In the present paper, an attempt has been made to delineate the following aspects of parliamentary control over subordinate legislation in India with particular reference to the Rajya Sabha:

- Scope and Growth of Subordinate Legislation;
- Mechanism and Efficacy of Parliamentary Control over Subordinate Legislation; and
- Challenges and the Way Ahead.

II

Scope and growth of subordinate legislation

In India, it is a well settled principle that subordinate legislation *per se* is imperative and pragmatic. However, its scope is limited to the extent of delegation provided in the parent Act. A framework of subordinate legislation recognizes that legislation is the prerogative of the legislature and it cannot abdicate its legislative authority by making excessive delegation of legislative power to the executive. Conversely, the executive is also not entitled to arrogate to itself the powers which are not delegated by the legislature.

The Supreme Court of India, in numerous cases, has observed that unlimited right of delegation is not inherent in the legislative power itself. The Court in one of the cases opined, "Burdened legislature or one controlled by a powerful executive may unduly overstep the limits of delegation. It may not lay down any policy at all; it may declare its policy in vague and general terms; it may not set down any standard for the guidance of the executive; it may confer an arbitrary power on the executive to change or modify the policy laid down by it without reserving for itself any control over subordinate legislation. This self effacement of legislative power in favour of another agency either in whole or in part is beyond the permissible limits of delegation."[3]

As can be discerned from the above observations, there is a limitation on delegation of power as the legislature cannot delegate its essential functions. Essential function involves laying down the policy of the law and enacting that policy into binding rule of conduct.[4] These functions also include the power to repeal or modify a law, retrospective application of rules, the power to modify the parent statute, power to tax or levy any cess or penalty and where the delegating statute itself is *ultra vires* of the Constitution of India, the rules made under such statute

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instruments are construed as pieces of subordinate legislations. All such instruments created under the Act, in fact, have same force of law.

[3] Vasant lal Maganbhai Sayanwala v/s State of Bombay & Others; 1961 AIR, 4 1961.

[4] In re Delhi Laws Act, 1912, (1951) S.C.R. 747.

also become unconstitutional. The delegate on whom the power to make subordinate legislation is conferred cannot further delegate that power.

The legitimacy of delegation entirely depends upon its being used as an ancillary measure which the legislature considers to be necessary for purpose of exercising its legislative powers effectively and completely.[5] The subordinate authority must do so within the framework of law which makes the delegation, and such subordinate legislation has to be consistent with the law under which it is made and cannot go beyond the limits of the policy and standard laid down in the law. The Supreme Court has said that such subordinate legislation has not only to be consistent with the parent Act; it should also be consistent with any other Acts passed by Parliament or state legislatures. The Court in a judgment delivered in 2005 observed, 'We are not oblivious of the fact that framing of rules is not an executive act; there cannot be any doubt whatsoever that such subordinate legislation must be framed strictly in consonance with the legislative intent as reflected in the rule making power.'[6]

Subordinate legislation has evolved over the years and its most significant developments have taken place after India's Independence. In the formative years of our Republic, we undertook the task of national reconstruction and produced extensive legislation in keeping with the imperatives of a welfare state. With economic liberalization in the 1990's, there has been a steady growth of legislation concerning the economic sector. Besides, the reason behind this growth is the rapidly evolving nature and complexity of modern day governance. With the emergence of regulatory regimes and public corporations as powerful arms of Government, the number of regulations further increased as the executive was unable to keep pace with the specialized and highly technical character of their activities. All these, have propelled the growth of subordinate legislation in India. In India, a parent Act may have one or many subordinate legislation. There is no statutory bar in this regard. There are many parent Acts, which require several subordinate legislation. It is, therefore, not surprising that in India as many as 60,000 statutory instruments were made during the last six decades.

Mechanism and efficacy of parliamentary control over subordinate legislation

The power to enact laws is a primary function of Parliaments across the world. However, Parliaments frequently enact legislations containing provisions which empower the executive government or statutory bodies to make rules and regulations having the effect of law. Though such legislations are made by the executive yet, a system of parliamentary control is available to lend legitimacy to such legislations. In fact, parliamentary control is integral to the very principle of subordinate legislation. Various legislatures have devised their own legislative scrutiny mechanisms. The system of parliamentary scrutiny of delegated legislation which includes varied aspects such as pre-rule making scrutiny, publication of rules, laying before the legislature, committee scrutiny, amendment and modification of rules and procedure for final approval by the legislature, as prevalent in some of the Commonwealth countries such as UK, Canada, Australia and South Africa, is given in **Annexure I**.

[5] Ibid.
[6] Ashok Lanka & Others v/s Rishi Dixit & Others (2005) 5 SCC 598.

The system of subordinate legislation is available in most of the democratic countries with parliamentary system. However, they are grappling with the issue of putting in place an effective system of parliamentary control over subordinate legislation.

Much like other Parliaments, parliamentary control of subordinate legislation in India is well recognised. There is a well-laid out structure and procedure followed in the Indian Parliament about the scrutiny of subordinate legislation. Subordinate legislation must conform exactly to the power delegated by the legislature. Therefore, it is incumbent upon the legislature to ensure that the legislative power so delegated to the executive is exercised in right earnest to administer the statute. As such, legislative supervision and control are inherent in the framework of subordinate legislation so as to hold the executive to account for the abuse and over-reach of its powers. Justice Benjamin Cardozo famously stated that Legislature cannot delegate 'uncanalized and uncontrolled power', the power delegated must not be unconfined and vagrant, but must be canalized within banks that keep it from overflowing.[7] Delegated legislation, therefore, has the potential to be used in ways which Parliament had not anticipated when it conferred the power through an Act of Parliament.

The overview of the Indian system is mentioned below:

(a) All the Bills introduced in a House are generally referred to the respective Department-related Parliamentary Standing Committee. There are 24 such Committees and every Ministry and Department of the Government is associated with one or the other Committees. Once the Bill has been referred to a Committee, it examines the Bill in its entirety. There is Memorandum of Subordinate Legislation attached to a Bill determining scope of delegation. The Committee discusses and debates the provisions relating to delegation of powers to subordinate authorities. If the Committee feels that there are elements of excessive delegation of powers and the matters delegated so should be clearly and unambiguously delineated in the parent Act, it can recommend accordingly.[8]

(b) After the report of the Committee is laid on the Table of the House, the Bill is further taken up for consideration and passing by the House. During this second reading also Members can raise the question of scope of delegation.[9] This happens in many a Bill.

(c) Mandatory laying of subordinate legislation on the Table of the House is an important element of parliamentary control. All orders framed under an Act are to be laid on the Table so that the House gets an opportunity to see whether the instruments so laid are in order. An important effect of bringing the subordinate legislation before the House is that it gives the Members the right to move a Motion

[7] A.L.A. Schechter Poultry Corp. V. United States, 295 U.S. 495, P.551 (1935).

[8] For instance, the Department-related Standing Committee on Finance while examining the Companies Bill, 2009, observed that there was excessive delegation in the Bill as certain substantive provisions had been delegated to the rules. The Committee recommended that some of the important provisions should be incorporated in the main Bill. This has happened in some other cases as well.

[9] For example, during the course of discussion on the National Design Bill, 2014 the issue of excessive delegation was raised by some Members of Parliament.

for modification or annulment of the concerned subordinate legislation. This is generally contained in the parent Act itself.

(d) Before 1971, laying of rules, regulations or orders were not mandatory as the concerned Acts did not have any provisions for laying. In 1971, the Committee on Subordinate Legislation (CoSL) of both the Houses felt the need to incorporate a laying formula[10] in all the existing Acts to have better parliamentary control over subordinate legislation. The formula stated that all the subordinate legislation framed under the Act will be laid on the Table for 30 sitting days[11] during which Members are entitled to move a motion of modification or annulment. The Committee also directed Government to include this provision in all future legislations to bring the subordinate legislation within parliamentary control. Thereafter, the Government passed a Delegated Legislation Provisions (Amendment) Act in 1983[12] to include this provision in all the existing Acts. Significantly, states in India also followed suit to include this provision in all their Acts by passing Delegated Provisions (Amendment) Bills in their respective state legislatures.

(e) Another important feature has been the laying of notifications in draft stage itself thereby providing an opportunity to the House to state its objections even before these notifications come into effect. This is being followed in some of the enactments where stakeholders' consultation is mandated.

The Committees on Subordinate Legislation of both the Houses provide the institutional mechanism to deal with subordinate legislation. The CoSL, Rajya Sabha [13] was established in 1964, while in the Lok Sabha, it was set up in 1953. The Committee has the mandate to scrutinizing all subordination legislation and reporting to the House whether the powers to make these rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or delegated by Parliament have been properly exercised within such conferment or delegation, as the case may be.

The CoSL scrutinizes all the Acts passed in a calendar year to see how many of them have subordinate legislation making provisions. Ordinarily, all subordinate legislation has to be framed as soon as possible but in no case later than six months.[14] If the Ministry wants to take more time, it has to request the Chairman of the Committee on Subordinate Legislation for grant of more time.[15]

In India, subordinate legislation framed in pursuance of an Act or the Constitution of India come into effect after it is published in the Official Gazette. However, another important aspect is to lay the rules, regulations, bye-laws, ordinances, etc. on the Table of the House and thereby giving it wider publicity. Ideally, the subordinate legislation should be brought before the Parliament in the session immediately following its notification. If, however, there is a delay on the

[10] Para 57-58 of 10th Report of the Committee presented to the House 15.11.1971
[11] The right to suggest modifications in the orders is extended to one additional Session immediately following the Session in which the period of 30 days is completed.
[12] Act No.20 of 1983.
[13] Please see Rules 204 - 212 of the Rules of Procedure and Conduct of Business in Council of States.
[14] Para 48 of 9th Report of the Committee presented to the House on 24.03.1971.
[15] 31st Report of the Committee presented to the House on 13.03.1979.

part of administrative Ministry, a delay statement[16] indicating the reasons for the delay has to be laid before Parliament.

In a recent development the CoSL, Rajya Sabha, keeping in view the inordinate delay in both framing of subordinate legislation contemplated under the parent Act and also in bringing it before Parliament, decided to summon all the Ministries/Departments along with the concerned statutory organizations under them in a phased manner to gain insight into the reasons for such delays and to find solutions if any. This ongoing exercise has proved to be quite effective as it helped expedite the process of framing of stalled subordinate legislation and also helped the Committee understand the problems and difficulties faced by the Ministries.

In matters concerning scrutiny of subordinate legislation the CoSL, Rajya Sabha since its constitution has taken some important initiatives to exercise control over subordinate legislation. The initiatives include:

- Publishing all such notifications in the official Gazette;[17]
- Laying of statutory rules and orders in case the state is under President's Rule;[18]
- Setting time line for framing of subordinate legislation within six months;[19]
- Providing mandatory provisions that in all existing and future legislations, the subordinate legislation are to be laid on the Table of House for thirty sitting days and the right to modification is extended to one additional Session immediately following the Session in which the period of 30 days is completed;[20]
- Setting time line for action to be taken by Ministries on the recommendations of the Committee;[21]
- Seeking permission of the Committee in case of delay in framing or laying of rules;[22]
- Laying of all the orders framed either under Constitution or any statute;[23]
- Posting of subordinate legislation on the websites of Ministries;[24]
- Appending delay statement if framing or laying is delayed;[25]
- Using proper format and precise language while framing rules and regulations;[26]

[16] Para 9 of 135th report presented to House on 27.07.2001.
[17] Paras 22 and 23 of 1st Report presented to House on 15.03.1966.
[18] Paras 17-19 of the 6th Report presented to House on 20.02.1969.
[19] Para 48 of 9th Report of the Committee presented to the House on 24.03.1971.
[20] Para 57-58 of 10th Report of the Committee presented to the House on 15.11.1971.
[21] Para 31-32 of the 13th Report presented to House on 12.05.1972.
[22] 31st Report of the Committee presented to the House on 13.03.1979.
[23] Para 2.5 of 75th Report presented to the House on 29.03.1988.
[24] Para 10 of the 135th Report presented to House on 27.07.2001.
[25] Para 9 of 135th report presented to House on 27.07.2001 and Para 2(xiv) of 192nd Report presented to House on 24.08.2011.
[26] Para 70 of the 212th Report presented to House on 03.09.2013.

III

Challenges and the way ahead

Most often it is seen that legislative policy in the form of an Act passed by Parliament consists of few sections and pages while subordinate legislation framed therein run into numerous pages. To mention a few examples, the Electricity Act, 2003 has 134 pages while regulations made under this Act run into more than 900 pages and still counting. Similarly, the Environment Protection Act, 1986 has got 26 sections covering a meagre 15 pages while under this legislation, 260 notifications running into more than 1000 pages have been issued and laid on the Table of the House. Likewise, there are several Acts which have been passed in skeletal form while subordinate legislation made thereunder are quite voluminous. This poses a great challenge for effective parliamentary oversight.

Some of the important challenges in the area of scrutiny of sub-ordinate legislation are given below:

- Reluctance of the Government to bring the relevant facts before the Committee;
- Giving partial or ambiguous information;
- Withholding full information on policies and programmes on which proper subordinate legislation needs to be framed;
- Difficulties being faced in scrutinizing the subordinate legislation, which are increasingly complex and technical in nature;
- Absence of a centralized system to account for subordinate legislation, due to which the Government tend to frame certain rules and regulations in pursuance of Act and do not lay them to avoid scrutiny by Parliament; and
- Delay in framing and laying of subordinate legislation.

In addition to all these, international ramifications of subordinate legislation have posed formidable challenges. Rules and regulations have been framed in pursuance of international treaties. There are many international treaties and conventions in the field of trade, finance, environment and human rights which require consequential amendments or stand alone legislations to be made by national Government along with corresponding subordinate legislation, which remain out of purview of scrutiny and control of Parliament. Multinational companies are also occupying considerable space in the field of subordinate legislation concerning areas of banking insurance, petroleum sector, power pharmaceuticals and consumer goods sector impacting day to day lives of common people. Rules and regulations pertaining to their domain areas pose a challenge to parliamentary scrutiny.

In a democracy, Parliament enjoys an overriding responsibility to ensure that the subordinate legislation framed by the executive is consistent with the legislative intent. Effective parliamentary control is the defining feature of a credible system of subordinate legislation. It gives an opportunity both to the legislature and the executive to develop a creative interface in matters of formulation of a policy and its implementation. Given the scheme of parliamentary scrutiny of subordinate legislation in India, it can be said with a measure of certainty that subordinate

legislation is integral to the legislature's role as supreme law making body. The Supreme Court of India has pronounced this in unequivocal terms in a case[27], "Legislature cannot efface itself. It cannot delegate the plenary or the essential legislative functions; even if there be delegation, parliamentary control over delegated legislation should be a living continuity as a constitutional necessity". Further, the Court added: "The legislature is the master of policy and if the delegate is free to switch policy it may be usurpation of legislative power itself".[28]

Today, we live in a world that is rapidly changing. With this the content and contour of national legislations are also changing. International obligations are invariably binding the states to comply with international law and commitments made or agreed to by them. As such, issues like global finance, movement of people across national boundaries, terrorism, climate change, sustainable development goals, to name a few have blurred the distinction between 'national' and 'international'. It is against this backdrop, I would like this august body to reflect as to how effective is the system of delegated legislation in individual parliaments in respect of legislations having international ramifications.

Mr. Dhammika DASANAYAKE (Sri Lanka) asked about how a member could move a motion to amend subordinate legislation.

Mr Victor YÉNÉ OSSOMBA (Cameroon) asked if there were several or just a single session each year given the volume of work.

Mrs Corinne LUQUIENS (France) asked for further information on delegated legislation. In France the Government had a regulatory power, for example to deal with anodyne penal infractions. The regulatory power was also a power to apply the law: the Parliament checked that decrees made in the name of the law conformed to the spirit of that law.

She also asked if it was possible to delegate the power to legislate for a time-limited period and on a specific subject. In such a case, in France, the Government had a time-limited period in which to table a draft law to ratify regulatory measures.

Mr Geert Jan A. HAMILTON (Netherlands) said that in the Netherlands, delegated legislation was increasingly unpopular. Parliament now wanted to be able to scrutinise the law and consequently wanted to see measures in primary legislation.

He asked whether there were any countries where subordinate legislation only played a very small role and suggested that this could be done by a show of hands.

Mrs Doris Katai Katebe MWINGA, President, took up the question posed by Mr HAMILTON, and concluded from the lack of hands showing that all countries made ample use of subordinate legislation.

Mr SHERIFF said there were some acts which, by definition, prohibited the use of subordinate legislation, often in the domain of law and order and the preservation of the peace. Usually such acts lapsed.

[27] Avinder Singh v. Punjab, AIR 1979 SC 321
[28] Ibid, at 149

He noted that the public often rejected the use of subordinate legislation because of a desire not to give the Executive too much power.

In response to the question from Sri Lanka he said that, in India, in 1991, 24 committees were created to oversee the work of all the Ministries. Each time that a law was made it had to pass through the committee. This scrutiny included scrutiny of subordinate legislation drafted in conjunction with the bill. There was then a vote in Parliament. However, ultimately it was for the Government to decide what to accept.

There was also a committee of subordinate legislation which looked at all subordinate legislation enacted with a view to ensuring consistency.

In response to the colleague from Cameroon, he observed that the committee on subordinate legislation met throughout the year, including outside the sessions of Parliament. It was a permanent body.

In response to the question from France, Mr SHERIFF noted that the Executive was given a period of six months to draft any rules which were then laid before Parliament. They were scrutinised for their consistency with their main Act.

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

3. Communication by Mr Romulo DE SOUZA-MESQUITA, Director General of the Brazilian Chamber of Deputies: "Implementing the Open Parliament Policy in the Brazilian Chamber of Deputies"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Romulo DE SOUZA-MESQUITA, Director General of the Brazilian Chamber of Deputies, to make his communication.

Mr Romulo DE SOUZA-MESQUITA (Brazil) spoke as follows:

Parliaments were created to be open to the people. Today, some of them are whilst some are not. New times, however, demand a new kind of openness. Some parliaments in the world are experimenting with ways of implementing this vision.

Developments in ICT mean that it is now possible to use crowdsourcing for lawmaking. There are some experimental practices in the Brazilian Chamber of Deputies in this regard. For instance, the current Legislature has a portal - called e-Democracia - in which citizens can draft ongoing bills in collaboration with lawmakers through Wikilegis. Wikilegis is a wiki tool adapted to draft legislation in a collaborative mode. People can submit specific comments and texts related to a bill being drafted.

The Internet Civil Rights Bill, recently approved by the Chamber of Deputies, underwent this Wikilegis process. The bill is intended to guarantee the basic principles of free internet in Brazil, such as net neutrality. It was approved by

the Congress and enacted as law in April, 2014. Legislators really considered citizens' suggestions and inserted some of them in the final draft, making specific references to participants and their contributions in the official legislative report. This tool can be freely downloaded and be used by any parliament or institution (wikilegis.labhackercd.net).

The e-Democracia portal hosts several other interactive tools, like video forums and smart polls. In the interactive committee hearings in the Brazilian Chamber of Deputies, citizens can ask questions and make comments in real time, which can help the debate.

We have created a version of e-Democracia for mobiles, so to make it easier to use for lawmakers and citizens, and we're beta testing it.

In order to achieve constantly higher levels of transparency, it is not enough to simply offer information to citizens, but co-create innovative and user-friendly ways to visualize legislative information, so as can be understood and used by as many different citizens as possible. Parliaments should open their databases to full exploration by independent developers - usually hacker activists, or simply "hacktivists". These people are technology experts who are interested in bringing governmental information to the public opinion.

We started to stimulate collaborative opportunities by inviting hacktivists to engage into two hacking marathons, in 2013 and 2014. Hackers worked in collaboration with public servants and politicians. Parliamentary officials and technicians explained how to interpret technical issues regarding the lawmaking process, public budget and how the open data was organized. Experts were invited to give lectures on subjects that were useful to hacktivists for the development of apps.

One good example of that fruitful collaboration with Hackers is the app "Retórica Parlamentar" *(Parliamentary Rethoric)* developed during the first Hackathon. The image below shows the information about Congressmen speeches expressed by bubbles which represent speech subjects made in the Brazilian Chamber. And bigger bubbles mean that that subject is more frequently used by congressmen in their speeches, like the economy, the most popular theme. Clicking on the biggest bubble shows who the most frequent speakers are. The larger the faces the more frequently they speak about the subject. So this is a simple, more enjoyable and more user-friendly manner to express the same information.

After the 2013 hackathon, a permanent hackerspace was set up in the Chamber of Deputies at the beginning of 2014, following a suggestion which was given by the hackers themselves. In this hacker laboratory, called Labhacker, citizens can freely come and contribute with projects and ideas for innovations in transparency and participation in legislative affairs. We have used this space for other meetings, like hackdays, presentations organized by hackers, and discussion with lawmakers and parliamentary officials about innovations.

One of the main aims of the Hacker Laboratory is to foster collaboration across unities within the Chamber, as well as with external partners from government and civil society, so to promote transparency and participation. The interaction with hackers has provided the Chamber invaluable feedback on errors of its open

databases, so they could be corrected. Design thinking is applied through constants usability tests of prototypes, so that citizens can collaborate in shaping better participation tools and help us devise new possibilities.

Mrs Doris Katai Katebe MWINGA, President, opened the floor to comments but noted that the speaker might not be able to respond immediately.

Mr Andrew KENNON (United Kingdom) asked if there was any way of compelling parliamentarians to respond.

Mr. Kennedy Mugove CHOKUDA (Zimbabwe) asked how many propositions had been adopted by the Parliament.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that the Indonesian Parliament gave public access to information through its website, social media, e-mail and a text hotline. It had experienced a cyber-attack on its website. She underlined the importance of maintaining security of information.

Mr DE SOUZA-MESQUITA said that he would respond to the questions later by another means.

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

4. General debate: The social composition of Parliament

Mrs Doris Katai Katebe MWINGA, President, invited Mr Najib EL KHADI, Secretary General of the House of Representatives of Morocco, to open the debate.

Mr Najib EL KHADI (Morocco) spoke as follows:

Why a general debate between general secretaries around a topic that does not fall under law, under political science or constitutional research?

What is the utility of this type of debate for managers of parliamentary administrations?

In order to present some initial answers and reflection, I would like to start from the obvious:

The knowledge of the workplace and it's understanding, are a fundamental requirement for better achievement of our mission of proposals support and preparation of good conditions for the functioning of the parliamentary assemblies.

It is our impression that parliamentary staffs consider this fact, which is a fundamental element of the daily work of parliamentary support. I can only confirm the opposite because it is true that we are in daily contact with parliamentarians but do we think that we know them enough that we can better accomplish this mission of accompaniment?

Do we know the particularities of this world, and its characteristics?

Despite the studies and the human sciences research into this world of parliamentarians are not numerous, I would not fail to mention as an example a

survey that was conducted by the French researcher Marc ABELES entitled an ethnologist at the assembly, and which highlights the analytical tools of this world.

To this end, and while positioning myself in a sociologist and look through a multidisciplinary approach, and based on my own experience, I might as well propose the following:

1 / where did these parliamentarians before landing in this land and this space of democratic peaceful conflict management?

2/ what are "conflicts and challenges, as well as the opponents they faced within their own political parties to stand for election and to get elected to parliament and finally arrive?

3 / what are their family obligations, career management in a world where there is no permanent friends but issues that change according to the situation?

4 / And when they arrive in Parliament, what are their concerns, constraints within their parliamentary groups, career management, speech, appointments etc ... in relation to their families, their children, their present, their future , re-election and others.

While the answers to these questions can not be the same in our respective countries, they are obviously different from one country to another. Canadian responses are quite different from the Moroccan or the Japanese.

We will have that effect, consider the cultural policy data, civilizational, historical of each society. In any case, I am convinced that the effort of understanding must be provided continuously, to better assist parliamentarians in the primordial task that is at the service of democracy. This system remains valuable and this unique way of managing public affairs to ensure peace and stability and coexistence between human beings and even the people in this world.

Thank you for your attention

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

Mr Said MOKADEM (Maghreb Consultative Council) said that the theme was a topical one. Studies had been carried out into the parliamentary function to understand whether there was a difference between the parliamentary world and the exterior world. During the 1990s, parliamentarians had been placed behind top-ranking civil servants in terms of their reputation. Until then, some of them had begged for a revision of the parliamentary function and its decline in civil society.

Mr Boubacar TIENOGO (Niger) asked what ability to manage the staff employed by parliamentarians existed. They had the tendancy to follow their elected representative and were difficult to manage. He asked if it would be possible for an MP to have financial interests on the public market. In Niger, there was no training for parliamentarians, and sometimes it happened that they could not express themselves in the language of their profession. He asked if this was the case in other Parliaments.

Mr Christophe PALLEZ (France) said that there was data on parliamentarians relating to their age, gender and profession but very little on their social backgrounds. He asked if other Parliaments had put in place such requests. There

was a sense, in France, that Parliamentarians had been badly treated when it came to their social status in relation to their levels of responsibility.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda a breast-feeding facility had been established for members of Parliament who were young mothers. She said that these members of Parliament tended to give a great deal of attention to their constituencies and their parliamentary work at the expense of their families. Many of them consequently lost their marriages.

M. Bachir SLIMANI (Algeria) said that the social composition of Parliaments was an interesting topic and could be a useful tool for secretaries general. There was no specific study on Parliaments but their elected representatives filled out information forms which related to their studies, their career paths and their origins. Secretaries General, when handing out responsibilities, could use this information to decide who would be best to fulfil particular functions. The problem was that there was only limited choice available. In Algeria, the problem was that the task was so complex that it was impossible for the elected representatives to respond to the aspirations of the electorate.

Mr José Manuel ARAÚJO (Portugal) shared the Portugese experience. The origins of MPs had been the subject of some statistics: 30% were lawyers, 20% teachers and 15% civil servants. The interpretation of such statistics was interesting. Some MPs had never known any other occupation. He specified that the standard of MPs was considered to be lower than it was in reality.

On another matter, for the first time, 30% of those elected at the previous election were women.

Mrs Doris Katai Katebe MWINGA, President, adjourned the meeting for a short coffee break.

***** Coffee break between 3.50 and 4.05 pm *****

Mrs Doris Katai Katebe MWINGA, President, announced that at 4 pm there had been a single nomination for the post of ordinary member of the Executive Committee, that of Mr Gali Massa HAROU, Deputy Secretary General of the Assembly National of Chad. Mr HAROU was deemed to have been elected by acclamation.

The President welcomed Mr HAROU to the Executive Committee.

She called Mr MARTYNOV of the Russian Federation to speak to his written contribution.

Mr Sergey MARTYNOV (Russian Federation) spoke as follows:

1. A lot of factors influence parliamentary work: peculiarities of law making, procedure for forming the chamber, forms and operating procedures of the state apparatus. And social composition of the parliament undoubtedly plays a very important role.

To a large extent, it determines its general focus, readiness and ability of MPs to respond to current challenges and transform them into legislative initiatives. Main interests of various social groups and public institutions are represented and often clash in parliaments.

2. The modern Russian parliament represents a wide social range: in terms of sex, age, education, representation of political forces, regional and public interests.
The Council of the Federation includes representatives of various political parties, however, it is not allowed to form factions or party associations in the chamber.
Members of the Council of the Federation are representatives of legislative and executive authorities of the constituent entities of the Russian Federation. Due to this formation procedure, the Council of the Federation is a legislative authority free from any political bias. The status of a member of the Council of the Federation compels a person to express interests of the Russian regions which delegated authority to him rather than the interests of a political party.

3. Currently the Council of the Federation includes 170 senators, 2 from each of 85 constituent entities of the Russian Federation. Chamber members are, as a rule, people with extensive life and practical experience, top notch experts who have been involved in various activities of the state machinery.
Almost half members of the Council of the Federation are over 60 years old. We can express our respect and gratitude to senators who due to their vast life and practical experience make invaluable contribution to the chamber's activities.
A third of members of the Council of the Federation are aged from 50 to 59 and almost 20 percent, from 40 to 49. Members of the Council of the Federation younger than 40 account for about 5 percent. The youngest member of the chamber is 33. We can say that all age categories of the adult population of the country are represented.

4. However, it is certainly not the age that is most important but professionalism of the members of the chamber. The Constitution imposes serious tasks on the Council of the Federation, which can only be implemented by such competent and highly professional senators.
The absolute majority of members of the Council of the Federation have several university degrees. Three spheres prevail: economy, law and engineering. 41 senators have a degree in law and 37 in economy.
However, some members of the Council of the Federation have other degrees, incidentally, in education, pedagogics, health care, agriculture, culture and art.

5. Many senators are engaged in scientific work. Thus, 25 members of the Council of the Federation have a Doctor of Science degree and 67, Ph.D. degree. This accounts for almost 40 percent of the chamber members. Thus, in terms of intelligence, the Council of the Federation meets requirements of modern life.

6. We should also dwell on vast managerial and administration experience of the members of the Council of the Federation. Before they were elected to the chamber of regions most senators had held high positions in various government authorities.
Many of them have law making experience in the parliaments of constituent entities of the Federation. Some senators were deputies of the State Duma and deputies of elective self-government bodies.

Additionally, many senators have extensive experience of work in the regions, they were highest officials in the constituent entities of the Federation or their deputies, deputies of heads of executive authorities of constituent entities of the Federation. 9 percent of members of the Council of the Federation were involved in entrepreneurial activities before they started working in the chamber.
All this shows diversified and powerful potential, which enables the Council of the Federation to solve the tasks it faces. And such indicators have remained invariably high for many years running.

7. Recently the number of female senators has considerably increased, which is an important change in the social composition of the Council of the Federation. Thus, in 2004 there were only 3 percent female senators, while in early 2014, 7 percent.
Over the last year and a half, the number of female senators has increased more than twice. As of September 1, 2015, there were 29 women among members of the Council of the Federation. And this is 17 percent of the total number of the chamber members. Thus, by women's representation the Council of the Federation is on a par with leading foreign parliaments. And we are proud that the parliament is headed by Valentina I. Matvienko, a very respectable woman in Russia!
We know that legislative authorities more effectively solve issues of social protection of the population if women account for at least the fifth of membership. Women are especially motivated and responsible solving the issues not only in such spheres as social development, protection of children's rights and family support, but also the issues related to security of the state.

8. In conclusion, I would like to stress that, in my opinion, the Council of the Federation represents a well-knit highly professional team that can meet most demanding challenges.

Thank you for your attention.

Mr EL KHADI concluded that the objective of the debate had been to launch a discussion and not to find all the answers. The interest was a professional one: to manage a Parliamentary institution it was essential to understand its social composition. The purpose of this was not to make value judgements but to better understand what was necessary to provide an effective administration. It was a world apart: it was political, it represented the nation, and thus mirrored it.

Statistics were interesting but inadequate: the concern was with understanding the profile, the environment, the habits, the reactions and the sensibilities of parliamentarians. He asked whether it was conceivable that a civil servant should use the first name of an MP. It was a learning process, because society changed on a daily basis.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr EL KHADI 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 4.20 pm.

THIRD SITTING

Monday 19 October 2015 (morning)

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

The sitting was opened at 10.05 am

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, welcomed everyone to the sitting.

2. Orders of the day

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

The communication by Mr Mohamed Salem AL-MAZROUI, Secretary General of the Federal National Council of the United Arab Emirates, had been moved from the afternoon of Tuesday 20 October to first thing on Monday 19 October.

The orders of the day were agreed to.

3. New Member(s)

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:

1.	Mr Boubacar TIENOGO	Secretary General of the National Assembly, Niger (replacing Mr Issa KANGA)
2.	Mr Fademba Madakome WAGUENA	Secretary General of the National Assembly, Togo
3.	Mr William BEFOUROUACK	Secretary General of the National Assembly, Madagascar (replacing Mr Calvin RANDRIAMAHAFANJARY)

For associate membership:

4.	Mr John AZUMAH	Secretary General of the ECOWAS Parliament (replacing Dr Cheick Abdelkader DANSOKO)

The new members were agreed to.

4. Communication by Mr Mohamed Salem AL-MAZROUI, Secretary General of the Federal National Council of the United Arab Emirates: "The General Secretariat of Federal National Council's experience in studying law and legislation"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Mohamed Salem AL-MAZROUI, Secretary General of the Federal National Council of the United Arab Emirates, to make his communication.

Mr Mohamed Salem AL-MAZROUI (United Arab Emirates) spoke as follows:

Secretariat General of Federal National Council has applied the experience of the legislations study through the social legal perspective which was recently spread in many parliaments of the advanced countries. However, such experience at the FNC Secretariat General has been of specific characteristics including:

First: Preparation of work teams of legal and non-legal researchers in order to conduct researches, legal and social studies necessary for legislation drafts while such experience has relied, in the parliaments of other countries, on experts, consultants, experienced and knowledgeable people in the parliamentary legislation domain. The performance of researchers in those parliaments shall merely be ancillary tools. The FNC Secretariat has decided that a national team would be prepared in order to undertake such experiment which had proved to be approximately 88% effective and efficient.

Second: In the study of legislations, the FNC Secretariat General has focused on the gradual stages necessary for training and learning research following:

1) Descriptive Analysis Stage:

- This stage depends on the study of the social aspect of legislation so as to determine the essence of the problem, its aspects, numerous elements, variable reasons and the results arising therefrom, in addition to manifestations of societal, academic and technical solutions and views which have been offered as alternative solutions of the law basic problem.

- Subsequent to identification of this aspect , the meanings of law are analyzed in accordance with the methodology of legal concepts determination which aim at knowledge of the legal, societal and scientific opinion in the concepts and meanings included in the legislation and which comprise main meanings or concepts, subsidiary concepts and derived meanings or concepts. In such stage, we identify the work plans set forth by thereof.

- These concepts shall be analyzed within the framework of the new or innovated purposes set forth by the law and the relation with the previous laws existing in UAE particularly in the legislation domain itself for the purpose of maintaining legislative coordination.

2) Stage of Law Articles Analysis

- It is the stage of law articles analysis as it is related to the law articles analysis into subsidiary elements while the relation of effect and being affected among such elements themselves so that we can come out with a particular result related to the effect on the relation between the law articles and on the society interest in general.

- Moreover, the scope of law actions in the sense of terms and limits which must be associated to each law action shall be studied hence linking the same to the legal actor's capabilities.

3) Stage of Legislations Assessment and Evaluation:

- This stage comes subsequently due to the legislation gravity and role in society. Thus, it is indispensable to complete the legislation analysis stage and its effects at the stage of assessment and evaluation of these solutions. Furthermore, at this stage the legal inferential induction methodologies are used as all amendments, whether by addition, omission or addition of new terms to the law shall be assessed i.e to be analyzed again in two main courses namely:

A - Legislation Social and Economic Course: so as to demonstrate the impact of social and economic factors as well as the results arising from amendments and measure the extent of benefit and damage out of such amendments as well as the capability of amendments to steadfast before potential problems and study of what is called legislative prediction which is concerned with the study of legislation future effects.

B - Constitutional Legal Course: the amendments shall be compared with the legislation historic experience and the development that accompanied the legislation subject, along with what the legislative was supposed to follow since all legislations are not linked to their direct objectives but also are linked to indirect ones particularly those that are related to the society development in the legislation domain.

4) Stage of the Study of Legislation General Policies:

- This is considered to be the last stage of the legislations study and is related to the study of the legislation general policy as every legislation is not but a part of a major system which represents a governmental policy or a set of governmental policies. The Draft Law of Commercial Deceit, for instance, is a part of the economic policies system and thus the effect of the draft law on the policies, plans and strategies of

governmental work shall be studied so as to determine the scope of interests and benefits or enforcement of the governmental policies through the draft law.

- Ultimately, all the previous stages represent what is called the office legislative studies and in order this framework is completed another type of complimentary studies is conducted namely the field legislative studies. This is applied in the FNC Legislative Administration as in the field the stakeholders, specialists, academics, concerned parties, governmental staff and some people of interest in law exchange views, consultations and studies on the findings of the office studies in order to know their opinions and ideas on the findings of the office studies. Thereafter, a comparative table between office findings and field findings is drawn up for a compromise between both so as not to prejudice the society public interest and this is called Legislative Compromise Table.

Principal Hypothesis of the Study of Draft Laws at FNC:

1) Appropriateness of the law to the societal movement while such appropriateness shall express the society joint interest i.e the overall interests of individuals. In other words, before answering the question of what should the situation be in future for the remedy of this phenomenon subject of study in the draft law, the studies of legislations at the Council start by inquiring about what actually the state is as regards the aspects of the phenomenon subject of the study of draft in terms of the following:

a. Precise social description of phenomenon.

b. Elements of the problem from which the phenomenon socially and legally suffers.

c. Study of the proposals of the problem solutions or alternatives of tackling the problem through societal standpoint by depending on the opinions of the experts and parties concerned with the problem or through the findings of parliamentary studies.

d. Comparison between the nature of such solutions and the solutions provided for in the legislation articles for remedy of the aspects of the phenomenon in question and subject of study.

e. Assessment of the value of the final solution through the study of legislative effect, limitation and restriction of the benefits and damages arising from this law or what is called the return measurement as well as measurement of the law social cost.

f. In light of that, the legal texts shall be analyzed as a single legal text or set of certain texts are not but ideas or elements within the solution plan framework.

Therefore, the FNC Secretariat General studies the legislation as being " a Road Map Preparation" of the phenomenon in question. Thus, the draft law objective represents a proposed work plan for realization of particular objectives hence parliamentary researchers test the law provisions (programs and mechanisms of objectives

fulfillment) being in fulfillment of the law objectives or introducing amendments of the ideas until the objective is fulfilled or omitting what may be contradictory to such ideas. This is done through a specific methodology represented in the following:

- Title test aiming at identification of the nature of the law subject and the extent of its appropriateness to the law provisions.

- Determinations of the framework of historic experience of the draft law for the purpose of cognition of its relation to laws and seeking what new is added thereby hence focusing on the variation factors.

- Determination of the framework of international experience for the purpose of cognition of the extent to which observes the general principles provided for in framework treaties and conventions of the same subject and perusal of the laws of neighboring countries for the purpose of cognition of the solutions adopted thereby in the remedy of the objective and benefit from the new which is compatible with UAE legislative and social circumstances and what benefit can be made from such remedy.

- Identification of the work plan existing in the draft law.

- Identification of law parameters (Action, actor, the case to which the legal action applies, terms of law applicability).

- Identification of the parties, actions and descriptions without assessment of the same.

- Verification that the executive programs are appropriate for the law objectives " work plan"(Extent of executive programs acquirement of new meanings in light of what was exposed in the previous clauses whether these objectives exceed the work plan or shorter i.e. less).

- Seeking of the disclosing provisions of draft law for the purpose of arrangement of the ideas in law in accordance with the principle of the beginning of meaning, operations and the end of meaning.

- Inference and drawing out of the ambiguous or dubious meanings which may bear more than one meaning.

- Overall arrangement of draft law subsequent to inquiring about the complete technical meanings in accordance with both standards of meanings overtaking and linear sequence.

Results of the Experience Application

Based on the findings of the parliamentary papers and studies (social and legal), this experience has realized results of significant effects at the level of development of the legislations study in the council particularly such type of legislative studies, which is applied in most of the advanced world parliaments, depends on a joint

collective activity of social and legal researchers and for the purpose of accomplishment of any legislative study of any draft law they hold several meetings of exchanged mind storming and scientific dialogue built on objective principles of legislative study. As a matter of fact, Legislative Administration researchers have been trained on and have applied such scientific dialogues or office studies in accordance with a scientific manual of legislation while academic achievement of legislative researchers is still ongoing for completion of new stages and development of their legislative study.

Ms Michèle KADI (France) asked if the procedure had been welcomed by committee members because it would limit their powers of initiative. She asked if it implied that 80% of the amendments constructed by researchers would be found in the final text, and what initiative parliamentarians had.

Mr Baye Niass CISSÉ (Senegal) asked, as whether the procedure was different for parliamentary initiatives.

Mr Gali Massa HAROU (Chad) had understood that research conducted on a draft law was carried out by the secretariat and asked for confirmation that this was the case.

Mr AL-MAZROUI said that parliamentarians had welcomed the procedure, which was one of the reasons for its success.

Any amendment could be submitted without restriction. The study set the number of amendments, which were fundamental in nature.

In terms of the procedures followed, there were four different researchers working in parallel but on different subjects. The Council did not itself make proposals, but received and amended proposals made by the Government.

The most important point was the trust between the Parliament, the Council and the secretariat. Without such cooperation, the studies would not be so good, and would be less well accepted.

Without the application of a scientific approach, the amendments would be mere opinions. Parliamentarians read the studies that had been carried out, which was a reflection of their quality and usefulness.

Ms Jane LUBOWA KIBIRIGE (Uganda) asked whether there was a timeframe within which the research had to be carried out.

Mr Khudai Nazar NASRAT (Afghanistan) asked about the political review of drafts.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that in Indonesia, there was a specific unit consisting of researchers who helped parliamentarians with draft laws and in the preparation of academic papers. They cooperated with Ministers.

She asked about budget and performance.

Mr AL-MAZROUI said that the time taken varied between ten and 16 days. Members requested expedition, but good legislation took time. There was no political element to the research: it was technical only.

The parliamentarians frequently requested studies, but there was an agreement with the Council about the method for dealing with proposals.

There was no specific budget allocated. Researchers were continuously trained until they eventually attained the status of consultant, which could take between 15 and 20 years. Expenditure on research was never wasted.

Mr EL-KHADI (Morocco) said that he had been pleasantly surprised by the level of the work carried out by the secretariat general of the Council. It was an example of good practice which could inspire others. It was important that there was a dialogue between the research and legislative domains.

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

5. General debate with informal discussion groups: The prevention of conflicts of interest in Parliament

Mrs Doris Katai Katebe MWINGA, President, invited Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General, The Netherlands, to open the debate.

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

Members of parliament are elected politicians who have important roles to play in the general interest. Notably they are co-legislators and they exert control over the government.
Sometimes MPs have outside interests, particularly financial ones. It is important to ensure that this does not improperly influence the performance of their duties and responsibilities as parliamentarians. Many parliaments have rules aimed at preventing conflicts of interest.
The prevention of conflict of interests is a topic all parliaments have to deal with. Particularly secretaries-general regularly are asked to advise on matters of integrity and on how to handle factual or potential conflicts of interest.
According to the OECD[29] a conflict of interest involves a conflict between the public duty and the private interest of a public official, in which the public official's private-capacity interest could improperly influence the performance of his/her official duties and responsibilities. Within the broad concept of conflict of interest not only the situation is relevant where in fact there is an unacceptable conflict between a public official's interests as a private citizen and his/her duty as a public official, but also those situations where there is an apparent conflict of interest or a potential conflict of interest.

[29] OECD, Conflict of Interest Policies and Practicesn in Nine EU Member States, Sigma Papers no. 36, 2005.

An apparent conflict of interest refers to a situation where there is a personal interest that might reasonably be considered by others to influence the public official's duties, even though in fact there is no such undue influence or there may not be such influence. The potential for doubt as to the official's integrity and/or the integrity of the official's organisation makes it obligatory to consider an apparent conflict of interest as a situation that should be avoided.
The potential conflict of interest may exist where an official has private-capacity interests that could cause a conflict of interest to arise at some time in the future.

Conflict of Interest and Corruption

It should also be understood that conflict of interest is not the same as corruption. Sometimes there is conflict of interest where there is no corruption and vice versa. For example, a public official involved in making a decision in which he/she has a private-capacity interest may act fairly and according to the law, and consequently there is no corruption involved. Another public official could take a bribe (corruption) for making a decision he/she would have made anyway, without any conflict of interest being involved in his/her action.
However, it is also true that, most of the time corruption appears where a prior private interest improperly influenced the performance of the public official. This is the reason why it would be wise to consider conflict of interest prevention as part of a broader policy to prevent and combat corruption.

Anti-corruption Policies and Instruments

According to OECD the policies aimed at preventing and combating corruption include very different instruments and strategies, which can be roughly grouped in four large categories: structure, prevention, detection andinvestigation, and penalization.
1. Structural framework, which includes not only political commitment and ethical leadership, but also strategies and policies designed to avoid significant inequalities, build generalised and inclusive trust, spread good social capital and build a high quality democracy. A sound structural framework requires certain constitutional conditions, because a high quality democracy embraces the related principles of popular control and political equality.
These principles have four dimensions:
- Free and fair elections;
- Open, transparent and accountable government;
- Guaranteed civil and political rights and liberties; and
- A democratic society, which includes free media with access to different social groups, public accountability of powerful private corporations, and a democratic political culture and education system.

2. Instruments of prevention, which include an effective legal framework, workable codes of conduct, an efficient system of accountability, a career and merit-based civil service, and mechanisms ofprofessional socialisation, especially in ethics and democratic values.
3. Instruments of detection and investigation, which include a co-ordinating body acting as "watchdog", whistle-blower hotlines and whistle-blower protection programmes, and an effective network of specialised public prosecutors as well as a sufficiently specialised judiciary, general inspectors andcomptrollers.

4. Instruments of penalization, with penal laws, disciplinary systems, economic responsibility procedures, and administrative sanctions.

Conflict of Interest Policies and Instruments

Where are conflict of interest policies situated within the larger framework of anti-corruption policies? Indeed, they are within the four groups. They are part of the structural framework because these policies help the democratic system to build generalised trust and to open the government to scrutiny. They are part of the preventive strategy, because conflict of interest regulations, codes of conduct, incompatibility laws and other instruments —such as the rules on abstention and routine withdrawal constitute a very effective approach to preventing corruption. Conflict of interest policies are also part of the detection and investigation of corruption, because certain instruments of these policies — such as the declaration of income or the declaration of family assets can help a great deal in the detection of corrupt practices.

They are, finally, part of the punishing instruments because in some countries conflict of interest is considered a crime and other countries have foreseen various sanctions for breaching the laws and regulations on conflict of interest.

The most important instruments to prevent and avoid conflict of interest are:

- Restrictions on ancillary employment;
- Declaration of personal income;
- Declaration of family income;
- Declaration of personal assets;
- Declaration of family assets;
- Declaration of gifts;
- Security and control of access to internal information;
- Declaration of private interests relevant to the management of contracts;
- Declaration of private interests relevant to decision-making;
- Declaration of private interests relevant to participation in preparing or giving policy advice;
- Public disclosure of declarations of income and assets;
- Restrictions and control of post-employment business or NGO activities;
- Restrictions and control of gifts and other forms of benefits;
- Restrictions and control of external concurrent appointments (e.g. with an NGO, political organisation, or government-owned corporation);
- Recusal and routine withdrawal of public officials from public duty when participation in a meeting or making a particular decision would place them in a position of conflict);
- Personal and family restrictions on property titles of private companies;
- Divestment, either by the sale of business interests or investments or by the establishment of a trust or blind management agreement.

GRECO Evaluation Rounds

In recent years the Groups of States against Corruption in a number of Member-States of the Council of Europe have conducted evaluation rounds dealing with

"Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors.[30]"
Within the Fourth Evaluation Round, the following priority issues are addressed in respect of persons/functions in, among others, the parliamentary sector:

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

The main objective of the reports presented so far is to evaluate the effectiveness of measures adopted by the authorities in order to prevent corruption in respect of Members of Parliament, (Judges and Prosecutors) and to further their integrity in appearance and in reality. The reports contain a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement. In keeping with the practice of GRECO, these recommendations are addressed to the authorities of the country investigated, which are to determine the relevant institutions/bodies responsible for taking the requisite action. Within 18 months following the adoption of this report, the country has to report back on the action taken in response to the recommendations contained herein.
The example of the investigation on the Netherlands will be briefly outlined.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr HAMILTON and separated members into linguistic groups, which would discuss the following topics:

> **Group A (Arabic speaking)**: Are there formal limits for MPs to maintain or accept additional functions for which they receive income? If not, are there rules on how MPs should keep personal interests separated from their work as an MP?
>
> **Group B (Spanish speaking)**: Are there or should there be prohibitions or restrictions to financial interests MPs may hold? Are MPs obliged to declare their outside positions and interests and the income they receive from them?
>
> **Group C (French speaking):** To what extent is it acceptable for MPs to accept gifts, including invitations to foreign trips, and does parliament keep (public) registers of gifts received and trips made which were paid for by third parties? Are there sanctions on breaking rules in this respect, and who is in charge of applying them?
>
> **Group D (English speaking group 1):** Are there ,or should there be, limits to the right to be a spokesperson in parliament on matters that concern an

[30] Fourth Evaluation Round, Corruption of prevention in respect of membners of parl;iament, judges and prosecutors, See Evaluation Reports on
http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ReportsRound4_en.asp

MP's personal interest, directly or indirectly? What rules and mechanisms do exist?

Group E (English speaking group 2): Are there statutory or informal provisions barring an MP from taking part in a vote on a matter that concerns his or her personal interests? If yes: who decides if an MP with conflicting interests does not abstain voluntarily?

The sitting separated by informal discussion group at 11.00 am.

FOURTH SITTING

Monday 19 October 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, welcomed everyone back

2. General debate with informal discussion groups: The prevention of conflicts of interest in Parliament

Mrs Doris Katai Katebe MWINGA, President, invited Mr Geert Jan A. HAMILTON, Clerk of the Senate of the States General, The Netherlands, to moderate the debate. She also invited the five rapporteurs to give their reports.

Mr Bachir SLIMANI (Algeria, representing the Arabic-speaking group) said that the following countries had participated in the discussion: Kuwait, United Arab Emirates, Jordan, Morocco, Palestine, Iraq, Bahrein, Algeria and the Consultative Council of the Arab Maghreb.

He reminded the plenary of the topic the group had discussed.

Participants had exchanged their experiences and had reached the following conclusions:

As far as formal limits were concerned, the group had confirmed the existence of rules preventing parliamentarians from exercising their supplementary functions when they gave rise to additional income or difficulties with the separation of powers or conflict of interest.

Nonetheless, the debate had revealed that some countries permitted derogations from this rule when it came to certain useful public functions, such as specialist medicine or teaching in higher education. In parallel, they had raised the issue of the rules of certain professions, such as that of a pilot, which required a minimum of hours to be worked each month in order for a licence to be maintained.

On the other hand, despite the rules in place to prevent conflict of interest, there was no lack of examples of the rules being broken and parliamentary administrations had scant means of investigation and control.

Faced with this situation, the participants had underlined the need for the widespread agreement and application of ethical codes.

Mr José Manuel ARAÚJO (Portugal, representing the Spanish-speaking group) said that fourteen countries and sixteen chambers had participated in the discussion. The group had been given two questions to answer. The answer was positive in both cases.

In all the countries, there were laws to restrict the financial interests of parliamentarians, and sometimes their families, in private companies. There were ethics committees in many parliaments, which oversaw compliance with law.

There were two areas of control. The first was an assessment of the compatibility of interests with the mandate given to elected representatives. The second was in the area of financial interests.

There were different deadlines for reporting on interests. The group had identified four systems: the first entailed reporting before taking up the mandate; the second entailed reporting within a set period of between thirty and sixty days after taking up the mandate; the third involved reporting throughout the mandate, either at a set interval or whenever a change arose; and the fourth system entailed reporting at the end of the mandate.

In many countries, the interests declared were put on the parliamentary website.

Most of the parliaments in the group had an ethics committee which oversaw the interests. Some parliaments had a judicial oversight. Greece had a mixture of both systems.

The group concluded that the best regime was a judicial one.

Mr Marc RWABAHUNGU (Burundi, representing the French-speaking group) said that his group had been charged with discussing the gifts received by parliamentarians, particularly foreign travel.

The group had been composed of representatives from France, the Democratic Republic of Congo, Canada, Togo, the Parliament of the Council of Europe, Chad, Gabon, Senegal, Madagascar, Rwanda and Burundi.

The question was to what it extent it was acceptable for a parliamentarian to accept a gift. For four countries, rules on this existed but were difficult to apply. In France there was a limit of 50€, in Canada the limit was 500$ but would soon be lowered to 200$. The limit was 200€ in Rwanda. In Madagascar, the legislation was very good but was hampered by parliamentary immunity which made the application of sanctions difficult.

Travel gave rise to rules in almost every country. In general, the permission of the Commission was necessary for all travel, including private travel.

As far as the public registers of gifts received or travel paid for by third parties were concerned, only the Parliaments of France, Canada, the Council of Europe and Rwanda had registers with a variable or inexistent limit.

Sanctions were provided for in law but were not immediately applied.

The people who were charged with the application of the rules were: an ethics specialist in the National Assembly in France, an ethics committee in the French Senat, an ethics commissioner in Canada and a disciplinary committee with the power to initiate plenary debate and vote in Rwanda.

Mr Andrew KENNON (United Kingdom, representing the first English-speaking group) said that his group had discussed the role of spokespeople. The group had chosen to interpret the word "spokesperson" quite broadly, as covering both spokespeople for political groups and for committees.

The group noted that it was very difficult to justify any limitations on the right of an elected representative to speak.

Some parliaments had codes of conduct, and others had rules enshrined in legislation. Some parliaments had restrictions on other employment that spokespeople could take up.

Many contributors had said that fear of the reaction of the press or the public played a significant role in controlling the behaviour of members.

In some countries, lay members were being put onto the ethics committees.

Systems worked through a combination of individual responsibility and the fear of getting caught out.

Mr Brendan KEITH (United Kingdom, representing the second English-speaking group) said that the group had talked about the provisions that would bar an elected representative from taking part in a vote on a subject which affected them. The group had decided that the question should not be limited to voting because participating in debates was arguably a more powerful tool for parliamentarians because of the potential for influencing others.

There were five categories when it came to provisions on limiting the ability to vote.

In some countries, the constitution of the state imposed obligations in respect of conflicts of interest; in some countries there were statutory provisions in law; in some countries there were standing orders; in some countries there were codes of conduct; and in the fifth category of country there were no provisions for dealing with conflicts of interest. This category included Belgium and Surinam. Some countries fell into more than one category.

It was often the case that those MPs who were the most knowledgeable about a subject were the same people who were excluded by conflict of interest rules from participating in debates and votes on that subject. Sometimes this was due to a perceived rather than an actual conflict of interest. There had been a lengthy discussion on this paradox.

The question arose of what to do when a parliamentarian did not voluntarily stand aside in the case of a conflict of interest. Sometimes the pressure of other members had a role to play in regulating this situation. In the United Kingdom House of Lords

it was set out in the rules that a member should consult an officer of the House about any conflict of interest, with a presumption that they should take that advice.

Mrs Doris Katai Katebe MWINGA, President, thanked the spokespeople for their contributions and opened the floor to the debate.

Mr Sergey MARTYNOV (Russia) said that there had been insufficient time for his group to discuss the influence of commentaries in the mass media on elected representatives when they were participating in debates.

Mr Boubacar TIENOGO (Niger) said that in Niger there was no legislation on condlicts of interest but strong guidance was in place to prevent parliamentarians from participating in the open market. As far as gifts were concerned, 90% of the law was of governmental origin.

Mr Baye Niass CISSÉ (Senegal) said that in Senegal there was no legislation but an obligation to declare ones wealth at the beginning of each session under pain of sanction. It was an interesting innovation for a body to be charged with the pursuit of these declarations: the National Office for the Prevention of Corruption.

Mr HAMILTON said that the Association had obtained a comprehensive global inventory of what went on. Parliamentarians were lively people who showed that they had been active in their lives. This was perhaps also the reason why they had become politically active. Staff needed, however, to remind parliamentarians to be careful not to mix up the different aspects of their lives.

He observed that conflicts of interest did not necessarily signal corruption, and vice versa. Discussions had proved that secretaries general were all able to apply some common sense to the issue of what was appropriate or not.

There had been one element that he had not seen reflected in the discussion. In the House of Representatives in the Netherlands it was not forbidden to have other jobs. These jobs had to be declared, but the income received from those jobs was deductible from parliamentary salaries. This served as a significant deterrent.

In conclusion he observed that all secretaries general faced common problems, and that it was useful for them to be able to share their experiences.

Mr Bachir SLIMANI (Algeria) wished to add that Palestine had also participated in the work of the group.

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

3. Communication by Dr İrfan NEZİROĞLU, Secretary General of the Grand National Assembly, Turkey: "The Turkish Parliament: a Parliament without obstacles"

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

Dr İrfan NEZİROĞLU (Turkey) spoke as follows:

Let me first express my pleasure to be here and see all of you in the October session of the Association of Secretaries General of Parliaments (ASGP).

Since yesterday, we have been discussing interesting topics which are highly specific to the parliamentary arena, in other words, we are listening to some first-hand information about our parliaments' implementations and experiences that in fact, arise from a large spectrum of disciplines such as law, finance, sociology or ecology.

In this context, "Updates from parliaments around the world" is another important theme of our agenda, under which I would like to elaborate on the Turkish Parliament's approach towards the persons with disabilities or as we call "A Parliament without Obstacles".

In our last session in Vietnam, while presenting the public relations of the Turkish Parliament, I tried to underline our common responsibility towards the society and the importance of being a role-model for domestic and international collaborators.

Similarly, as a parliament developing an approach towards disabled people, we tried to consider both the need of upgrading ourselves to better serve these people and the importance of being a model for other public institutions.

We believe that Parliaments are at the heart of democracy and should be accessible to everyone.
We should not forget that when a group of people have equitable access to the democratic process, it has also a spill-over effect on access of different segments of the society such as, children, youth and elderly people. Furthermore, it is obvious that public respect for our institution grows when the public is well-informed about what we are doing and able to participate.
Taking these facts into account, our objective has been to create an accessible parliament to ensure that the public can learn about and experience parliamentary processes, access parliamentary information and premises.
To this aim, in the last three years, the Turkish Parliament has devised and implemented a plan to bring accessibility of the parliamentary services to everyone without any discrimination. While doing this, we based our endeavours on human rights model rather than the medical one which stipulates that "disabled people's rights are human rights".
The national legal basis for this project was ready since the Law on Disabled People had entered into force in 2005 and a Prime Ministry circular had been published in 2006 regarding the full accessibility of public buildings, area and public transportation for disabled people. Moreover, Turkey, as a signatory of the UN

Convention on the Rights of Persons with Disabilities, had ratified the Convention in 2009.
Today, I am happy to say that the Turkish Parliament has gone beyond the legal context and promoted an environment in which persons with disabilities, namely the MPs, visitors and staff, can effectively participate in all activities on an equal basis with others.
12.5% of the Turkish population is reported as having a disability.[31] We know that disabled people come to the Parliament for different reasons: As visitors, MPs or parliamentary staff. Therefore, starting the project, their physical access to our premises had been our first priority.

Physical Access to/throughout the Parliament Buildings

The first step of the project has been the consultation with disabled people and their representative NGOs.
We consulted them regarding all accessibility issues and necessary measures were taken accordingly. During this consultation process, we realized that some upgrades we had decided to make could be inappropriate and wrong. Therefore, it should not be forgotten that consultation comes first when accessibility is concerned.
The second factor we took into account was the historical character of the building.
This can be an important challenge for most of you too, dear colleagues, since most of the parliamentary buildings in the world are under heritage protection and we very well know that old buildings do not often meet current accessibility standards.
In the Turkish Parliament, to meet the needs of the disabled people, we reviewed the parliamentary campus paying attention to architectural and structural design of the historical parts.

- For those who drive, we dedicated parking spaces in all car parks close to the entrances of the buildings.
- We installed tactile indicators and ramps where necessary.
- A portable lift was installed alongside the staircase reaching the Main Building.
- Another portable lift for wheelchair users designed by a Turkish industrial design professor was installed in the Conference Hall to access the stage.
- Some of the chairs in the Conference Hall were also removed to be prepared for wheelchair users and the stage was lowered.
- We upgraded all the lifts with Braille numbering on the control panel. A special lift had also been added to the Main Building to ease the access of the wheelchair users.
- An automatic door was placed next to a gate opening to the Main Building.
- A portable ramp was installed to reach the rostrum in the Plenary for the MPs using wheelchair and who would like to take the floor during the Plenary.
- New toilets were built or some of them, especially those in the historical building were modified according to necessary standards.
- We also provided appropriate signage for all parking places and toilets.

[31] Researched by the Directorate General for Person with Disabilities&Elderly Services (Turkish Ministry of Family and Social Policies)

- A special Reception Area for persons with disabilities, elderly, pregnants, illiterates and visitors in need of special care was set up according to *Universal Design*. In this area, we installed an induction loop system for people with hearing loss and deafness. Wheelchairs and personal accompany service are also available for the visitors during their navigation in the Parliament.

Public Information

In the Turkish Parliament, we spend every efforts to provide information to persons with disabilities in accessible formats and technologies.

In this framework, we both publish information on the parliamentary website and in hard copy for interested groups.

Hard copy information includes materials such as maps, leaflets, MPs album, menu cards, visitors' badges in Braille or large-print.

Online information on the other hand, has been the area we have been given a high priority, since we consider it as a main source of public information about the Parliament.

In this context, we modernized the parliamentary website to ensure that disabled people can access the information in a form they can understand and engage with.

- As the first step, a software programme suitable for screen readers was made available and thanks to this programme, persons with visual impairment 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.
- Then, a BrowseAloud system was installed in the Minutes section of the website with which vision-impaired people can listen to the summary of the minutes.
- For the visitors with hearing&speaking disabilities, the minutes were interpreted in sign language.
- In the parliamentary website prepared for children, the cartoons were interpreted in sign language.
- A Communication Center for the persons with hearing&speaking disabilities was established. These visitors can request appointments from the MPs or administrative departments by SMSs.
- Let me also add that, we employ professional sign language interpreters in the Parliament's Television and during the broadcast as well as political party meetings Turkish sign language interpretation is also available.

Disability Awareness Training and Events Organized by the Parliament

The UN Convention on the Rights of Persons with Disabilities seeks to ensure the full participation of disabled people in society. While carrying out this project, we realized that although we undertake many useful initiatives there is still more work

to do. Throughout this continous project, we believe that training is the most crucial issue. In this context;

- Parliamentary staff have been trained to ensure a better assistance to the persons with disabilities.
- Staff receiving the visitors and the security staff are regularly trained for an accurate communication with disabled people. Trainings include courses for basic sign language too.
- As the Turkish Parliament, we also organized a sign language course for the representatives coming from other public institutions. The parliamentary staff had also the opportunity to participate in these courses voluntarily.
- This year, on May 12, The National Day of Persons with Hearing&Speaking Disabilities, we organized an event in the Parliament and invited disabled highschool students, Turkish Amputee Football team members, famous figures from sports world and representatives of a globally known South Korea based Electronics Company that carry out noteworthy social responsibility activities in the field in Turkey. The graduation ceremony for the public servants who took sign language courses in the Parliament was also held during this gathering.
- As an outcome of this event, we have decided to organize sign language tours for hearing-impaired people in the national palaces in Istanbul that are under the administration of the Turkish Parliament.
- Last but not least, the Turkish Parliament donates wheelchairs bought in return for the plastic waste collected in the campus. We organize sportif and social activities with the participation of MPs and students with various disabilities. And in line with the public policy, we employ disabled staff in several departments of the Parliament.

I am proud to express that all this work carried out by our Administration has contributed to raise the awareness of the society and the Turkish Parliament is considered as a role-model by other public institutions in Turkey.

As I always underline, the most important point in this issue is to lift the barriers in our minds, get the necessary training for an accurate communication and to modernise our institutions following new developments and technological change regarding the disabled world.

Thank you for your attention and I would be glad to answer any questions you might have.

Mr Mohammad RIAZ (Pakistan) asked whether there was any quota specified in law for the employment of disabled people.

Mr Christophe PALLEZ (France) asked if there were any MPs in wheelchairs. He asked if special provision had been made in the chamber to allow them to sit under the same conditions as their colleagues.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that Indonesia had ratified the UN provisions on the rights of disabled people. In 2011 a law had been passed, but it had not been comprehensive enough and the public were demanding

amendment to the law, particularly with regards to access, including to the Parliament.

She asked how priority was determined in the light of limited resources.

Mr Kennedy Mugove CHOKUDA (Zimbabwe) said that in 2013 a new constitution had been passed allowing for two disabled members of Parliament to be elected. Provisions had been made for access to the Parliament, and to pay for travel requirements.

Two members of Parliament were visually impaired and they received the Order Paper on their telephones using specially adapted software.

Dr NEZİROĞLU said that there was a law in Turkey setting quotas for all public institutions. He noted that in this Parliament there was a parliamentarian who used a wheelchair, and that her seat had been adapted. There was also a portable ramp to help her to take her seat.

In terms of priorities, the most expensive provision was for physical access. The budget for access to information only required a limited amount of money.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda interest groups were represented in Parliament. There were five representatives of the disability interest groups, one from each region. One had a visual impairment, one a hearing impairment and three had physical disabilities. Each of them had one or more person allocated to them in order to provide assistance. They had special parking spaces and there was a portable ramp.

Dr NEZİROĞLU said that this was a sensitive subject and that it was important to consult the relevant NGOs, who knew best what was helpful.

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

***** Coffee break between 3.50 and 4.05 pm *****

4. Communication by Ms Maria ALAJÕE, Secretary General of the Riigikogu, Estonia: "Parliament's role in strategic planning at a national level"

Mrs Doris Katai Katebe MWINGA, President, invited Ms. Maria ALAJÕE, Secretary General of the Riigikogu, Estonia, to make her communication.

Ms Maria ALAJÕE (Estonia) spoke as follows:

In theory, a parliament has traditionally four main functions:

- election of the government (and also expression of no confidence in the government),

- legislation,
- control over the activities of the executive power, and
- representing the people or serving the people.

According to some approaches, directing the development and shaping the policy of the country can also be added to this list. As Olson and Merzen said already in 1991: *while it would be too much to say that we have witnessed a convergence of scholarly opinion on the policy making role of the legislature, it is probably accurate to say that most political scientists now look at legislative policy-making activity with fewer and less rigid preconceptions about what the proper policy-making role of legislatures should be, and are willing to consider the impact of a variety of legislative activities on public policy*.

During the last two decades sceptical attitude towards the role of the parliament in participating in long-term policy-making and deciding on the development plans of the state has not changed, at least not in Europe, and it seems that only in some countries the parliaments have an active role in this sphere.

In 2012, Chancellery of Riigikogu conducted a survey on the role of parliaments in strategic planning within the ECPRD network. Under **strategic documents**, we had in mind all kinds of future-oriented plans or programmes that focus on the activities of the state – first of all the executive power – in policy-making in any field. It does not matter how detailed or general this document is, or by which name it is called. For example, in Estonia we regarded as strategic documents the *objectives, concepts, strategies, policies and development plans* that had been discussed in Riigikogu.

The replies to the ECPRD questionnaire were of different thoroughness. Although 17 out of 25 responses marked, that parliament is seen as a link in the strategic planning process, let it be as a body approving those strategies, or the arena for discussing them, or exercising supervision over their implementation, in many countries, parliaments do not have any significant role in strategic planning. Mostly the government initiates the drafting and prepares a draft of a strategy.

Based on that understanding, we also asked: **If strategy is developed by the government, how can the Parliament be involved or participate in the process?**

Hereby I would not go deeper into the study, but conclude shortly from other responses that it seems that mostly parliaments are legally well equipped to handle the strategic documents, but due to whatever reason, still not very active in this role.

Estonian experience

The role of the Riigikogu in strategic planning consists of the discussion and approval of strategic documents. Naturally, the parliament makes strategic choices

also when it discusses and passes draft legislation or ratifies international agreements, but this report focuses only on strategic documents.

The Riigikogu has approved 26 strategic documents by its resolutions. Below, you can see the distribution of the approval of development plans between the different compositions of the Riigikogu, and their distribution between different sectors.

The interest of the Riigikogu in strategies – or maybe it would be more correct to say: the interest of the Government in sending them to the Riigikogu – emerged in the middle of the 1990s, when the regional policy concept was discussed in the Parliament. From then onwards, the Riigikogu has discussed or approved around ten strategies during the four-year term of office of each composition of the Riigikogu.

Until now, the defining of the role of the parliament has proceeded from the principle that planning the development of different areas of the life of the state is first the task of the executive power. However, the Parliament should and in some cases must have a say in it due to its position as the representative assembly of the people, whose obligation is to deal with the most important national issues. Generally, it is up to the executive power to decide what kind of development plans it considers necessary to prepare, and how far into the future, they will reach, and whether it will involve the parliament in the decision process. Thus the strategies are first of all government documents, and the Riigikogu only participates in one or another way in the final approving of some of them.

In the practice of the Riigikogu, there exists **three ways for proceeding strategy documents**.

First, the Riigikogu Rules of Procedure and Internal Rules Act that was passed in 2003 proceeds from the principle that strategy documents are action plans of the Government, and the Government is responsible for preparing and implementing them. If the Government considers it necessary, it may submit the document to the Riigikogu for discussion and adopt it after the parliamentary debate, taking into account the positions of the members of the Riigikogu or rejecting them.

This procedure has not been used much because members of parliament and the Government seem to think that if a parliamentary debate does not end in passing a resolution, it as if is not complete.

Second, mainly because several existing laws provide that the strategic documents have to be approved by the Riigikogu on the proposal of the Government, the Riigikogu has passed resolutions on approving such documents[32].

So far it has been based on the principle that the Riigikogu will not change the strategy document itself but may add its recommendations or proposals to the

[32] For example, the Peacetime National Defence Act provides that on the proposal of the Government, the Riigikogu shall approve the National Security Concept of Estonia by its resolution; according to the Forest Act, the Ministry of the Environment prepares the forestry development plan for 10 years and this plan has to be approved by the Riigikogu.

resolution on approval; for example, to request the Government to especially emphasize some specific issues.

It is not sure what kind of legal effect the resolutions of the Riigikogu passed pursuant to this procedure have. I emphasise that they are not laws but resolutions, or they are acts with which the parliament confirms that it has acquainted itself with the plans of the Government and has approved them. Approval of a strategy by the resolution of the parliament should not mean that the Government cannot deviate from its plans if necessary. The issue of political responsibility arises only in the case the Riigikogu starts showing real interest in how the Government actually follows the strategy document that has been approved by the parliament, or how one or another measure corresponds to the plans.

Third, there have been cases when the Government submits a strategy document unofficially to the factions, and asks them to submit it for discussion in the Riigikogu as a draft resolution that contains proposals to the Government to follow certain guidelines in developing some specific fields. In several cases, all factions have jointly submitted such a draft resolution for discussion[33]. Besides that, the factions have the possibility to submit for discussion in the Riigikogu also such draft resolutions that make a proposal to the Government to prepare an action plan. For example, in autumn 2011 the Riigikogu passed the resolution in which a proposal was made to the Government to draft an action plan for reducing the wage gap between men and women.

In all these cases, the strategy document was discussed at the **plenary sitting** of the Riigikogu.

Role of the committees

According to the Constitution of Estonia, the committees are not merely bodies that prepare the work of the plenary session, but they have certain right of independent initiative. For example, subsection 1(3) of Article 103 of the Constitution gives the committees of the Riigikogu the right to initiate laws. Pursuant to the Riigikogu Rules of Procedure and Internal Rules Act, the standing committees of the Riigikogu oversee the exercise of executive power within their particular field.

In the parliamentary deliberation of strategy documents, the committee stage cannot be avoided. Before each discussion in the plenary, a discussion in the lead committee takes place. During the discussion of a strategy document, a representative of the committee delivers a report to the plenary sitting on what has been done in the committee. The committee prepares the final version of the draft resolution of the parliament.

[33] For example, the Development Objectives of Criminal Policy until 2018 or the Development Objectives of Legal Policy until 2018.

Several laws provide the obligation of the Government to inform the committees of the parliament of such strategy documents that are not submitted to the Riigikogu for discussion or approval[34].

The Riigikogu Rules of Procedure and Internal Rules Act does not provide a procedure for **monitoring the implementation of the strategy documents that have been discussed and approved in the parliament**. To a great extent, it depends on the interest and activeness of the political forces themselves, on their wish to launch the traditional instruments of parliamentary control – questions, interpellations, inviting of ministers to the parliamentary committees, drafting of supervision reports.

One of the ways for routinely monitoring the implementation of strategies, which is used more and more in practice, is to include in the resolution on the approval of the strategy the obligation of the relevant minister to make an annual report on progress and problems to the Riigikogu.

For example, the Resolution of the Riigikogu "Approval of "Development Objectives of Criminal Policy until 2018"" provides that a representative of the Government has to make a report on the implementation of the development objectives to the Riigikogu by 1 March each year. Such an obligation is provided also in several other similar resolutions.
In the case of other development plans, the supervision is not carried out on such a routine basis because there is no practice of making changes to approved development plans. Besides that, the ministers are not very eager to come to the Riigikogu on their own initiative to report on the progress in implementing the development plans, although they have this possibility according to the law.

Amendment to the procedure for the legislative proceeding of strategic documents

The State Budget Act passed on 19 February 2014 significantly changed the procedure for the preparation and approval of strategic development documents, and the obligations and rights of the parties in the drafting, discussion and approving of them. From now on, the Riigikogu approves only the general principles of policies, defined as development documents that determine the vision, national objective and priorities for one or several interrelated policy areas. Thus, the general principles of policy are in essence the most long-term comprehensive document that carries the national values and describes the development visions of the state in priority fields (e.g., general principles of security policy, general principles of culture policy).

The Riigikogu was also left a limited, but not an insignificant role in the legislative proceeding of the sectoral development plans: prior to approval of such a document, it is submitted to the Riigikogu for deliberation.

[34] For example, the § 27[1](3) of Peacetime National Defence Act provides that before submitting the National Defence Development Plan to the Government of the Republic for approval, the Minister of Defence shall hear the opinion of the National Defence Committee of the Riigikogu.

The sectoral development plan is a development document that comprehensively determines the general objective and sub-objectives for one or several policy areas and the indicators providing an opportunity to measure these, and the policy instruments through which it is planned to achieve the established objectives.

One of the most important reasons for the amendment was the lack of clear understanding of why certain development documents were approved by the Riigikogu and others by the Government. According to the explanatory memorandum of the amendment, the Riigikogu will now make wider and long-term decisions by drafting the general principles, whereas the Government will set targets and plan courses of action at the level of sectoral development plans that are shorter and require greater flexibility. Thus, the aim was to organise the landscape of development plans; it is still early to assess whether it will be realised in practice.

In conclusion

The Riigikogu has quite a long practice of discussing and approving of strategy documents, but several topics have not been analysed so far. Although the amendment attempts to establish clearly, which strategy documents are to be approved by the Riigikogu and which are only deliberated, and the procedure was clarified in the course of this, the parliament itself has not yet replied some more general questions.

1) Starting from the issue of how much time and attention the parliament actually wants to contribute and is capable (both from the aspect of financial resources and competence) of contributing to participating in strategic planning. Will participating in strategic planning take place at the expense of performing the traditional functions (legislation, parliamentary control) only through changing the focuses or will it require the use of additional resources?

2) In which **sectors** of national life the parliament should be involved in strategic planning? Would it be better to focus on the sectors where greater distribution of resources takes place (e.g. enterprise supports) or on the sectors that have longer and more extensive impact (e.g. organisation of education)?

3) Considering the traditional principle of the separation of powers, how deeply and **in which stages of strategic planning** the parliament should be involved? Should the parliament be the place for discussing the most important strategic choices? Alternatively, should the parliament confine itself to consistent supervision of the implementation of the measures?

4) **Which bodies of the parliament** (committees, factions, plenary) would be the most suitable for performing these tasks?

In Estonian practice, it seems that we have reached the understanding that parliament is engaged in some strategic planning activities both on committee and on plenary level. The Riigikogu leaves the drafting of the strategic documents fully on

Government, who also decides upon which strategic documents should be discussed in the parliament.

Thus, we can conclude that having a practice of 20 years, we can outline what works in Estonia and what not, but the theoretical background is still weak and we lack comparative analyses of other parliaments. This is the reason why this theme was by us proposed for discussion and I look forward to hearing your comments and opinions.

Mr Wojciech SAWICKI (Council of Europe) asked whether the fact that the Parliament had agreed the strategy meant that the Government was obliged to implement it, and whether it was binding.

Mr Andrew KENNON (United Kingdom) said that until recently, the United Kingdom had done nothing about this. About ten years previously, the Government had established a National Security Strategy which was scrutinised in Parliament, but there was frequently overlap with the work of the Government.

The UK Government had passed a law stating that the country had to spend 0.7% of its GDP on overseas aim. This could be described as a strategic aim.

There was a big strategic decision that would be forthcoming about whether or not to renew the UK's nuclear deterrent, and this would require some parliamentary oversight.

He asked whether, if a party or group within the Parliament wanted to change the national strategy, they could use this process as a way of pursuing that aim.

Mr Baye Niass CISSÉ (Senegal) said that the Parliament defined its own strategic plan but asked, should the Government not respect the document, what the consequences or sanctions would be.

Mr Gali Massa HAROU (Chad) asked a similar question in relation to the putting into practice of the plan: he wanted to know if the Parliament had any power to follow-up on the implementation.

M. Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda there was a national plan that originated in Government. The Minister of Finance laid it in Parliament and it was then sent to a committee, which produced a report. The report was debated on the floor of Parliament. The recommendations made were not binding, but were reported back to Government. There was an opportunity for them to be incorporated into the plan.

Mr Boubacar TIENOGO (Niger) said that in Niger, the five-year plan was approved by Parliament but the general direction was validated by the MPs.

Ms ALAJÕE said that in Estonia the issue of the extent to which the strategy was binding was a difficult one and had been the subject of much discussion.

In practice, there had once been a situation where an amendment had been made to the transport strategy by the Parliament. In that situation the Government had initially refused to implement the change requested by Parliament, but they had eventually done so by means of formal agreement.

The strategies tended to be very general in nature. They were not binding but the Government did try, broadly speaking, to adhere to the document, or to amend it if they did not want to.

When the Government had not wanted to propose a strategic document themselves, they had asked a particular faction to initiate one.

In relation to the oversight role, there were some laws which stipulated that a Minister was obliged to give a report on implementation to Parliament once a year. Parliament saw its role as that of monitoring in a general sense.

Sometimes the Government went before a particular standing committee to propose the details that would be summarised in the strategic document.

Mr Félix OWANSANGO DEACKEN (Gabon) spoke of the experience in Gabon, where the government had presented a strategic development plan but that it had only the status of guidance. After this, the budget had been redefined. At that moment, the government had introduced the programme from the strategic plan into the budget. It had been presented the previous year and would be ratified that year.

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

5. Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic, Portugal: "Communication in Parliaments: tools and challenges"

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

Mr José Manuel ARAÚJO (Portugal) spoke as follows:

Parliaments, the basic institutions of a country and the democratic system, are constantly called upon to redefine the paths of dialogue with citizens, a trend that has been seen particularly in recent decades in which forms of communication are renewed at an impressive rate. Communication at Parliament is therefore an ongoing challenge, which is essential to participatory and representative democracy.

Communication in an institutional context thus facilitates interaction that is intended to be constant, direct and inclusive, and adds the mission of calling for citizens' active participation in democratic life to the fundamental political, legislative and supervisory responsibilities of a Parliament.

To analyse or characterise a communication policy, we must identify the instruments available to Parliaments, some resulting from parliamentary activities and other more general ones used at various institutions.

We must also single out those instruments that, as a result of constitutional or legal provisions, amount to forms of citizen participation and which are inherently forms of communication.

The Portuguese Parliament has several tools which, from a perspective of dialogue, allow dynamic and effective communication to be established with citizens. They are as follows:

A - LEGAL INSTRUMENTS

Legal instruments enable the direct involvement of citizens in parliamentary activity and are thus a form of participatory democracy. With these tools, citizens cease to be mere spectators and can take a more active role in the legislative process. They are therefore tools that not only give citizens a voice and allow their views to be heard, but also help parliamentarians to assess which parts and/or matters of a particular initiative are likely to generate more consensus or controversy.

1. *Referendum*
Instrument used when requested by at least 75,000 citizens.
2. *Legislative initiative by citizens*
These initiatives must be signed by at least 35,000 citizens. So far, five legislative initiatives by citizens have been received by the Assembly of the Republic (AR), three of which have given rise to laws.

3. *Public discussion of legislative initiatives*
This process gathers contributions from experts, civil society organisations and the general public. It is increasingly regarded as a key (and sometimes mandatory) preliminary proceeding in the legislative process and it is an important indicator of the positions of certain interest groups.

4. *Petitions*
In addition to traditional systems, since 2005 it has been possible to submit petitions via Parliament's website. Since then, the Portuguese Parliament has received around 125 petitions a year.

5. *Contact with the electorate*
Under the AR's Rules of Procedure, Members dedicate Mondays to this contact, which is undertaken freely as each Member sees fit.

B - DIRECT COMMUNICATION INSTRUMENTS

1. *Visits to Parliament*
More than just a means of imparting information about the history of the place and the institution, guided tours are an instrument of citizenship. Information is shared with visitors in a participatory and interactive manner, with the ultimate goal of communicating Parliament in practice. Around 20,000 people visit the

Assembly of the Republic each year. During these visits, meetings with the President of the Assembly of the Republic and Members are highly valued by groups of visitors.

2. Attending parliamentary work (Plenary and committees)
As a rule, there are three plenary sittings per week, with an average of 28,000 attendees per year.

3. Working visits and meetings outside Parliament (committees)
Both the political work undertaken with voters and working trips and meetings not on Parliament's premises are instruments of the utmost importance because they are ways of decentralising Parliament and encouraging the discussion and sharing of ideas, especially on matters of particular relevance to a specific region. Reaching out to citizens, going to where they are, and promoting person-to-person contact are approaches that help humanise Parliament and convey the image of an institution at the service of citizens.

4. Seminars, symposia, conferences, public hearings, forums
These are initiatives open to the general public that make it possible to debate and gather opinions and facts on topical issues and legislative initiatives under discussion, both in person and online.

5. Meetings with MPs
Direct, face-to-face contact with Members of Parliament enables topical issues and problems and those focused on specific needs and interests of local communities, certain groups of people, and so forth, to be presented and discussed.

6. Young People's Parliament
The Young People's Parliament is an institutional initiative of the Assembly of the Republic and it is already 20 years old. It is developed throughout the academic year and involves schools across the country. The main objectives are to spark young people's interest in civic and political participation, to show how Parliament works and to encourage democratic debate, among other things, and it ends with national sessions which take place at Parliament.

7. Visitors' Welcome Centre
Opened in April 2013, the Visitors' Welcome Centre was designed to receive visitors on guided tours before the start of the tour. It is a dynamic, interactive meeting place that lets visitors explore some essential facts about the Assembly of the Republic.

8. Libraries and archives
The libraries and archives are a way to disseminate information about what Parliament does, and they foster close, direct communication with citizens.
They are services/areas open to the public that help raise awareness of Parliament's past and present work and its history.

9. Parliamentary bookshop and book fairs
The Parliamentary Bookshop in the Parliament building and participation in book fairs in different parts of the country are means of promoting Parliament's

cultural and publishing activity to a wide audience, thereby reaching out to citizens and creating a closer relationship with the institution.

10. Cultural events
The Assembly of the Republic organises a number of social and cultural events such as exhibitions, concerts, theatre and regional shows. These have come to play an increasingly key role in Parliament's policy of getting closer to citizens.

During the current legislature, the organisation of events had an extra impetus following a letter sent by the President of the Assembly of the Republic to all Members saying that they should invite local authorities and other associations to show part of their cultural, social and economic context at Parliament. With the purpose of strengthening "the bonds of representation," the challenge of "revitalising" the corridors of the AR was readily welcomed by Members.

C - GENERAL COMMUNICATION INSTRUMENTS

1. Website
The internet portal has a major role in disseminating information about Parliament and promoting interaction with citizens. The communication is structured to give a clear idea of who we are, what we do and the importance of our work - www.parlamento.pt

2. Parliament Channel
Parliament's television channel broadcasts the debates that take place in the Plenary and committee meetings, as well as events and other activities related to parliamentary life. Broadcasts are made via free-to-air television and the internet. Plenary sittings are always broadcast live and accompanied by sign language interpretation.

3. *Newsletter "ComunicAR"*
Monthly newsletter which contains an integrated summary of information related to the activities of Parliament and its various services - http://app.parlamento.pt/comunicar/

4. Newsletter (Agenda)
Schedule of Parliament's meetings and activities. The Agenda is a highly useful reference resource, particularly for social media outlets, because it contains essential information on Parliament's activities and is constantly updated: http://app.parlamento.pt/BI2/

5. The media - television channels at the Assembly of the Republic and parliamentary journalists
The purpose is to convey an accurate, up-to-date and complete picture of parliamentary and cultural activity as a premise for informed public opinion and public recognition of parliamentary work. On-site support is offered to journalists during plenary sittings, and at specific points in parliamentary committee meetings with the greatest media impact. Advice is also guaranteed for the media at the various events organised at the AR and by email or phone.

6. Social networks - Facebook pages

Parliament's presence on the social network Facebook has been seen as a tool to streamline communication and promote dialogue and the dissemination of the AR's activity to a wide audience. This enhances the visibility of its activities in three specific areas, which have their own pages:

a) televised broadcasts of parliamentary proceedings;
b) cultural events;
c) Young People's Parliament.

Regarded as tools of communication, information and citizenship, these resources aim to refresh the ways of bringing citizens and Parliament closer. They have enabled Parliament to meet the basic objectives of transparency, access to information, openness and citizen involvement in parliamentary life. However, these tools are of little or no use unless they are aligned with a clear communication policy with the following strategic objectives:

- to improve visibility and public recognition of Parliament's activities;
- to project a single, coherent, easily recognised institutional identity;
- to optimise media coverage of parliamentary activity;
- to improve internal and external communication;
- to allow more interactivity with citizens (the communicative focus should be on the relationship with citizens).

D - COMMUNICATION CHALLENGES

In an age when changes in technological resources and communication strategies happen constantly and swiftly, effectively communicating the image, identity and activity of a Parliament and interacting with its various internal and external stakeholders is certainly one of the most complex and challenging tasks we face today. And knowing how to communicate in an inclusive way is another problem. Communication is therefore an ongoing challenge for Parliaments.

The systematic criticism of political power by citizens, the gulf between voters and the elected are just two issues that Parliaments want to overcome.

There have been numerous conferences, meetings and discussions between parliamentarians and/or services on the subject in the last 20 or 30 years, and they have all concluded that all the communication tools available to the parliamentary institutions must be strengthened.

Many Parliaments have therefore set up organisational units of varying sizes that are totally focused on this issue, with communications experts appointed as members of parliamentary staff.

This investment has been of little benefit, despite everyone's efforts.

The lack of a single communications policy, mentioned above, combined with competition between parliamentary groups (that are naturally and desirably separate), as well as coordination with the Presidency of Parliament, are challenges faced by those seeking to establish a Parliament's institutional communication. Inevitably, however, this challenge is always present, with many instruments to be coordinated.

In addition to the internal competition of party communication, there is competition from other elements of political power with great media projection.

Furthermore, parliamentary matters must compete daily with controversial matters which, in a commercial mindset, are what sell newspapers and boost television ratings. Journalists' interests tend to differ from our priorities.

Therefore, in the current context of an excess of information, we have to think about real-time communication.

Naturally, this requires a structure to centralise contributions from all areas and must not only be trusted by decision-makers, but also have the autonomy to transmit information immediately and with one voice. However, as mentioned earlier, this step may not be enough.

Equally important is the internal promotion of a culture of communication at Parliaments, which almost inevitably implies an organisational, behavioural and ideological change within the institutions.

Communication should cut across all the procedures and management practices of each organisational unit and cover all the actions of internal and ongoing information sharing, in which all – MPs and members of staff – are key actors in these processes. Improving internal communication is therefore a prerequisite for successful external communication.

Developing close, productive relationships with journalists is another aspect to be considered and regular personalised contact should be encouraged, for example by holding briefings at key moments. The availability of reliable, complete and up-to-date information is essential to build a relationship of trust and respect with the media, and thus make journalists important allies in the promotion of parliamentary activities.

Below are six attempts to respond to these challenges, which can be implemented by each Parliament, depending on the level of development in this area:

1. Communication strategy
2. Structure of services, empowering communication
3. Setting/stabilising the parliamentary agenda
4. Press releases
5. Spokesperson
6. Single graphic image

It is a mistake to think that communication works miracles if the rhetoric is not consistent with practice. Actions should also reflect the changes that these challenges require of Parliaments.

It is therefore important to establish a communication agenda with priorities that are in line with the political agenda and, above all, with citizens' interests. Because, after all, it is people who make a Parliament.

Mr Manuel CAVERO (Spain) said that there were several different political parties with different interests and that could make communications quite complicated because they did not always reflect the collective interest.

In Spain, the Senate was a criticised institution, and many people wanted to see it abolished. One of the challenges was communicating the work of the House in a positive light.

Mrs Colette LABRECQUE-RIEL (Canada) said that the Canadian Parliament would be launching a new website, which was a "mobile" website. There would be component that would provide live information about the Chamber.

Mr Sheikh Ali bin Nasir bin Hamed AL-MAHROOQI (Oman) said that he wanted to share Oman's experience. Oman had benefited from social media, including YouTube, Facebook and Twitter accounts which the public could use to communicate with Parliament. The Parliament had a separate department for social media with specialised staff.

Citizens could make comments during live proceedings. Members had their own Twitter accounts which they used to communicate with the public.

Ms Agatha RAMDASS (Surinam) said that on the website for the National Assembly there was a special page to enable young people to communicate with parliamentarians.

Ms Michèle KADI (France) said that the Senat had been criticised for several years but had developed an online communication service, notably on Facebook and Twitter, and that it had become the third most followed institution in France. There was training available for Senators with a team of specialists in social media. Tweets that were of interest to the institution were retweeted. 200 Senators had a Twitter account.

Mr Boubacar TIENOGO (Niger) said that such resources also existed in Niger but that the real question was the link with elected representatives, and how best to re-establish them once the elections had passed. Misunderstandings between MPs and society at large continued to flourish.

Mr Md. Ashraful MOQBUL (Bangladesh) asked how often a referendum had to be held. He also asked whether the Portuguese Parliament allocated any funds to permit groups of MPs to go out and hold public hearings.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that in Indonesia, most of the means of communication were used for the Parliament to share information with the public. It was more difficult for Parliament to listen to public opinion.

Mr ARAÚJO said that in the last five years, Portugal had not held a single referendum, and that there had only been in three in modern history. The mechanism existed but it was difficult to use.

He noted that colleagues had mentioned Twitter, which enabled Parliament to look at the live reaction to its debate.

In response to Mr CAVERO he said that it was difficult to decide who would front up communications of the nature he had described. In Portugal each Friday at 12 midday, the President spoke to the press about what had happened during the sittings that week. It was true that the parliamentary groups would each prefer to present their own views on what had happened.

He said that it was true that parliamentarians were given the tools to enable them to communicate well but did not use them. The same was true of the tools given to parliamentarians to make good laws, which did not always result in good law.

There remained a tension between informing and communicating with the public.

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

6. Concluding remarks

Mrs Doris Katai Katebe MWINGA, President, asked the indulgence of the Association. The Secretary General of the Parliament of Iran had been unavoidably detained during the general debate that had taken place earlier that afternoon and wished to be able to make his contribution. She therefore invited him to make his contribution.

Mr Ali AFRASHTEH (Iran) spoke as follows:

Today, I am very pleased and honored to have been given this opportunity to participate in this meeting of the Secretaries-General of parliaments to make statement on mechanisms for “prevention of conflicts of interest in parliament”.
“Conflicts of interest in parliament” can be destructive when the conflict may arise between “personal, economic and financial interests of the representatives” and public duty. With regard to the ever-increasing complexity of organizations and existence of differences in ideologies, thoughts and beliefs, the conflicts of interest in parliament are common and unavoidable, but under conditions in which the appropriate patterns and strategies of management to be use in order to resolve conflicts and avoid further probable harms. In the management strategy for resolving conflicts we should pay attention to the measures which we will adopt so that they do not create any disruption in the public duties of the representatives.
Conflicts of interest in parliament are classified in four levels including: Horizontal conflict, Vertical conflict, Staff conflict and Role conflict.
The Horizontal conflicts is occur at hierarchy level and are reflected as a conflicts between “Parliament Presiding Board”, “Commissions” or “Heads of Parliamentary Fractions” with other members of parliament regarding allocation of resources in the public interests domain. The Vertical conflict include conflicts between the positions of representatives vis-à-vis the priorities of public interests. The Staff conflict includes conflicts among representatives and secretaries- general of parliaments regarding modality of presenting perfect parliamentary services to the legislators for protecting public interests. The Role conflict will occur when occupational interests

of certain representatives will stop him to pay further attention to the public interests.
With regard to the above- mentioned introduction, I have divided my presentation in two parts. In the first part I will refer to the most important elements which will lead to the rise of "conflicts of interests" in parliament and in the second part I would like to propose some mechanisms for the management of" conflicts of interest in parliament".

First part:
Elements for Emergence of Conflicts of Interest in Parliament

The most important elements which can provide the ground for conflicts of interest in parliament are as follows:

1- **Lack of integrated evaluation system**

Incompatibility between action and accountability of representatives vis-à-vis public interests will emerge when the evaluation are not based on scientific indexes. Determining specific indexes for evaluation of the actions and accountability of representatives will provide this opportunity for the high ranking directors of parliament to evaluate the actions of representatives on the basis of these indexes, and thus they will not have any chance to give their selective views regarding the actions of representatives in the domain of public interests.

2- **Lack of Necessary Channels for Receiving, Collecting and Filtering Public claims**

When necessary grounds are provided for receiving the views of elites in the system, the representatives can adjust their duties and responsibilities based on public interests. If the secretaries- general of parliaments do not support the establishment of communication networks for communicating with people, then it is evident that the representatives of parliament will not have enough tools for recognizing the problems of people.

3- **Different and Sometimes Contradictory Interpretations given by Parliament Regarding Public Interests**

One of the elements which will cause conflict between parliament and public interests is the different interpretations given by legislators regarding the priorities of public interests; and the reasons are lack of holding study workshops and lack of interactions with scientific associations and universities.

4- **Lack of long- term vision**

Lack of strategic vision in the field of public interests is one of the elements for creating conflicts of interest in parliament. It is evident that providing parliamentary upstream documents based on legislative mechanisms for protecting public interests can play important role for making further harmony in the different ideas and views presented by representatives and at the same time it will prevent them to impose their own personal views.

5- **Lack of Inter- Parliamentary Mechanism for Monitoring**

Lack of creating an appropriate mechanism in the organizational structure of parliament for monitoring the duties of representatives, can play important role for expansion of conflicts of interest between parliament and public interests. For example the Islamic Consultative Assembly of Iran by adopting

Code of conduct for monitoring the behavior of representatives of parliament has tried to prevent any conflict between the personal interests of representatives with public interests.

6- Lack of appropriate proportion between Representatives Duties and Capital Resources of Legislators

Lack of appropriate proportion between financial resources of parliament with the level of expectations of representative's duties is one of the elements which will increase the gap between representatives and public interests.

Second Part:
Mechanisms for Preventing Conflicts of Interest in parliament

Some of the mechanisms which will prevent the conflicts of interest in parliament are as follows:

1- Establishment and Strengthening Parliamentary TV and Radio Networks

Establishment of parliamentary radio and satellite TV networks will not only transfer the activities of representatives of parliament , but at the same time receive the views of elites and thus can be consider as a compass for adjusting the path of legislators based on public interests.

2- Exchange of Knowledge and Know-how among Secretaries General of Parliaments

Today the secretaries general of parliaments have multilateral roles and simultaneously are in contact with legislation, parliamentary services section and public interests domain. Each one of the parliaments have good experiences for adjusting the duties of representatives with public interests and use of these experiences on the basis of domestic law of one country can improve the preventive process of conflicts of interest In parliament.

3- Providing the Grounds for Dialogue in Cyberspace

Paving the ground for making dialogue in the website of parliaments in order to receive the views and ideas of NGOs and scientific associations, is an important step for encouraging the participation of elites in the process of bringing the legislators closer to the domain of public interests.

4- Paying Attention to the priorities of Inter-Parliamentary Union(IPU)

One of the most important objectives of Inter-Parliamentary Union (IPU) is sharing experiences and know-how in the field of materializing the Third Millennium Development Goals. Certainly sustainable development will be materialized when there is convergence between special actions of parliament and priorities of public interests. During recent years various meetings have been held in the IPU in the field of public interests. If the consequences resulted from these meetings are used appropriately and transfer to the national parliaments, then the link between duties of representatives of parliament with public interests domain will be futher strengthen.

5- Strengthening Interaction between Parliamentary Fractions

Providing necessary mechanisms for exchange of views among the leaders of parliamentary fractions can prevent acceleration of conflicts of interest in parliament but increase the conflict inside the party. In this regard the attention of parliamentary parties to the public interests domain is very much important.

At the end we can reach to this conclusion that conflicts of interest between personal, economic and financial interests of representatives of parliament and public interests is a common issue, but adopting appropriate measures can reduce this conflicts of interests between personal interests of representatives and public interests: these measures can be as follows:
Compiling a document regarding the priorities of public interests; strengthening inter- parliamentary monitoring; expanding communication bridges between legislators and civil institutes; profiting from ideas and views of academic elites; providing integrated parliamentary parties; creating continuous interactions between legislators and secretaries general of national parliaments and providing bilateral communicating channels in the domain of public interests.

Thank you for your attention.

Mrs Doris Katai Katebe MWINGA, President, thanked members for their hard work.

The sitting ended at 5.15 pm.

FIFTH SITTING

Tuesday 20 October 2015 (morning)

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

The sitting was opened at 10.05 am

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, welcomed everyone to the sitting.

2. Orders of the day

Mrs Doris Katai Katebe MWINGA, President, noted that there were no modifications to the orders of the day:

The orders of the day were agreed to.

She reminded members that they should submit topics for discussion in Lusaka to the secretariat as soon as possible.

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:

1.	Mr Sangay DUBA	Secretary General of the National Assembly, Bhutan (replacing Mr Kinzang WANGDI

The new member was agreed to.

4. Communication by Mr Manuel CAVERO, Secretary General of the Senate, Spain: "The latest developments on the right to amend to have taken place 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. The requirement for consistency in amendments to acts

1.1. This communication examines modifications to the right of senators to make amendments resulting from a fundamental change in the case-law of the Spanish Constitutional Court in this matter. The change began four years ago.
What has changed? The change consists of declaring that amendments proposed by parliamentarians to a legislative initiative are, in turn, subordinate to the initiative itself. Accordingly, they must respect a minimum level of homogeneity or consistency with the regulation they seek to change, i.e. a minimum material correlation with the content of the governmental or parliamentary bill to which they refer is required.
As a result, amendments lacking such a minimal connection with the legislative text must not be accepted for consideration by the House and appropriate control mechanism must be put in place to ensure this.
This is evident in parliaments on which the national Constitution, Standing Orders or laws impose homogeneity as an inherent feature of parliamentary acts: an act must regulate one single subject and, if possible, do so thoroughly. Legislative drafting guidelines, where such exist, are usually unanimous in this regard. It is widely accepted in legal doctrine that under Spanish constitutional law this feature derives from the principle of legal certainty expressly set down in Section 9.3 of the Constitution. This is also backed by common sense.
1.2. However, until mid-2011 the Spanish Constitutional Court had declared that, in general, neither the Constitution nor parliamentary standing orders requires homogeneity or consistency in amendments proposed by members of the Congress and the Senate. There were exceptions in which the law provided some material guidelines that justify the control of consistency, as is the case of amendments to the government's annual national budget bill (as the content of this is set down in the Constitution, it cannot be changed by the law-maker) or amendments to the whole bill (Section 110.3 of the Standing Orders of the Spanish Congress). In contrast, the Constitutional Court had expressly stated (for all cases, in its ruling 194/2000) that Sections 90.2 of the Constitution and 107 of the Standing Orders of the Senate do not limit the scope of Senate amendments modifying the text of bills received from Congress.
As a result, the lack of consistency of the amendments with the acts to which they referred had no constitutional significance. Logically, no body of the Houses had the power to control the consistency of amendments, except in the case of the exceptions previously stated.
This had led to a practice whereby any legislative text could be subject to amendments with content alien (even radically alien) to the object of the regulation. For example, the additional provisions of Organic Act 9/2002 of December 10, on child abduction, incorporated amendments to the Organic Act of the Judiciary regarding the civil service status of judges and to the Code of Criminal Procedure on reports issued by laboratories with regard to drugs. Act 37/2010 of 15 November, which created the Parliamentary Budget Office, included a final provision amending the Act on traffic, motor vehicle circulation and road safety.
When inconsistent amendments were submitted by parliamentarians from minority political groups, these were normally rejected during voting, thus avoiding the problem. However, when the amendment was submitted by the political group supporting the Government, it was approved and the legislative text was then altered by a "foreign body".
Like any irregular practice that is not controlled, the one addressed in this communication degenerated over time, such that the "foreign bodies" in the acts

increased in both number and size. This gave rise to a phrase that was even reported in the media, where a Minister would tell one of his advisors: "Find me a bill that is going through the Senate so we can deal with this matter as soon as possible." The "matter" had little or nothing to do with the actual subject of the bill in question.
Why in the Senate? Although the practice of inconsistent amendments has been commonplace in both Spanish Houses, the most controversial cases have normally occurred in the Senate, which is the Upper House and may adopt amendments that are then ratified or rejected by a simple majority in Congress, pursuant to Section 90.2 of the Constitution.
Some might think that the Senate was preferred because, if the amendment was controversial, the political "commotion" occurred in the final stage of it being passed by the Spanish parliament; others perhaps attribute it to the lesser prominence of the Senate in the media; or it could also be thought of simply as the right moment for the government and its parliamentary majority. Amendments have also occurred at this stage to correct earlier mistakes.

2. The rulings handed down by the Constitutional Court in 2011 on the subject of consistency

To make it clear, the author of this communication agrees with the new case-law established by the Constitutional Court with its ruling 119/2011 of 5 July: i.e. that amendments, being subordinate to the bills that are being passed, must have a material relationship (consistency) with the said bills, even if this is very loose. However, the author cannot help but express a certain amount of perplexity at the legal reasoning behind the conclusion drawn by the Constitutional Court in this and immediately subsequent rulings. At the risk of jeopardising legal precision, I will present this argument in condensed form, as otherwise it might stray beyond the reasonable bounds of a communication.
2.1. **Ruling 119/2011** of 5 July, which gave rise to the change of legal criteria on parliamentarians' right of amendment when passing bills, did not arise from a challenge to an act through an appeal or a question of unconstitutionality lodged before the said Court.
The Constitutional Court has the power to control not only the material adequacy of the content of an act under the Constitution, but also to declare, on formal grounds, the unconstitutionality of an act that has been passed by Parliament with a serious breach of legislative procedure. However, the ruling does not take place in this field of controlling the constitutionality of the acts.
On the contrary, the ruling resulted from the filing of an appeal (for violation of a fundamental right) by opposition senators against two amendments submitted within the statutory period by the political group supporting the Government, dealing with matters that had no relation to the governmental bill to be amended. The amendments dealt with the regulation of new offences relating to the illegal calling for referendums and the award of subsidies to dissolved parties or associations or bodies deriving from these. These offences were incorporated into the Criminal Code through an additional provision in the governmental bill for the Organic Act complementing the Arbitration Act, which only had one single provision on procedural jurisdiction in arbitration. The inconsistency here is both evident and undeniable.
The senators lodging the appeal had previously asked the Bureau of the Senate to reject the amendments. Under the Standing Orders, the Bureau is responsible for

legally assessing and allowing parliamentary writs and documents to proceed (Section 36.1 c).
In accordance with the case-law of the Constitutional Court current at the time, with the corresponding precedents and advised accordingly by the services of the House, the Bureau rejected the request for inadmissibility. The senators then lodged an appeal with the aforementioned Court.
The Constitutional Court ruled in favour of the appellants, stating that:
- The Bureau of the Senate should have declared the amendments inadmissible on the grounds of inconsistency. This conclusion was drawn by the Court based purely on principles, as the ruling recognises that neither the Constitution nor the Standing Orders call for the requirement of consistency. For the Court, this requirement derives from the subsidiary nature of the amendment, which lies in the logic of the procedure and can also be deduced from the linguistic definition; however, it is not required by any rule.
This leads one to wonder: on what legal basis could the Bureau declare the inadmissibility of manifestly inconsistent amendments? This was not allowed under any rules and constitutional case-law endorsed admissibility. And the Constitutional Court itself had limited the Bureau's power of rejection in various rulings on other initiatives, noting that this could only take place on grounds of form or for material reasons, but in the latter case, only when expressly allowed under a particular rule. If, purely hypothetically, the Bureau of the Senate had declared such amendments inadmissible and the group that had made the amendments had appealed to the Constitutional Court, based on precedents, the probability of their obtaining a ruling in favour would have been almost 100%.
- The fundamental right that is violated is set down in Section 23.2 of the Constitution, which, among other matters, includes the right of parliamentarians to hold office under conditions of equality and within parliamentary legality. In this case, the violation of the aforementioned right could be summarised as the opposition senators' inability to exercise a supposed "right to amend amendments". However, Spanish parliamentary law does not recognise such a right.
The Court says (legal basis 9) that, by allowing the amendments to proceed, "the appellants' opportunity to discuss a new text addressing a political problem completely alien to that which, until then, had surrounded the debate on the Arbitration Act was restricted and they were unable to adopt a stance that involved proposing amendments or veto".
It is true that the amendments referred to an entirely new matter. But the restriction mentioned by the Court always applies to amendments by other parliamentarians: there is a restriction because it is not possible to "amend amendments". However, there is no inability to discuss, let alone to vote. On the contrary, in the case that led to the ruling, the senators were able to discuss and vote on the controversial amendments in the three phases that make up the legislative process in the Senate: the Reporting Body, Committee and Plenary Sitting stages. Indeed, they had the option to retain the original text of the governmental bill by means of a dissenting opinion in the Plenary Sitting.
The doubt that remains (for the author of the communication, not for the Court) is whether this restriction violates the core of the parliamentarian's fundamental right to hold office on an equal footing and under the terms of parliamentary rules. There is no hint of any such breach of this type, as the legislative function is primarily the responsibility of the parliamentary majority according to the democratic principle.
- The debate on the bill as a whole sets the framework within which amendments to its sections can be made to shape its specific content (legal basis 6): this seems to

refer to the procedure in the Congress, although this is not expressly stated in the ruling. For the Senate, as the Upper House, the context for action on partial amendments is the legislative text it receives from Congress. Nevertheless, the ruling (legal basis 7) then refers cryptically to the fact that Congress and the Senate do not act at the same time and their formal powers are not exactly the same in the process of passing an act. Whilst this is certainly true, it is not easy to see how it affects the conclusions outlined in this subsection.

- Nevertheless, the parliamentary body responsible for monitoring consistency has broad discretion in its assessment, which does not excuse it from having to provide reasons for its decisions.

To end, it is important to note that, as it was an appeal for a declaration of violation of fundamental rights and not for judicial review of legislation, the Court made no ruling on the constitutionality of Organic Act 20/2003 of 23 December, complementary to the Arbitration Act, which had been passed with the two amendments included in the text and was in force when the ruling was handed down.

2.2. The second milestone in this journey was **ruling 136/2011** of 13 September, issued just two months later. This ruling contains important considerations on the constitutionality of acts with heterogeneous content that are not the subject of this communication. However, it also affects the issue of the consistency of amendments, introducing certain important developments:

- The first is that it seems to confirm the obligation for consistency to also be monitored in Congress (legal basis 6). Whilst it does not say so specifically, there is an express mention of the debate on the bill as a whole with which the procedure normally begins in Congress, such that, once this debate has established the material framework for the bill, Members would not be able to propose amendments that are not consistent with this.
- The second is that defects are made patent in an appeal for judicial review of a legislative text and not an appeal for violation of a fundamental right. In this case, the Court also avoids the declaration of unconstitutionality when it states that, although there is a breach of procedure, it cannot declare it unconstitutional as this would only affect the sections affected by the defect and these have not been identified by the appellants.
- The third is that the Court notes that acts with heterogeneous content are also governed by the principle of consistency for amendments, although the material connection must be "understood in a flexible manner in accordance with its functionality," because "the plurality of matters referred to in such cases by the legislative initiative does not make them acts of undetermined content, as their content is defined in the specific text submitted for parliamentary scrutiny" (legal basis 8).

2.3. **Ruling 176/2011** of 8 November is the third consecutive ruling on the matter and brings in two new elements that also raise doubts:

- First of all, it bases the need for the consistency of amendments on the right of the author of the initiative under Section 87 of the Constitution.

That reasoning does not seem correct because the right of the author of the initiative (e.g. the Government, most frequently) is a right to start the procedure and even withdraw the initiative (for example, if it is overly "disfigured" by parliament). But the definition of the final content of the act is the exclusive prerogative of the Houses: it is sufficient to remember that Congress may return the governmental bill to the Government or change it entirely with an amendment to the whole bill with an alternative text: these possibilities are much more radical for the author of the

initiative than simply the addition of an inconsistent amendment (however complex it may be).
- Secondly, the need for consistency of amendments is based on the instrumental nature of the legislative process and, consequently, on the function and purpose assigned to the exercise of the Houses' legislative power, causing a defect in the development of said procedure that "could" become constitutionally significant if it were to substantially affect the formation of the will of the Houses.
The scope of this basis is not evident and it is applied by the Court conditionally but not imperatively. The question arises: if all the parties involved in the legislative process agree to support an inconsistent amendment, would the Constitutional Court annul the relevant legal provision?
2.4. **Rulings 204/2011**, **209/2012** and **234/2012** continue the case-law approach to the consistency of the amendments set out in the aforementioned precedents.

3. The Senate's reaction to the rulings of 2011

As a result of the first ruling, handed down in July 2011, the Senate, being directly affected by the ruling, took a number of immediate measures to monitor the consistency of amendments to legislative texts. The measures have not yet resulted in a reform of the Standing Orders but they represent consolidated practice over the last four years. It should be noted that this monitoring process was put in place in the last three months of the previous parliament, causing all parliamentary actors (Senators, Government and the Bureau) to adapt their practices rapidly in this short and peculiar period.
When these control measures were established, consideration was given to the short amount of time available in the Senate for examining amendments (of which there are sometimes hundreds). And, given the novelty of the situation, it was considered appropriate to centralise the decision in the Bureau and the President, instead of allotting this task to the Committees, in order to ensure: (1) consistency in decisions on admission or rejection; and (2) speedy adoption.
As mentioned above, the Bureau of the Senate has the power to legally assess and allow parliamentary papers to proceed and it has delegated these powers on a general and permanent basis to the President of the Senate to monitor the consistency of the amendments.
In practice, the Clerk of the Committee examines the amendments once the deadline for submission ends and submits possible inconsistencies to the Secretary General, all together with the Director of Committees and the Deputy Secretary General for Parliamentary Affairs. This usually takes place a day or two after the deadline for tabling amendments.
If a possible inconsistency is identified, the Secretary General sends the President a document proposing the rejection of the amendment, succinctly setting out sufficient reasons for this, on the grounds that it has no material relation to the initiative being passed. The proposals are limited to cases where the lack of material connection is total, since, as noted, the Court recognises wide discretion for the parliamentary body with powers of control. Logically, it is assumed that all other amendments are consistent (without specifying the material connection in each case).
If the President agrees with the Secretary General's proposal, the decision to reject the proposed amendment is immediately communicated to its author and the Committee dealing with the bill. The author of the amendment may ask the Bureau of the Senate to review the rejection ordered by the President, giving appropriate reasons for this. In this case, the Bureau takes the decision it deems appropriate: if it

ratifies the rejection, the senator can lodge an appeal for violation of a fundamental right with the Constitutional Court. Resolutions on inadmissibility are published in the Official Gazette of the Senate.
The procedure in place does not suspend consideration of the bill or set deadlines, given the short amount of time the Constitution gives the Senate to exercise its legislative function (two months in ordinary procedure and twenty calendar days in urgent procedure). Nevertheless, no complaint has been filed to date in this regard, and all parliamentary actors have operated with great dispatch. Of course, legal and political disagreement over the substance of the matter by the authors of the amendments declared inadmissible is a different issue.
The control procedure also allows an amendment that has been allowed to proceed to be subject to an application for rejection by a senator or a political group, as in the case that led to the first ruling. In this case, the subsequent procedures are similar: the President makes a decision and this is reviewable by the Bureau.
This mechanism has been extended to all stages of the legislative process in the Senate: the incorporation of modifications during the Reporting Body, Committee and Plenary Sitting stages that were not submitted as amendments within the statutory term is subject to checks of consistency by the President and the Bureau, albeit with even greater time restrictions.
The mechanism provides for only one case when an inconsistent amendment can be allowed to proceed: when the amendment is supported by every political group in the House. It is understood that, in this situation, every group "consents" to the infraction of the procedure (which is a guarantee for them and for senators in the exercise of their legislative function) and to a hypothetical violation of their fundamental right as per Section 23.2 of the Constitution. However, for greater certainty, if even one senator challenges the admissibility of an inconsistent amendment, it is blocked and cannot be passed.

4. The position of the Constitutional Court in 2015

In its recent ruling 59/2015 of 18 March, the Constitutional Court summarises its case-law (legal basis 5) and echoes the procedure established in the Senate (legal basis 6).
The grounds for this appeal for judicial review of a legislative text were the inconsistency of an amendment by the majority political group, which regulated a new tax that was to be included in a governmental bill of wide ranging content that modified various taxes.
In its ruling (legal basis 5), it summarises its case-law on this matter as follows:
- A minimum consistency is necessary in amendments so as not to affect either the rights of the author of the initiative or the instrumental nature of the legislative process, in breach of the Constitution.
- The body of the House that assesses amendments must have broad scope for appraisal and must explain the connection, such that the amendment should only be rejected if it is clear and manifest that there is no connection.
- In heterogeneous content bills the proper exercise of the right to propose amendments must also be observed, although in this case the material connection must be understood flexibly, according to the actual functionality of the amended bill.
In this summary, however, the Court says nothing about the origin of its case-law on the consistency of amendments, which was in the breach of parliamentarians' fundamental right to exercise their office.

From here, the Court first examined the assessment made by the parliamentary body with powers to monitor consistency and indicated that the amendment was allowed to proceed under the control procedure laid down by the Senate and that no senator or political group raised the issue of a lack of consistency: according to the Court, these facts are relevant but do not exempt it from examining consistency.
Secondly, the Court proceeded to analyse consistency itself and concluded that the amendment seeks to introduce a new tax in a "transversal tax regulation" and therefore has the material connection required under its new case-law (i.e. "It cannot be said that there is a total lack of consistency or a disconnection"), without having "found a substantial alteration of the process for the formation of the will of the Houses".
One wonders whether, despite the lack of internal opposition in the Houses, the Court would have declared the tax unconstitutional if it had not found that material connection.

5. Pending issues

At present there are several pending issues in this matter, noted in the preceding subsections. These include:
- Confirmation of whether or not the Constitutional Court will declare the unconstitutionality of a provision on the grounds that it derives from an inconsistent amendment and, above all, the reasons why it will do so. In this case the question arises from the different grounds the Court has offered in its rulings regarding the need for amendments to be consistent: the violation of parliamentarians' fundamental rights; alteration of the legislative process that harms the formation of the will of the Houses and leads to a democratic deficit; violation of the right of the author of the initiative, and so forth. Its most recent ruling (59/2015) seems to point to an objective configuration of inconsistency (which, by the bye, is not very consistent with its thesis on the admissibility of heterogeneous acts) as a basis for possible unconstitutionality, irrespective of the positions of parliamentary actors. But this does not seem to find sufficient ground in the case-law specified in legal basis 5 thereof. It is therefore legitimate to ask: if all parliamentary actors agree on incorporating the inconsistent amendment, what would the reason for the unconstitutionality be?
- Incorporation into the Standing Orders of the Senate of: (1) the requirement whereby amendments must be consistent with the initiative to which they refer; and (2) the basic elements of the consistency monitoring procedure to afford them the required regulatory status. And finally,
- Wait for the Court to review its criteria for acts with heterogeneous content based on the principle of legal certainty. But that is, perhaps, a subject for another communication.

Mr Geert Jan A. HAMILTON (Netherlands) said that he was puzzled because he believed it was the duty of Parliament to produce legislation of good quality, and that it should consequently stay away from amendments that were inconsistent and potentially ruinous.

In the Netherlands the Senate did not have the right to amend but it did have to scrutinise the final product. In particular the Senate had to investigate the propriety of amendments made by the House. It occurred relatively frequently that a law was rejected because of the inconsistency of the amendments made.

Mr José Manuel ARAÚJO (Portugal) asked how, if a big part of the legislative procedure took place in committee, the Senate could control what happened to an amendment proposed during a committee meeting.

Mr Charles ROBERT (Canada) said that the courts did not intrude into the internal proceedings of the chamber in Canada. He was therefore puzzled by the role played by the Constitutional Court in Spain and asked what effect that had on the relationship between Parliament and the courts.

Dr Hafnaoui AMRANI (Algeria) said that, in Algeria, parliamentarians could not bring the constitutional court into play. Only the court itself, or the President, could do that. In the Senate, it was not possible to table amendments, but the amendments adopted by the National Assembly were examined.

He asked what the minimum number of co-signatories required for an amendment to be presented was. He had understood that the presidents could sign the amendments and asked whether this was not difficult to put into practice.

Mrs Cecilia MBEWE (Zambia) said that normally when an amendment was brought to a piece of legislation, the intention was to improve the legislation or to accommodate changes to the domain in which the legislation operated. She asked what the motivation for bringing inconsistent amendments could be. She also asked whether there was a method other than the courts for determining consistency or otherwise.

Mr Gengezi MGIDLANA (South Africa) said that in South Africa both Houses were able to make amendments to a bill, but that they had to be within scope unless specific permission had been sought to vary the scope.

If a third of the members of one of the Houses was unhappy with the constitutional status of a bill, this could be referred to the Constitutional Court. There was currently a debate about the extent to which the courts should get involved. He asked whether perhaps the court was exceeding its mandate by becoming embroiled.

Mr Sosthène CYITATIRE (Rwanda) asked herself about the texts governing Parliament and wanted to know whether, at a constitutional level, there was a measure designed to address this problem. There might also be something in the internal rules. He asked about the existence of a joint committee to deal with amendments.

Mr Baye Niass CISSÉ (Senegal) asked if the Spanish Senators were able to amend the Finance Bill presented each year by the Government.

Mr CAVERO said that he agreed with Mr HAMILTON that one of the tasks for Parliament was to draft good laws and that consequently inconsistent amendments were a problem which should not arise. However, political will sometimes meant that this principle fell by the wayside.

In the Spanish system both Houses could amend bills, which went first to the Congress and then to the Senate. If the Senate had introduced amendments, the bill went back to the Congress, which could accept or reject the amendments made.

He replied to the question from Rwanda by stating that there was no such joint committee. The Senate proposed amendments and the members of the Congress then decided whether to accept or reject them.

He regretted that his colleague from the Congress was unable to be there. The ruling of the Constitutional Court applied in most part to the amendments made by the Senate but in his opinion it applied equally to the Congress, though nobody had done anything about this.

In response to the question from Portugal, he said that time constraints made things very difficult. If the Clerk of the Committee perceived an inconsistency in an amendment, he was obliged to tell the Chair, who was not supposed to put the question on the amendment. That was the only means for an amendment to be rejected on the grounds of consistency.

To Mr ROBERT he said that the Constitution, article 9.1, said that all powers, including the judiciary, the Government and the Parliament, were submitted to the Constitution. There was no sovereignty of Parliament. This meant that the Constitutional Court could rule on the internal proceedings of Parliament when certain conditions were met. The Constitution was treated as if it had supreme judicial effect.

In response to the question from Algeria, he said that parliamentarians could make use of the constitutional court via two channels. If a fundamental right had been violated, the parliamentarian could apply to the court on their own account. The other possibility was for 50 MPs or 50 Senators to ask the constitutional court to pronounce on a measure.

On the other matter, according to the rules of the Senate, it was for Senators or parliamentary groups to sign amendments, but it was rare for the presidents of those groups to handle this.

In response to the question from Zambia he agreed that amendments should be used to improve the law. However, amendments were also the means for minority groups to express their political positions. When the President rejected an amendment, he had to state why he believed that the amendment was inconsistent with the bill. If any of the Senators wanted to challenge the decision of the President, he had to be able to explain why. It was then for the Bureau to decide, mostly on a technical basis, which argument would win.

50 Senators or 50 members of the Congress could appeal to the Constitutional Court about the constitutionality of a law. The Court was then able to investigate what had happened. It was a supreme court. Other courts could investigate parliamentary matters, for example in human resources cases.

In response to the question from Rwanda, he indicated that there was no provision in the constitution for ensuring the compatibility of amendments with the drafts to

which they related, but in the name of national security one could, for example, amend a code by inserting an initiative which had nothing to do with it.

In response to the question from Senegal, he confirmed that the Senate could amend the Finance Bill: the procedure was like the ordinary legislative procedure.

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

5. Communication by Mr Marc VAN DER HULST, Deputy Secretary General of the Chamber of Representatives, Belgium: "The new system of second reading in the Chamber of Representatives in Belgium"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Marc VAN DER HULST, Deputy Secretary General of the Chamber of Representatives, Belgium, to make his communication.

Mr Marc VAN DER HULST (Belgium) spoke as follows:

1. A process of reforming the unitary state into a federal state has been under way in Belgium since 1970. This reform occurred gradually, via six consecutive "State Reforms" which have also had an impact on the workings of the federal bicameral Parliament.
   In the Fourth State Reform (1993), the Senate lost its budgetary powers and its role of political oversight. In the legislative sphere, it is true that it lost a number of competences - a number of matters became monocameral and the Senate lost the right of final decision in a number of other matters - but in practice the Senate continued to play a (very) important role in federal legislation between 1995 and 2014.

2. However, as a result of the Sixth State Reform (effective since the May 2014 elections), the legislative power of the Senate has been restricted drastically.
   Most legislative matters are now monocameral (Art. 74 of the Constitution, hereinafter referred as "Con." for short). In a limited number of matters enumerated exhaustively, the Senate still has a "right of evocation", which means that it can call for a matter being considered by the House of Representatives to be debated in the Senate; however, the final decision lies with the House (this is known as the "optional bicameral procedure"; Art. 78 Con.)
   Only for revision of the Constitution and for a limited number of matters relating to the organisation and functioning of the federal system (Art. 77 Con.) is the Senate still on an equal footing with the House of Representatives.

3. The fact that the bulk of the legislation is now dealt with under the monocameral legislative procedure means that the risk of hasty decisions increases, and this explains why the legislator inserted a paragraph 3 in Article 76 Con. which expressly stipulates that the Rules of Procedure of

the House of Representatives must provide for a second reading procedure. The constitutional legislator has left the House free to decide what form the second reading should take, but made it clear that the purpose of the second reading must be to focus entirely on improving the quality of the legislation. The second reading procedure in the Rules of Procedure of the House of Representatives must, for example, allow sufficient time for reflection.

4. The House of Representatives implemented Art. 76 paragraph 3 of the Constitution by means of an amendment to its Rules of Procedure just before the May 2014 elections. In the following, we attempt to outline a picture of the way in which the second reading procedure will operate in future. In doing so, we first set out a number of findings about the choices made by the House of Representatives (marginal numbers 5 to 8), and then give a detailed description of the second reading in committee (marginal numbers 9 to 14) and in plenary session respectively (marginal numbers 15 to 20).

General findings

5. *First finding* - Since second reading is designed to act as a counterweight to the disappearance of debate in the Senate, it could have been argued that it should not apply to bills which are subject to the mandatory bicameral procedure. The House could have restricted the application of second reading in its Rules to monocameral and optional bicameral bills (because the Senate is sidelined in those cases) but did not do so, probably because it considered that a second reading can always improve the quality of legislation.

6. *Second finding* - In view of the broad wording of Article 76, paragraph 3, Con., the House could choose between three possible 'fora' for the second reading:
1° a specialised (special) committee in which all second readings would have to take place; 2° the (standing) committee responsible for the subject matter in which the first reading had taken place; or 3° the plenary assembly.
The House opted to make second reading possible both in the (standing) committee responsible for the subject matter (see Art. 83 of the Rules of Procedure of the House) and in the plenary assembly (see Art. 94 of the Rules of Procedure of the House). In practice, the second reading that is requested in plenary assembly is instead carried out in the relevant standing committee.
The parliamentary preparation tells us nothing about the reasons for that choice, which is nevertheless the best that could have been made. Only in the relevant committee which also discussed the matter on first reading, can a satisfactory - read 'substantive' - second reading take place. A specialised committee where all second readings take place would probably be able to make legislative technical improvements, but would lack the expertise required in the subject matter being discussed in the second reading. And the plenary assembly offers fewer guarantees of a thorough second reading due to its more political character.

7. *Third finding* - In view of the broad wording of Article 76 paragraph 3 of the Constitution, the House could either opt to make the second reading automatic, or limit its application, for example so that it would only be possible in the event of amendment or if it were specifically requested.
   The House expressly opted to make a second reading possible, even if the text was adopted without amendment. The second reading differs on this point, among others, from the legislative technical improvement procedure provided for by Art. 82, no. 1 of the Rules of Procedure of the House of Representatives (see *below*, marginal number 8).
   The House did not make the second reading automatic. It must always be requested, although the requirements to achieve this in committee are particularly low.

8. *Fourth finding* - The second reading is a full substantive reading. That means, inter alia, that there are no other restrictions on the right of amendment than the conventional restrictions (for example, the rule that amendments must be directly related to the precise subject or to the article of the bill or proposal they are intended to amend; Art. 90, no. 1, paragraph 1, Rules of Procedure of the House).

   The second reading must therefore be clearly distinguished from the legislative technical procedure pursuant to Art. 82, no. 1 of the Rules of Procedure of the House), introduced in 2000. This provides, after amendment in committee, for a *cooling-off* period of at least 48 hours starting from the time when a draft of the adopted text is made available to the members of the committee, incorporating all the adopted amendments. On expiry of that period, legislative technical improvements may be made to the draft of the adopted text.

<u>The second reading in committee</u>

9. The conditions for a *second reading in committee* are more flexible than in plenary assembly (*below*, marginal numbers 15 to 20). It shall suffice that one committee member, or - if it concerns a bill sent back to the House by the Senate - one-third of the committee members (in concrete terms: 6 of the 17), submits a request for it (Art. 83 of the Rules of Procedure of the House).
   Are considered "committee members": the permanent members of the committee, the deputy members and the members appointed for a specific committee meeting by their parliamentary group president to deputise for a permanent member or his/her deputy. "Members without voting rights" - members who do not belong to a recognised parliamentary group, but who have to choose a committee whose meetings they will attend - can therefore not request a second reading in the committee where they have no right to vote.

10. The request to proceed to a second reading must occur no later than immediately after the vote on the final article on first reading. This means that the request is inadmissible once there has been a vote on the whole of the bill or, a fortiori, once the discussion of a different agenda item has

started.

11. In contrast to what happens in the plenary session, in the committee a cooling-off period is allowed, since the committee cannot proceed to the second reading until at least 10 days have passed, starting from the time when the committee report, together with the text adopted by the committee on first reading, have been circulated.
That period of 10 days is reduced to 5 days in urgent cases.
It is possible that a bill will be discussed in committee before the plenary assembly decides that it is urgent. As a result, it is possible that a second reading in committee has already been requested, with a cooling-off period of ten days (starting from the circulation of the minutes) because it has not (yet) been decided that the matter is urgent. In accordance with consistent practice, a decision that the bill is urgent takes immediate effect. Once it has been adopted by the plenary assembly, the period is then cut from ten days to five, on the understanding that the period of five days starts running from that day after it was decided that the matter was urgent.
The periods of 10 or 5 days respectively are complete calendar days. If the physical circulation of the report and the text adopted took place on 1 June, the earliest that the second reading can take place will be 12 June. In the interval, it is not only impossible to vote on the text on second reading, but the whole debate is suspended. For examples, no hearings can take place, because the second reading is a full substantive debate and hearings form part of that.

12. Although it is not written into the Rules of Procedure of the House in so many words, the current second reading in committee consists of a general debate and a debate one article at a time.
The (so far limited) practice confirms that the second reading is a full debate, during which, inter alia, there is more detailed scrutiny of (uncertainties in) the report of the first reading and questions that remained unanswered during the first reading, and during which the competent minister provides information that was not available during the first reading.

13. During the second reading, both substantive amendments and legislative technical improvements may be adopted. Practice shows that legislative technical improvements are often adopted, but substantive amendments are hardly ever accepted.
Legislative technical improvements can be based on a memorandum from the services of the House, but that must be expressly requested and the committee can reject that request, majority against opposition.
The amendments state expressly that they were submitted on second reading.
If amendments or improvements to the text are adopted, they cannot give rise to a third reading in committee, or to application of the procedure of legislative technical improvement under Article 82, no. 1 of the Rules of Procedure of the House of Representatives (*above*, marginal no. 8).

14. Since the second reading is a full, substantive reading, it is not necessary that the same rapporteur be designated as for the first reading.

If the committee has decided that there should be a second reading, the text adopted on second reading serves as the basis for the debate in the plenary assembly.

The second reading in the plenary assembly

15. As for the *second reading in the plenary assembly*, the new Article 94 of the Rules of Procedure of the House of Representatives provides that a request is necessary from the Speaker of the House or from one-third of members. That is a much tighter rule than the one which applies to requesting a second reading in committee (see *above*, marginal no. 9).

16. Just as in committee, the request to proceed to a second reading is made no later than prior to the vote on the whole of the government bill or private member's bill.

17. The plenary assembly decides during the second reading based on the minutes of the relevant committee. A second reading in the plenary assembly therefore always implies a referral back to the relevant committee.
In the committee, the bill or proposal sent back is treated as if the second reading was requested there, with the important distinction that no *cooling-off* period is allowed. So it is quite possible that in the plenary assembly, a second reading is requested and that the committee proceeds to that second reading on the same day.
The rule that the report of the debate in committee must be available before the plenary assembly can resume the debate, remains in force in that case. Unless the House has decided that it is urgent, this report must have been circulated three days earlier.

18. Nowhere in the explanatory notes or the debate on the applicable provisions of the Rules of Procedure is it stated whether the second reading in the plenary assembly should consist - like the first reading - of a general and an article-by-article debate.
The will of the constitutional legislator to make the second reading a full reading, replacing the previous debate in the Senate, supports that interpretation. A more formal, but no less weighty argument is that the Rules of Procedure of the House of Representatives do not provide that a general debate is ruled out in the context of the second reading.
An argument against that interpretation is that a general debate has already taken place and that in most cases, it is in nobody's interest to repeat it, unless they wish to obstruct the adoption of the bill or proposal at any cost by filibustering.

19. Just as during the first reading, during the second reading, the opinion of the Council of State (the Belgian Supreme Administrative Court) on the amendments submitted can be enforced, either by at least fifty members,

or by the majority of the members of a linguistic group.[35]

20. If the plenary assembly has adopted amendments during the second reading, it can decide - on this occasion by a simple majority of votes - that a third reading and a vote should take place about these. This third reading already existed previously, and in principle, always occurs in the plenary assembly.

Conclusion

21. The number of cases in which the second reading has taken place is currently too limited to conclude whether it offers sufficient guarantees to avoid hasty legislation.
It is positive that the substantive second reading, even if the request for a second reading emanates from the plenary assembly, largely takes place in committee. This avoids it becoming a mere formality. In the past year, it has emerged that this second reading in committee is being treated with the requisite seriousness, even if this often requires late-night meetings. Of course, that does not change the finding that the second reading is now carried out by the same people as the first. The "four eyes principle" that existed prior to 2014 with - usually - the Senate as the second reader, has now disappeared, while that principle was precisely what offered certain guarantees.

22. Less compatible with the intention of the constitutional legislator - which advocated sufficient time for reflection (*supra,* marginal no. 2) - is the fact that no cooling-off period is allowed between the first and second reading. If the opposition wishes to enforce a cooling-off period, than it has no option but to call for a second reading in committee.

23. The requirements for requesting a second reading are rather low in committee and rather higher, but not really constituting a barrier, in the plenary assembly. The fear that the second reading would become the instrument of choice for filibusters has so far proven unfounded. Anyone who wants to slow down the debate will find the mandatory requests for the opinion of the Council of State to be a far more effective instrument to obstruct debate ...

Mr Andrew KENNON (United Kingdom) said that some of what had been said had very wide relevance. He said that in the UK, because of the greater powers given to Scotland, Wales and Northern Ireland, there had been pressure to insist that only English members should be able to participate in matters affecting England only. He wanted to know how this related to the situation in Belgium, given its federal system.

Mr Jean NGUVULU KHOJI (Democratic Republic of the Congo) said that the communication had mentioned second reading but he wanted to know about what first reading consisted of.

[35]The Belgian House of Representatives and Senate are each divided into two linguistic groups (one Dutch-speaking, one French-speaking). In certain cases, a majority within one linguistic group will suffice to initiate a procedure, in others a majority within each linguistic group is required to take a decision.

Mr Geert Jan A. HAMILTON (Netherlands) said that bi-cameral systems used second readings in legislation in order to apply a fresh pair of eyes to the work examined by a first pair of eyes. The intention must have been to ensure better legislation. He asked how it could be ensured that the second reading did not undermine the work that had been done in the first reading. He also asked whether Belgium had been inspired by other Parliaments around the world in introducing this system.

Mr Jeremiah M. NYEGENYE (Kenya) said that, as a representative of a second chamber, he was depressed by the system described because it was another instance of the stripping of powers of second chambers. He observed that only one member was required to send a bill to a second reading committee, whereas in the Senate a higher number of members was required.

Mr Sosthène CYITATIRE (Rwanda) said that he was shocked by the loss of power in the Senate and asked about the reforms of the state and whether they would mean that all draft laws would be examined by both chambers.

Dr Winantuningtyas Titi SWASANANY (Indonesia) said that Indonesia had a unicameral system with an additional means of representing regional interests. The regional perspective could be heard during standing committee sessions.

Mr VAN DER HULST said that, with regards to devolution, in Belgium there was a system of federated entities called regions and communities. There was at least one Parliament which was in charge of both community and regional matters. According to the matters discussed, some members would be entitled to take part in the discussions and vote, or not. It was a very complicated system that was perhaps worth a discussion outside the plenary.

In response to the question from the Democratic Republic of the Congo, he said that first reading was an identical copy of second reading, just 10 days later.

In response to the questions from Mr HAMILTON, he said that he was quite aware that it was healthier to have two pairs of eyes looking at a piece of legislation. The Senate had been stripped of its powers, not because people doubted its competence, but because of a dismantling that took place at a federal level. All Governments considered that the bills that they had tabled should have been approved quickly: having two chambers took more time. The system of second reading was an attempt to compensate for the loss of control by the Senate whilst maintaining the quality of legislation.

Until now he had not observed that the existence of the second reading had perverted the first reading, not least because it was never clear whether or not a second reading would take place. The opposition did not use the mechanism unless they believed it to be necessary.

In terms of international inspiration, the type of second reading that had been introduced in 2014 in Belgium had precedents in Lithuania, France, Denmark, Croatia and Estonia. Amongst those, France was the only one which was a bicameral Parliament.

In response to Mr NYEGENYE he agreed that the move could be characterised as a systematic assault on second chambers. He was not sure whether or not it was part of a general tendency towards cost efficiency, or haste. He did not believe that Belgium was an exception, but he deeply regretted the legislative disappearance of the Belgian Senate, which had acted as a healthy control.

He observed that, if a text came from the Senate, there had already been a second reading and, consequently, having a second reading was less important and thus needed to meet a higher threshold test.

In response to the question from Rwanda, he indicated that not all laws went through two chambers. The current system was that the law was monocameral: since 2014 90% of legislation went through the Chamber of Representatives only. For 10% of drafts, the Senate could examine it and propose amendments: if it could convince the first chamber of the relevance of the amendments, they could be taken up.

Bicameralism was perfect at this level but, because in Belgium there was a consensus that the structure of the State could not be touched for at least five years, the Senate had not taken up more than two drafts in the previous year.

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

6. Communication by Mrs Colette LABRECQUE-RIEL, Acting Clerk Assistant and Director General of International and Interparliamentary Affairs at the House of Commons of Canada: "Reforming Parliament from within"

Mrs Doris Katai Katebe MWINGA, President, invited Mrs Colette LABRECQUE-RIEL, Acting Clerk Assistant and Director General of International and Interparliamentary Affairs at the House of Commons of Canada, to make her communication.

Mrs Colette LABRECQUE-RIEL (Canada) spoke as follows:

Parliamentary reform is a topic of perennial interest to Canadians, the media, academics and Parliamentarians.

In the past few years, recurring themes have emerged in discussions around parliamentary reform, including the balance of power between Members of Parliament and their party leadership, decorum, especially during Question Period, rapidly changing technologies, and work/life balance for Members. Over this period, a portion of House and committee time has been devoted to considering these ideas, which have largely been sponsored and promoted by backbench Members, with varying degrees of success.

The House of Commons: Master of its Proceedings

With currently more than 150 Standing Orders that govern how the House conducts its business, changes to the written rules of the House do not come about easily. They are often the result of debate in either the House or in the Standing Committee on Procedure and House Affairs following many private discussions between Members or debate within caucuses. Since all changes to the Standing Orders must be adopted by the House as a whole, it can be challenging for a Member to shepherd a proposal for reform from its birth as an idea to its adoption by the majority of his or her colleagues.

On occasion, Speakers have also raised questions for the House to consider. Where there are no written rules to prescribe an action in a given situation, the House of Commons turns to its own jurisprudence, and the Speaker examines the rulings of past Speakers, as well as practices of the House. Where a gap in House procedure or practice is identified, after ruling on the matter, the Speaker may invite the House to consider how its rules or practices might be adjusted to respond to changing circumstances.

Ultimately, whatever the mechanism for proposing a change to procedures or practices, the House is indisputably the master of its own proceedings. The fact that backbench Members have recently been successful in advocating for reform demonstrates the importance of the individual leadership on these questions. Members have had to play an active role in seeking cross-party support for their measures, and though the House ultimately makes the formal decision, the work done behind the scenes is a necessary and valuable part of the process.

With the leadership of backbench Members on these questions, two key themes have emerged with respect to reform, namely the balance of power between Members and their party leadership and responding more directly to the needs of constituents. In many cases, the interests of individual or backbench Members can be distinguished from government or party-led reforms of the past, which often tend to focus on process issues or enabling the House to conduct its business efficiently and effectively. However, the relative success of some of these measures suggests that backbench Members may have found a strategic opening in making proposals that speak directly to the role that each Member is called to play in the House and in their constituencies, regardless of their position or party affiliation.

Balance of Power between Members and Party Leadership

Reform Act, 2014

To attempt to address the balance of power between Members and their party leadership, a backbench Conservative Member for Wellington—Halton Hills, Mr. Michael Chong, introduced Bill C-586, *Reform Act, 2014*. A similar bill had previously been introduced by Mr. Chong in December of 2013, Bill C-559, *Reform Act, 2013*, and following consultations with and feedback received from colleagues, the revised version was introduced on April 7, 2014. During debate at second reading, Mr. Chong suggested that by making the party leadership more accountable to their caucus, Members could be empowered to represent their constituents as opposed to representing their parties' positions to their electors, which could ultimately lead to greater engagement of Canadians in politics.

Mr. Chong's Bill proposed to achieve this by amending both the *Canada Elections Act* and the *Parliament of Canada Act*. The suggested reforms aimed at returning control over party nominations for candidates to the local riding associations, thus removing the party leader's power to select candidates. The Bill also included provisions which increase the power of caucus members by codifying the rules as to how the caucus may vote on the removal or re-admission of a caucus member, on electing a caucus chair by secret-ballot and on conducting leadership reviews and the election of an interim leader.

Having consulted with colleagues and having made every effort to modify the Bill in a way that it would allow it to be adopted in committee, and ultimately by the House, during his appearance before the committee, Mr. Chong suggested further amendments for the Committee's consideration. During clause-by-clause study of the Bill, government members proposed amendments to the Bill that were eventually adopted by the Committee. Though the amendments were similar to some of Mr. Chong's suggestions, they also made further modifications in relation to party nominations and certain rules governing party caucuses. The first amendment replaced Mr. Chong's proposal that each political party's electoral district association exercise control over candidate nominations in the riding. Instead, the Bill was amended to appoint a 'nomination officer' to approve candidates' nominations, allowing for the power to sign the nomination papers to remain with an authorized person within the party. The second amendment further modified the *Parliament of Canada Act*, allowing each caucus to determine at the beginning of each Parliament whether the provisions of Mr. Chong's Bill related to caucus membership, the caucus chair and the leadership review should apply. Amendments were also made to require the parties to communicate their decisions to the Speaker of the House of Commons.

Due to the extensive consultations and willingness on the part of Mr. Chong to compromise and incorporate the feedback of his colleagues, the Bill was ultimately adopted by the House and Senate and received Royal Assent in June of 2015, just prior to the dissolution of the 41st Parliament. The provisions of the Bill will come into force following the next general election on October 19, 2015.

Right to Speak

Standing Order 31 permits that every day that the House sits, time is reserved for Statements by Members. At 2:00 p.m. on Monday to Thursday, and at 11:00 a.m. on Friday, the Speaker calls Statements by Members. Members, who are not Ministers, when recognized by the Speaker, are permitted to address the House for up to one minute on virtually any matter of international, national, provincial or local concern and the time limit is rigorously enforced by the Speaker. The opportunity to speak during Statements by Members is allocated to private Members of all parties. In according Members the opportunity to participate in this period, the Speaker is guided by lists provided by the Whips of the various parties and the proportional allocation of speaking opportunities, established by agreement between the parties at the beginning of each Parliament.

Unhappy with having been denied by his party the opportunity to present a statement under Standing Order 31, Mr. Mark Warawa, Conservative Member for Langley, rose on a question of privilege on March 26, 2013, regarding freedom of

speech and the right of a Member of Parliament to make a statement under this Standing Order. Mr. Warawa stated that on March 20, he had been on the list to present a statement but had his turn taken from him by his party because his topic had not been approved. He argued that such a denial of his right to speak impeded his ability to represent his constituents and that it is the Speaker's role, not a party's role, to determine which Members to recognize in the House. During his intervention, Mr. Warawa emphasized two key points: all Members of Parliament have an equal right to participate in presenting statements under S.O. 31, and the Speaker is the only one who has the authority to ask Members to resume their seat if improper use of the statement is being made. He asked the Speaker to rule that this was a prima facie case of privilege. As this matter went to the heart of a Member's fundamental right to speak, a total of 19 Members, mostly backbenchers, rose to address this question in the ensuing weeks.

In his April 23, 2013, ruling on the matter, the Speaker gave an overview of the history of the use of speaking lists and explained the role and authority of the Chair to recognize Members to speak. He stated:

> "...the Chair has to conclude, based on this review of our procedural authorities and other references, that its authority to decide who is recognized to speak is indisputable and has not been trumped by the use of lists, as some Members seem to suggest." (*Debates*, p. 15800)

The Speaker also stated that it is the ultimate responsibility of the Member to "catch the Speaker's eye". He indicated that the reliance on lists had created an ongoing problem in that some Members did not stand to be recognized, but rather remained seated assuming they would be recognized when their turn came, as dictated by the list. He stated that Members are free to seek the floor at any time, and he could not find a *prima facie* case of privilege as no evidence had been presented that the Member from Langley had been prevented from doing so.

Though the Speaker's conclusion did not represent a reform of the written rules, it did serve to confirm and even encourage each Member's right to seek the floor at any time by catching the Speaker's attention. In the days following his ruling, a number of Members exercised this right, and, in some cases, the Speaker exercised his discretion.

Election of the Speaker by Preferential Ballot

Prior to 1985, the party leadership played an important role in the selection of the Speaker. The general practice was for the Prime Minister to propose the name of a Member to become Speaker. This debatable motion was usually seconded by a leading Minister, although, starting in 1953, the nomination typically was seconded by the Leader of the Opposition. In 1985, provisional changes to the Standing Orders were adopted that allowed for the election of the Speaker by secret ballot. The new process was first used in 1986 and the changes to the Standing Orders became permanent in 1987. The rules provide that once the first ballot is completed and counted, if no Member has received an absolute majority of the votes cast, a second ballot is required, with the name of the candidate who received the least number of votes, together with the names of any candidate who received 5% or less of the ballots cast on the previous round, are removed from the list. This process continues until a

candidate has obtained a majority of the votes. On occasion, this has been a lengthy and time-consuming process for Members, as many ballots can be required.

In early 2014, Mr. Scott Reid, Conservative Member for Lanark—Frontenac—Lennox and Addington, moved private Members' motion M-489, which asked the Standing Committee on Procedure and House Affairs to study the way in which the Speaker is elected, by considering the use of the preferential ballot. His reasons for proposing this motion ranged from time management, to resolving the lack of a mechanism in place to deal with a tie, to suggesting that multiple ballots can cause divisiveness between Members, parties and candidates.

Mr. Reid's motion proposed electing the Speaker of the House by preferential ballot, meaning that there would be one ballot on which Members would indicate their preferences by ranking the candidates in numerical order, though there is no obligation to rank all candidates. Once they had submitted their ballot, as there is only one round of voting, Members cannot change their preferences, in contrast to the current system where each ballot allowed Members to make a new choice. Besides being a more efficient system, certain Members viewed the preferential voting method as a way to ensure that partisanship or strategic considerations were separated from the very important exercise of choosing a Speaker.

Having studied the matter, the Committee reported back to the House on October 3, 2014, that changing the way in which the Speaker would be elected at the beginning of the next Parliament was an important decision that should be taken by the House. On June 17, 2015, in a recorded division of 169 yeas versus 97 nays, the House concurred in the Committee's report, thereby adopting changes to the Standing Order regarding the election of the Speaker. The first election of the Speaker of the House of Commons by preferential ballot will be held at the beginning of the 42nd Parliament.

Election of Committee Chairs by Preferential Ballot

Inspired by a desire to enhance the credibility of committee chairs and, in turn, committees, Mr. Brad Trost, Conservative Member for Saskatoon—Humboldt, moved private Member's motion M-431 on April 24, 2013. This motion instructed the Standing Committee on Procedure and House Affairs to consider the election of committee chairs by means of a preferential ballot system by all the Members of the House of Commons, at the beginning of each session and prior to the establishment of the membership of standing committees. He cited two sources that inspired his motion: one, a debate on an opposition motion held in 2002 which led to the election of committee chairs by the committee members and second, changes made to the rules in the United Kingdom in 2010 concerning the election of committee chairs. Mr. Trost indicated that his suggestion was not a criticism of current committee chairs, rather an opportunity to enhance the credibility of committee chairs, increase the independence of committees and to engage the committee membership.

Members who participated in the debate seemed fairly open to the idea, although they expressed some concerns with respect to gender and regional imbalances, representation of minorities, knowledge of the candidates, and how to implement this type of system. After debate, the House adopted the motion on February 5, 2014, and the matter was referred to the Committee. During his appearance before the

Standing Committee, Mr. Trost made suggestions concerning the mechanics of the process in an effort to assist the Committee in the preparation of its report to the House. However, Parliament was dissolved before the Committee reported back to the House.

Free Votes

In May 2015, Mr. Komarnicki, Conservative Member for Souris—Moose Mountain, moved private Members' motion M-590 which reads as follows: *That, in the opinion of the House, all Members of Parliament should be allowed to vote freely on all matters of conscience*. During debate, Mr. Komarnicki explained that he was asking for the support of the House to ensure that Members should be free to use their own judgement when deciding how to vote on each issue, free from the sanction of their party. After two hours of debate during Private Member's Business, the motion was adopted by the House with overwhelming support on June 17, 2015, with a vote of 253 to 1.

Responding to the Needs of Constituents

Reforming Question Period

In May of 2010, through a private Member's motion, Mr. Chong, Conservative Member for Wellington—Halton Hills, expressed concern that Question Period, a time designed for the opposition to hold the government accountable, had become an opportunity to score political points and sound bites rather than a time to ask serious questions and get informative answers about the issues and concerns of Canadians. He said that he often received letters and complaints from Canadians about the lack of decorum and the unbecoming behaviour that is often displayed by Members of all parties during Question Period and about the lack of useful information that is derived from it. He envisioned finding a way to ensure that, during Question Period, thoughtful questions would be asked and informative responses would be given.

On April 14, 2010, Mr. Chong gave notice of his private Members' motion, M-517, which instructed the Standing Committee on Procedure and House Affairs to recommend changes to the Standing Orders and other conventions governing Oral Questions and report back to the House. In particular, his motion asked the Committee to consider ways to improve decorum and to reinforce the Speaker's authority to discipline indecorous behaviour, to increase the amount of time for both questions and answers, to allow for backbench Members to represent their constituents by asking questions of the government more frequently, to allocate certain days for the questioning of certain Ministers and to allow a full Question Period per week for the Prime Minster based on a published schedule that would rotate.

On October 6, 2010, his motion was adopted after two hours of debate in the House of Commons, and Mr. Chong appeared before the Standing Committee as part of its study in October. An election was called before the Committee could present its report.

Electronic Petitions

The right to petition Parliament is among the most ancient of all proceedings of Parliament. Public petitions, addressed to the House of Commons and presented to the House by its Members, constitute one of the most direct means of communication between the people and Parliament. Petitions are a vehicle for political input, a way of attempting to influence policy-making and legislation and also, a valued means of bringing public concerns to the attention of Parliament. Despite the interest in allowing the submission of electronic petitions in recent years, only paper petitions are accepted.

In September 2003 the House adopted a report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, which recommended that a system for electronic petitions be developed and that the Clerk prepare a proposal for submission to and approval by the Standing Committee on Procedure and House Affairs. Though the Standing Committee did study the matter in 2005, many questions remained as to the viability of using the Parliament of Canada Web site for the purpose of receiving e-petitions, and ultimately, in its report to the House, the Committee indicated that Members still had questions and concerns about the process, and that it would report to the House on electronic petitions at a future date. No further action was taken at that time.

The matter was raised again in the 41st Parliament, and on January 29, 2014, the House adopted private Member's motion M-428, sponsored by Mr. Kennedy Stewart, NDP Member for Burnaby—Douglas, which instructed the Standing Committee on Procedure and House Affairs to provide recommendations with respect to establishing an electronic petitioning system and to report its findings to the House, with proposed changes to the Standing Orders and other conventions, within 12 months.

During his appearance before the committee, Mr. Stewart stressed that an e-petition system would complement the current paper system and follow, to the extent possible, the same rules as the paper-based petitions system. Given existing technology, he argued that this would be another way for citizens to participate in the democratic process and bring issues to the attention of parliamentarians, suggesting petitions with a minimum number of signatures could trigger a debate in the House of Commons.

On February 26, 2015, after hearing from many witnesses, both from within the House administration and from other jurisdictions that had implemented similar systems, the Standing Committee reported back to the House that it agreed with establishing an e-petition system to be administered by the House of Commons staff and hosted on the Parliament of Canada Web site. The Committee did not retain the idea of establishing a process whereby e-petitions could trigger debates. The report also included amendments to the Standing Orders required to implement this new system which would come into effect at the beginning of the 42nd Parliament. The House concurred in the report on March 11, 2015. All parties recognized that accepting petitions in electronic format is an important way to facilitate public involvement in the democratic process.

Conclusion

The experience of the past few years has demonstrated that there is a desire to reform the rules to improve the functioning of the House of Commons but that this movement, led by backbench Members, has explored changes to the rules that would empower individual Members and ensure that their constituents are better represented. Most of the proposals put forth by these Members were successfully adopted by the House, which speaks to the efforts that Members attempting reform will make to consult and lobby Members of all parties. Some proposals, such as the reform of Question Period or the election of committee chairs by preferential ballot died on the *Order Paper*.

The appetite for reform has not yet abated; rather discussion and debate continues. This past June, nearing the end of the 41st Parliament, Members of Parliament who were not intending to run in the next election were given an opportunity to address a committee of the whole House. While many speakers used the opportunity to thank their supporters and speak about their experience as a Member, some also expressed a variety of ways in which improvements to the Standing Orders or practices of the House could allow Members to work more efficiently and reduce the strain on their family lives. There was the suggestion to make the parliamentary calendar more family-friendly by alternating sitting weeks so that two weeks could be spent in Ottawa followed by two weeks spent in the riding. Another Member suggested that most votes could be scheduled immediately after Question Period when most Members are already in the House, rather than scheduling them in the evening, as is currently done. Others encouraged additional technological changes, such as remote or electronic voting. Some Members argued that there should be less recourse to the use of time allocation so that there is more opportunity for the exchange of views.

Finally, improving the tone of debate was a recurring theme as many expressed the desire to return to an era of collegiality among Members of different parties, who must, despite obvious ideological differences, find a way to work together. It was noted that a belligerent type of behaviour and culture not only disenfranchises the public but it especially discourages women and young people from pursuing public office at a time when we should be encouraging a diversity of people to get involved in politics.

The lessons of this past Parliament continue to reverberate through the current election campaign, as parties have suggested new ways of empowering Members to represent constituents, including a discussion of electoral reform. As we approach the opening of the 42nd Parliament, where a large number of new Members are expected, what, if any, changes to the rules and conventions of the House of Commons can we expect? Recent media reports suggest that parliamentary reform continues to interest many Members of Parliament. Many backbench Members have publically expressed their desire to continue to work with colleagues from other parties to reform the Standing Orders and practices of the House if they are re-elected. While each new Parliament has its own character, the proposals for reform advanced in the last Parliament may continue to inform the agenda of the next.

Mr Bachir SLIMANI (Algeria) thought he had understood that, after taking the floor, an MP had been taken off the list. He asked whether this related to the behaviour of the party. He asked what the recrimination process was and how the Parliament handled this internally.

Mr Boubacar TIENOGO (Niger) was astonished that the power of the parties in the Parliament had increased so much, and asked how the administration intervened. He asked if the situation had a negative impact on the quality of the legislation.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda members took on matters of national importance without any obstacle being posed by their parties. They could go directly to the Speaker. In relation to the allocation of committee chairs, this was done by the parties, and the names presented to the House.

There had been a reform proposed in relation to the clearing of the lobbies, but that had failed.

Mr Geert Jan A. HAMILTON (Netherlands) asked about the procedure for the election of the Speaker. It was surprising how quickly the vote could take place. He asked what discussions had taken place on the strategic voting that might occur as a result of the single vote system.

Mrs LABRECQUE-RIEL replied to Algeria by saying that the Member had not made his declaration because the party was not happy with the manner of his doing so. The parties exercised different levels of control, the party in this case in particular. It was less of a recrimination than a warning. The parties had different cultures: the whips had a lot of power but not the presidents.

In response to the question from Niger, she confirmed that the parties exercised their power through the whips' office. For the most part, their power was absolute. In response to the question on the impact of the reforms, she said that, often, the administration was kept up to date with the ideas for reform.

In response to the comments from Uganda, she noted that in theory the election of committee chairs was conducted by secret ballot, but that in practice it was very much in the control of the Government.

In relation to the conduct of the ballot to elect the Speaker, she said that the secretariat had been rehearsing and hoped that it would go well. The staff would not get involved in the strategy parliamentarians may choose to adopt. She was sure that members would now start to think about how they could ensure that their preferred candidate would get elected. She did not think they had anticipated the problems that might arise in relation to this when they agreed to the new procedure.

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

The sitting ended at 12.05 am.

SIXTH SITTING

Tuesday 20 October 2015 (afternoon)

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

The sitting was opened at 2.35 pm

1. Introductory remarks

Mrs Doris Katai Katebe MWINGA, President, welcomed everyone back.

She said that she was very sad to announce the death of an honorary member, Mr. Carlos HOFFMANN CONTRERAS of Chile, who was Vice President of the Association between 2005 and 2008. She knew that many members remembered him with affection.

2. Communication by Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Riksdag: "Legislation on financial compensation for members of the Swedish Parliament"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Claes MÅRTENSSON, Deputy Secretary General of the Swedish Riksdag, to make his communication.

Mr Claes MÅRTENSSON (Sweden) spoke as follows:

Thank you for giving me this opportunity to speak about an issue which has been topical in Sweden for many years now and which we are currently working with intensively - that is - pay and economic benefits to members of the Riksdag.
I hope my speech will inspire continued discussions and I look forward to hearing your opinions and own experiences in this area.
The regulation of the pay and economic benefits to MPs may, on the face of it, appear to be merely an economic and legal matter. In actual fact, it is of great significance from a democratic perspective. As maintained in the legislative history to the current Swedish Constitution which was adopted in the mid-1970s, it is essentially about creating a compensation system that promotes the recruitment of MPs and that creates guarantees to ensure that the MPs do not become so dependent on other sources of income that their independence in relation to their work in parliament may be questioned.
During the last century, the MPs' economic conditions in Sweden have been the subject of discussion and considerations in numerous contexts. Every year, individual MPs introduce motions with demands for changes - both to the compensation system as such, and to the exact amounts and terms of benefits. The issue is also highlighted at regular intervals in the press, in particular when amounts are increased or the MPs receive further benefits. The slant in these cases is often

that the MPs' economic conditions are different and more favourable compared with other citizens.
I would now like to give an account of the Swedish compensation system and our current efforts to revise the system. However, as a backdrop I would like to begin by saying a few words about the Riksdag and earlier efforts to regulate compensation to MPs.

Background

The Riksdag has a long history and we sometimes say that Sweden's first parliament was held in 1435. Originally, it consisted of representatives of the Nobility, the Clergy, the Burghers and the Peasantry; the four estates. The Riksdag of the Estates was abolished in 1866. Instead a two-chamber system was introduced. The members of the First Chamber were elected indirectly by councils in the three largest cities and the county councils, while members of the Second Chamber were appointed by means of direct elections in single-member constituencies. Certain criteria relating to income and wealth had to be met, which meant that just a small percentage of Sweden's men were eligible for election and had the right to vote. In 1866, about 20 per cent of the male population enjoyed these rights. An amendment to the Constitution in 1909 gave all men the right to vote. Ten years later women were also granted universal suffrage. Universal and equal suffrage for women and men was applied for the first time in the 1921 elections. Following a constitutional reform in 1974, the Riksdag went from having two Chambers to a single Chamber with 349 members.
During the Riksdag of the Estates, members of the Riksdag received no compensation from public funds. The idea was, instead, that the MPs should receive economic support during the session in the administrative county districts, that is, the constituencies, from what was known as maintenance funds and funds for meetings of the lords. This was often difficult for the county districts, especially for the Estate of the Peasantry. It could mean that several administrative country districts joined together and appointed a common member in order to keep costs low.
With the representational reforms in 1866, the members of the Second Chamber were given the right to compensation for their assignment from public funds. This compensation, which was regulated in the Riksdag Act, took the form of a remuneration amounting to 1200 Swedish kronor. Journeys to and from their place of residence were not compensated for. The members of the First Chamber, on the other hand, did not receive any pay. This was because the income and wealth criteria for eligibility to stand for election to the First Chamber were so high that the members were not considered to need any pay from public funds. By way of comparison, it can be mentioned that an industrial worker earned between about 250 and 300 Swedish kronor per year in 1866 while farm workers had an average annual income of 150 Swedish kronor.
With the introduction of equal suffrage for men in 1909, the members of the First Chamber were place on a par with the members of the Second Chamber as regards their pay. In the 1918 franchise reform, the pay was increased to 2400 kronor. The grounds for this were, among other things, that as a result of the amended voting rights, certain groups in society which had previously lacked representation in the Riksdag, including industrial workers, now had seats in both Chambers. When determining the size of the pay - according to the legislative history - therefore, it was

important to take into account members who, lost out on all or part of their ordinary earnings during the Riksdag session.
In 1933, the right to five free journeys home was introduced. In order to avoid constant constitutional amendments when the pay was increased or decreased, the regulation of the amounts was removed from the Riksdag Act in 1941. Instead these provisions were adopted in ordinary law. In the 1950s, MPs were given the right to various pension benefits and more free travel. The issue of compensation has since been the subject of recurring inquiries and legislative work, through which the MPs have successively acquired more and more economic benefits.

The current system

I will now continue to speak about the current compensation system. Under Chapter 5, Article 2 of the Riksdag Act, a member of the Riksdag shall receive remuneration out of public funds. If the assignment is being carried out by an alternate member, for example, when an MP is on leave, the alternate member is entitled to the same remuneration as the regular member.
More detailed rules about the size of the remuneration and economic benefits are found in law, for example in the Act on economic conditions for members of the Riksdag (1994:1065) (the "Compensation Act"). A fundamental aspect of the regulation is that the MPs are elected representatives who are considered to be on call around the clock, 365 days a year and are thus not regarded as employees.
According to the Compensation Act, the MPs are entitled to the following economic benefits:

- remuneration
- compensation for official journeys
- subsistence allowances
- free overnight accommodation if the member lives further than 50 km from the Riksdag in Stockholm
- access to technical equipment in the Riksdag and in the home, for example, computers, printers mobile phones, broadband subscriptions and tablets
- old-age, sickness and survivor's pensions
- severance packages
- survivor's protection, and
- insurance and healthcare benefits.

The compensation system also includes financial support to the political parties and party groups, in accordance with specific legislation, among other things to enable them to employ political advisers and to cover the cost of travel abroad.
This legislation is supplemented by regulations and general advice adopted by the Riksdag Board and the Secretary-General of the Riksdag.
It would take far too much time to go into all the benefits in greater detail here. I have therefore chosen to focus on a few issues that have aroused particular interest in the Riksdag and public debate: members' pay, compensation for official journeys and severance packages.

Pay

Until the early 1990s, the members' pay was determined by the Riksdag itself. This generated considerable criticism. In 1994, therefore, a special board with the task of

determining the MPs' monthly pay was established - the Riksdag Remunerations Board. The Board is an independent administrative authority under the Riksdag and consists of a chair and two members. The chair should be an experienced judge. The current Chair has previously been the President of Svea Court of Appeal and Chancellor of Justice. Both members have long experience of Swedish politics and central government administration. There is a corresponding board to determine the pay of the Government ministers.
For many years, the size of the pay followed wage developments among certain public officials, such as judges in district courts and courts of appeal. This correlation no longer exists. Instead the pay is determined on the basis of certain statements from the Riksdag that were made in connection with a review of the compensation system in 1998. Among other things, the Riksdag stated that it was important that the pay was at such a level that it would be possible to recruit members of the Riksdag from broad sections of society, and that the pay was competitive both internationally and in comparison with the pay for elected representatives in larger municipalities and county councils. Their pay was also to be guided by general wage development on the labour market.
In 1994, the members' pay was 26,500 Swedish kronor per month before tax, which corresponds to around 2800 euros or 3100 US dollars. It has since been raised by between 2 and 5 per cent annually. Their current pay is 61,000 Swedish kronor per month before tax, which corresponds to around 6400 euros or 7200 US dollars. The median wage for full-time employment in Sweden is 28,000 Swedish kronor a month before tax (around 2900 euros or 3300 US dollars).
The Speaker has a monthly pay of 160,000 Swedish kronor (around 16,900 euros or 18,900 US dollars). This is the same as the Prime Minister's pay. The three Deputy Speakers have the same pay as other members but with an increment of 30 per cent. Members who are committee chairs receive an increment of 20 per cent on their pay.

Official journeys

As mentioned, MPs are entitled to compensation for their official journeys. Official journeys are all journeys undertaken by MPs within the framework of their official duties. These may be journeys to and from parliament in their regular work in the Riksdag, but also journeys to, from and within their constituencies. Journeys in connection with meetings in the party groups, party events, committees and delegations within the Riksdag are all official journeys, as are the MPs' own study trips and journeys with the purpose of providing information about the Riksdag and its work. However, travel not directly connected with the assignment as an MP are not compensated for. The MP's home is also counted as his or her place of work, which means that compensation can be granted for travel to and from the home. This is an exception from what normally applies under Swedish law.
The MPs decide over their travel within Sweden themselves. However, decisions about journeys abroad are made by one of the Deputy Speakers. The compensation should correspond to the actual cost of the journey. Cost and time as well as environmental aspects must be taken into account when choosing means of transport. Special emphasis should be placed on the cost aspects and special justification must be given if a means of transport other than the cheapest is chosen. If the MP uses his or her own car, the shortest route must be chosen. Taxis may only be used if there is no suitable public transport or for special reasons such as time savings or heavy luggage. Every now and then, the media has brought attention to cases in which MPs have used taxis extensively for shorter journeys in Stockholm,

and where it has questioned whether the MPs have complied with existing regulations.

Severance packages

Another controversial issue is the severance packages that apply to MPs when they leave their assignment. The question is frequently discussed in the media, often from the angle that the MPs are considered to be able to live on public funds for a long time without having to find new employment. In view of this, the regulations on severance packages were thoroughly revised a few years ago. The new regulatory framework came into force in May 2014. Currently, one can say that there are two parallel systems; partly the previous, more generous system with guaranteed incomes, and partly the new system with financial redeployment support.

The guaranteed income system applies to those who were elected to the Riksdag before the 2014, until the MP reaches the retirement age of 65. In general terms, the system means that the Riksdag, under certain conditions, guarantees former members of the Riksdag a certain monthly income corresponding to 80 per cent of the members' pay plus certain increments. This amount is reduced from the second year after the MP has left the Riksdag.

The new system for financial redeployment support is applicable to members who were elected to the Riksdag in the 2014 elections or who are elected later. This system consists of two parts; partly financial support for a shorter period and partly measures to make it easier for members of the Riksdag to return to working life outside the Riksdag, for example through supplementary education, career planning, labour market introduction, start-your-own business courses and coaching. The Riksdag procures these services from other companies.

The basic requirement to qualify for financial redeployment support is that the MP has served in the Riksdag for a continuous period of at least one year. The financial support then applies for three months. At most, the support applies for two years if the MP has served for a total period of at least eight years. In other cases the duration of the support depends on the total period of service in the Riksdag.

Both the financial support within the financial redeployment system and the guaranteed income system can be adjusted, that is discontinued fully or partially under certain conditions. This may happen, for example, if the former MP works for somebody else without taking reasonable remuneration for this work or if he or she has an income from business activities which has been reduced through certain tax law deductions. It may also be adjusted if the former MP has been sentenced for a crime and has been removed from the assignment as an MP for this reason or has been sentenced for a crime of such a serious nature that it is likely that he or she would have been removed from the assignment as an MP had he or she still been in the Riksdag. It is also possible to adjust the guaranteed income and financial redeployment support if the former MP does not do enough to return to working life.

One of the major bones of contention in connection with the revision of the guaranteed income system was the transitional rules. Certain parties considered that the financial redeployment support should be applied directly to all MPs, regardless of when they were elected to the Riksdag. However, the two largest parties - the Social Democratic Party and the Moderate Party - recommended, for reasons of predictability, that the new rules should only apply to MPs elected to the Riksdag in the 2014 elections or later. This was the proposal adopted by the Riksdag.

Matters relating to entitlement to guaranteed income and financial redeployment support are examined by the Riksdag Remunerations Board. Such decisions can be

appealed in an Administrative Court. The administration of the guaranteed income and redeployment support is not managed by the Riksdag but by the National Government Employee Pensions Board.

Ongoing inquiry

In conclusion, I would like to say a few words about the current review of the regulations relating to MPs' economic conditions.
As I mentioned initially, the compensation system has been amended on a number of occasions. This system and the regulations have therefore become complicated and obscure, with double regulations, unregulated benefits and delimitation problems. For this reason, the Riksdag Board initiated an inquiry in December 2012, led by a Supreme Court judge, with the task of conducting an overall review of the regulatory framework relating to MPs' economic conditions and to consider a number of specific questions. The findings of the inquiry were presented in the spring of 2014 in an extensive report with proposals for new legislation. Essentially, the proposals corresponded largely to what already applied. However, the proposed regulations are much easier to overview, more consistent and easier to understand than previous ones.
The Riksdag Administration is currently working intensively, on the basis of the inquiry's report and responses to the report, to draw up a proposal for new, modern regulations which meet stringent demands as regards accessibility, clarity and comprehensibility. The intension is that the Riksdag Board will present a legislative proposal that can be considered by the Riksdag during the spring of 2016.
Finally, I would like to thank you for letting me speak and for your attention. I will be very happy to answer any questions and look forward to hearing your opinions and experiences from this area.

Mr Manuel CAVERO (Spain) said that the topic was a hot one in the Spanish Parliament. It was a difficult subject to discuss because of the nature of "privileges". It was particularly difficult to address the issue in the context of an economic crisis. He asked what the public opinion on this issue was.

Mrs Colette LABRECQUE-RIEL (Canada) said that a number of recently defeated members in Canada would not be receiving their compensation packages in response to accusations in relation to the (mis)use of their expenses during their time in Parliament.

Mr Paul GAMUSI WABWIRE (Uganda) said that he liked the provisions made to ensure that parliamentarians could be gainfully employed after they had left Parliament. In Uganda, parliamentarians found it difficult to get good, well-paid jobs after they had left Parliament.

Mr Said MOKADEM (Maghreb Consultative Council) asked for clarification on the ability of the judiciary to determine the obligations of parliamentarians. Concerning the remuneration, he asked what was the function and statute of the director of the Parliament. He also asked if parliamentarians benefited from other advantages, such as pensions.

Dr Ulrich SCHÖLER (Germany) said that it seemed that there had been a change in the Swedish regulations on parliamentary salaries. In his view, the ability to

compare parliamentary salaries to other salaries gave a rationale for decisions made, and he asked why these comparisons had been abolished.

Mr Kennedy Mugove CHOKUDA (Zimbabwe) asked whether there was any limit on the number of journeys made by parliamentarians to their constituencies.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that in Uganda the Constitution provided for members to determine their own remuneration. As of the current financial year, the salaries and subsistence allowance had been consolidated. Parliamentarians were also paid mileage and other allowances. She asked about the pay of parliamentary staff.

Mr Renovat NIYONZIMA (Burundi) asked if substitutes received a pay-off once the post-holder took up their seat again.

Mr William BEFOUROUACK (Madagascar) asked whether MPs who were in a couple benefited from the same advantages or had differential treatment. He wanted to know whether an MP who could have earned more money doing his previous job would receive financial compensation. He asked if there were secret funds available to cover MPs expenses.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) asked two questions: one about the pre-payment of expenses, and the other to establish whether MPs' staff were paid by the MPs themselves or by the Assembly.

Mr Hugo HONDEQUIN (Belgium) said that it used to be the case that, in Belgium, when a member lost their mandate, they received compensation. This was no longer the case.

Mr Claes MÅRTENSSON said that the media in Sweden was probably the same as the media in Spain and that parliamentarians' salaries were debated in that forum.

In Sweden MPs were never given their expenses in advance so the need to reimburse did not arise.

In response to the first question from Uganda, he said that Swedish parliamentarians found it easy to get jobs once they had lost their mandate. Often they went to work in public relations. Sometimes they returned to their former professions, such as teaching. Parliamentarians tended to remain in Parliament for a shorter period of time, which meant that they were obliged to find work afterwards, but it also meant that knowledge and skills had not been eroded during time spent in Parliament.

He said that the legal framework was almost entirely set out in law. Sometimes there was a requirement for various bodies to take decisions, such as about the amount of money paid to a MP. Some of these bodies made recommendations, for example, on the most environmentally-friendly modes of transport.

In response to the question from Germany he said that even though the formal connection between parliamentarians' pay and the pay of certain other professionals had been abolished, he was sure that comparisons were still made by the body that determined the remuneration packages.

He said that there was no limit to the number of journeys an MP could make inside Sweden in their capacity as an MP. For foreign travel, the trip had to be pre-approved on the basis of a serious programme, subject to certain limitations.

In respect of staff pay, Swedish parliamentary officials were paid in the same way as any other state officials. There was an agreement with the Trade Unions, but that beyond that the individual concerned received performance-related pay. He said that he estimated that he made about the same amount of money each month as a high-ranking civil servant in a Ministry.

In response to the question from Burundi he said that a person replacing an MP for a short period of time had the same right to severance pay as an ordinary MP. However, the provisions were no longer very generous and they were linked to the duration of service, which meant that in practice short-term replacements might not get any severance pay at all.

In response to the question from Madagascar he said that he did not think that there were any Swedish MPs who were married, although nothing would prevent that from happening. He thought that the same rules would probably apply to individuals as part of a couple as to individuals as individuals.

There was no compensation in relation to what an MP might have earned before they were an MP.

He said that in Sweden parties received a certain amount of money for employing political assistants. The amount equalled the monthly pay for an assistant for every MP within the party. That did not mean that every MP got an assistant because the party could decide how to spend the money. There had been some discussion about allocating the money directly to MPs, but that might lead to the problems with reimbursement described by Canada.

As MPs in Sweden earnt more than the average Swedish citizen, their pension tended to be a bit higher too.

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

3. General debate: The impact of direct election of committee chairs

Mrs Doris Katai Katebe MWINGA, President, invited Mr Andrew KENNON, Clerk of Committees, UK House of Commons, to open the debate.

Mr Andrew KENNON (United Kingdom) spoke as follows:

In 2010 the UK House of Commons moved from a system in which committee chairs were elected from within each committee to one in which they were elected by the whole House before other members of a committee were appointed.

Prior to 2010, the chairs of most select committees were elected by the committee itself from among its own Members. Often those appointed by the House to a committee included someone who was expected to be elected as chair. There was always an understanding between the party whips about which party would have the chair of each committee and this often translated into an individual being identified in advance. But there were often examples of several candidates competing and occasionally the expected candidate was unsuccessful. In general it could be said that chairs were "first among equals" in the Committee, known but not prominent in the House and, to a certain extent, still dependent on the goodwill of other committee members.

The system changed in 2010 – and the consequences are still being assessed. The aim of this debate is to see what we can learn from other Parliaments about how the new arrangements in the House of Commons affect:

> the relationship between chairs of committees and the plenary
> the duty of committee staff to work for the whole committee or principally for the chair.

Now almost all chairs are elected by the whole House. An agreement between the parties still determines which party will have the chair of each committee. Then only candidates form that party may stand for the post but MPs on all sides of the House can vote. Thus candidates must canvass support not only from their own side but also from their political opponents.
In 2015, the parties agreed that 14 chairs would be held by the Government, 11 by the Official Opposition and two by the third largest part. 15 of the 27 chairmanships were contested and in four of them there were as many as five candidates. Of the 12 elected unopposed, eight had been chair of the same committee in the previous Parliament. Of the 15 contested, one chair was re-elected and one former chair defeated.
Once the chairs are elected, then other members of committees are appointed, following elections within parties. This means elected chairs start planning the committee work programme with the committee staff before any other members have been appointed.
The general view is that this direct election of chairs has raised their profile in the House and in the media. They probably have a greater say – or other committee members are consulted less – about the committee's agenda. In some cases there is a risk that other members of the committee feel that the committee staff work mainly for the chair rather than for the whole committee.

These are then the three issues I raise for debate:

A. Does it make a difference to how committees work if the chair is chosen by the committee itself, or by some other means?
B. Does it affect how committee staff work – mainly for the chair or for the whole committee?
C. In cases where chairs are elected by the whole House, how much competition is there for such posts?

Mrs Doris Katai Katebe MWINGA, President, asked if the role and function of committees had been changed when the means of selecting a chair had been changed. In Zambia, chairs did not control everything: committees controlled their own work.

Mr Geert Jan A. HAMILTON (Netherlands) said that he did not know whether he should be envious of the system in the United Kingdom, or not. He noted that there were more than two choices (those of the chair being elected by the committee and the chair being elected by the plenary). In the Netherlands, the group leaders decided which party had which committees. The groups could then nominate the candidates for the chair. Committee leadership was more a technical than a political affair. He asked whether, in running for the chair, candidates were running with a particular agenda.

Mr Gengezi MGIDLANA (South Africa) said that in South Africa, all committees were chaired by the ruling party except the Committee on Public Accounts, and the committees themselves elected their chairs. He asked if the ruling party was in the majority on each committee, or whether the composition varied from committee to committee. He could predict tensions if the chair was from the opposition but the ruling party was in the majority.

Mrs Barbara DITHAPO (Botswana) said that in Botswana the chairs were elected by the committees themselves, but that there was no rule stating that they had to come from the ruling committee. Only for the Public Accounts Committee was the party of the chair pre-determined.

She said that in her opinion the clerk of the committee should continue to serve the entire committee instead of just the chair.

Mr Charles Robert (Canada) said that the House of Commons at Westminster had a large and stable membership, which was perhaps the characteristic which enabled the plenary to be able to determine who would make the best chairs. In Canada, the high turnover would make that difficult.

Mr Baye Niass CISSÉ (Senegal) shared the Senegalese experience where the President of a political group had proposed candidates for the presidency of committees.

Mr Manuel CAVERO (Spain) said that in the Spanish Senate there was an agreement at the start of each Parliament on which parties would chair which committees, and which parties would have positions on the Bureau. There were some conventions about this but they were not rules.

He asked whether the candidates in the new system campaigned to obtain their roles. He asked what the different outcomes were for members of the ruling and opposition parties.

Mr Gali Massa HAROU (Chad) said that, according to the internal rules, each MP could register to sit on a committee of his or her choice: the only limit being a prohibition on a single MP sitting on more than one committee. For the purposes of

the budget, the committees met to elect their bureaux, but sometimes there were political deals. He asked what was the term of office for the president of a committee.

Mr Md. Ashraful MOQBUL (Bangladesh) said that in Bangladesh committees were formed in a similar way to the methods used in the UK. However, committee chairs were selected at the same time. The Leader of the House proposed the committees and their chairs, and the names were agreed by the plenary.

He said that when the chair was elected by the whole House they would be more likely to be autocratic.

Mrs Rabi AUDU (Nigeria) said that in the Nigeria the Selection Committee chose the chairs of the committee according to their qualifications for the roles. These decisions were then announced in the plenary.

Mr William BEFOUROUACK (Madagascar) presented the procedure followed in his country, saying that at the beginning of the session, the internal rules set out the procedure for the election of parliamentarians according to their specialisms. The election of the chair took place after the legislative proposals. 32 committees were currently in existence in Madagascar. He said that it would be preferable for the chair to be chosen in secret and validated in the plenary.

Mr KENNON said that the system used in Madagascar seemed to be the most democratic that he had ever heard of. He was surprised that there were as many as 32 committees in Madagascar. In the United Kingdom there were already too many committees, but since their chairs received additional pay, they were very difficult to get rid of and indeed two new committees had been introduced after the recent General Election.

In response to the comment made by Nigeria, he thought that the United Kingdom had lost any sense of whether or not the candidates would make good chairs. He said that many candidates published manifestos including their intention to promote certain policies. Members seemed to value this above any qualities a candidate might have as a chair.

He said that the process of electing chairs had taken some time.

Of the risk that elected chairs would become autocratic, he observed that it might be unwise for him to comment on that.

Mr KENNON said that committee party proportions mirrored party proportions in the House as a whole. The election of committee members within parties tended to be quite democratic. The system did mean that you could not ensure gender or regional balance or consistency or longevity of membership.

The term of an elected chair was for a Parliament, up to a maximum of two Parliaments. It was possible to hold a by-election for vacated chairs. Chairs could also be voted off, but the procedures were not easy to use and the threshold for dissent was quite high. There had been occasions where committee members had requested information on the procedures.

Some chairs had campaigned using badges and posters and had stood outside the room where the vote was due to take place.

In response to the comments from Senegal, he said that the Senegalese system was what had happened in practice in the UK before the system was changed. The change was a specific rebellion against the party whips, who had tried to stop outspoken chairs from being able to retain their positions. It was widely seen as a challenge to party leadership.

In response to the question from Canada about stable membership in the House of Commons, he noted that in the recent General Election there had been a high turnover and that many of the members voting for committee chairs had therefore been new members. There had been quite a few chairs elected from the 2010 intake of new MPs.

Some academics in the UK thought that the system should encourage the establishment of two separate career paths: one for future Ministers and one for committee chairs. He did not think this would work because of the uncertainties of political life, but also because ex-Ministers tended to make good chairs.

In response to the comment from Botswana, he noted that the Public Accounts Committee tended to be chaired by the opposition party in most Parliaments. In the UK the ethics committee was also always given to the opposition.

In respect of staff job descriptions, they had not been changed. He had found, however, that he had needed to remind committee staff that their duties were to all members of the committee, which would previously have been taken for granted. A serious governance crisis in the House as a whole had meant that many MPs trusted staff less than had been the case before.

Committee chairs did not vote except where there was a need for a casting vote and this meant that quite often votes were equally split where votes followed party lines, though this in itself was quite rare.

Mr KENNON said that the change had probably strengthened opposition chairs by giving them greater legitimacy outside the committees, even if their position within the committees remained unchanged.

In response to the President, he said that the fact that the chair was in place before the remainder of the committee members meant that sometimes they had a greater personal say in the agenda. As a counter-balance to that, the chair was the one making the media appearances and taking responsibility when things went wrong.

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

4. Concluding remarks

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

The sitting ended at 4.10 pm.

SEVENTH SITTING

Wednesday 21 October 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, welcomed everyone to the last day of the conference, and reminded them that the conference would continue in the afternoon, in conjunction with the IPU.

2. Orders of the day

Mrs Doris Katai Katebe MWINGA, President, noted that there were no modifications to the orders of the day.

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:

1.	Mr Alalla Younis Said LORO	Secretary General of the National Assembly, South Sudan (replacing Mr Othom RAGO AJAK)

The new member was agreed to.

4. Communication by Mr Gengezi MGIDLANA, Secretary to Parliament of the Republic of South Africa: "Role of Parliament in pursuing a developmental agenda"

Mrs Doris Katai Katebe MWINGA, President, invited Mr Gengezi MGIDLANA, Secretary to Parliament of the Republic of South Africa, to make his communication.

Mr Gengezi MGIDLANA (South Africa) spoke as follows:

1. Introduction

In recent years, the world has seen a number of changes in the global environment which have had a significant impact on South Africa. The global environment is now

characterised by a shift both in global economic relations and social dynamics. The global environment has seen a realignment of the global economic order with the emergence of new economic powers. Additionally, the globe has seen a range of new innovations, and new debates that have shaped political discourses around the world. Like other developing countries, South Africa has had to adapt and engage these issues strategically.[36] In addition, South Africa must engage these issues within a continental context with many challenges that must be overcome. The United Nations Economic Commission for Africa has noted that "several challenges remain: a high degree of inequity still characterizes access to social services including health and education; much remains to be done to achieve full and productive employment for all, particularly for women and youth; the threat of conflict and climate change looms large and could derail the progress made so far; and shocks such as the Ebola crisis have exposed the weakness of the health systems in some countries".[37]

In the period immediately following the transition to democracy, the Reconstruction and Development Programme (RDP) was the policy framework for the fundamental transformation of South Africa. At the heart of the RDP was a commitment to addressing the problems of poverty and gross inequality evident in almost all aspects of South African society.[38] This was then followed by the a macroeconomic policy framework called the Growth, Employment and Redistribution (GEAR) strategy in 1996 to stimulate faster economic growth which was required to provide resources to meet social investment needs. The policy encompassed most of the social objectives of the RDP but was also aimed at reducing fiscal deficits, lowering inflation, maintaining exchange rate stability, decreasing barriers to trade and liberalizing capital flows.[39] South Africa has made remarkable progress in the transition from apartheid to democracy. This transition has been peaceful despite the country's history of violent conflict and dispossession. While this transition was successful in many ways, South Africa remains a highly unequal society where too many people live in poverty and too few work. The quality of school education for most black learners is poor. The apartheid spatial divide continues to dominate the landscape and the legacy of apartheid continues to determine the life opportunities for the vast majority. In order to accelerate progress, deepen democracy and build a more inclusive society, South Africa must translate political emancipation into economic wellbeing for all.[40]

South Africa envisions a country that truly embodies the notion of a "Developmental State" which is effectively able to create conditions of prosperity both for its citizens, and ultimately the African continent as a whole. The following brief will discuss the notion of a Developmental State and assess the role played by Parliament in a developmental state.

2. Understanding the notion of a Developmental State

A developmental state plays an active role in guiding economic development and using the resources of the country to meet the needs of the people. A developmental state tries to balance economic growth and social development. It uses state

[36] Department of International Relations and Cooperation Strategic Plan 2011-2014
[37] United Nations Economic Commission for Africa, (2015).
[38] Presidency, (2014).
[39] SA History, (2013).
[40] The National Development Plan, (2013).

resources and state influence to attack poverty and expand economic opportunities.[41]

In all countries the state plays some role in shaping the structure and output of the economy. States in different countries use a variety of instruments and policies like the regulation of industry and trade, the redistribution of incomes and assets, the use of fiscal and monetary policies and direct state ownership of key industries. The degree of state intervention depends on whether a government chooses to leave economic development and redistribution to the impulses of the free market, or to be a more interventionist or developmental state.[42]

South Africa has committed itself to building a developmental state that efficiently guides national economic development by mobilising the resources of society and directing them toward the realisation of common goals. South Africa has placed the needs of the poor and social issues such as health care, housing, education and a social safety net at the top of the national agenda.[43]

3. Policies that guide South Africa as a developmental State

3.1 The United Nations Sustainable Development Goals

The sustainable development goals (SDGs) are a new, universal set of goals, targets and indicators that UN member states will be expected to use to frame their agendas and political policies over the next 15 years. The SDGs follow and expand on the millennium development goals (MDGs) which provided a focal point for governments – a framework around which they could develop policies and overseas aid programmes designed to end poverty and improve the lives of poor people. The eight MDGs – reduce poverty and hunger; achieve universal education; promote gender equality; reduce child and maternal deaths; combat HIV, malaria and other diseases; ensure environmental sustainability; develop global partnerships – failed to consider the root causes of poverty and overlooked gender inequality as well as the holistic nature of development.[44]

The SDGs were developed as a result of the largest consultation programme in the history of the UN to measure opinion on what the SDGs should include. Establishing post-2015 goals was an outcome of the Rio+20 summit in 2012, which mandated the creation of an open working group to come up with a draft agenda. The open working group, with representatives from 70 countries, had its first meeting in March 2013 and published its final draft, with its 17 suggestions, in July 2014. The draft was presented to the UN general assembly, negotiations followed, and the final wording of the goals and targets, and the preamble and declaration that comes with them, were agreed in August 2015.[45]

The 17 SDG's are as follows[46]:

[41] Education and Training Unit for Democracy and Development, (2015).
[42] Ibid
[43] Ibid
[44] Ford, (2015).
[45] Ibid
[46] Ibid

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture
3. Ensure healthy lives and promote wellbeing for all at all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialisation, and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impacts (taking note of agreements made by the UNFCCC forum)
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation, and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalise the global partnership for sustainable development

Within the goals are 169 targets. Targets under goal one, for example, include reducing by at least half the number of people living in poverty by 2030, and eradicating extreme poverty (people living on less than $1.25 a day). Under goal five, there's a target on eliminating violence against women, while goal 16 has a target to promote the rule of law and equal access to justice.[47]

South Africa's position regarding the SDG's emanates from the view that the post-2015 development agenda must build on the unfinished business of the MDGs and on the development gains achieved. The SDG's compliment national and regional priorities, including the NDP, NEPAD and Agenda 2063 given that poverty and hunger, as well as combating inequality at all levels are treated as overarching objectives.[48]

3.2 African Union, NEPAD and Agenda 2063

The African Union (AU) was formed in 2000, with the aim of developing and integrating Africa; an organization that would assist and transform Africa into a

[47] Ford, (2015).
[48] Parliamentary Monitoring Group, (2015).

prosperous and stable continent, which demands more respect in the international system. The African Union represents an attempt by African countries in creating norms within the continent which create stability. An initiative aimed at dealing with the challenges facing the continent is the New Partnership for Africa's Development (NEPAD). The main goals of NEPAD are stability, peace, democratization and ensuring that Africa is a safe environment for foreign investment.[49]

In the 50th Anniversary Solemn Declaration of the Heads of State and Government of the African Union assembled to celebrate the Golden Jubilee of the OAU/AU[50]. Africa's political leadership rededicated themselves to the continent's development and pledged their commitment to make progress in eight key areas:

- African Identity and Renaissance,
- The struggle against colonialism and the right to self-determination of people still under colonial rule,
- Integration Agenda,
- Agenda for Social and Economic Development,
- Agenda for Peace and Security,
- Democratic Governance,
- Determining Africa's Destiny, and
- Africa's place in the world[51]

They further pledged to integrate these ideals and goals in a Continental Agenda 2063, through a people-driven process for the realization of the vision of the AU for an integrated, people-centred, prosperous Africa, at peace with itself.

Agenda 2063 is both a Vision and an Action Plan. It is a call for action to all segments of African society to work together to build a prosperous and united Africa based on shared values and a common destiny. Agenda 2063 is embodied in specific aspirations that will define the future that the people of Africa want, namely:

1. A prosperous Africa based on inclusive growth and sustainable development
2. An integrated continent, politically united and based on the ideals of Pan Africanism and the vision of Africa's Renaissance
3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law
4. A peaceful and secure Africa
5. An Africa with a strong cultural identity, common heritage, values and ethics
6. An Africa where development is people-driven, unleashing the potential of its women and youth
7. Africa as a strong, united and influential global player and partner.[52]

South Africa's commitment to Agenda 2063 is premised on the developmental imperatives of the country's foreign policy. In a speech during a joint sitting of the Parliament of the Republic of South Africa, Minister of International Relations and Cooperation Mrs Maite Nkoane-Mashabane noted that "Agenda 2063 is about the

[49] Landsberg, (2003).
[50] 21st Ordinary session of the Assembly of Heads of State and Government of the African Union, at Addis Ababa, 26 May 2013
[51] African Union Agenda 2063, (2014)
[52] African Union Agenda 2063, (2014)

Africa we want to build in the future. It connects the Africa of yesterday to the Africa of today and the Africa of tomorrow". During her speech, the Minister also emphasized that "with Agenda 2063, the AU is rallying all Africans to continue the march for the rebirth of the African continent in all aspects – to extend our political liberation to economic and social liberation".[53]

3.3 SADC Regional Indicative Strategic Development Plan (RISDP)

The Southern African Development Community (SADC) has existed since 1980, when it was formed as a loose alliance of nine states in Southern Africa known as the Southern African Development Coordination Conference (SADCC). At that time it was formed with the main aim of coordinating development projects meant to lessen economic dependence on apartheid South Africa.

SADC envisions a common future within the regional community which will ensure economic stability, improving the standards of living for people in the region, guarantee freedom and social justice as well as peace and security for the people of Southern Africa. The main objectives of SADC are to achieve both economic growth and development in order to alleviate poverty, as well as improve the standard of living for the people of Southern Africa. Additionally SADC aims to support the socially impoverished through regional integration by developing common political values, institutions and systems. SADC will promote peace and security within the region as well as encourage self-sustaining development based on collective self-reliance as well as the interdependence of Member States. SADC also aims at ensuring that national and regional strategies or programs complement each other so as to maximize productive employment and how resources are utilised in the region. Efficient utilisation of natural resources will aid in the effective protection of the environment. Finally, SADC aims to strengthen the long-standing historical, social and cultural links among the peoples of the region.[54]

As a way of improving the efficiency of SADC, efforts were made to implement a restructuring of the organization. To provide strategic direction to the restructured organisation and to make the SADC Common Agenda operational, a Regional Indicative Strategic Development Plan (RISDP) has been developed. The RISDP is a 15-year plan aimed at deepening regional integration by providing Member States with a consistent and comprehensive programme of long-term economic and social policies. The plan reaffirms the commitment of SADC Member States to "good political, economic and corporate governance embedded in a culture of democracy; full participation by civil society; and respect for the rule of law".[55] South Africa is committed to this vision for the region.

South Africa views SADC as the foundation for its regional, continental and international engagements. Political and economic integration remains one of the motivating forces of South Arica's foreign policy in relation to the consolidation of the African Agenda. This advances continental and regional integration through the harmonisation and rationalisation of the Regional Economic Communities which South Africa feels are an important component of economic development.[56]

[53] Nkoane-Mashabane, (2015).
[54] National Planning Commission, (2013)
[55] SADC, (2007).
[56] Genge (2007)

3.4 The National Development Plan

The National Development Plan (NDP) aims to eliminate poverty and reduce inequality by 2030. South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.[57]

Given the complexity of national development, the plan sets out six interlinked priorities which are as follows:

- Uniting all South Africans around a common programme to achieve prosperity and equity.
- Promoting active citizenry to strengthen development, democracy and accountability.
- Bringing about faster economic growth, higher investment and greater labour absorption
- Focusing on key capabilities of people and the state
- Building a capable and developmental state
- Encouraging strong leadership throughout society to work together to solve problems.[58]

While the achievement of the objectives of the NDP requires progress on a broad front, three priorities stand out[59]:

- Raising employment through faster economic growth
- Improving the quality of education, skills development and innovation
- Building the capability of the state to play a developmental, transformative role

In order to realise the objectives of the NDP, key milestones have to be met, namely:

- Increase employment from 13 million in 2010 to 24 million in 2030.
- Raise per capita income from R50 000 in 2010 to R120 000 by 2030.
- Increase the share of national income of the bottom 40 percent from 6 percent to 10 percent.
- Establish a competitive base of infrastructure, human resources and regulatory frameworks.
- Ensure that skilled, technical, professional and managerial posts better reflect the country's racial, gender and disability makeup.
- Broaden ownership of assets to historically disadvantaged groups.
- Increase the quality of education so that all children have at least two years of preschool education and all children in grade 3 can read and write.
- Provide affordable access to quality health care while promoting health and wellbeing.

[57] National Planning Commission, (2013).
[58] Ibid
[59] Ibid

- Establish effective, safe and affordable public transport.
- Produce sufficient energy to support industry at competitive prices, ensuring access for poor households, while reducing carbon emissions per unit of power by about one-third.
- Ensure that all South Africans have access to clean running water in their homes.
- Make high-speed broadband internet universally available at competitive prices.
- Realise a food trade surplus, with one-third produced by small-scale farmers or households.
- Ensure household food and nutrition security.
- Entrench a social security system covering all working people, with social protection for the poor and other groups in need, such as children and people with disabilities.
- Realise a developmental, capable and ethical state that treats citizens with dignity.
- Ensure that all people live safely, with an independent and fair criminal justice system.
- Broaden social cohesion and unity while redressing the inequities of the past.
- Play a leading role in continental development, economic integration and human right.[60]

4. The role of Parliament's in fostering development

Parliaments have crucial responsibilities to play in national and local development policies. Whilst Governments have to ensure service delivery to the people, Parliament has to ensure that the strategic outcomes as envisaged by Governments are achieved. As a result of their law-making, oversight and representative functions, parliamentarians can actively engage in the development and implementation of policies and laws that are pro-poor, minority- and gender-responsive, and environmental sensitive, all which broadly reflect and support efforts to achieve the broad objectives of human development. In addition, parliaments play key roles in the promotion and defence of human rights, and many have proved to be effective when engaging in crisis prevention and recovery.[61]

The mission of the parliament should ideally not be limited to a narrow interpretation or understanding of its legal or constitutional duties (oversight, law-making and representation). A broader approach shows that these core functions are also development tools that enable parliaments to play crucial roles as strong, constructive and dynamic democratic institutions.[62]

Consistent with this notion, the Parliament of the Republic of South Africa has dedicated itself to ensuring that its vision is guided by the desire to foster a Developmental State but also developing the capacity of Members of Parliament to enhance the execution of their mandate.

4.1 Overview of the Strategic Plan of the 5th Democratic Parliament

[60] National Planning Commission, (2013)
[61] Agora, (2015).
[62] Ibid

The first democratically elected Parliament identified the need for a strategic planning process to enable the institution to plan for the future, in a systematic and coherent manner, and to monitor and evaluate implementation and progress. An initial set of processes were activated in 1997 with the aim of implementing strategic planning. With the promulgation of the Public Finance Management Act in 1999, Parliament adopted the management principles set out in the Act. Instruments such as the strategic plan, budget vote, quarterly reports and the annual report were introduced as from 2002.[63]

With the promulgation of the Financial Management of Parliament Act, Act 10 of 2009 as amended, the planning process and the strategic plan became regulated by law. As of 2009, Parliament adopted the continuum of governance activities, as set out in the Green Paper on National Strategic Planning (2009), consisting of:

- policy development,
- strategic and operational planning,
- resource allocation,
- implementation, and
- performance monitoring and evaluation.[64]

Accordingly the Executive Authority of Parliament oversees the preparation of Parliament's strategic plan, annual performance plan, and budget and adjustments budgets. In this regard the Accounting Officer must prepare a draft strategic plan for Parliament, and present this to the Executive Authority, within 6 months after the election of the National Assembly, or such other date as determined by Parliament.[65]

The strategic plan must -
a) Cover the next five years or other period determined by Parliament;
b) Specify the priorities of Parliament's administration for the period of the plan;
c) Include objectives and outcomes for each programme of Parliament;
d) Include multi-year projections of all revenue and expenditure; and
e) Include performance measures and indicators for assessing the administration's performance in implementing the strategic plan.[66]

The strategic plan outlines the long-term impact of Parliament, its medium-term outcomes, and supportive programme outputs with measurable objectives and indicators

The Strategic Plan of the 5th Parliament identifies the outcomes and goals to be achieved as well as sets out the strategic path towards their attainment. Overseeing the implementation of the National Development Plan will be the central theme of the Fifth Parliament.[67]

The policy priorities of Parliament derive from the Constitution, the public mandate and the long-term planning objectives that inform the content of the strategic direction for the 5th term and beyond. The setting of policy priorities for the 5th

[63] Parliament of the Republic of South Africa, (2015a).
[64] Ibid
[65] Ibid
[66] Parliament of the Republic of South Africa, (2015a)
[67] Parliament of the Republic of South Africa, (2015).

democratic Parliament takes place within the context of the constitutional role that Parliament fulfils, the prevailing challenges facing South Africa, and the backdrop of an evolving world.[68]

South Africa remains faced with the challenges of unemployment, poor outcomes of education, inadequate infrastructure, spatial divides, a resource-intensive economy, a public health system not meeting demand and quality, uneven and poor quality public services, high levels of corruption, and a divided society. To adequately address these challenges, the government has prioritised the following[69]:

- creating more jobs, decent work and sustainable livelihoods;
- rural development, land reform and food security;
- education;
- health;
- and fighting crime and corruption

To achieve the aspirations of a capable developmental state as well as ensure the Outcomes envisioned in the Medium-Term Strategic Framework 2014-2019 are achieved; the Parliament of the Republic of South Africa seeks to act as an agent of change which ensures acceleration of delivery, enhances oversight and accountability, stabilises the political administrative interface, professionalises the public service, upgrades skills and improves co-ordination. It also needs a more pragmatic and proactive approach to managing the intergovernmental system to ensure a better fit between responsibility and capacity. The role of Parliament in this regard will include representing the interests of people in the processes of passing laws, conducting oversight, recommending public office appointments and by adopting international agreements.[70]

To effectively realise this role, the strategic priorities of Parliament include:

- Strengthening oversight and accountability;
- Enhancing public involvement;
- Deepening engagement in international fora;
- Strengthening co-operative government; and
- Strengthening legislative capacity.

Furthermore, these new priorities give Parliament an impetus to make certain key changes to the internal framework of the institution, namely:

- Effecting changes to the programme of Parliament to allow for greater effectiveness of processes, especially the requirements of the oversight and public involvement processes;
- Improving support capacity for the oversight function, enhancing capacity to realise greater public involvement, improving support for international engagement, and strengthening capacity to support the legislative function;
- Increasing knowledge and information services, research and record keeping;
- Increasing the use of information communication technology and enablers, ensuring greater process efficiency and access to information;

[68] Parliament of the Republic of South Africa, (2015).
[69] Ibid
[70] Ibid

- Addressing the shortage of workspace, facilities and meeting rooms;
- Providing capacity-building programmes for Members of Parliament.[71]

The Strategic Plan of the 5th Democratic Parliament is the first step in a process which will see the structure of Parliament undergoing realignment aimed at ensuring effective execution of the institution's mandate. The realignment will focus on the strategic priorities of Parliament, providing greater alignment between the priorities, resources and the overall structure to allow for greater management effectiveness. It must also create capacity to address service demands in areas of oversight, public involvement, international engagement, and institutional governance. Several process developments and efficiency improvement initiatives have been implemented and more are under way.[72]

In order to increase the institutional effectiveness and efficiency, the administration will aim at the following:

- Introducing services related to capacity-building programmes for Members that will seek to increase accessibility of programmes, and improve the usefulness and relevance of programmes to enable
- Members of Parliament to function effectively;
- Establishing services such as procedural advice, legal advice, content advice, research and other similar information services with the view to improving the timeliness and quality of outputs, thereby increasing the value of information, as the inputs required by Members will have greater effectiveness;
- Providing services related to facilities, including ICT, claims, catering and household services, that will seek to maximise the use of limited resources, whilst increasing response times (decreasing turnaround times) and decreasing repair times (downtimes), thereby increasing efficiency;
- Improving areas of governance and compliance, internal co-ordination and communications, information-sharing, skills development and capacity-building, the use and management of limited facilities, and increasing the overall efficiency of Parliament;
- Implementing effective monitoring and evaluation systems for the purpose of monitoring the achievement of policy outcome goals.[73]

The overarching mission of Parliament is to "provide the people of South Africa with a vibrant people's assembly that intervenes and transforms society and addresses the development challenges of our people"[74]. It is also important that Parliament conducts effective oversight over the Executive by strengthening its scrutiny of actions against the needs of South Africans. In addition, Parliament seeks to enhance the participation of South Africans in the decision-making processes that affect their lives as well as ensure that there is a healthy relationship between the three arms of the state that promotes efficient co-operative governance between the spheres of government, and ensures appropriate links with our region and the world. Finally, Parliament must ensure that there is an innovative, transformative, effective and

[71] Parliament of the Republic of South Africa, (2015).
[72] Ibid
[73] Parliament of the Republic of South Africa, (2015)
[74] Parliament of the Republic of South Africa, (2015)

efficient parliamentary service and administration that enables Members of Parliament to fulfil their constitutional responsibilities.[75]

The strategic objectives presented in the Strategic Plan of the 5th Parliament will aim to bring about significant change and improvement in services delivered to Members, thereby seeking to increase the overall efficiency and effectiveness of Parliament.[76]

5. Concluding Remarks

The Parliament of the Republic of South Africa relies on a logical framework which identifies links between inputs, activities, outputs and outcomes. These links are defined by the fact that Parliament represents the people in order to ensure government by the people under the
Constitution. This entails activities taking place such as passing legislation, overseeing and scrutinising executive action, and the facilitation of public involvement, co-operative government and international engagement are undertaken in an efficient manner driven by an outcomes based approach. The outcomes and goals of Parliament are orientated to ensure open, responsive and accountable government.[77] The policies that define the work of Parliament take their inspiration from national, regional, continental and global frameworks that exist to create conditions conducive to prosperity for the most vulnerable in society.

Dr Ulrich SHÖLER (Germany) asked how many people in the administration were involved in that kind of work, and whether it had an influence on the work of everyone in Parliament. He also asked about the cooperation between the Government and Parliament. He asked about the attitude of the opposition to that sort of work.

Mrs Barbara DITHAPO (Botswana) said that in Botswana there were challenges in relation to monitoring and feedback. It was difficult to make a proper assessment of impact. She wanted to know whether there were long-term measures in place. She also asked whether this work had improved the public image of Parliament, and whether any attempt had been made to measure this.

Mr Baye Niass CISSÉ (Senegal) asked if the development plan was beginning to be implemented. He asked what the obstacles were to public participation.

Mr Md. Ashraful MOQBUL (Bangladesh) said that he wanted to know how the National Development Plan was prepared. He also asked whether there was a separate planning commission, and how the Parliament was involved.

Mr Mohammad RIAZ (Pakistan) asked whether the National Development Plan was open-ended or time-specific, and whether there was an action plan in conjunction with it. In the Pakistan National Assembly a strategic plan had been launched and as a result he thought that an action plan was essential.

[75] Parliament of the Republic of South Africa, (2015)
[76] Parliament of the Republic of South Africa, (2015)
[77] Ibid

Mr Marc RWABAHUNGU (Burundi) asked how the impact of the reforms could be measured.

Mr Kennedy Mugove CHOKUDA (Zimbabwe) asked about the management of public information.

Mr MGIDLANA said that the activity involved everyone in the administration. It was led by the Presiding Officers who in turn involved their assistants and the chairs of committees. The two Houses had to give their own approval. At an administrative level all staff were involved. The idea was to ensure that everyone supported the plan.

There was also an administrative structure which looked at implementation. Staff who worked there were directly involved in the various activities and this helped to coordinate the implementation.

Cooperation between the Government and the Parliament would always be dynamic, but everyone agreed that the National Development Plan was a plan for the country, and thus both parties had to decide how they would contribute to its implementation.

The opposition parties supported this work because it gave them additional information and made the members look good because they could ask more incisive questions. The challenge was to increase depth and the reliability of information.

In terms of the parliamentary business cycle, the link was made between the Government's objectives and the National Development plan. The Parliament would help determine what success would look like. The Parliament also engaged with a number of other bodies and institutions to generate its own information.

The Parliament had been trying to improve long-term implementation planning. At the moment there was a five-year plan in place, which was in line with the length of a Parliament, but could be improved upon.

Now the Government had started to seek the opinion of the chairs of the committees and the chairs in turn were able to express themselves better because they were better informed.

In terms of outcomes, the Parliament was only at the beginning of its journey. The National Development plan would begin in 2015. There was a planning commission, which took views from a number of stakeholders and then made a plan which had to be tabled and approved in Parliament. The Parliament could also engage in the public exercise to get additional views. There was an action plan, but it was limited in its time frame to five years.

There were systems for monitoring and evaluation which, so far, had worked well, but there was still scope for improvement.

To reach out to communities, so far four Parliamentary Democracy Offices had been established, the purpose of which was to convey information to far-flung areas and to collaborate with the provincial legislatures.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr MGIDLANA 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 Mr Andy RICHARDSON, Information Specialist, and Ms Norah BABIC, Human Rights Specialist, to make their presentation.

Mr Andy RICHARDSON (IPU) said that he would speak about the Global Parliamentary Report. The current report would focus on Parliament's capacity to hold Government to account. He observed that some Parliaments used the word oversight and others scrutiny and control. When the IPU spoke about oversight, it meant all of these things.

The purpose of a Global Parliamentary Report was to be supportive to Parliaments in their work in holding Government to account and to emphasise how important this was for democracy. The hope was that recommendations would be made that would enable Parliaments to strengthen their practices and procedures.

There was a need for input from Parliaments, but there was also some original research in the form of interviews and debates, such as the one that would take place between the IPU and the ASGP that afternoon.

There were two things he wanted to highlight. The first was a call for written information, which would arrive in the various member Parliaments and with other organisations. He asked members to place their own views at the centre of this piece of work.

The second item was a questionnaire looking for factual data. Secretaries General were the best people to decide which questions should be asked, and some members of the Association had provided valuable input the previous day.

The target was to issue the Global Parliamentary Report at the end of 2016. The information-gathering phase was underway, and some preliminary analysis would be available at the next conference in Lusaka.

Mr RICHARDSON mentioned the seventeen UN Development Goals and the 116 targets. Goal 16 was to promote just, peaceful societies. This was a goal which spoke to Parliaments about transparency and inclusiveness. The Goals had been adopted a month ago by all of the Governments around the world. They would lead civil society to ask questions about the effectiveness of Parliament, both as an institution and as an administration.

For the IPU this was a happy marrying of the UN agenda with the IPU's work on strong institutions. He hoped that Parliaments would use the Goals as tools to assess their own work.

Ms Norah BABIC (IPU) said that she managed the team that built capacity in Parliaments. The ASGP had provided very helpful input, comment and criticism to the Common Principles for Support to Parliaments. The Principles had been adopted a year previously. Since then all Parliaments and partners had been asked to endorse the Principles and to use them. Endorsement was important because it gave value to the Principles, but it was still more important that they should be used.

The IPU was looking at developing a set of tools and guidelines for Parliaments to use. She hoped that the ASGP would be able to offer its support.

She also talked about the joint conference between the IPU and the ASGP that would take place in the afternoon on Powerful Parliaments and building the capacity for oversight. She said that such panels had been very successful in the past and hoped that they would continue to be so.

Mr Geert Jan A. HAMILTON (Netherlands) said that all ASGP and IPU members wanted to be able to take something home that their Parliament could do better. He was grateful that the meaning of the word "oversight" had been clarified. He also referred to the different meanings of the word "capacity", which related both to quantitative and qualitative aspects. He asked about whether data existed about the quantitative aspects, and whether this was included in ongoing investigations.

Mr RICHARDSON agreed that capacity had both quantitative and qualitative aspects. The capacity-building work was essentially qualitative in nature, based on the areas in which the Parliament in question wanted to improve itself. He himself worked in gathering information.

The IPU did not yet have enough quantitative data. It had figures for the number of staff and the budget, but there was not yet enough detail. On the one hand the detail would be interesting and helpful, but on the other hand the IPU was conscious of the burden such requests for information imposed on parliamentary staff, who were already very busy. He would be happy to work with ASGP members to ascertain what the essential quantitative information would be.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr RICHARDSON and Ms BABIC for their interesting presentation.

6. Financial and administrative matters

Mrs Doris Katai Katebe MWINGA, President, drew the Association's attention to the budget.

The budget was approved.

7. Draft agenda for the next meeting in Lusaka (Zambia), 19-23 March 2016

Mrs Doris Katai Katebe MWINGA, President, presented the draft agenda as follows:

Possible subjects for general debate

1. The budget of the Parliament (with informal discussion groups on budget-setting, implementation, scrutiny and control, transparency, response to crisis situations...)
   Moderator: to be confirmed – Informal discussion groups

2. Overburdening the statute book in response to current events?
   Moderator: Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland

Communications

Theme: Communication

Communication by Mr Ali AL MAHROUQI, Secretary General of the Consultative Council of Oman: "The role of social media in spreading awareness about Parliament"

Communication by Dr Ulrich SCHÖLER, Deputy Secretary General of the German Bundestag: "The German Bundestag's international parliamentary internship: a model for the creation of parliamentary ambassadors"

Theme: The powers and procedures in Parliaments

Communication by Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland: "The elective function and checks on nominations to Parliament"

Communication by Mr Gali Massa HAROU, Deputy Secretary General of the National Assembly of Chad: "The issue of quorum in relation to accusations made against members of the Government and the President of the Republic"

Communication by Mr Helgi BERNODUSSON, Secretary General of Althingi of Iceland: "The leaven that leaveneth the whole lump: Filibuster in the Icelandic Parliament, Althingi"

Communication by Mr Marc BOSC, Deputy Clerk of the House of Commons of Canada: "Reforming Parliament from within" (update)

Theme: A Parliament for tomorrow

Communication by Mr Anoop MISHRA, Secretary General of the Lok Sabha of India: "'The Lok Sabha Secretariat and its journey towards a paperless office"

Communication by Mrs Yardena MELLER-HOROVITZ, Secretary General of the Knesset of Israel: "An environmentally-friendly Parliament"

Other business

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

2. Administrative questions
3. Draft agenda for the next meeting in Geneva (Switzerland) (October 2016)

The draft agenda was agreed to.

M Bachir SLIMANI (Algeria) said that he would like to add a communication on the budget in Algeria.

Mrs Doris Katai Katebe MWINGA, President, said that Mr SLIMANI's contribution would be very welcome. She reminded members that further suggestions would be welcomed, but requested that members should try to find topics that would fit with the existing themes. The joint secretaries were available to any members wishing to propose additional topics.

She showed a short video on the forthcoming conference in Lusaka and said that Zambia was looking forward to welcoming each and every member to the conference the following Spring.

8. Closure

Mrs Doris Katai Katebe MWINGA, President, reminded members that the joint conference that afternoon would be held on the ground floor of the conference centre.

The next Session would begin on 20 March 2016 and would be held in Lusaka, Zambia. She looked forward to seeing them then.

The sitting ended at 11.35 pm.