



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

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

Welcome and presentation on the parliamentary system in Bangladesh
(Md. Abdur Rob HOWLADER, Bangladesh)

Initiatives taken by the Parliament of Zimbabwe to enhance public participation in the legislative and other processes of Parliament
(Kennedy Mugove CHOKUDA, Zimbabwe)

Brexit: the impact on the UK Parliament of the 2016 referendum on European Union membership
(Philippa HELME, United Kingdom)

Is the function of the Secretary General a political function? (*General debate*)

Taking into account interest groups in the drafting of legislation: the consultation procedure
(Philippe SCHWAB, Switzerland)

The material conditions for exercising a parliamentary mandate: what checks and levels of transparency are required to meet society's demands?
(Christophe PALLEZ, France)

The role of social media in spreading awareness about the National Legislative Assembly of the Kingdom of Thailand
(La-Or PUTORNJAI, Thailand)

The Turkish Parliament: a multidimensional approach to society
(Mehmet Ali KUMBUZOGLU, Turkey)

Methods for ensuring parliamentary oversight over the quality of legislation (*General debate*)

Methods for ensuring parliamentary oversight over the quality of legislation: the case of the Netherlands; scrutiny by the Senate
(Geert Jan A. HAMILTON, Netherlands)

Evaluation of public policy: practice in the Chamber of Representatives in the Kingdom of Morocco
(Najib EL KHADI, Morocco)

Management innovation in parliaments (*General debate*)

Review of the ASGP / 67th year / N° 213 / Dhaka, 2 – 5 April 2017

ASSOCIATION DES SECRETAIRES
GENERAUX DES PARLEMENTS

UNION INTERPARLEMENTAIRE



ASSOCIATION OF SECRETARIES-
GENERAL OF PARLIAMENTS

INTER-PARLIAMENTARY UNION

MINUTES OF THE SPRING SESSION

DHAKA

2 – 5 APRIL 2017

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 Spring Session 2017

**Dhaka
2 – 5 April 2017**

List of attendance

MEMBERS PRESENT

NAME/NOM	COUNTRY/PAYS
Mr Sayed Hafizullah HASHIMI	Afghanistan
Mr Bachir SLIMANI	Algeria
Mr Mohamed Drissi DADA	Algeria
Mr Pedro AGOSTINHO DE NERI	Angola
Dr Md. Abdur Rob HOWLADER	Bangladesh
Mr Sangay DUBA	Bhutan
Mrs Barbara DITHAPO	Botswana
Mr Renovat NIYONZIMA	Burundi
Mr Marc RWABAHUNGU	Burundi
Mr OUM Sarith	Cambodia
Mr SRUN Dara	Cambodia
Mr David BYAZA-SANDA LUTALA	Congo (Democratic Republic of)
Mr Jean NGUVULU KHOJI	Congo (Democratic Republic of)
Mr Jiří UKLEIN	Czech Republic

NAME/NOM	COUNTRY/PAYS
Mr Petr KYNŠTETR	Czech Republic
Mr Claus DETHLEFSEN	Denmark
Mr Ahmad Saad EL-DIN MUHAMED	Egypt
Mr Bienvenido EKUA ESONO ABE	Equatorial Guinea
Ms Maria ALAJÕE	Estonia
Mr Debebe BARUD	Ethiopia
Mr Negus LEMMA GEBRE	Ethiopia
Mrs Veniana NAMOSIMALUA	Fiji
Ms Jeanette EMBERSON	Fiji
Mr Christophe PALLEZ	France
Mr Edmond SOUMOUNA	Gabon
Mr Nikoloz NATENADZE	Georgia
Dr Ulrich SCHÖLER	Germany
Mr Helgi BERNÓDUSSON	Iceland
Mr Anoop MISHRA	India
Dr Sabah Jumaa ALBAWI	Iraq
Mr Ali AFRASHTEH	Iran
Mr Firas ADWAN	Jordan
Mr WOO Yoon-keun	Korea (Republic of)
Mr Allam Ali Jaafer AL-KANDARI	Kuwait
Mr Lebohang Fine MAEMA	Lesotho
Mr William BEFOUROUACK	Madagascar
Ms Fiona KALEMBA	Malawi

NAME/NOM	COUNTRY/PAYS
Mr Modibo SIDIBE	Mali
Mr Najib EL KHADI	Morocco
Mrs Juliet Undjee MUPURUA	Namibia
Mrs Lydia KANDETU	Namibia
Mr Manohar Prasad BHATTARAI	Nepal
Mr Boubakar TIEMOGO	Niger
Mrr Balas JABO	Nigeria
Mr Sheikh Ali bin Nasir bin Hamed AL-MAHROOQI	Oman
Mr Ibrahim KHRISHI	Palestine
Mr Frank WEVER	Panama
Mr Geert Jan A. HAMILTON	Netherlands
Mr Edwin BELLEN	Philippines
Ms Agnieszka KACZMARSKA	Poland
Mr Jakub KOWALSKI	Poland
Mr José Manuel ARAÚJO	Portugal
Mr Sergey MARTYNOV	Russian Federation
Mr Domingos José TRINDADE BOA MORTE	Sao Tomé and Príncipe
Mr Baye Niass CISSE	Senegal
Mr Alalla Said LORO	South Sudan
Mr Dhammika DASANAYAKE	Sri Lanka
Mr Abdelgadir ABDALLA KHALAFALLA	Sudan
Mr Mohamed YAGOUB	Sudan
Mr Philippe SCHWAB	Switzerland

NAME/NOM	COUNTRY/PAYS
Mrs La-Or PUTORNJAI	Thailand
Mr Sorasak PIENVEJ	Thailand
Mrs Chollada KUNKLOY	Thailand
Mr Mateus XIMENES BELO	Timor Leste
Mr Mehmet Ali KUMBUZOĞLU	Turkey
Ms Jane LUBOWA KIBIRIGE	Uganda
Mr Paul GAMUSI WABWIRE	Uganda
Mrs Doris Katai Katebe MWINGA	Zambia
Mr Roy NGULUBE	Zambia
Mr Kennedy Mugove CHOKUDA	Zimbabwe

ASSOCIATE MEMBERS

Mr Parfait ETOUNG ABENA	CEMAC, Parliament of the Commission of the Economic and Monetary Community of Central Africa)
Dr Nelson MAGBAGBEOLA	ECOWAS Parliament
Mr Said MOKADEM	Maghreb Consultative Council

SUBSTITUTES

Mr Rinzin PENJORE (for Mr Chencho TSHERING)	Bhutan
Mrs Andrea SAMPAIO PERNA (for Mr Lúcio Henrique XAVIER LOPES)	Brazil
Ms Colette LABRECQUE-RIEL (for Mr Marc BOSC)	Canada

Mr S. JASON (for Mr. Shumsher K. SHERIFF)	India
Mr Kazufumi MATSUSHITA (for Mr Satoru GOHARA)	Japan
Mr Dino OEDIT (for Ms. Ruth DE WINDT)	Suriname
Ms Butri USWARANGSRI (for Mrs. Atibaedya WARARAT)	Thailand
Mrs Philippa HELME (for Mr David NATZLER)	United Kingdom
Mr DO Manh Hung (for Mr NGUYEN Hanh Phuc)	Vietnam

ALSO PRESENT

Mr Yousif Ahmed ALROWAIE	Bahrain
Mr A Matin KHASIM MP	Bangladesh
Mr Pehin Dato Haji Judin Haji ASAR	Brunei Darussalam
Ms Rose Aminah Haji ISMAIL	Brunei Darussalam
Mr HOK Bunly	Cambodia
Mr Bernard MULAMBA KAHOYA	Congo (Democratic Republic of)
Mr Mohamed A. Mohamed	Kenya
Mr Abdul Hameed ZAKARIYYA	Maldives
Dr Rab AUDY	Nigeria
Ms Agata KARWOSKA-SOKOLOWSKA	Poland
Ms Natalia JASKIEWICZ	Poland
Ms Jeanine KAMBANDA	Rwanda
Ms Ana ALVAREZ	Spain

Mr Panya KOTTHEN	Thailand
Ms Lilia MESQUITA	Timor-Leste
Mr Ndamuka MARINO	Zimbabwe
Mr Fayez ALSHAWABKEH	Arab International Union

APOLOGIES

Dr Rosemary LAING	Australia
Ms Claressa SURTEES	Australia
Mr Richard PYE	Australia
Mr David ELDER	Australia
Mr Marc VAN DER HULST	Belgium
Mr Philip TANS	Belgium
Mr Ivan SLAVCHOV	Bulgaria
Mr Gali Massa HAROU	Chad
Mr Ivan BUKARICA	Croatia
Mr Davor ORLOVIC	Croatia
Dr Ute RETTLER	Germany
Dr Georg KLEEMANN	Germany
Dr Horst RISSE	Germany
Mr Konstantinos ATHANASIOU	Greece
Mr Shinji MUKO-ONO	Japan

Mr Takashi OKAMURA	Japan
Ms Kathrin FLOSSING	Sweden
Mr Claes MÅRTENSSON	Sweden
Sir David BEAMISH	United Kingdom
Mr Edward OLLARD	United Kingdom

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FIRST SITTING

Sunday 2 April 2017 (morning)

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

The sitting was opened at 11.00 am.

1. Opening of the session

The President, Mrs Doris Katai Katebe MWINGA opened the meeting and welcomed all members of the Association, in particular all new members. She thanked Mr HOWLADER, the Secretary-General of the Parliament of Bangladesh, for the tremendous welcome given to the Association and for the magnificent opening ceremony which members had attended the previous evening.

The President reminded members to check their details on the attendance list and to inform the secretariat of any errors. She introduced Mr. Martyn ATKINS, of the UK House of Commons, who was standing in for Ms Emily COMMANDER as Joint Secretary for the present session. She reminded members that the Secretariat team—Martyn ATKINS, Perrine PREUVOT, Daniel MOELLER and Karine VELASCO—were available to answer any queries.

The President reminded those wishing to speak to announce their name and the name of their country in order to facilitate the preparation of the minutes of the meeting.

Members would shortly receive a detailed programme for the excursion planned take place on Wednesday 5 April, together with a form to be returned in order to register for participation. The President encouraged all members to participate in the excursion.

2. Elections

The President, Mrs Doris Katai Katebe MWINGA announced that an election for three ordinary members of the Executive Committee would be held during the session. Active and experienced members of the association were encouraged to present themselves as candidates. The deadline for submission of nominations, initially set for Sunday 2 April at 4 pm, had been postponed until Monday 3 April at 4 pm.

3. Agenda of the session

The President, Mrs Doris Katai Katebe MWINGA observed that speech limits would be applied as follows: ten minutes for moderators introducing a general debate with an additional ten minutes to sum up; ten minutes for presenters of communications, and five minutes for other interventions. Short coffee breaks would be provided for whenever possible.

The President thanked the members of the Association who were to present papers and moderate general debates.

She reminded members that all texts to be presented to the session ought to be submitted three weeks before the opening of the session to allow for translation into other languages. It was regrettable that these deadlines had not been respected by all members presenting papers at the present session. Exceptionally, the papers relating to the first day's discussions were to be made available in hard copy. Members were invited to consult papers relevant to the subsequent days' proceedings by electronic means: all had been made available on the Association's website.

The President invited observations on the proposed agenda adopted by the Executive Committee which had been circulated, as follows:

Sunday 2 April (morning)

9.30 am

- Meeting of the Executive Committee

11 am

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

- Welcome and presentation on the parliamentary system in Bangladesh by Dr Md. Abdur Rob HOWLADER, Secretary General of the Parliament of Bangladesh
- Communication by Mr Kennedy Mugove CHOKUDA, Clerk of the Parliament of Zimbabwe: "Initiatives taken by Parliament of Zimbabwe to enhance public participation in the legislative and other processes of Parliament"

Sunday 2 April (afternoon)

2.30 pm

Theme : The relationship between procedure and politics

Communication by Ms Philippa HELME, Principal Clerk of the Table Office, House of Commons United Kingdom: "Brexit: the impact on the UK Parliament of the 2016 referendum on European Union membership"

General debate: Is the function of the Secretary General a political function?

Moderator: Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, Morocco

The Secretary General is the senior administrative officer, responsible for implementing the decisions of the political authorities, as well as supporting the work of parliamentarians. The secretariat also implements proposals, strategies and work programmes.

The role of a Secretary-General has its roots in the Constitution, which is not considered as an administrative document, and in the rules of procedure.

The Secretary-General is called upon to be in contact with the political leaders of Parliament. They must comply with the provisions of the Constitution and the Rules of Procedure.

Whilst the Secretary-General must strictly observe professional ethics (neutrality, impartiality, professional secrecy, etc.), they also ensure the continuity of parliamentary administration.

To what extent can this function be considered a political function?

4.00 pm: Deadline for nominations for two or more vacant posts of ordinary member of the Executive Committee

Monday 3 April (morning)

9.30 am

- Meeting of the Executive Committee

10.00 am

If necessary, during the morning the election of two or more ordinary members of the Executive Committee will take place

Theme: Parliament and society

Communication by Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland: “Taking into account interest groups in the drafting of legislation: the consultation procedure”

Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly: “The material conditions for exercising a parliamentary mandate: what checks and levels of transparency are required to meet society’s demands?”

Communication by Mrs La-Or PUTORNJAI, Deputy Secretary General of the Senate of Thailand: “The role of social media in spreading awareness about the National Legislative Assembly of the Kingdom of Thailand”

Communication by Mehmet Ali KUMBUZOĞLU, Secretary General of the Turkish Grand National Assembly: “The Turkish Parliament: A multidimensional approach to society”

Please note: A communication by Mr Harke HEIDA, substituting the Secretary General of the Chamber of Representatives of the Netherlands on “The case of the Netherlands: Internet consultation and rules concerning lobbyists in the House of Representatives” will not be presented but can be consulted online.

Monday 3 April (afternoon)

Theme: holding the Government to account

2.30 pm

General debate: Methods for ensuring parliamentary oversight over the quality of legislation

Moderator: Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal

Once Mr ARAÚJO has introduced the topic, Mr HAMILTON will make the following communication, after which the general debate will be opened to the floor. He will respond to any questions about his communication before Mr ARAÚJO concludes the debate:

Communication by Mr Geert Jan A. HAMILTON, Secretary General of the Senate, The Netherlands: “Methods for ensuring parliamentary oversight over the quality of legislation: the case of the Netherlands; scrutiny by the Senate”

- ❖ 16h: Intervention by Mr Martin Chungong, Secretary General of the IPU

Communication by Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, Morocco: “Evaluation of public policy: practice in the Chamber of Representatives in the Kingdom of Morocco”

Communication by Mr Gengezi MGIDLANA, Secretary General of the Parliament of the Republic of South Africa: “Implementation of the Oversight Model of the Parliament of the Republic of South Africa”

Tuesday 4 April (morning)

9.30 am

- *Meeting of the Executive Committee*

10.00 am

- General debate: Management innovation in parliaments

Moderator: Mrs. Andrea Sampaio Perna, Director of Strategy Management Office of the Directorate-General, Chamber of Deputies, Brazil

Innovation in Management has grown as an important topic in the last few decades.

Parliaments face similar challenges in every country, ranging from complex activities --- such as growing levels of accountability, or the need for interaction between representatives and society --- to ordinary, though not simple, modernisation of administrative processes.

Innovation brings the possibility of disruptive tools that can achieve technology breakthroughs, organise collaborative approaches and prepare for future challenges.

The study of a framework for innovation to be established in organisations is a theme much under discussion at present. The following propositions can be used to initiate discussion and reflection:

- Innovation is a top-down initiative which is executed in a collaborative way;
- Innovation requires resources such as motivation of talent, allocation of funds and strategic prioritisation;
- The culture of an organisation needs to embrace the concept of innovation as a guiding principle for action; locally, with synergic activities, and expand the model as and when appropriate.

12.30 pm

Lunch and visit to the Parliament of Bangladesh until 2.30 pm.

Tuesday 4 April (afternoon)

2.30 pm

- Presentation on recent developments in the IPU
- Administrative questions
- Draft agenda for the next meeting in St Petersburg (Russia), 14-18 October 2017
- Presentation by Mr Sergey Martynov, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation on the forthcoming session in St Petersburg

Wednesday 5 April (all day)

Excursion

A full day's excursion will take place to the Bangladesh Academy for Rural Development (BARD), as well as the Mainamati Museum and the archaeological site of Shalban Bihar. All three sites are situated at Kotbari in Comilla city which stands on the Dhaka Chittagong highway. It is 100 kilometers away from Dhaka.

BARD started its journey as a training institute on 27th May 1959 under the dynamic leadership of famous rural development architect Dr Akhter Hameed Khan, with a view to training different stakeholders of the Village Agriculture and Industrial Development (V-AID) Programme. Since then, BARD has become an internationally-reputed training institute. The training programmes have been specially designed to accelerate rural development through co-operative institutions based on democratic norms and practices.

The programme for the excursion will be circulated to Members on Sunday 2 April.

Members are kindly requested to complete and return the form circulated with the programme in order to indicate their participation in the excursion.

No observations were received, and the agenda was therefore *agreed to*.

The President asked Members to consider subjects for discussion at the next session to be held in St. Petersburg in October 2017.

4. Members

The President, Mrs Doris Katai Katebe MWINGA said that the Executive Committee had agreed to a proposal to appoint Mrs Inès FAUCONNIER, who had served as Joint Secretary of the Association until October 2016, as an honorary secretary of the Association.

The Association *endorsed* the proposed appointment.

The President indicated that the secretariat had received a number of applications for membership, each of which had been submitted to and approved by the Executive Committee. She listed them as follows:

Mr Philip TANS	Deputy Secretary General of the House of Representatives, Belgium
Mr Thomas DASSI	Deputy Secretary General of the National Assembly, Benin
Mr Davor ORLOVIC	Secretary General of Parliament, Croatia
Mr Ivan BUKARICA	Deputy Secretary General of Parliament, Croatia
Mr Nikoloz NATENADZE	Secretary General of Parliament, Georgia
Mr Takashi OKAMURA	Deputy Secretary General of the House of Councillors, Japan
Mr Firas ADWAN	Secretary General of the House of Representatives, Jordan
Mrs Juliet Undjee MUPURUA	Secretary General of the National Council, Namibia
Mr Ronald van LUIJK	Deputy Secretary General of the Senate, Netherlands
Mr José Francisco CEVASCO PIEDRA	Secretary General of the Congress of the Republic, Peru
Ms Silvia-Claudia MIHALCEA	Secretary General of the Chamber of Deputies, Romania
Mr Sorasak PIENVEJ	Secretary General of the House of Representatives, Thailand

The proposals for new members were *agreed to*.

The President had the heavy responsibility of informing the Association of the death of two of its members since its last meeting. Mr Siniša STANKOVIC, Secretary General of the Parliament of Montenegro, had died suddenly in January, and Mr John SWEETMAN, an honorary member, from the House of Commons of the United Kingdom, had died peacefully the previous week. She noted that Mr Sweetman was known in many parliaments the world over for his help in parliamentary strengthening. She invited members of the Association to join her in expressing condolences to their families and colleagues.



5. Welcome and presentation on the parliamentary system in Bangladesh by Dr Md. Abdur Rob HOWLADER, Secretary General of the Parliament of Bangladesh

The President, Mrs Doris Katai Katebe MWINGA, invited Dr Abdur Rob HOWLADER, Secretary General of the Bangladesh Parliament, to deliver a communication on the parliamentary system of Bangladesh.

Parliament Building- An Architectural Monument

- Parliament Building Complex was designed and planned by the famous American Architect Louis I Kahn
- Construction began in 1965 & completed in 1982
- Total area is 215 acres. Main building consists of 9 individual blocks of which eight at its periphery rise to a height of 112 feet while the octagonal block at the center shoots up to 155 feet
- The central block accommodates the Assembly Chamber with a capacity of 354 seats for MPs
- The artificial lake surrounds the building on all sides and the North and South Plazas tie it to the ground
- The magnificent building appears to rise out of the water

Background

- On 26 March 1971, Bangladesh came into being as a sovereign and Independent country
- On December 16, 1971, the country was liberated from the occupation army through nine months' armed liberation War
- In 1972, Constituent Assembly was formed by the MNAs and MPAs elected in 1970 general election.

The Constitution

- The Constitution of the People's Republic of Bangladesh was adopted and enacted by the Constituent Assembly on 04 November 1972
- All powers in the Republic belong to the People and exercised on behalf of the people under the Constitution (Article 7)
- Fundamental Rights are guaranteed in 3rd chapter of Bangladesh Constitution
- The constitution provides for parliamentary form of government with President as the Head of State and PM as the Head of Government

Bangladesh Parliament

- Parliament of Bangladesh established under Article 65 of the Constitution
- Constitutional name is 'Jatiya Sangsad' in Bangla and 'House of the Nation' in English
- Primary functions of the Parliament are to enact laws and watch the activities of the government

Composition of Parliament

- Parliament of Bangladesh is a **unicameral legislature** consisting of 350 members
- 300 Members directly elected from 300 territorial constituencies, on the basis of adult franchise
- 50 seats are reserved for women
- Women are elected by the MPs through Single Transferable Vote on the basis of procedure of proportional representation
- Term of a Parliament is five years (Article 72) but extended up to a maximum of one year by an Act of parliament if the Republic is engaged in war

The Parliament and The Speaker

- A Speaker and a Deputy Speaker is elected from amongst MPs at the first sitting of the first session following a general election (Article 72)
- The Speaker is the guardian of the House and runs it in accordance with the Constitution, the Rules of Procedure of Parliament, and parliamentary conventions and practices
- The Speaker has the discretion to give his decision as he deems fit in the light of the Constitution, the rules, parliamentary conventions and practices

- The Deputy Speaker performs all functions of the Speaker in the House in the absence of the Speaker
- Members of the Panel of Chairman are nominated at the first sitting of every session, enjoy all powers of the Speaker in absence of the Speaker and the Deputy Speaker (Rule 12)

The Parliament and the President

- Parliament is summoned, prorogued and dissolved by the President by public notification (Article 72)
- The President may address Parliament and send messages which are discussed in the House through a motion of thanks (Article 73)
- Address of the President at the commencement of the first session after a general election and at the beginning of the first session each year is mandatory
- When Parliament is dissolved or is not in session, the President may make and promulgate an Ordinance (Article 93)
- Parliament has the power to impeach President (Article 52)

The Parliament and the Cabinet

- The Member of Parliament, supported by majority of MPs appointed as Prime Minister (PM) by the President (Article 56)
- The Prime Minister forms the Cabinet, with maximum 90% of its members chosen from the MP's (Article 56).
- Cabinet is collectively responsible to the Parliament (Article 55)
- Parliament has the authority to seek answer for every decision taken & every policy implemented by the government

Parliamentary Process

- General election (Article 123)
- Oath of the MPs (Article 148)
- Election of reserved women seats (Article 65)
- Cabinet formation (Article 55)
- Summoning of Parliament (Article 72)
- Election of Speaker & Deputy Speaker (Article 74)
- Parliament Session held within thirty days after the declaration of the general election results (Article 72)

- The gap between two sessions not to exceed 60 days

(Article 72)

Main Function & Procedure of Parliament

- Legislation
- Budget and Taxation
- Oversight

Legislation **Bill**

Proposal for making a law

- Government Bill-Introduced by a Minister
- Private Member's Bill- Introduced by a Private Member (Non Minister MP)

Parts of a Bill

- Long Title
- Preamble & Enacting Formula
- Short Title
- Clauses/Schedule
- Statement of Objects & Reasons

Pre Legislative Stages

- Legislative Proposal
- Sponsoring Ministry
- Policy Approval of Cabinet
- Vetting by Law, Justice & Parliamentary Affairs Ministry
- Draft Bill

Stages of Legislation

- 1st reading → Introduction
- 2nd reading → Consideration, Committee stage, Amendment etc.
- 3rd reading → Passing the Bill

Budget and Taxation

- Annual Financial Statement of the Government of a financial year is termed as 'Budget' (RoP. 111).
- Budget shall be presented to Parliament in accordance with the provisions of the Constitution (Art. 87).

- Budget shall not be referred to any Committee (Rule 111(3))
- Stages of the Budget debate:
 1. General discussion of the Budget
 2. Discussion on Demands for Grants
 3. Voting on Demands for Grants (except charged expenditure)
- Categories of `Cut Motions'(Motions to reduce the amount of Demands)(Rule 118):

1. **Disapproval of Policy Cut** (the amount of the Demand be reduced to Taka1)

2. **Economy Cut** (the amount of the Demand be reduced by a specified amount)

3. **Token Cut** (the amount of the Demand be reduced by Taka100)

Generally 5 things are presented for the approval of the Parliament:

1. Annual Financial Statement (Budget)
2. Finance Bill
3. Appropriation Bill
4. Supplementary Grants
5. Appropriation Bill for Supplementary Grants

Taxation

No tax shall be levied or collected except by or under the authority of an Act of Parliament (Article 83)

The Finance Bill usually seeks to amend some of the existing Acts/Ordinances to provide for collection of taxes which are the following:

- Stamp Act, 1899
- Wealth Tax Act, 1963
- Customs Act, 1969
- Income Tax Ordinance, 1980
- The Excise and Salt Act, 1944
- Gift Tax Act, 1990
- Value Added Tax Act, 1991
- Court Fees Act, 1870
- Provisional collection of Taxes Act, 1931

Ensuring Accountability of the Government

1. **Questions (including Prime Minister's Questions)**

2. **Half-an-Hour discussion**

3. **Adjournment Motion**

4. **Discussion for short duration**

5. Calling attention

6. Resolutions

7. Motions (general)

8. No-Confidence Motion

9. Parliamentary Standing Committees

1. Parliamentary Questions (Rule 41-59)

First hour of every sitting is available for the asking and answering of Questions but on each Wednesday at the commencement of the sitting, an extra 30 minutes is allocated for Prime Minister's Questions (Unless the Speaker otherwise directs):

- No Question Hour on the day the Budget is presented (rule) and the day the President address Parliament (convention)
- 15 clear days' notice is required to ask a question
- List of Starred Questions for a sitting day determined by ballot
- Only 1 starred question and 3 unstarred questions from the same member can be placed on the list of questions for a sitting day
- 5 clear days' notice is required to ask a *Short Notice Question*

2. Half-an-Hour discussion(Rule 60)

A matter of public importance can be discussed with the subject of a recent question asked in the parliament for elucidation:

- The Speaker decides whether the matter is of sufficient public importance or not
- 3 clear days' notice is required
- Half-an-hour discussion possible on two sittings in a week
- No formal motion before the House nor voting
- The Member who has given the notice may make a short statement and the Minister concerned reply briefly
- If time permits max. 2 other Members can ask question to Minister who has previously intimated to Speaker

3. Adjournment Motion(Rule 61-67)

With the consent of the Speaker a motion for an adjournment of the business of the House be made for the purpose of discussing a definite matter of recent and urgent public importance:

- Min. 2 hours notice is required before the commencement of the sitting
- Leave for adjournment motion immediately after Question hour
- At least 25 Members needed in favor of the Member (who has given the notice) if objection for leave the motion
- If leave is granted, Speaker fix it for discussion within 3 days from the date of the grant leave

- Fixed motion may be discussed on such day of maximum 2 hours as a last item
- Only question may be put for vote that "the House do now adjourn" if the discussion is finished within the stipulated 2 hours time, otherwise no vote is required

4. Discussion for short duration (Rule 68-70)

If the Speaker is satisfied in a matter of urgent public importance, a discussion may be made for short duration:

- 2 clear days' notice supported by the signatures of at least five other Members is required
- Specifying clearly and precisely the matter to be raised
- The Speaker in consultation with the Leader of the House allot two sittings in a week
- No formal motion before the House nor voting
- The Member who has given the notice may make a short statement and the Minister concerned shall reply briefly
- Any Member can participate in the discussion who has previously intimated to Speaker

5. Calling attention (Rule 71)

Any member may call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement:

- Min. 2 hours notice is required before the commencement of the sitting
- Max. 3 such notices can be discussed for a sitting day those accepted by the Speaker earlier
- The Member read the notice for a brief statement by the Minister and subsequently ask a question for answer
- After a statement made by the Minister, considering the importance of the matter, it may be referred to the Standing Committee of the Ministry concerned by the Speaker for submission of a report on it within 15 days

Calling attention (Cont.)

Statement of a Member on matters of urgent public importance (Rule 71A)

A member may speak for two minutes on each of the notices those could not be so accepted by the Speaker (in view of rule 71(3)):

- Generally 15 more Members may speak for two minutes on each of the notices
- A concise written statement by the Minister concerned in response to notices the Members spoke laid on the Table within the first three sitting days of the next session

6. Resolutions (Rule 131-145)

A Member or a Minister may move a Resolution relating to a matter of general public interest:

- 10 clear days' notice is required for a Member and 2 day's notice is required for a Minister
- The Speaker decides whether the matter is of sufficient public importance or not
- Usually 5 resolutions (selected by Ballot) are listed for a Private Member's Business day (Thursday)
- Max. 10 notices of amendment are allowed for a specific Resolution
- Resolution passed by the House is forwarded to the Minister concerned to take action on it
- Any Member may move a Resolution for disapproval of the Ordinance laid before the House under Article 93 of the Constitution (Rule 144)

7. Motions (General)(Rule 146-158)

With a definite proposal for a matter of general public interest any Member can move a motion if Speaker permitted:

- No time limit to put a notice for a Motion but it is taken seriously
- The Speaker in consultation with the Leader of the House allot a day or days or part of a day for the discussion of any such Motion
- Notices of amendment are considered before the Motion is passed by the House
- Speaker determines the time-limit of the speeches on the Motion

8. No-Confidence Motion (Rule 159-160)

A Member can move a Motion expressing want of confidence in the Cabinet with the consent of the Speaker:

- 3 clear days' notice is required
- Leave for Motion immediately after Question hour
- At least 30 Members needed in favor of the Member (who has given the notice) if objection for leave the Motion
- Put every question necessary to determine the decision of the House on the Motion
- Speaker determines the time-limit of the speeches on the Motion

9. Committee System (Rule 187-266)

At present, there are a total of 50 standing committees, of which 39 are on ministries. Rules of Procedure provides for 14 categories of committees-

1. Business Advisory Committee
2. Committee on Private Members Bills and Resolutions
3. Select Committees on Bills
4. Committee on Petitions
5. Committee on Public Accounts
6. Committee on Estimates

7. Committee on Public Undertakings
8. Committee of Privileges
9. Committee on Government Assurances
10. House Committee
11. Library Committee
12. *Standing Committee on Rules of Procedure*
13. *Special Committee*
14. Committee on each ministry

Total 50 Committees

- 39 Ministerial Standing Committees.
- Out of 11 Parliamentary Standing Committees, 4 nominated by the Speaker:
 - I. Business Advisory Committee
 - II. Committee on Petitions
 - III. House Committee
 - IV. Library Committee
- Members of 46 Parliamentary Standing Committees elected by the Parliament
- If the Chairman of a Committee are not designated by the House, the Committee elect Chair from amongst the members
- The quorum of a Committee is one-third (as near as) of the total number of members of the Committee
- All questions at any sitting of a Committee are determined by voting
- In case of equality of votes on any matter, the Chairman has a second or casting vote
- A Committee may appoint one or more Sub-Committees, each having the powers of the undivided Committee
- If the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting
- The sittings of a Committee is held in private
- A Committee has power to send for persons, papers and records
- A record of the decisions of a Committee is maintained and circulated to members of the Committee under the direction of the Chairman
- A Committee may make a special report on any matter that arises or comes to light in the course of its work (rule 208)
- If the House does not fix time for the presentation of the report by a Committee, the report must be presented within one month
- A Committee has the power to regulate its own procedure
- If any doubt arises on any point of procedure or otherwise, the Chairman refers the point to the Speaker whose decision is final
- If a Committee is unable to complete its work before the dissolution of the House, may report to the House & may pass it to the new Committee (rule 216)
- Committees are considered as the watchdogs of Bangladesh Parliament.

- The 10th parliament, formed all the Standing Committees in its 1st session with 1 Chairperson from the Opposition Party
- A Member of Parliament is appointed as Chairperson while Ministers are members of the relevant Standing Committees on Ministries (Rule 12).
- Executives including the Ministers are directly answering to the queries of the Committees and implementing their recommendations though it is not mandatory

Ministerial Standing Committees:

- Each consist of max. 10 members including the Chairman
- A Minister shall not be the Chairman of the Committee
- Meet at least once in a month

Privileges and Immunities

- Parliament, its Committee and Members enjoy some privileges and immunities under the constitution, existing laws, rules and practices
- The validity of proceedings in Parliament cannot be questioned in any court (Article 78)
- A Member of Parliament is not liable to proceedings in any court in respect of anything said, or any vote given by him in Parliament or in any of its committees (Article 78)
- No arrest can be made nor any civil or criminal process can be served within the precincts of the House without obtaining the permission of the Speaker (Rule 174-175)

Parliament Secretariat Commission **Established under the Parliament Act, 1994**

Composition

1. Speaker (Chairman)
2. Prime Minister or any MP nominated by the Prime Minister (Member)
3. Leader of the Opposition or any MP nominated by the Leader of the Opposition (Member)
4. Minister of Parliamentary affairs or any MP nominated by the Minister for Parliamentary Affairs (Member)
5. Minister of Finance or any MP nominated by the Minister for Finance (Member)

Main Functions

- Prepare Annual budget of the Parliament Secretariat and the expenditure of money allocated under the Budget.
- Determine number of the officers and employee of the secretariat

Parliament Secretariat

- Parliament Secretariat is established under the authority of Article 79 of the constitution.
- It undertakes all its mandated tasks within the provisions of 'Parliament Secretariat Act, 1994'.
- Parliament Secretariat supports Committee Chairs and MPs in the discharge of their onerous responsibility of legislation and oversight.
- Speaker is the Executive head of the Parliament Secretariat.
- Speaker delegates power and makes the provision for the distribution of the work of Parliament Secretariat by rules and standing orders.
- Parliament Secretary is also a Secretary to the Secretariat,
- He is supported by more than 1000 Officials including Four Additional Secretaries, two Joint Secretaries and one Director General hierarchically organized for the due discharge of official responsibilities.
- Parliament Secretariat is divided into wings, branches and sections.
- There are seven wings in Parliament Secretariat. These are:
 1. Legislative Support Wing
 2. Committee Support Wing
 3. Inter Parliamentary Affairs, Security and Planning Wing
 4. Administrative Support Wing
 5. Human Resource Wing
 6. Finance and Public Relations Wing and
 7. Broadcasting and IT Wing.

Major works of Bangladesh Parliament Secretariat

- Parliament Secretariat supports Speaker, Committee Chairs and MPs in the discharge of their onerous responsibility of legislation and oversight
- Secretary is responsible to the Speaker. And all other officers and employees are responsible to the Secretary for discharging official duties
- Research and Documentation
- Legislative Drafting
- Budget Analysis and Monitoring
- Effective Committee Secretariat

Sangsad Bangladesh Television

- A new TV Channel started functioning from 25th January, 2011
- Objective of the TV is to make the Parliament more transparent and accountable and to disseminate information
- It is a satellite channel. All technical and logistic support are being provided by BTV
- Preview Committee to ensure quality of the programs
- Parliament Session is directly telecast by Sangsad Bangladesh
- Parliament-related news, programs, documentaries including activities of the Committees are telecast

- Process is underway to make the channel independent

Reforms/ Development

- Introduction of Prime Minister's Question Time in 7th Parliament.
- Replacing of concerned Ministers by MPs as Chairs of Standing Committee in 7th Parliament.
- All government bills introduced in parliament must be referred to respective Standing Committee for examination.
- Introduction of Statement of a Member on matters of urgent public importance in 5th & 7th Parliament (Rule 71A).
- Introduction of 'Sangsad Television' for public broadcasting of all proceedings of parliament.

Parliament – the Last Hope

- Parliament is performing a vital role in resolving National and International Issues
- It is providing leadership in IPU, CPA, SAARC and many other regional and international forums
- It is considered the centre of addressing hopes and aspiration of the people
- Parliament is the last forum to address the differences looming among political parties



The President, Mrs Doris Katai Katebe MWINGA thanked Dr. Howlader for his communication. She reiterated her appreciation for the excellent welcome offered to members of the Association by the Parliament of Bangladesh, as hosts of the session. She then invited members to ask questions.

Mr AL-MAHROOQI (Oman) wanted to know more about the place of women in the Parliament of Bangladesh, since this was a recurring issue in Arab countries, where women were underrepresented in parliamentary assemblies. He asked how Bangladesh provided for reserved parliamentary seats for women.

Ms Juliet Undjee MUPURUA (Namibia) asked whether parliamentary committees met in public or in private. She asked how committees involved citizens in their work, and what the staff complement of each committee was.

Dr HOWLADER thanked the speakers for their questions. He explained that the Constitution of Bangladesh reserved 50 seats in Parliament exclusively for women, though many were also elected to non-reserved constituency seats. The fifty seats reserved for women were allocated to parties on a basis proportional to their representation in Parliament, so they were not directly elected: on the other hand, 25 women had been elected directly to the present Parliament to unreserved seats from different constituencies. He stressed that in Bangladesh women were actively involved in all spheres of society, and that female participation at high levels of

public life had increased markedly: Bangladesh had a woman Prime Minister, Speaker of Parliament and Leader of the Opposition, and women held significant responsibilities in the Army, education, the police and the judiciary.

He confirmed that standing committee meetings were not held in public and that citizens did not have access to them. Each committee had an oversight function and examined legislative proposals: the public had full access to committee reports which were published, and there were other means whereby the public could participate directly. He added that committee members could use the information contained in such reports, for example, in questions to the Government. Generally speaking, Members of Parliament had an obligation to explain their work to voters in their constituencies, to encourage them to participate in public life.

He explained that out of the 50 standing committees, 39 were directly concerned with scrutiny of Government departments and were chaired by Members. About 200 staff worked to support such committees. The Secretary-General of Parliament delegated his functions to his senior colleagues who acted as committee secretaries..

Mr Christophe PALLEZ (France) thanked Dr Howlader for his communication and for the very warm welcome that his country had offered to the Association. He asked how many and what proportion of the employees in the service of the Bangladesh Parliament were experts or university graduates.

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Dr HOWLADER responded that Bangladesh had a very large university sector and that there was significant competition for vacancies. All officers of Parliament, and many parliamentary support staff, were university graduates.

Mr Rénovat NIYONZIMA (Burundi) wanted to know more about the participation of Government ministers in standing committees which scrutinised their departments. He asked how Parliament could exercise its monitoring function if the Ministers under scrutiny were present at committee meetings.

Dr HOWLADER confirmed that ministers were indeed members of the committees appointed to scrutinise their departments: they participated regularly in such meetings and sent substitutes if they were unable to participate. Committees were nevertheless able to make recommendations to Government about the ministry concerned, and since the Government attached great importance to such recommendations they were therefore regularly implemented.

The President, Mrs Doris Katai Katebe MWINGA, thanked Dr Howlader for his communication and thanked Members for their questions.

6. Communication by Mr Kennedy Mugove CHOKUDA, Clerk of the Parliament of Zimbabwe: “Initiatives taken by the Parliament of Zimbabwe to enhance public participation in the legislative and other processes of Parliament”

The President, Mrs Doris Katai Katebe MWINGA, invited Mr CHOKUDA to present his communication.

1. Introduction

The role of citizens in a democracy is not exhausted by the act of electing a government; they need to be continually engaged with it if it is to remain in touch with the people and their needs.¹(IPU, 2006)

The above quotation aptly sums up the relationship that ideally ought to exist between any government in general and its citizens and any Parliament in particular and the citizens it represents. Universally, Parliament is the supreme representative institution, which holds a sacred public trust to represent the ideals, hopes and aspirations of the citizenry, bestowed on it by the electorate through the popular vote. Within the traditional separation of powers- between the Executive, Legislature and the Judiciary- Parliament as the freely elected body holds a central place in any democracy. It is the institution through which the will of the people is expressed, and through which popular self- government is realised in practice.

That notwithstanding, citizens cannot hope to influence Parliaments unless the citizens are first fully informed about what Parliaments are doing, neither will they be able to hold their representatives properly to account nor participate actively and meaningfully in the business of Parliament. While the media plays an important role in this regard, informing citizens about the work of Parliament is also a primary responsibility of Parliaments themselves. It is critically important, therefore, for administrations of Parliaments to continue to explore innovative ways of enhancing the openness and accessibility of Parliament to the public as this can only serve to advance democracy.

2. Contextual Background for an open and accessible Parliament of Zimbabwe

In 1996, the Parliament of Zimbabwe embarked on a comprehensive reform process aimed at making Parliament more open, more accessible and more effective in the discharge of its constitutional mandate. The reform agenda was motivated by growing public criticism of Parliament as a ‘rubber stamp’ institution incapable of holding the Executive to account for its actions². In fact, one former Senator who is now the Secretary of the Judicial Service Commission, Justice Rita Makarau, once stated that ‘*laws pass through Parliament instead of Parliament passing laws.*’ This

¹ IPU (2006) PARLIAMENT AND DEMOCRACY IN THE TWENTY- FIRST CENTURY: a guide to good practice. Geneva, Switzerland.

² Parliamentary Reform Committee Report (Volume 1, 1999)

was a serious indictment of the effectiveness of Parliament especially coming from one of its own.

In addition, the public generally perceived Parliament as ‘*a remote, inaccessible institution far removed from the people it purported to represent.*³’ In view of this scathing criticism, Parliament embarked on a wide- ranging reform process which included, among other things, making Parliament more open and accessible to the public. To this end, Committee meetings, which were previously held in camera, were opened to the public with the exception of deliberative sessions and Parliament relaxed the dress code for members of the public intending to visit the institution. In addition Parliament also introduced the concept of Public Hearings on Bills before Parliament as well as issues of national importance. The reform process has continued into the new millennium moreso now that public engagement is a requirement in the new constitution.

2.1 Constitutional Framework

Section 117(1) of the Constitution of Zimbabwe enacted into law on 22nd May, 2013, provides that:

“The legislative authority of Zimbabwe is derived from the people and is vested in and exercised in accordance with this Constitution by the Legislature.”

Pursuant to this, Section 141 states as follows:

***141 Public access to and involvement in Parliament
Parliament must-***

(a) facilitate public involvement in its legislative and other processes and in the processes of its Committees

(b) ensure that interested parties are consulted about Bills being considered by Parliament, unless such consultation is inappropriate or impracticable⁴

In addition, Section 149 provides that ***“every citizen and permanent resident of Zimbabwe has a right to petition Parliament to consider any matter within its authority, including the enactment, amendment or repeal of legislation.”***

The new Constitution of Zimbabwe thus provides adequate safeguards for Parliament to engage the public in the business of Parliament in general and in the law making process in particular. Incidentally, these legal provisions reinforced the ongoing reform process and are in tandem with the strategic thrust of the current Parliament as enunciated in the Institutional Strategic Plan (2014-2018).

2.2 Strategic Thrust of the Eighth Parliament

³ Parliamentary Reform Committee Report (Volume 1, 1999)

⁴ Constitution of Zimbabwe Amendment No. 20 Act (2013) pp61; 63

The Eighth Parliament came into being on September 7, 2013 and will complete its tenure in little more than a year from now. Like successor Parliaments since the year 2000, the Eighth Parliament developed a Strategic Plan to guide its work and define the roadmap for attaining its Vision. The Vision Statement, in itself, captures the aspirations of the Eighth Parliament towards fostering a more open and accessible institution as follows:

To be an effective, efficient, participatory, gender sensitive and democratic Parliament that responds to the needs and aspirations of the people⁵.

In order to attain this Vision, one of the key strategic objectives identified in the plan, particularly Strategic Goal 3 seeks to ***“Promote the involvement of the public and other key stakeholders in the business of Parliament.”***⁶ The Administration of Parliament has, therefore, taken the initiative to create platforms which enhance public participation in the business of Parliament guided by the supreme law of the land and the Institutional Strategic Plan.

3.0 Initiatives to Enhance Public Participation in the business of Parliament

3.1 Public Hearings on Bills

As has been reflected above, public consultations on Bills before Parliament have become mandatory with the advent of the new Constitution where the previous Constitution was silent on this issue. To this end, as Administration, we are obligated to ensure that members of the public are consulted on bills before Parliament otherwise we risk violating the Constitution and facing the full wrath of the law. It is instructive to note that the provisions of the Constitution cited above are, to all intents and purposes, similar to the provisions of the Constitution of the Republic of South Africa, particularly Section 59 which provides that;

59. Public access to and involvement in National Assembly

(1) The National Assembly must—

(a) facilitate public involvement in the legislative and other processes of the Assembly and its committees; and

(b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken—

(i) to regulate public access, including access of the media, to the Assembly and its committees;...⁷

⁵ Parliament of Zimbabwe Institutional Strategic Plan (2014-2018) pp10

⁶ Parliament of Zimbabwe Institutional Strategic Plan (2014-2018) pp24

⁷ Constitution of the Republic of South Africa (1996) pp 31

It is pertinent to note that in the case of South Africa a number of Bills passed by Parliament have been nullified for lack of or inadequate public consultations. Indeed, our citizens are also taking a cue from their neighbours and are very vigilant when Bills are tabled in Parliament. For instance, in the recent case of *Innocent Gonese and Jessie Majome v The President of Zimbabwe, Parliament of Zimbabwe and the Minister of Local Government & Public Works (Case No. CC Z80/ 2016)* Parliament was taken to court by two of its Members for failing to adequately consult the public over the Local Government Amendment Bill which is now an Act of Parliament. The case is currently before the Concourt and is still to be given a set down date. Hence our Parliament has taken the issue of public hearings seriously and, pursuant to this, a total of 50 public hearings were conducted in 2015, 94 in 2016 and 12 in 2017 in partial fulfilment of section 141 of the Constitution.

These public hearings have been crucial in influencing amendments to legislation before Parliament and in improving the quality of debate. Indeed the public's inputs were utilized by Committees to influence amendments to a number of Bills including the following Bills:

- The Reserve Bank of Zimbabwe (Debt Assumption Bill),
- Joint Ventures Bill
- Finance Bill No 2 of 2016
- Gender Commission Bill.
- General laws Amendment Bill
- Criminal Procedure and Evidence Amendment Bill
- Banking Amendment Bill
- Local Government Amendment Bill

The National Peace and Reconciliation Commission Bill was withdrawn following public criticism of the Bill. An amended Bill, incorporating changes to more than 95% of the issues that had been raised by the Parliamentary Legal Committee and the public, has since been tabled in the National Assembly. The relevant Portfolio Committee conducted further public consultations on the amended Bill last month.

3.2 'Call for Comments' Platform on the Website

Over and above the physical public hearings, Parliament has also created a 'Call for Comments' platform on the new re-designed website. Any Bill that is gazetted is uploaded on the website immediately after gazetting and members of the public are called upon to post their comments on the website or submit them through two institutional e-mails clerk@parlzim.gov.zw or bills@parlzim.gov.zw. The Administration of Parliament will then forward the submissions to the relevant Committee for consideration. This platform has been hugely subscribed to by individuals that are unable to attend the public hearings and even Zimbabwean citizens in the diaspora.

3.3 Live Radio Public Hearing on Bills

To complement the physical public consultations and cater for those citizens who may not have had the opportunity to attend the said hearings, we recently embarked on a novel initiative of live radio public hearings. In partnership with a local radio station, Sfm, the Portfolio Committee on Justice, Legal and Parliamentary Affairs

conducted a public hearing live on radio on Monday 6th March, 2017 on the Constitutional Amendment No. 1 Bill. A total of 40 members of the public phoned in to give their views on the Bill during the one and a half hour public hearing. Other members of the public were also submitting their input through social media platforms during the hearing. In our assessment, this was commendable for a pilot project and we intend to roll out similar public hearings on bills in future.

In addition to the live radio public hearing, prior to Committees embarking on physical public consultations, we also arrange interviews on radio, involving the Chairperson of the Committee and a representative of the relevant Ministry, who unpack the Bill for the benefit of the public. This will enable members of the public to make informed inputs into the Bill when the Committee holds public hearings.

3.4 Creation of Electronic Stakeholder Database

The Administration of Parliament has created an electronic stakeholder database which is utilised to circulate soft copies of gazetted bills for comments. Every time Parliament organises a public event within or outside Parliament we collect emails of participants as a way of continuously building the database. The database has proven to be extremely useful particularly on technical bills such as the Special Economic Zones Bill and the Biological and Toxin Weapons Crimes Bill which require specialised knowledge of the subject area. For such Bills, we have observed that it is not prudent to carry out public hearings as the attendances are very low owing to the technical nature of the bills.

3.5 Speaker's Outreach Programme to Tertiary Institutions

In furtherance of Section 141(1)(a) of the Constitution of Zimbabwe and in line with our strategic objective of fostering a more accessible, participatory and responsive Parliament, the Hon. Speaker of the National Assembly agreed to conduct quarterly outreach programmes to tertiary institutions and civic society organisations around the country. The outreach programmes were motivated by the following objectives:

- To engage academics and students at Universities, teachers' colleges, technical institutions and agricultural colleges as well as civil society organisations on the roles and functions of Parliament;
- To generate the interest of tertiary institutions and CSOs in participating actively in the oversight, representative and legislative roles of Parliament; and,
- To create mutually beneficial synergies with tertiary institutions in research and training programmes that are relevant to Parliament.

The inaugural public lecture was delivered to tertiary institutions and CSOs in Masvingo Province in September 2016 and the second one was recently held in the Midlands Province, reaching out to more than 20 tertiary institutions and over 40 CSOs in the process. The impact has been extraordinary, with tertiary institutions now voluntarily analysing Bills before Parliament and sending their input to us.

3.6 Re-design of the Parliament of Zimbabwe Website

In line with the rapid advancement of ICTs and recognising that our website is our information gateway to the world, we took the initiative to re-design our website in order to make it more interactive. The website now includes: *'The Clerk's Blog'* where members of the public can pose questions and/ or contribute on any issue relevant to

Parliament; an updated calendar of events and the annual sitting calendar; latest Bills and Acts; a Call for Comments platform; links to social media sites, among others. We are also working on live audio streaming of Parliamentary proceedings on the website to enable members of the public connected to the internet to follow debate in both Houses and Committees in real time via the website. The revamped Parliament website is receiving upwards of 50 000 hits per month with 65-70% traditional visitors and an average of 30-35% new visitors.

3.7 Development of a Parliament Application

As Administration, we have developed a user- friendly Parliament App that can be downloaded on mobile devices via the Google Store application. The Parliament App, akin to our website, will enable members of the public to access important documents such as the Hansard, Acts and Bills and any information they may require on Parliament of Zimbabwe. This has the singular advantage that it can be downloaded on mobile devices and is thus portable and easily accessible. It is our expectation that we will launch the app before the end of this month.

3.8 Parliament Open Day

In May this year, we will host our inaugural Parliament Open Day over two days. The Open Day will include:

- Exhibitions and pictorial and video displays of the historical evolution of our Parliament from 1890 to the present day;
- Displays depicting the contemporary roles and functions of Parliament;
- Information kiosks/ desks by Parliament of Zimbabwe and partners;
- A symposium to reflect on 37 years of the Parliament of Zimbabwe, with presentations from Senior Members who have been MPs since 1980, an official from Parliament and three academics with historical and political science backgrounds;
- Guided tours of Parliament by the public;
- Interaction with Hon. Members and Presiding Officers;
- Live Debates from the Gallery;
- Quiz Contests for members of the public;
- A charity golf tournament and dinner to raise funds for an identified charity; and,
- Sporting activities involving Hon. Members, staff and development Partners.

3.9 Outreach Programmes to Schools

In 2014, our P.R. Department conducted outreach programmes to 11 schools in Matebeleland North Province attended by one thousand two hundred and seventy five students (1 275). In 2015 outreach programmes were conducted in two provinces, namely, Midlands (3 974 students attended) and Mashonaland East (801) to give a cumulative total of 4 774 students who attended the outreach programmes. In 2016, outreach programmes were conducted to schools in Bulawayo Metropolitan Province (8 305 pupils attended), Matebeleland South Province (11 913) and Masvingo (8 236) giving a total of 28 454. The primary objective of the outreach programmes is to raise awareness among students at both primary and secondary level on the roles and functions of Parliament. Some of the schools which have been visiting Parliament have been inspired to do so by these outreach programmes.

3.10 Exhibitions at Provincial Shows

Through our P.R. Department, the institution exhibits at provincial shows in a bid to enhance the visibility of Parliament, take Parliament to the people and sensitise members of the public on the roles and functions of Parliament. In 2014 and 2016 we exhibited at the Kadoma Provincial Show and the stand attracted 834 and 196 visitors respectively. Statistics for visitors to the stand at the Zimbabwe International Trade Fair (ZITF) are as follows: 2014: 3 198 visitors; 2015: 3 234 visitors; and, 2016: 2 306 visitors. The stand at the Harare Agricultural Show (HAS) attracted 5 769 visitors in 2014, 2 823 in 2015 and 1 868 in 2016.

At the 2016 HAS and ZITF exhibition, we also took the initiative to invite Members of Parliament representing people living with disabilities to be part of the institution's exhibition team and showcase what Parliament of Zimbabwe has done to advance the cause of the disabled. This initiative was well received by members of the public and hugely commended in the customer feedback register we set up at the stand.

4.0 Challenges

While these initiatives have gone a long way in taking Parliament to the people and dispelling the notion of Parliament as an aloof, inaccessible institution, they have not been without their challenges.

Firstly, public consultations on Bills demand significant resources which, at times, Parliament is unable to provide. For instance, for one Committee to conduct nationwide public hearings on a Bill, it requires upwards of USD 30 000. With the advent of the new Constitution and the attendant re-alignment process, a lot of Bills are coming to Parliament and yet the constitution has made it non- discretionary for Parliament to consult the public. Non-compliance with peremptory provisions of the supreme law is not an option as failure to comply has consequences that are too ghastly to contemplate. Section 46 (e) of the Constitution of Zimbabwe states that in interpreting the law, a court, tribunal, forum or **body** may consider relevant foreign law. It is in this spirit that I now give reference to the landmark judgement delivered by the Constitutional Court of South Africa in the landmark case *Doctors for Life International v Speaker of the National Assembly* 2006(6) SA 416 (CC).

In this case, the Constitutional Court of South Africa invalidated some Acts of Parliament that had been passed without public consultation. Thus, in view of the fact that we have similar constitutional provisions as those in South Africa as alluded to earlier, public consultation is, therefore, an obligation that Parliament cannot shy away from. To this end, we have had to engage development partners to atone for this funding gap.

Secondly, the new Constitution also introduced 16 official languages. It is proving difficult to cater for all these official languages when Committees embark on public consultations as some members of the public insist on Committees recognising their languages. To counter this challenge, we have had to liaise with local teachers and/or other public servants to assist with interpretation services in areas where Hon. Members cannot speak the language.

The live radio public hearing also has an inherent challenge in that one cannot control what a citizen who calls in will say on live radio. While the inaugural public hearing proceeded without any hiccups, we remain wary that some members of the public can resort to offensive, vulgar and inappropriate language on radio. But I guess that is the beauty and the hazard of democracy and free expression.

5.0 Conclusion

In conclusion, while public engagement may be demanding in terms of human, material and financial resources, it is an investment worth making as the benefits far outweigh any perceived disadvantages. Besides, we are all aware that democracy is expensive. That is the price we have to pay for enhancing Parliament's role in the national governance matrix and, ultimately, enhancing democracy.



Mr José Manuel ARAÚJO (Portugal) said he was impressed by the number of public participation hearings held, and wanted to know whether they were all held in Parliament in Harare, or whether they sometimes took place elsewhere in the country.

Mr Geert Jan A. HAMILTON (The Netherlands) remarked on the role of the Constitutional Court which, as he understood it, had the power to annul a law if it considered that Parliament had not sufficiently complied with its obligations in respect of public participation. He expressed reservations about this power to reverse decisions taken by Parliament, which he saw as a considerable assignment of powers to a court, and asked from where the court derived its power to control Parliament in this way. He wondered whether it would not have been more consistent with a representative system of government if voters themselves were to decide at the next parliamentary election whether they were satisfied with Parliament's compliance with this obligation. He observed that it must surely be up to the Secretariat of Parliament to explain how Parliament should comply with the application of these rules.

He noted that reference had been made to the implementation of such a decision in South Africa, and therefore wanted to know whether such action had already been taken in respect of legislation in Zimbabwe.

Ms Veniana NAMOSIMALUA (Fiji) congratulated Mr Chokuda on the achievements of the Zimbabwe Parliament in terms of sustainable development goals, and then asked how the Parliament integrated these goals into its day to day activities.

Mrs Lydia KANDETU (Namibia) thanked the speaker for this comprehensive presentation. She wanted to know what actions the Parliament took to strengthen public participation in its activities, especially by students. She explained that a Youth Parliament had been established in Namibia in 2014. The Ministry of Education selected students from schools and universities and passed their names to the National Assembly, which invited them to the National Assembly during school and university vacations to discuss issues relevant to young people. The students appointed a President and Vice-Presidents of the Youth Parliament. She asked whether a similar initiative existed in Zimbabwe.

Mr Boubakar TIEMOGO (Niger) asked whether the obligation to consult the public did not make the legislative process more cumbersome. He also wanted to know what influence public consultation had on the final text of a bill.

Mr CHOKUDA confirmed that all public hearings generally took place away from the precincts of Parliament. Proceedings concerning the fulfilment of the public consultation requirements of section 141 of the Constitution of Zimbabwe of 2013 on a particular bill were in fact active. In this particular case, hearings had been held and the secretariat of Parliament considered that the obligation had been fulfilled. The plaintiffs contended that the notice given of such hearings was insufficient to allow the population to participate effectively. The date of the court hearing was not yet determined. The question of the time allowed for public consultation and the information made available to the public accentuated the challenge which the process provided for Parliament.

In response to criticism of the extent of the Supreme Court's role in challenging the decisions of Parliament, he replied that the court was very reluctant to be involved in matters relating to the legislature, and only considered intervention in cases where Parliament appeared not to have respected its own rules. The process was indeed cumbersome, but in Zimbabwe it was considered necessary and had indeed resulted in improvements to draft legislation.

Parliament had organised a meeting for all MPs to discuss the Sustainable Development Goals. A committee of the Senate was responsible for monitoring national progress in this area, but its work was extended to allow the participation of chairs of all relevant parliamentary committees. Training to allow Members to integrate the goals into their own work had been organised with the help of the United Nations.

Zimbabwe had its own Youth Parliament, run by the Ministry of Youth with the assistance of parliamentary staff. These staff members trained the selected members of the Youth Parliament and explained to them how to behave when they came to the National Assembly for their sessions. Government ministers attended Youth Parliament debates and even answered questions from delegates.

He observed that while the consultation process could be cumbersome, arrangements for public hearings were made very early on: as soon as a bill was introduced, the parliamentary secretariat made preparations for committees to go out into the country as soon as possible. He pointed out that the consultation procedure had in fact been provided for under the previous constitution.

Mr Saïd MOKADEM (Maghreb Consultative Council) expressed his astonishment at the requirements on Parliament, and asked what supervisory control there was of the Supreme Court in its oversight. He also wanted to know to what extent the process engaged all sections of society.

Mr Najib EL KHADI (Morocco) asked whether there had been any protests or diversions at public hearings, and whether the opposition parties had sought to influence their course. He asked whether any particular issues arose when hearings were held outside Parliament.

Ms Jane LUBOWA KIBIRIGE (Uganda) said that the Parliament of Uganda organised an annual week in which citizens were invited to come to Parliament to observe work in progress. A debate, highly appreciated by the public, was organised

as part of this week, in the presence of the President, the Vice-President, Government ministers and the leaders of the majority and the opposition parties.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) asked how long a consultation had to last, and at what point Parliament could legitimately vote to adopt legislation. He also asked whether the political or administrative authorities of Parliament represented Parliament before the courts in the event that a case was brought alleging a violation of the obligation to consult the public.

Mr William BEFOUROUACK (Madagascar) asked what areas had been of most concern to the public during such consultations. He acknowledged their benefits, but also drew attention to potential dangers, and asked whether public consultation had resulted in parliamentarians having more, or less, accountability to their constituents.

Mr CHOKUDA explained that the secretariat of Parliament was trying to organise consultations so as to prevent problems from arising in the future. On two occasions issues had been hotly contested in public sessions. The open sessions needed a great deal of organisation in order to create an environment which was not intimidating or threatening, and to reassure participants that they would suffer no adverse consequences from their participation. He stressed again that the courts were reluctant to rule on matters affecting Parliament, so as to respect the separation of powers between the judiciary and the legislature, but that their interventions in proceedings were motivated by instances where it was alleged that Parliament had not complied with its own rules. The courts had indicated that the internal rules of Parliament had the force of law in such circumstances.

Public hearings were open to all, but that there were occasions when closed hearings were held to hear people, such as lawyers, who feared that repercussions from public hearings.

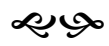
He acknowledged that it was difficult to estimate when sufficient consultation had taken place. Parliament published the future programme of hearings on its website to allow citizens to anticipate and organise participation.

With regard to the current trial, both the Speaker and the Clerk of the Parliament were cited in the complaint: the political and administrative authorities would therefore be represented by the same lawyer.

He considered that the issues most relevant to the public were those that had a direct impact on the life of the population. For example, there had been very low levels of interest in a consultation on a bill on biological weapons, while social and economic issues directly affecting the population attracted greater levels of participation. Public hearings allowed citizens to give their opinion directly to Parliament, but they did not remove the obligation on MPs to be accountable to their constituents.

The President, Mrs Doris Katai Katebe MWINGA, thanked Mr CHOKUDA for his communication and the members for their questions.

The sitting ended at 12.43 pm.



SECOND SITTING

Sunday 2 April 2017 (afternoon)

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

The sitting was opened at 2.35 pm

1. Introductory remarks

The President, Mrs Doris Katai Katebe MWINGA opened the sitting and reminded members to sign the register and to complete the registration form for the excursion on Wednesday 5 April.

She recalled that the deadline for nominations to the three vacancies on the Executive Committee was Monday 3 April at 4 pm and that nomination forms were available from members of the Secretariat. A note on the conduct of the elections had been posted on the Association's website.



Theme: Procedure and Policy

2. Communication by Ms Philippa HELME, Principal Clerk of the Table Office, House of Commons, United Kingdom: “Brexit: the impact on the UK Parliament of the 2016 referendum on European Union membership”

Mrs Doris Katai Katebe MWINGA, President, invited Ms Philippa Helme, Principal Clerk of the Table Office, House of Commons United Kingdom, to make her communication.

Ms Philippa HELME (United Kingdom) spoke as follows:

Summary

The UK has voted in a referendum to leave the European Union of which it has been a member for forty years. The Government is soon to trigger the process of the UK's withdrawal from the EU – often referred to as “Brexit” (British exit). This is expected to take up to two years.

While political opinion is deeply divided on the merits of withdrawing from the EU, most politicians are taking the view that the outcome of the referendum should be respected: argument is focusing on the terms of the UK's future relationship with the EU, and the extent to which the UK Parliament will have a say on the outcome of the exit negotiations.

The referendum result led to a change of Government and political turmoil in 2016. It is posing questions for the future relationship between the constituent parts of the UK (England, Wales, Scotland and Northern Ireland).

The impact on the UK Parliament has already been considerable. Parliamentary time is likely to be dominated by Brexit-related legislation in the two years ahead. There are new demands on the Committee systems in the two Houses of Parliament, and pressures on parliamentary staff.

The June 2016 Referendum

1. On 23 June 2016 a referendum was held in the UK on whether to remain in, or leave, the European Union.
2. Referendums are unusual in the UK. There have only been two national referendums before: on remaining in what was then known as the Common Market (the forerunner of the EU) in 1975 and on whether to reform the voting system in 2011. The UK's membership of, and relationship with, the EU has long been the subject of political controversy, with divided opinion within political parties. The 2016 referendum was called by the Cameron Government in part to resolve tensions within the governing Conservative Party and to counter the electoral threat from the UK Independence Party. All the Parties represented in the UK Parliament except UKIP and Northern Ireland's Democratic Unionist Party supported "Remain", but a significant minority of Members of Parliament – including a number of Government Ministers – campaigned for "Leave".
3. The result of the referendum was a 52% majority for Leave (a difference of about 1.3 million voters). There were significant regional variations with majorities for Remain in Scotland, London and Northern Ireland, while the rest of England, and Wales, voted to Leave.

Impact on the political parties

4. Within hours of the result, the Prime Minister David Cameron indicated he would resign. There followed a swift and dramatic campaign for his successor as Leader of the governing Conservative Party. Other candidates fell away and Theresa May, formerly the Home Secretary, became Leader of the Party, without need for a national election of the party membership which would have delayed appointment of a new Prime Minister to the Autumn. Mrs May was appointed Prime Minister by the Queen on 13 July, and formed a new Conservative Government, comprising both pro-leave and pro-remain Ministers, without a General Election.
5. The referendum also had a dramatic impact on the Opposition Labour Party, most of whose MPs were pro-Remain. A motion of no confidence in the Leader of the Opposition, Jeremy Corbyn, was passed by the Parliamentary Labour Party by 172-40 on 28 June – partly prompted by a feeling that he had not campaigned sufficiently strongly for Remain. Most of the front bench resigned, but Mr Corbyn, confident that his mandate came from the Party membership outside Parliament, stayed on. He was challenged for the party leadership but comfortably won an election of the party membership in

September, and continues as Leader of the Opposition. Tensions remain within the Parliamentary Labour Party remain.

6. The impact on the smaller parties has been varied. The Scottish National Party – which won all but three of the seats in Scotland in the 2015 Election – has been fortified further by the referendum result. The Liberal Democrats, who lost most of their seats in the 2015 General Election, have seen a modest recovery in their support, partly on the back of their strong opposition to Brexit and calls for a second referendum. UKIP, which has only one MP despite winning 12% of the vote at the 2015 Election, seems to have lost its impetus since its success at the referendum.

The Brexit process

7. The new Government, although comprising many Remain supporters, was firm that the result of the Referendum should be acted upon. It announced that it would start the process of leaving the EU – by submitting a notification to withdraw under Article 50 of the Treaty on European Union before the end of March 2017. It established a new Government Department for Exiting the European Union to oversee the Brexit process, and also a new Department for International Trade, as a signal of its priorities.
8. The process of negotiating withdrawal from the EU is expected to take up to two years. Until then, the UK will remain a member of the EU and subject to its body of law and treaty commitments. No country has left the EU before and the process for exiting is not entirely clear. For example, it is not clearly established in law whether a notification of withdrawal can be revoked.
9. While a majority of MPs were pro-Remain, the large majority of the House of Commons has supported the Government's view that the outcome of the Referendum must be respected. Political argument has focused not on whether to leave the EU but on the nature of the withdrawal settlement and future relationship with the EU: whether we should have a “hard Brexit” (totally outside the EU) or a “soft Brexit” (remaining members of some EU structures, such as the Single Market).
10. The kind of Brexit that the UK will get will depend, of course, not just on what the UK wants but on what it is able to negotiate with its EU partners. The Government initially declined to give much information on its negotiating position, and said repeatedly that it would “not provide a running commentary” on these negotiations.

Supreme Court judgment: the Miller case

11. The first significant challenge to Brexit came, not in Parliament, but through the courts. The Government initially considered that it could trigger Article 50 without empowering legislation, relying on Ministers' prerogative powers. Gina Miller, a private citizen, brought judicial review proceedings to challenge this view, and her challenge was upheld first by the High Court on 3

November 2016 and then, following the Government's appeal, by the Supreme Court on 24 January. The Supreme Court decided, by a majority decision, that primary legislation would be required, principally on the ground that the notice of withdrawal would so materially amend the operation of existing legislation as to require fresh legislation to achieve the change. However the Supreme Court decided unanimously that the devolved legislatures had no power to block the Government from triggering Article 50.⁸

European Union (Notification of Withdrawal) Bill

12. In response to this judgment, the Government introduced a very short (two clause) bill into the House of Commons on 26 January, giving it legal authority to issue notice of withdrawal.⁹ It was reported that the Government might have tried to draft a bill so limited in scope that it was not capable of amendment: if that was so, it was not successful. The Committee stage of the Bill was taken on the Floor of the House ("Committee of the whole House") over three days: over 200 new clauses and over 90 amendments were tabled for debate. The focus was on rights of EU citizens living in the UK, the priorities for negotiations and the role that Parliament will have in approving the outcome of the negotiations in due course.
13. During the course of proceedings on the bill, and in response to pressure for more information on its objectives, the Government published a White Paper¹⁰ setting out what it is seeking to achieve in negotiating the UK's exit from and new partnership with the EU. The Government also conceded that there would be vote in Parliament at the end of the negotiations before the UK withdrew from the EU, though the precise nature and impact of that vote are unclear.
14. The bill was not amended in the House of Commons but the Government was defeated on two issues in the House of Lords: a guarantee of the residency rights of EU and European Economic Area citizens presently in the UK, and enshrining in legislation the requirement for parliamentary approval of a Government decision to leave the EU at the end of the negotiation period. The

⁸ See <https://www.supremecourt.uk/cases/docs/uksc-2016-0196-judgment.pdf>

⁹ European Union (Notification of Withdrawal) Bill, Bill 132, Session 2016-17
<https://www.publications.parliament.uk/pa/bills/cbill/2016-2017/0132/17132.pdf>

¹⁰ *The United Kingdom's exit from, and new partnership with, the European Union*, 2 February 2017, Cm 9417
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589189/The_United_Kingdoms_exit_from_and_partnership_with_the_EU_Print.pdf

Government succeeded in overturning those two amendments when the bill returned to the House of Commons, and the House of Lords did not insist further. The bill passed into law on 16 March, in the form that it had been introduced. The Government is expected to give notice of withdrawal to the European Council on 29 March.

Great Repeal Bill and other legislation expected

15. The Government has announced that in the next session (the parliamentary year which begins in May 2017) it will introduce a “Great Repeal Bill” to repeal the European Communities Act 1972 and to convert the body of existing EU law into UK law. Its intention is that, in order to provide legal certainty, when the UK leaves the EU, the same rules and law will apply as before, and decisions will be made thereafter about which elements of that law the UK should keep, amend or repeal. The Government has said that this Bill will also enable changes to be made by secondary legislation to laws that would otherwise not function sensibly when we have left the EU.
16. The precise nature and timing of this Bill are not yet known, but it is anticipated that it will be the subject of intense political debate and lengthy scrutiny over the year ahead. The expected provisions allowing amendment of the law by secondary legislation are likely to be particularly controversial, and – if passed – are expected to lead to a large volume of secondary legislation which will, in turn, require scrutiny by Parliament.
17. The Government has said that there will be separate bills on specific policy areas in which changes are to be made: for example, on immigration and customs. A well-informed independent think-tank, the Institute for Government, has recently reported that it expects up to 15 new bills, in addition to the Great Repeal Bill, to be required to deliver Brexit, leaving very little space in the legislative timetable for non-Brexit-related matters.¹¹ Again, the timing and nature of these bills is not yet known. It is clear, however, that the legislative programme in the next two years, and beyond, will be heavy and controversial. We expect to see an increase in sitting hours, and additional pressure on House Service resources.

European Courts

18. One of the main arguments of the Leave side was that the UK should take back control of UK law. The Government has made clear that it intends to end the jurisdiction of the Court of Justice of the European Union (CJEU) in the UK. There will need to be some alternative mechanism for resolving any dispute between the UK and the EU: exactly what remains to be seen.

¹¹ Legislating Brexit, Institute for Government, March 2016.

<https://www.instituteforgovernment.org.uk/publications/legislating-brexit>

19. The Government has deferred controversial proposals to limit the jurisdiction of the European Court of Human Rights and to introduce a “British Bill of Rights”. The UK will remain a member of the Council of Europe (which is a separate and larger institution than the EU).

Impact on devolution and internal UK relations

20. The outcome of the referendum has put renewed pressure on the devolution settlement – the arrangements by which certain powers are devolved to governments and legislative bodies in Scotland, Wales and Northern Ireland. The UK’s vote for Brexit, while Scotland voted strongly in support of Remain, has rekindled political pressure in Scotland for Scottish independence, which had been narrowly rejected in the Scottish referendum in September 2014. The Scottish National Party, which is in power in Scotland, would like to see Scotland an independent member of the EU, but in the meantime is pressing for the UK to remain in the European Single Market and the EU Customs Union. The Scottish First Minister, Nicola Sturgeon, has recently called for a second independence referendum, and – while Prime Minister May has said that “now is not the time” for this – this looks likely to be a continuing source of contention.
21. Brexit also raises difficult issues in Northern Ireland. Here there was a narrow majority for remain, though the largest party, the Democratic Unionist Party, was pro-Brexit. There are concerns about the implications of Brexit for the open border with the Republic of Ireland and for the delicate political settlement and power-sharing arrangement which have maintained peace in Northern Ireland since the Good Friday Agreement in 1998. Elections to the Northern Ireland Assembly in March had an increased turnout and showed a polarisation of voting towards the DUP, on the unionist side, and to Sinn Féin, on the other.
22. There is likely to be lively argument between the UK and devolved governments about whether the powers which will be repatriated from the EU should be retained by the UK Government or devolved to the nations, regions, or even to local government. Some of these powers lie within areas, such as fishing and farming, which are already devolved. The SNP is pressing also for new powers – over employment law, for example – to be devolved to the Scottish Parliament. The UK Government, on the other hand, is keen to ensure a consistent regulatory framework across the UK, in the interests of trade.

Impact on parliamentary committees

23. The changes in the structure of Government Departments made by the May Government has led to changes in the select committee structure in the House of Commons. A new Committee on Exiting the EU has been formed, monitoring the Department on Exiting the EU: reflecting the level of interest in this, it has 21, rather than the usual 11, Members. There is also a new Committee to monitor the new Government Department on International Trade. Several Select Committees – including the new Exiting the EU

Committee - are now chaired by prominent Labour Members, Ministers under the Blair and Brown Governments, who resigned the Labour front-bench in opposition to Mr Corbyn.

24. In addition to these new Committees, existing Committees have been active in Brexit-related scrutiny in their departmental or subject areas. There are currently as many as 35 Brexit-related inquiries by Committees of both Houses. This level of activity brings a risk of overlap and overload, and is putting pressure on administrative support. At staff level, committee teams are cooperating to share information and expertise, and also working closely with specialists in the Library and with lawyers in the Office of Speaker's Counsel.
25. In the longer term, Brexit is likely to lead to changes in the Committee system in both Houses. The House of Commons European Scrutiny Committee will continue to be required to scrutinise the flow of EU legislation until the date of withdrawal, but probably not beyond. In the House of Lords – where the committee structure is centred on an EU Committee with six subject-related sub-committees – a more radical restructure will be required.

Impact on parliamentary staff

26. It is a fundamental requirement that parliamentary staff refrain from political activity and express no public views about political issues. While staff are well accustomed to keeping out of party politics, it has been more challenging to keep detached from the existential question about the UK's future relationship with the EU. The unexpected Referendum result was as much a shock to parliamentary staff as it was to Members, and to the country as a whole; and for some it was distressing. A number of our staff are nationals of other EU countries, and a larger, but unquantified, number have partners or close family members who are from other EU countries. The continued uncertainty about whether they will be assured of a right of residency after Brexit is naturally a cause of anxiety. As managers, we have offered personal support and information to staff, while expressing no view on the merits of the issue.



Mr José Manuel ARAÚJO (Portugal) thanked Ms HELME for a very interesting communication, especially for colleagues from parliaments in EU member states. He asked whether the House of Commons and the House of Lords had communicated with citizens during the referendum to ensure that voters were sufficiently informed before taking a decision. He asked how the order of the options on the ballot paper (leave the EU or remain in the EU) had been determined: in Portugal such issues were determined by lot.

He asked whether a single committee would deal with the immense work of adapting national legislation following the repeal of European directives and regulations, or whether this work would be carried out by several committees.

Mr Christophe PALLEZ (France) asked whether the UK Parliament was likely to spend most of the next two years discussing the UK's exit from the European Union, and whether it was considered that the time might be better spent on other matters.

Ms HELME replied that the two Houses did not consider that it was their role to provide information to educate the public during what had admittedly been a poor campaign. The House of Commons Library had published briefing papers, but a positive choice to provide information was not made by either House. The Electoral Commission, an independent body overseeing elections, had decided the order in which questions would be listed on the referendum ballot paper.

Several bills to deal with the UK's exit from the EU would be examined in Parliament. A major initial bill would be discussed at length in the Commons Chamber: committees would no doubt publish several reports on the bill, but debates on it would take place in plenary. Up to fifteen bills, each dealing with a specific subject, were likely to follow.

The initial bill would provide for the legal *status quo* to be maintained after exit, giving EU law a legal base in UK law: this law would then be amended by the UK Parliament insofar as the decision to leave the EU had been driven by a desire for change.

She confirmed that time spent on discussing the UK's exit from the EU would take time in Parliament which might otherwise have been spent discussing other matters: those who wanted to leave the EU would probably consider that the negative effects were being overestimated. The degree of change would depend on the extent to which the status quo was maintained.

[MPA TAKE IN]

The President thanked Ms HELME for her communication and the members for their questions.

3. General debate: Is the function of the Secretary General a political function?

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:

Outwardly, legally, and as universally agreed upon in the world of civil service, the secretary general of a parliamentary institution is primarily considered as an administrative official.

The secretary general is the chief administrator of the institution which, in all parliaments of the world, is considered as a tool for implementing the decisions and resolutions of the political authorities. Accompanying the work of the parliamentarians, the administration is also regarded as a means through which

ideas, and work plans are suggested, the purpose being to leverage and improve the institution's performance. Actually, the very nature of the parliamentary institution, as a political institution par excellence, consists of managing the differences between the various political components, just as it consists of legislating and monitoring parliamentary work, which makes the Secretary General involved in a political space. In this pursuit, his main tool of action is the Constitution which is not an administrative document. In fact, the Constitution is distinctively a political document which speaks the philosophy and the conception of the relation between the different State institutions

The other referential source for the Secretary General's work is the institution's rules of procedures which represents a legal document that reflects a given organization of relations between the institution's different components. It also incarnates and comprises tools for undertaking the different functions of the political institution.

In his daily functions and in the scope of implementing the House's agenda, the secretary general is supposed to have contacts with the heads of the parliamentary groups, the heads of the commissions and with the members of the House's bureau. In all these links, he shall observe and commit himself to the provisions of the constitution and the rules of procedures. At times, he is also expected to manage some situations which might prove to be challenging. Accordingly, he would play the role of the mediator and the advisor. At other times, he might be in quest for compromises to go beyond a given predicament. Can't this work be considered as political?

In the long run, the political and administrative debate raised to that effect reminds us of the debate which has been and still is raised among philosophers, academicians and epistemologists regarding the link between science and philosophy. Accordingly, numerous philosophers brought up questions on the link between scientific research and philosophy and the degree of influence of a kind of implicit or spontaneous philosophy on scientific practice.

To sum up, the secretary general's function presupposes a firm observance of the profession's deontology such as neutrality, integrity, and confidentiality. Still, and since this function is undertaken in a political sphere, it inevitably acquires a political dimension. On that ground this political dimension would rather be pondered and rationalized than spontaneous. In other words, the main reference of work shall be the Constitution, the rules of procedures and the search for compromises.

Secretary Generals are the guarantors of continuity; the shadow people who are called upon to keep swimming in the political waters without having their clothes wet.

The President, Mrs Doris Katai Katebe MWINGA stressed that the question was whether the Secretary-General had a political, administrative or procedural role, and invited members to discuss.

4. Concluding remarks

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

The sitting ended at 4.21 pm.

THIRD SITTING

Monday 3 April 2017 (morning)

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

The sitting was opened at 10.20 am

1. Introductory remarks

The President, Mrs Doris Katai Katebe MWINGA, opened the session with an apology for the delay to the starting time.

2. New Members

The President said that the secretariat had received membership applications have been submitted and accepted by the Executive Committee. She gave the list.

Mr Achmad DJUNED

Secretary General of the House of
Representatives, Indonesia

Ms Fiona KALEMBA

Secretary General of the National Assembly,
Malawi

The new members were *accepted*.

3. Orders of the Day

The President read the orders of the day. She noted that the communication from Mr Mgidlana from the Republic of South Africa had been removed, but that otherwise the orders remained unchanged.

There being no observations, the orders of the day were *adopted*.

4. Announcements

The President announced that the excursion planned for Wednesday 5 April would end an hour earlier than planned in order to allow as many members as possible to participate.

She also informed members that the IPU Secretariat wished to continue its dialogue with the Association on the issue of innovation in parliaments, and that a meeting had been arranged for Tuesday 4 April at 4.15 pm.

Theme: Holding the Government to account

5. Communication by Mr Philippe SCHWAB, Secretary General of the Federal Assembly of Switzerland: “Taking into account interest groups in the drafting of legislation: the consultation procedure”

The President, Mrs Doris Katai Katebe MWINGA invited Mr SCHWAB to present his communication.

Legislative work in all parliaments shares certain common features. The procedure generally begins with the submission of a draft originating either from the government or parliament. The draft is then examined in committee meetings, before being debated in plenary meetings, where it is subjected to modifications. At the end of the process, the final text is adopted and enacted. In certain cases, the text may still be subject to a popular vote.

Although the legislative process has been the subject of numerous legal and political analyses, these rarely focus on the procedure for dealing with legislative bills in the pre-legislative phase. Yet experience shows that the quality and thus the legitimacy of a law depends as much on the conditions under which it was drafted as on its content.

In this area, Switzerland has a special system known as the “consultation procedure”. This procedure involves certain authorities and different interest groups in the process of preparing legislative texts before they are submitted to parliament.

The consultation procedure is enshrined in the Federal Constitution¹². It is also set out in its own specific act of parliament¹³ and in an implementing ordinance¹⁴.

The consultation procedure is mandatory in the following cases:

- a. modifications to the Constitution;
- b. draft legislation establishing legal rules;
- c. international treaties subject to a mandatory or optional referendum¹⁵, or which affect essential cantonal interests;

¹² See the legal provisions in the annex.

¹³ Federal Act on the Consultation Procedure of 18.3.2005.

¹⁴ Ordinance on the Consultation Procedure of 17.8.2005.

¹⁵ A referendum is mandatory for treaties providing for accession to organisations for collective security or to supranational communities (Art. 140 para. 1, let. b of the Federal Constitution of 18.4.1999). It is optional for international treaties that (a) are of unlimited duration and may not be terminated, (b) provide for accession to an

- d. ordinances and other bills of major political, financial, economic, ecological, social or cultural significance;
- e. ordinances and other bills which significantly affect individual cantons or all the cantons;
- f. ordinances and other bills that are implemented to a significant extent outside the Federal Administration.

The consultation procedure has various objectives:

- a. to assess whether the draft legislation meets a need and enjoys support from those concerned;
- b. to verify the content of a bill and ensure that it is complete and materially accurate;
- c. to assess the impact of a bill and verify that it can be applied;
- d. to inform citizens of new legislation in good time and encourage public debate.

Consultations are both participative and informative. They are used to gather information on the merits of a legislative bill, and its quality, feasibility and acceptability to those that it concerns. They also help to increase the transparency of state activities.

Any person or organisation, regardless of nationality or domicile, can take part in the consultation process and express an opinion, even if they have not been invited to participate.

Certain authorities and interest groups are always consulted:

- a. the cantons, which, under the Swiss federalist system, are responsible for implementing a large number of federal acts;
- b. the political parties represented in parliament;
- c. interested parties operating at national level (associations of communes or cities, business associations, other interest groups concerned by the bill in question).

The procedure for consultation is not left to the discretion of the authorities drafting the legislative bills. It is governed by strict rules; these rules are the same, irrespective of whether the bills originate from the government or from parliament.

international organisation, or (c) contain important legislative provisions or whose implementation requires the enactment of federal legislation (Art. 141 para. 1 let. d Federal Constitution).

In principle, the consultation procedure is mandatory. However, it is possible to dispense with consultation if a bill relates primarily to the organisation or procedures of federal authorities or to the allocation of responsibilities among federal authorities. Consultation is also unnecessary if the positions of the interest groups are already known. This is the case, for example, if the issue has already been the subject of a consultation procedure. A decision to dispense with the consultation procedure cannot be based on considerations of a political nature or of expediency; it must be justified on objective grounds.

The consultation procedure is initiated by the Government when it is responsible for the bill in question. It is ordered by the relevant parliamentary committee for bills originating from parliament.

Consultation on a draft is the subject of an official publication providing details of the consultation period and the office responsible. The consultation documents are made available on paper or online. They comprise the draft text and an explanatory statement presenting the arguments in support of the amendments or the new legislative provisions envisaged. The documents also include an information sheet and a list of recipients; a questionnaire is sometimes also attached. All the documents normally have to be issued in Switzerland's three official languages: German, French and Italian. If the matter is urgent, e.g. in the case of an international treaty or because the draft is only of regional interest, the documentation need not be issued in all three languages.

The consultation procedure is an exclusively written process. Parties participate by submitting their opinions, either on paper or on an electronic medium. It is planned to gradually make the consultation procedure an entirely online process. Until 2016, it was also possible to conduct consultations, in certain cases, in the form of a conference. This option was abandoned in 2016 because it was proven to limit the number of participants who could take part in the consultation.

The consultation period lasts for at least three months. It is extended appropriately to take account of any public holidays. If the bill cannot be delayed, the period may be reduced by way of exception. In such cases, participants in the consultation procedure must be given reasons justifying the urgency.

At the end of the consultation period, the office responsible produces a report reviewing the results and evaluating the opinions expressed. This report is sent to the political authority responsible (the government or parliamentary committee) so that it can decide on the content and final version of the bill. The bill is then revised and submitted to parliament. The consultation report is always published, generally on the internet.

Occasionally, draft legislation is abandoned after the consultation procedure. This happens if the opinions expressed indicate that there is another way of achieving the intended goal or that the text has not gained sufficient support to be adopted by parliament (to say nothing of surviving a possible referendum). Consultation thus helps to test the acceptability of a bill before any decision is taken.

Each year, 80 to 120 consultation procedures are organised. A list of planned, ongoing and concluded consultations, with their related documents, is available on the internet¹⁶ and is regularly updated.

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The Confederation has been conducting consultation procedures for more than half a century; it has gained a wealth of experience in this field, and the value of the procedure has not been called into question.

At first sight, the procedure might appear overly complex and likely to slow down the decision-making process. But when we consider it more closely, we see that the consultation procedure is very effective; it expedites and improves the quality of the work of parliament by ensuring that no bills are submitted that are incomplete, unenforceable or even irrelevant¹⁷.

The consultation procedure also allows common ground and potential disagreements to be identified at an early stage and to be taken into account appropriately in the bill submitted to parliament.

Seen from this perspective, the consultation procedure anticipates and neutralises opposition. It reduces uncertainty in the decision-making process and increases the chances of draft legislation by giving it a preliminary basis. The consultation procedure and the popular referendum are two related stages in the legislative process: taking account of the opinions of influential interest groups during the consultations neutralises their desire to oppose the legislation if a referendum is held.

The consultation procedure also shows that the drafting laws is not solely a parliamentary procedure. Legislative work is a complex mechanism involving various authorities and players in a form of “cooperation between powers”. This method of involving the largest number of participants in the legislative process is in keeping with the nature of politics in Switzerland, where confrontation and power relationships frequently make way for joint solutions in the general interest.

In Switzerland, therefore adoption of a law is not a matter solely for parliament. It is a joint effort in which negotiation and cooperation are the driving forces.

¹⁶ Link: <https://www.admin.ch/gov/fr/accueil/droit-federal/procedures-consultation.html>

¹⁷ It is worth recalling the words of Montesquieu: “As useless laws debilitate such as are necessary, so those that may be easily eluded weaken the legislation.” (The Spirit of Laws, Book XXIX, Chapter 16).

Legal provisions

Swiss Federal Constitution of 18 April 1999

Art. 147 *Consultation procedure*

The Cantons, the political parties and interested groups shall be invited to express their views when preparing important legislation or other projects of substantial impact as well as in relation to significant international treaties.

**Federal
on the Consultation Procedure
(Consultation Procedure Act, CPA)**

Act

of 18 March 2005 (Status as of 1 April 2016)

*The Federal Assembly of the Swiss Confederation,
based on Article 147 of the Federal Constitution,
and having considered the Federal Council Dispatch of 21 January 2004,
decrees:*

Art. 1 *Scope of application*

¹ This Act regulates the main aspects of the consultation procedure.

² It applies to consultation procedures that are initiated by the Federal Council, a department, the Federal Chancellery or a parliamentary committee.

Art. 2 *Purpose of the consultation procedure*

¹ The consultation procedure has the aim of allowing the cantons, political parties and interested groups to participate in the shaping of opinion and the decision-making process of the Confederation.

² It is intended to provide information on material accuracy, feasibility of implementation and public acceptance of a federal project.

Art. 3 *Subject matter of the consultation procedure*

¹ A consultation procedure takes place when drafting:

- a. amendments to the Constitution;
- b. draft legislation in terms of Article 164 paragraph 1 of the Federal Constitution;
- c. international law agreements that are subject to a referendum in terms of Articles 140 paragraph 1 letter b and 141 paragraph 1 letter d number 3 of the Federal Constitution or which affect essential cantonal interests;
- d. ordinances and other projects of major political, financial, economic, ecological, social or cultural significance;

- e. ordinances and other projects that do not fall within letter d but which significantly affect individual cantons or all the cantons or are implemented to a significant extent outside the Federal Administration.

2 A consultation procedure may also be carried out in projects that do not meet any of the requirements in paragraph 1.

Art. 3a *Dispensing with a consultation procedure*

1 A consultation procedure may be dispensed with if:

- a. the project relates primarily to the organisation or procedures of federal authorities or to the allocation of responsibilities among federal authorities; or
- b. no new findings are expected because the positions of the interested groups are known, in particular because a consultation procedure on the subject matter of the project has already been carried out.

2 Well-founded justification must be provided for a decision to dispense with a consultation procedure.

Art. 4 *Participation*

1 Anyone and any organisation may participate in a consultation procedure and submit an opinion.

2 The following are invited to submit an opinion:

- a. the cantonal governments;
- b. the political parties represented in the Federal Assembly;
- c. the national umbrella organisations for the communes, cities and mountain regions;
- d. the national umbrella organisations for the economic sector;
- e. the extra-parliamentary committees and any further interest groups relevant to the individual case.

3 The Federal Chancellery maintains a list of parties consulted in terms of paragraph 2 letters a–d.

Art. 5 *Initiation*

1 Consultation procedures on projects from the Federal Administration are initiated:

- a. by the Federal Council in the case of projects under Article 3 paragraph 1;
- b. by the responsible department or by the Federal Chancellery in the case of projects under Article 3 paragraph 2;
- c. by the responsible unit of the central or decentralised Federal Administration if it is authorised to enact legislation.

2 Consultation procedures on projects from the Federal Assembly are initiated by the responsible parliamentary committee.

3 The Federal Chancellery coordinates the consultation procedures. It gives public notice of any consultation procedure that has been initiated, providing details of the consultation period and the office where the consultation documents may be obtained.

Art. 6 *Procedure*

1 The authority responsible for initiating the consultation procedure makes the required preparations, carries the procedure out, compiles the results and evaluates the same. Where the Federal Council initiates a consultation procedure, the relevant department carries out the tasks required.

2 Parliamentary committees may call on the assistance of offices and agencies of the Federal Administration for the preparation of the consultation procedure and the compilation of the results thereof.

Art. 7 *Form and duration*

1 The consultation documents are made available in paper or electronic form. The Federal Council may provide that consultation procedures be carried out exclusively online provided the necessary technical requirements are met.

2 The authority responsible for carrying out the consultation procedures may also invite interested groups to meetings. Minutes must be taken of these meetings.

3 The duration of the consultation period is at least three months. This period may be extended appropriately to take account of public holidays as well as the content and size of the proposal. The minimum period is extended for consultation procedures:

- a. that include the period from 15 July to 15 August: by three weeks;
- b. that include the Christmas and New Year period: by two weeks;
- c. that include Easter: by one week.

4 If the project may not be delayed, the period may by way of exception be reduced. Well-founded justification for the urgency must be given to the parties consulted.

Art. 8 *Procedure for opinions*

1 The opinions are acknowledged, considered and evaluated.

2 The results of the consultation procedure are summarised in a report.

Art. 9 *Transparency*

1 The following are made available to the public:

- a. the consultation documents;
- b. on expiry of the consultation period, the opinions and the minutes of consultation procedure conferences;
- c. after acknowledgement by the initiating authority, the summary of the results of the consultation procedure. (Art. 8 para. 2).

2 Opinions are made publicly available by permitting their inspection, providing copies or by publishing them in electronic form, and they may for this purpose be subjected to technical processing.

3 The Freedom of Information Act of 17 December 2004 does not apply.

Art. 10 *[no text]*

Art. 11 *Implementing provisions*

The Federal Council regulates the details in an ordinance, including in particular:

- a. the planning and the coordination of individual consultation procedures;
- b. the content of the consultation documents, their preparation and release;
- c. the conduct of the consultation procedure in electronic form;
- d. the procedure for dealing with the opinions submitted, and in particular their evaluation, technical processing, publication and archiving.

Art. 12 *Amendment of current legislation*

...

Art. 13 *Referendum and commencement*

1 This Act is subject to an optional referendum.

2 The Federal Council determines the date on which this Act comes into force.

Commencement date: 1 September 2005



[MPA text Q&A]

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

6. Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly: “The material conditions for exercising a parliamentary

mandate: what checks and levels of transparency are required to meet society's demands?"

The President, Mrs Doris Katai Katebe MWINGA invited Mr PALLEZ to present his communication.

Mr. François Fillon, one of the main candidates for the presidential election which will take place in France on April 23 and May 7, 2017, is under judicial investigation for the misuse of public funds. He is specifically accused of having employed his wife as a parliamentary assistant when he was an M.P. She was thus paid through the budget of the National Assembly but, according to the accusations of the press against the former Prime Minister, she did not actually carry out the professional activities of a parliamentary assistant.

This case, which has attracted intense media coverage and which has had a considerable impact on the electoral campaign, has brought to the forefront of the political stage, the rules concerning the employment of parliamentary assistants. The possibility for an M.P. to employ his/her partner, children or parents in conditions judged too liberal and opaque has particularly been criticized. This concerns the issue of transparency in the employment of assistants.

There is another issue – that of monitoring. Why does the National Assembly provide money to M.P.s in order to employ assistants yet does not monitor the actual work carried out in return for such payment?

Indeed transparency and monitoring are issues which are not limited to the subject of parliamentary assistants. There is an undercurrent of mistrust in public opinion regarding politicians which, allied with a form of anti-parliamentarianism in France as old as Parliament itself, leads to the same questions being asked concerning all the material means granted to the representatives of the people.

1. The employment of assistants by an M.P. at the French National Assembly: what transparency and what monitoring is there?

French M.P.s have access to 9618 € in credits earmarked for the payment of their assistants. This is referred to as the “assistant allowance”. It is, in principal, calculated to cover three assistants but it may be used freely by each M.P. to pay anything from one to five such assistants.

For the M.P.s (numbering around ten out of 577) who have chosen to directly manage this credit, it is transferred to them every month with an additional 50%. The M.P., in this case, directly pays his/her assistants’ salaries as well as taking care of their social contributions. He/she must retransfer to the National Assembly the amounts not used for the employment of assistants.

The vast majority of M.P.s chooses to hand over the management of their assistants to a department of the National Assembly – The Financial and Social Management Department. This department carries out the payment of the assistants using the “assistant allowance”. However, the National Assembly handles, above and beyond the “assistant allowance”, the payment of all social and fiscal employer contributions ensuing from this employment, as well as certain additional advantages. If the entire allowance is not used, the remaining amount remains on the budget of the National Assembly or may be granted by the M.P. to his/her political group for the payment of employees of said group.

This delegated management is carried out on the basis of instructions given by the M.P. at the moment of the employment of the assistant. In fact, the M.P. plays the

role of employer: he/she recruits and lays off, as well as setting down the salary and working conditions of his/her staff. The M.P. establishes, as he/she wishes, the functions, the timetable (within the limits of the Labour Code) and the place of work. Each M.P. freely chooses his/her assistants. In particular, he/she may recruit, without any limit on the number, one or several members of his/her family as assistants. Nonetheless, the gross salary of an assistant who is a member of the M.P.'s family must not exceed half of the monthly "assistant allowance" for a full-time employee.

The existence of such so-called 'family' jobs, is a recurrent contentious issue and it has taken on huge proportions in the wake of the revelations concerning Mr. Fillon and other M.P.s, in particular a minister who was forced to resign following the disclosure of the fact that he had employed his two daughters when they were, first of all, high school pupils and later, students.

In its first reply to these contentious issues, the *Bureau* of the National Assembly decided to publish on the internet site of the Assembly, the list of the assistants of each M.P., without giving any more information than their first and last names. Thus, the existence of a family link could only be deduced, either rightly or wrongly, by examining the similarity of last names.

This step towards transparency does not represent a sudden break with the tradition of confidentiality in the field of the employment of assistants – since 2014, the law indeed requires parliamentarians to provide a list of their assistants in their declaration of interests and activities, which they must transmit to the High Authority for Transparency in Public Life. For each assistant on this list, the M.P. is required to state whether he/she has other (paid) professional activities at the same time as their work with the M.P. This information is made public by the High Authority but is not frequently updated.

In the eyes of public opinion, such publications are considered necessary but insufficient. The prohibition of 'family' jobs, as in other parliaments (Germany, the European Parliament, soon in the House of Commons) is being demanded. Those who defend this practice claim that it is not its principle which is reprehensible but the abuses to which it may lead and that the solution would lie in the monitoring of the way in which the employment of an assistant is implemented and in particular, of the actual nature of the work carried out in return for payment.

Such a form of monitoring would impose a number of huge practical and organizational problems which we can all imagine: should we ask M.P.s for reports on the activities of their assistants? Must we require accounts concerning the time actually spent working? Should we carry out inspections in the offices of M.P.s to check up on the presence and the work of their assistants? And who should do all this?

This last question is linked to another fundamental one – that of the freedom of the exercise of the office of M.P. which can be defined in the following way: subject to the rules laid down by the Constitution, the laws and the internal regulations of the Assembly, a parliamentarian may freely decide upon the way in which he/she carries out his/her office, the place(s) in which he/she so carries it out, the time that he/she gives over to this office, the distribution of the material means at his/her disposal...

The intrusion of criminal justice in the exercise of parliamentary office which would consist of carrying out an inquiry into the authenticity of the work of an assistant by an M.P. has been severely criticized by certain legal experts who see it as a serious attack upon the separation of powers. Other legal experts have underlined that the forms of immunity which protect parliamentarians against certain legal procedures which could be obstacles to the exercise of their office, are strictly defined and do not

exonerate parliamentarians from having to justify infringements of the law. There is also a debate concerning whether or not funds allocated to a parliamentarian to pay his/her assistants are public funds and whether a parliamentarian could be prosecuted for the misuse of public funds, as this infringement can only be attributed, according to the Criminal Code, to “a person who holds public authority or who has a public service remit”.

It has also been said that if justice has to deal with such issues it is because the assemblies themselves do not monitor the employment of assistants enough. This is certainly the case for the National Assembly which considers that the relationships between an M.P. and his/her assistants are those of an employer and his/her employees and are covered by the Labour Code. The National Assembly thus restricts its intervention to recording the contracts, established according to templates and to paying the salaries in compliance with the details of the amounts and the workload set down in the contract.

This position concerning the strict respect of the free exercise of parliamentary office and the absence of monitoring on behalf of the departments of the parliament in charge of the employment of assistants, has already been called into question regarding the use of other material means provided to parliamentarians.

2. The other material means provided to parliamentarians in the exercise of their office at the French National Assembly: what transparency and what monitoring is there?

From the point of view of the monitoring of their use, the material means provided by the French National Assembly to M.P.s can be classified in three categories:

1st category: means which are provided directly and free of charge to M.P.s (offices at the Assembly, office telephonic and computer equipment, parliamentary documents, transport with official cars etc.)

In these cases, the M.P. only receives services in kind and receives no pecuniary payment. Monitoring does not pose a problem. It exists in itself.

2nd category, means which are provided in the form of a drawing right on a budgetary line of “allowance” as the “assistant allowance” states which is the case, for example, for the “computer allowance” (computer equipment for the constituency office of the M.P.).

We also speak of “envelopes” and of “packages” to describe the sums allocated to an M.P. for his/her transport expenses between the constituency and the National Assembly, for cell phone and landline telephone expenses in the constituency office, as well as for the cost of mail sent in the framework of his/her position. In certain cases, the service is paid for directly by the Assembly according to the instructions given by the M.P. (e.g. a plane ticket bought by the Transport Department). In other cases, reimbursement is carried out upon the provision of documents (taxi or hotel bill, invoice for computer equipment etc.).

Here the traditional means of monitoring are used (bills, invoices etc.). This can require the use of considerable human and technical resources (computer tools now allow the day-to-day use of “envelopes” to be followed) to avoid unjustified payments and the overrunning of the allowances allocated to each M.P.

3rd category, the means provided in the form of a fixed allowance, transferred each month to the M.P.s to cover the expenses linked to their office which are not included

by the first two categories. This is referred to as the Representative Allowance for Expenses Pertaining to the Exercise of Office (IRFM) which represents a monthly amount net of social contributions of 5372 €.

The use of this allowance was, for a long time, left to the absolute discretion of M.P.s, given that the expenses pertaining to the exercise of office could be of any type. However, this led to certain extraordinary episodes when, for example, it was revealed that an M.P. had used it to pay for his holidays. The press specifically denounced the acquisition of constituency premises using the allowance. This was clearly an expense linked to the exercise of office but was also personal enrichment when the M.P. came to the end of his term and yet kept the real estate as part of his own personal resources.

It is for this reason that, in February 2015, the *Bureau* of the National Assembly established five categories of expenses pertaining to office which could be covered by the IRFM: expenses linked to the constituency office (to its rental and to its operation but not to its acquisition) and to the accommodation of the M.P.; transport expenses for the M.P. (including the acquisition and the use of a vehicle) and his/her assistants; communication expenses; expenses linked to representation and to receptions; expenses for the training of the M.P. and of his/her assistants.

These measures far from satisfied the critics. This can be shown by quoting the headline of the front page of a widely circulated weekly magazine: “The Hidden Money of M.P.s” and the title of the article: “the 6000 Euros in pocket money of M.P.s”.

In fact, it was decided not to set up any monitoring instrument for these rules which would have consisted in checking each of the expenses paid for by the allowance in order to be sure that, upon the provision of an invoice, bill etc. that it actually was covered by one of the defined categories. Such a system, based on the British model, appeared excessively heavy in terms of operational costs and also uselessly intrusive in the exercise of office.

The option which was applied is that of the moral commitment of parliamentarians to comply with the rules. In fact, each M.P. is obliged, once a year, to send to the *Bureau* a declaration on his/her honour that he/she has used the IRFM during the previous year in compliance with the rules set down by the *Bureau*.

The President of the Assembly may, after having consulted the *Bureau*, refer a case to the Commissioner for Ethics of the National Assembly requesting clarification regarding the situation of an M.P. The Commissioner will then send a report to the said M.P. This procedure of spot-checking is, in particular, used when the press reveals an unlawful use of the allowance.

In this area, transparency can represent an alternative to monitoring. This is the thinking of the M.P.s who took the initiative of publishing on their internet site a report on the expenses which they have paid with the IRFM. The organization *Transparency International* would like all M.P.s to be obliged to do so.

However, the requirement of transparency can be extended to all the material means made available, whether they be part of one category or another of expenses. It must first deal with the precise amounts of credits and envelopes and the detailed rules concerning their use. The press considers that the information given on the public site of the National Assembly is too general and conceals a part of the reality

of the “privileges” which parliamentarians have. The parliamentary assemblies are accused of “blocking the information on the allowances allocated to M.P.s to work” and of replying to questions through “silence, slowness and concealment”. Journalists however manage to gain the clarification they seek when such details appear explicitly on the internet site reserved for M.P.s and their assistants. Opacity is scarcely possible in the era of open data.

The media, but also associations or institutes specialized in the fight against “the waste of public money”, also insist on obtaining individual and personal information of the use by M.P.s of the funds which are allocated to them. Thus, frequently, parliamentarians receive questionnaires asking them, for example, to state if they have a car with chauffeur provided by their assembly and the use they make of it. The members, who are permanently exposed to the more and more inquisitorial look of the media and of social networks, have remarked bitterly upon the fact that despite the growth in transparency, they have not gained in popularity.



[MPA text Q&A]

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



5. Communication by Mrs La-Or PUTORNJAI, Deputy Secretary General of the Senate of Thailand: “The role of social media in spreading awareness about the National Legislative Assembly of the Kingdom of Thailand”

The President, Mrs Doris Katai Katebe MWINGA invited Mrs PUTORNJAI to present her communication.

According to the Constitution of the Kingdom of Thailand (Interim), B.E.2557 (2014), the National Legislative Assembly of Thailand is the unicameral legislative body which will act as the House of Representatives, the Senate and the parliament. List of 250 members of the National Legislative Assembly were nominated by the National for Peace and Order Council. In addition, the NLA established 16 standing committees and ad hoc committees to consider laws and follow up work of the government. Parliamentarians Friendship Groups between countries are also set up to exchange information and run activities to make a step towards for international cooperations.

The Secretariat of the Thai senate, acting as the Secretariat of the National Legislative Assembly, is an organization having status of a department and a juristic person. Its powers and duties are responsible for academic and secretarial work of the Senate such as in the sitting of the Senate, in the meetings of the committees, to promote legislative roles of the Senate under the provisions of the Constitution, to study, analyze and research on relevant matters provided for the Senate’s consideration in

any actions with reference to roles, powers and duties of the Senate and to perform other duties as entrusted by the National Legislative Assembly.

Nowadays, social media are very much accepted by the society and the world seems smaller in that people are able to use their mobile phones and social media sites such as Facebook to stay up to date on the happenings of their lives, friends, and the world in general. The social media also plays an important role in political context because it enables people to access political information and other interesting matters.

Additionally, the Thai Senate acting as the National Legislative Assembly (NLA) has also given priority to the role of social media in spreading awareness NLA. As a result, it has set various methods and channels to promote its duties and activities to recognize the public participation.

The Social Network of the National Legislative Assembly (NLA) can be accessed through:

1. The NLA Website: <http://www.senate.go.th>

The NLA Website's first page is a page where you can see many links to related organizations such as the Standing Committee, the Secretariat of the Senate, the Weblog of Members of the NLA, Click NLA, and NLA Meeting the People. Once viewers are in the main page of the NLA Website, they can check the background and duties of the NLA and the Senate as well as Secretariat activities and news related to the organization. Most importantly, there also are supporting information of the Sitting of the NLA and Senate.

2. The Weblog of Members of the NLA <http://blog.senate.go.th>

The Weblog of Members of the NLA is a website that publicizes information of each Member for the benefit of the people. This website is user-friendly as each Member's photo and name is presented on the page with links to their information comprising their profile and written works. Weblog is considered as one channel to communicate and exchange views between NLA members and the public.

3. Click NLA: <http://click.senate.go.th>

The website, Click Senate, is a website that updates Senate activities every week with the right, accurate and non-bias information that is easily accessible to the people. The information presented in the website is categorized into 4 categories including the Consideration of Law, the Control of the State Administration, the Establishment, Recruitment and Dismissal of Members and lastly, Special Activities.

4. APP Senate Channel

The Senate Channel is a mobile application that publicizes updated news and information as well as has the function to view the Sitting of the Senate through the user's mobile phone. Those people who are interested can download the application into their smartphones that are compatible with both iOS and Android Operating Systems. In addition, there are 4 links related to parliamentary affairs in the APP Senate Channel including; News, Live TV, E-book, Bills. For the time being, users who cannot use the application can view updated news and information as well as the Sitting of the Senate through the website <http://iptv1.senate.go.th>.

5. The Facebook: <https://www.facebook.com/SenateThailand/>

The Facebook page of the NLA of Thailand posts various activities that the NLA conducts. People who visit the page will see wall posts regarding organization's activities such as having meetings, seminars and special talks with the people, news related to the organization. In addition, parliamentary activities are also broadcast on Facebook live.

6. NLA Line

Line is universally used and is one of the most favourite applications to communicate each other. The Members of NLA use line group chat to coordinate with one another and inform other Members with their own agenda. The Line group, named NLA LINE, is available for Members to update each other's activities of the NLA.

In conclusion, the Secretariat of the Thai Senate has used the social media by setting Senate Line, Facebook, Weblog in order to communicate, support senators' efficient legislative activities and create convenient work environment, as well as reduce paper usages. Meanwhile, people across the country can get information, share their ideas, ask questions related to legislative work and participate in NLA activities through the Senate Social.

In addition, the Secretariat of the Senate acting as the Secretariat of the National Legislative Assembly has provided technology for members of the National Legislative Assembly such as ipad, mobile phone and notebook to support the work of NLA. All members can do their job anywhere and anytime. We hope to move the country toward "Thailand 4.0," which is a new economic model to develop Thailand into a valued-based economy. The policy also seeks to promote creativity, innovation, and the application of technology in various economic activities. The objective is to create equilibrium between the environment and society. This new model will change the country to smart farming, smart enterprises, and high-value services.

In the support of the NLA work, the Secretariat of the Senate acting as the Secretariat of the National Legislative Assembly will work closely for the interest of the people, good governance, transparency for legislation efficiency and benefits to the people and the country.



[MPA text Q&A]

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



5. Communication by Mehmet Ali KUMBUZOĞLU, Secretary General of the Turkish Grand National Assembly: "The Turkish Parliament: A multidimensional approach to society"

The President, Mrs Doris Katai Katebe MWINGA invited Mr KUMBUZOĞLU to present his communication.

Dear Colleagues,

Let me first thank the Bangladeshi Parliament very much for hosting this event. I am very happy to be here.

During the previous meeting in Geneva, I told you about the hateful attack of 15th July and showed with photos how much our Parliament was damaged. We have now healed all our wounds. Right now, we have set back to work to contribute to the functioning of our Parliament with all our units.

Firstly, I'd like to inform you that the Plenary Building, heavily damaged on the night of 15th July, has now been fully repaired and restored. I would also avail myself of this opportunity to thank, in particular the secretaries general of the Senate and Parliament of the Czech Republic, because the Bohemia crystal chandeliers in the Plenary Building of our Parliament, manufactured by a Czech company in 1957-1958, had all been broken during the bombing of the building. Upon a project initiated by the Ambassador of the Czech Republic to Ankara, the government of the Czech Republic supported us and got chandeliers manufactured like before. They offered these as a gift to the GNAT at a ceremony, attended also by the Czech Foreign Minister Mr. Lubomir ZAORALEK, which consolidated our friendship and made us very happy.

The buildings of the GNAT, damaged after the hateful bombing of 15th July, have been quickly repaired through also the financial support of our people. Only, one section hit by a bomb was left as such and turned into a museum called "Democracy Museum", because it was an attack against democracy. That museum is of great symbolic meaning for us. Many delegations from your countries visited and still visit it.

Today, I would like to give you some information on the units of our Parliament reaching out to the society and functions of these units. I can start with the functions of the Department of Media, Publications and Public Relations, one of the important units of the GNAT, and also what's new about that department.

Department of Media, Publications and Public Relations is composed of one President, three Vice Presidents and 220 staff members.

The Department is responsible for; Media Relations and Accreditation (Parliamentary Reporters, National and Local Media), Media Monitoring Services, Visitor Reception, Public Relations, Guidance, Promotion, Culture and Arts as part of the Culture, Arts and Publication Board, Organization, television broadcasting (GNAT TV), design, printing and publication (GNAT printing house), internet and printed news-reporting (Parliamentary News Portal and Bulletin), Museum Management (1st Parliament) and Curatorship, in other terms exhibition organization (Mustafa Necati Culture House) and coordination of applications for access to information.

In addition to this, the management of the GNAT's official social media accounts is also being undertaken by the staff of the Media Department. My staff members in charge of the accounts work very hard to maintain our institutional prestige, through

particularly purging of inappropriate content (sentences containing unlawful verbal abuse and insult) and referring indictable content to the Legal Services Department.

MEDIA RELATIONS

Our most important responsibility is; Media Relations, one of the most effective tools of shaping public opinion. Although this area is a multifaceted and dynamic one requiring a separate presentation, let me make a short summary;
We have different procedures about how we engage with members of the media in to reach out to target groups.

This includes in particular;

Different procedures of maintaining and improving relations with media (Press bulletins, press releases, bilateral meetings, media visits/trips, sending promotion materials),

News and publication monitoring and feedback procedures,

Procedures about negative news and responses,

Defining what IS and IS NOT media relations,

Procedures we follow to correct News and Publications.

GNAT TV

GNAT TV is one of the areas under our responsibility requiring the highest level of care.

To briefly tell what GNAT TV does and how it works:

It broadcasts the Plenary Deliberations live; and political group meetings live or in recorded form depending on the decision of the Media Consultative Board; so, it is our biggest tool of communication intended for the public as a whole. This allows people to directly follow the legislative process and ensures its transparency.

It follows and edits the activities of the Speaker's Office, Bureau of the Assembly meetings, press releases of the group or chairpersons, group deputy chairpersons, general secretaries, vice chairpersons and MPs of political parties held at the Grand National Assembly of Turkey, as well as proceedings of specialized committees, parliamentary inquiry and investigation committees, international groups and committees. It also ensures live broadcast when the Board thinks it necessary.

When other television channels wish to broadcast live or in registered form the plenary deliberations and political party group meetings in part or in full, the GNAT TV provides necessary broadcast and technical assistance against fees set forth in the Television Services Tariff.

It prepares, commissions the preparation or, when deemed necessary by the Board, purchases and broadcasts programs such as panel discussions, round-tables, news, interviews, fora, documentary, trailers, comments and spot programs on political, economic, social, cultural and currents developments in Turkey and across the world, selected according to the principles set forth in the Law on Radio and Television Organization and Broadcasts.

It commissions public opinion polls to measure the effectiveness of TV broadcasts. It provides other media organizations with technical broadcasting services such as studios, editing, cameras etc. against fees set forth in the Television Services Tariff. It compiles the TV broadcast archive of the GNAT deliberations and keeps archive materials by use of modern techniques.

It reproduces the live broadcast and archive broadcasts of the GNAT TV for public and private media outlets and MPs asking for them, against fees set forth in the Television Services Tariff.

It carries out other duties assigned by the Speaker and Bureau of the Assembly; We are now working to modify and modernize the now obsolete logo and screen credits of the GNAT TV. The Parliament's Printing House graphic design team is still working to modernize the logo and screen credits design.

PARLIAMENTARY BULLETIN

GNAT Department of Media, Publication and Public Relations is using the augmented reality technology, a pioneering work for Turkey.

The Parliament has now published Turkey's first "Live Bulletin" by using the virtual image-making technology, where it matches the images with corresponding videos. This allows for watching what happened, how things unfolded and what was spoken at the time when a photo was taken.

The readers can experience a certain moment in the past both on the bulletin and on the web page by using the "GNAT Live Bulletin" app they can download from the Google Play and AppStore to their mobiles. This application, unprecedented in Turkey, allows for making news readily accessible to readers with reading difficulties.

The Periodical, published since July, contains a total of 75 images lasting 900 minutes. Every month, 3 thousand 5 hundred copies are printed and sent to heads of foreign missions, all libraries including university libraries and airports.

According to the analyses of the application, the application is used much more commonly than expected among users of Android-operated smart phone. Although similar technologies are mostly used by the young generation, the average age of the target audience of the "Parliamentary Bulletin" is 50 and above. The GNAT Live Bulletin application has so far been downloaded by about 1800 people from Google Play, while there are about 1700 people using the application through their IOS-operated smart phones. These figures show that the number of people using the app is higher than the number of copies of the printed periodical, which we consider as a significant achievement.

Although Parliaments' main responsibility is mostly legislative, they also have significant responsibilities towards the society. That is why, parliaments need to be very close to their societies at all times. Parliaments should always have a face reaching out to the public. Therefore, we, GNAT staff, pay due attention to artistic and cultural activities. There are many historical buildings managed as museums by the Parliament, most of which are in İstanbul and some in Ankara. I would like to talk now about the museum and culture house in Ankara.

WAR OF INDEPENDENCE MUSEUM (I. GNAT BUILDING)

It is the first building used by the GNAT.

Serving as a museum since 23 April 1961, the War of Independence Museum (GNAT building) receives about 150.000 visitors a year. Most of the visitors are students.

This 100-year-old building exhibits many old items, used from 1920-1924 in that building and donated by the Ethnography Museum, Chief of General Staff and PTT Directorate. The exhibited articles include: the old furniture and office materials, school desks and a historical pulpit used back then; inkstand sets, tapestry panels given as a gift to Atatürk in person; the historical table where the Lausanne Treaty was signed; paper cabinets and personal belongings of MPs of the First Parliament (glasses, walking sticks, rosaries, umbrellas etc.). Among the exhibited items, there is also the manuscripts of the first constitution; seals and medals of the independence war, communication tools used back then (telephones, telegraphs, morse letters etc.), weapons of different periods and the plaque hung behind the rostrum in 1920.

As a novelty we introduced to the 1. GNAT museum, we decided to use dynamic display cases instead of static ones for exhibiting new items kept in the stores. The display cases will be replaced at certain intervals to exhibit new artefacts in the museum inventory such as different objects, weapons and documents.

MUSTAFA NECATİ CULTURE HOUSE

Mustafa Necati Culture House has an exhibition hall in it, used for exhibiting works of arts, endorsed by the GNAT Culture, Arts and Publication Board*. The exhibitions are open to public. It is also used for other events, like the currently ongoing conferences called “Letters, Syllables and Words Chat on the Book” intended for raising awareness about book reading. The event has attracted many people including writers, publishing houses and booklovers.

That is what I wanted to tell you today. At the forthcoming meetings, I would also like to talk about our Palaces and Museums managed by GNAT in İstanbul. I would like to extend you my thanks and respects.

The communication was accompanied by an audio-visual presentation and a demonstration of the app which allows citizens online access to the bulletin published by the Turkish Grand National Assembly’s information service.



The President, Mrs Doris Katai Katebe MWINGA thanked Mr KUMBUZOĞLU for his communication and the members for their participation in this morning.

She drew the attention of members to a proposed amendment to the Rules of the Association which had been circulated for consideration prior to the discussion scheduled for the following day. She noted that the drafting of the proposed amendment closely followed the wording of similar provisions in the IPU Statute.

The sitting ended at 12.26pm.

FOURTH SITTING

Monday 3 April 2017 (afternoon)

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

The sitting was opened at 2.37 pm.

1. Introductory remarks

The President, Mrs Doris Katai Katebe MWINGA welcomed members and reminded those who had not yet done so to register their attendance.

She reminded members that the deadline for nominations to fill the vacancies on the Executive Committee was at 4pm that afternoon.

She also reminded members to notify the Association's secretariat about their likely participation in the excursion on Wednesday 5 April.



Theme: Holding the Government to account

2. General debate: Methods for ensuring parliamentary oversight over the quality of legislation

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

Mr José Manuel ARAÚJO (Portugal) spoke as follows:

[MPA to complete]

3. Communication by Mr Geert Jan A. HAMILTON, Secretary General of the Senate, The Netherlands: “Methods for ensuring parliamentary oversight over the quality of legislation: the case of the Netherlands; scrutiny by the Senate”

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

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

1. The legislative process

New laws are sometimes needed to ensure that society keeps running smoothly and needs and desires of citizens are met. In the Netherlands it is one of the major duties of the Houses of Parliament (House of Representatives - *Tweede Kamer der Staten-Generaal* - and Senate - *Eerste Kamer der Staten-Generaal*) to make new laws, in cooperation with the Government.

Usually the legislative process starts with a draft bill conceived by the Government. If the ministers agree on the draft bill, it is submitted for advice to the *Council of State*, the major advisory body to the Government. The Council of State checks the draft bill against contravention of other laws or treaties and examines its impact on the citizens. The advice from the Council of State includes comments and proposals for amendments to the bill and the explanatory memorandum.

Members of Parliament may request the Government to draft a bill, but sometimes MPs themselves take the initiative to draft a bill. This is called an initiative bill. Only the House of Representatives has the right of initiative – not the Senate. Assistance in drafting the bill is provided by the Legislation Office of the House of Representatives or by officials from the Government department in question.

A Government bill is conveyed to the King together with the advice of the Council of State. The so-called Royal Message is appended, i.e. the official text by which the King presents a bill to the House of Representatives. The bill is now made public.

The bill and the accompanying advice from the Council of State are first examined by a Standing Committee of the House of Representatives. The committee issues a report, to which the Government responds in a memorandum. The committee then has the option of issuing a second report, to which the Minister would respond with a second memorandum.

All political groups can propose changes to the bill, make remarks and pose questions.

After consideration by a Standing Committee the bill is defended in a plenary meeting of the House by those who proposed it: usually the member(s) of the Cabinet in charge, but sometimes one or more MPs (initiative bill). In the debate about the bill, the various parties try to convince one another of their respective views.

After a bill has been adopted by the House of Representatives it is submitted to the Senate. The Senate examines and discusses the bill in great detail and may only adopt or reject it. The Senate does not have the right to make changes to a bill by proposing amendments.

When a bill has also been adopted by the Senate, the King will sign it and the Minister in charge will countersign it. The bill has now become a law¹⁸.

Putting legislation into action: Implementation regulations

Acts of Parliament often only address the main aspects of a topic. They provide for more detailed legislation in the form of implementation regulations, which - like Acts - contain generally binding regulations. They are not subject to approval by parliament. There are many kinds of implementation regulations. Some are required by law to be enacted by the government. These are called orders in council and take the form of Royal Decrees that must be signed by the King and one or more members

¹⁸ Unless there is a valid call for a consultative referendum.

of government. In other cases, a minister may be designated in an Act to enact more detailed rules. These take the form of a ministerial order. Finally, implementation regulations may be drawn up by officials, if the Act in question allows for it.

These regulations may provide for all sorts of powers, for example the power to issue licences or award grants. Often, there is some latitude as to how they will be put into practice. Ministers may lay down written rules about how to apply certain regulations. Sometimes these rules (contained in guidelines or circulars) are intended purely as instructions for civil servants, but in other cases they are published in order to keep the public informed.

2. Instructions for Regulation

An important trend in the parliamentary process in the Netherlands in the last 25 years has been the theme quality of legislation. The first initiatives came from the Government which in 1992 published the “*Instructions for Regulation*”. These instructions can be seen as a handbook for good legislative practice, to be followed by ministers, secretaries of state and – particularly – by civil servants involved in the drafting of bills and other legislative proposals.

Some core elements of the Instructions are the following:

A government regulation shall only be introduced, when the necessity has clearly been established.

Before deciding to adopt a regulatory scheme knowledge (facts and circumstances) have to be gathered concerning the subject item. This must be used to formulate the objectives. The analysis must make it clear to what extent a legislative intervention is necessary and what sorts of legislative intervention should be considered. Usually data collection takes place in stages. For each step in the decision making process new (more detailed) data are required.

The objectives pursued are formulated as concretely and precisely as possible. A concrete and accurate fixing of objectives implies that different objectives will be clearly distinguished. Quantitative and financial goals should be clearly set. It is important that a timetable is set to make clear when the targets will be reached.

It is investigated whether the chosen objectives cannot be reached better by self regulatory initiatives within the sector(s) involved. Only when the self regulatory capacity of society fails, government intervention is considered.

When a government intervention is considered inevitable, it is investigated whether the chosen objectives cannot be reached by a better use of legislative instruments already in existence. In investigating the possibilities the government has available, the different thinkable alternatives are reviewed to reach a certain goal.

Both instruments which are created through legislation, such as commandments and prohibitions, a licensing or a charging system, and other means, such as concrete government action and funding, are taken into consideration. Moreover the principle of the rule of law with regard to these other resources in connection with the provision of legal safeguards, often requires that additional legal arrangements must be made.

An investigation on a conceivable way of government intervention may also lead to the conclusion that the government will not be able to reach the objectives formulated. In that case the government must waive intervention.

An investigation on the variants of legal provisions both involve the set up of the regulatory scheme as a whole and the different parts of the regulations (such as the system of legal protection which is chosen).

In determining the choice for an option to government intervention to achieve a certain goal connection is sought to the self-regulating ability of the concerned sectors of industry.

It can be considered for instance to make use of systems of normalization, certification, or chain warranty. Direct government intervention is only appropriate, when no results can be expected from the self regulatory capacity of society, even if they are supported by government measures.

In considering the different possibilities of government intervention to achieve an objective at least the following aspects will be taken into consideration.

Effectiveness and enforceability

Effectiveness implies the extent to which it can be expected that a regulation will achieve its aims. In this context the feasibility and the expected level of compliance deserve attention. The more in a legal arrangement set standards and management tools for individuals are less obvious, the more the compliance and enforcement will be problematic.

Whether enforcement is sufficiently possible, should be considered before deciding to adopt the scheme. In particular, this applies if the scheme contains commandments and prohibitions, but in other cases it is important too - for example with regard to rules to be attached to the granting of a license.

Research should demonstrate what efforts are considered necessary for preventive and repressive enforcement. For bills that entail significant changes in terms of implementation and enforcement, these findings are laid down in enforceability and feasibility reports. On the enforcement capabilities consultation between the designers of the proposed scheme and the bodies that will be responsible for the implementation and enforcement of the scheme is necessary at an early stage.

When assessing the enforceability at least the following aspects are important:

- a rule should leave minimal room for interpretation disputes;
- exceptions to the general rule should be kept to a minimum;
- rules should as much as possible be focused on visible or objectively ascertainable facts.
- rules should be workable for those to whom the rules are addressed and for the people in charge of enforcement.

In this context it is important to look at the various enforcement methods, such as means of administrative, civil and criminal law, disciplinary law, and preventive means like public information. For each of the repressive enforcement methods attention should be paid to the possible sanctions. In certain cases it is appropriate

not to select one maintenance method, but a combination of different methods. Moreover, care should be taken that an undue cumulation of sanctions for the enforcement of a certain obligation is avoided.

The Instructions for Regulation deeply go into paying attention to the implementation costs of regulations for citizens, enterprises, institutions and the government itself. They further deal with conflictgenerating factors of a regulation and the need to conflict reduction. They warn that unintended side effects must be taken into account.

Executive powers

In the granting of executive powers to authorities the exercise thereof is standardized as much as possible.

Discretionary powers and competences that imply the application of vague criteria should be avoided, unless there are good reasons.

In order to provide the public with adequate legal safeguards, the execution of management powers should be framed by law as accurately as possible.

In view of the desirability to provide safeguards in respect to any power it should be considered to what extent legal protection is necessary.

The Instructions for Regulation are aimed at properly carrying out the conceiving and drafting of new legislation. They remain an important assessment framework in every stage of the legislative process: from the phase of advice by the Council of State to the handling of a bill by the House of representatives and the final scrutiny by the Senate.

3. The scrutinizing function of the Senate in the legislative process

Directly after a bill has been passed by the House of Representatives it is sent to the Senate. Here the bill is submitted to a parliamentary committee. The committee decides whether the bill can be immediately put on the agenda of the full chamber or whether there should first be preparatory study of the bill. If a bill is immediately put on the agenda of the full chamber, it will be passed as a formality without a debate.

The preparatory study of a bill consists mainly in written correspondence and the exchange of documents. The members of the committee present the views of their parliamentary party in writing and put questions to the Government. The Government replies in a note or memorandum of reply. Sometimes, there may be several rounds of correspondence, but one is generally considered sufficient.

After the written preparations have been completed, the Senate is notified that the bill is ready for debate by the full chamber. In due course the bill is then put on the plenary agenda.

To scrutinize and revise a bill effectively Senators read the official papers and reports as well as letters and articles from newspapers and periodicals. The members sometimes receive hundreds of letters before a bill is dealt with.

Members of the Senate also confer internally and externally. Internal consultations are held for the most part within the parliamentary party or committee concerned. The procedure to be adopted is one of the matters discussed in the committee meetings.

External consultations are held with organisations and citizens. Sometimes members receive visitors or delegations. And in special circumstances a committee may decide to hold a hearing. In recent years we have seen a rise in expert meetings and seminars as part of the scrutiny of a legislative proposal by the Senate

Role of the Senate

The principal function of the Senate is to give an overall opinion on a bill at the end of the legislative process. The Senate does not have the power to amend a bill. It may, however, reject a bill and to this extent it therefore has the last word.

All bills must be approved by the Senate before they can become law. The key function of the Senate is to test the quality of legislation in terms of its legitimacy, feasibility and enforceability. Such review or scrutiny by the Senate has proved valuable in practice. For example, although the practical consequences of a bill are weighed by the drafters in an early stage, some real consequences are often not faced until the law really is close to becoming a reality. Situations may also occur in which a bill has been altered in the course of the parliamentary procedure, to such an extent, that it has lost some of its coherence, and further interpretation is needed in order to establish what the legislator precisely intends.

Judiciary

It is important to note here that the deliberations in the Senate play a far from negligible role in the interpretation of legislation, for example by the judiciary. For although the text can no longer be amended, its meaning can be clarified. In some court judgments reference is therefore made to the reports of the Senate on the debates on draft legislation.

Sword of Damocles

The idea that many people have of the Senate as a body that ultimately rubberstamps almost all bills (97% on average) needs to be put in perspective. This is because until the Senate actually says 'yes' to a bill, the threat of a 'no' hangs like a Sword of Damocles over the head of the Government. This has in terms of quality a disciplinary effect on the legislative process as a whole. The Senate has the following ways of making its influence felt.

'Novelle' - proposal to supplement a bill

Although the Senate unlike the House of Representatives does not have the right of amendment, it may put such pressure on a government minister by cogent arguments and reasoned criticism that he or she chooses to present a supplementary bill (known as a 'novelle'). The Government takes account of the criticism of the Senate in the supplementary bill. The supplementary bill goes through the same procedure as every other bill, i.e. it is submitted to the Council of State for its opinion and is then debated and passed by the House of Representatives and the Senate.

Motion

While discussing a bill the Senate can also pass a motion to induce the Government to do something. If more modes of implementing a law are available, the Senate through a motion can give directions on the most wanted way of implementation.

Pledges

In the knowledge that the bill could be rejected if it does not adequately meet substantial objections of the Senate, the Government can try to find some other solution. One solution which is used much more often than the offer of a 'novelle' is a pledge given by the Government during the passage of a bill through the Senate, as a result of which the Senate ultimately passes the bill. Such pledges may relate to technical implementation or to the organisational or financial aspects or may amount to a promise to evaluate the operation of the legislation after a given period. These pledges are in many cases of direct importance to citizens, civic organisations and institutions charged with implementing and/or enforcing the legislation.

Focal points for the quality of legislation

The Senate as an aid in the assessment of legislation has compiled a list of focal points to quality of legislation. MPs and staff use this list when scrutinizing a draft proposal of legislation. The list contains points and questions concerning the legal and technical aspects of the draft law and the implementation and enforcement of the proposal. The list is annexed to this communication.

4. Final word

Decisionmaking on legislation is a political process. Ultimately the vote of an MP or a Senator in favour of or against a draft law is a political vote. Nevertheless lawmaking is a profession and the quality, effectiveness and efficiency of a law need an approach that goes beyond a political appreciation of intentions and goals. The Senate of the Netherlands, although divided into twelve political groups, has a culture of methodically approaching legislative proposals and examining these along the criteria quality, feasibility and enforceability.

The Senate is not always satisfied with the way legislative proposals are designed by the Government. Complaints often relate to:

- Abundant use of implementation regulations; key norms should be in the law itself and not in a Royal decree or ministerial regulation which is derived from the law;
- Inconsistency in the use of criminal and administrative sanctions;
- Lack of clarity in the use of language;
- Unnecessary complexity in the legal constructions;
- Too little attention paid to laws already in existence;
- Too little coherence between proposals pending at the same time;
- Non related issues dealt with in one legislative proposal;
- Unnecessary additional policy items added to EU implementation law;
- Different legislative approaches between ministries.

It is the task of the parliamentary staff to constantly being alert to (structural and incidental) deficiencies in legislative proposals and to help MP's in keeping up a high level of lawmaking to the benefit of the citizens.

Mrs Doris Katai Katebe MWINGA, President, opened the floor to questions and debate.

[MPA to complete]

The President thanked Mr HAMILTON for his communication, Mr ARAÚJO for his moderation, and members for their contributions to the debate.

At 3.55 pm the Association took a short coffee break.



4. Address by Mr Martin CHUNGONG, Secretary General of the IPU

The President, Mrs Doris Katai Katebe MWINGA welcomed Mr Martin CHUNGONG, Secretary General of the IPU, and thanked him for the excellent arrangements which had been made to host the IPU and ASGP session in Dhaka. She conveyed to him a very warm welcome on behalf of the members of the Association.

Mr Martin CHUNGONG said he was delighted to have an opportunity to visit and address members of the Association. He had been following the dialogue between the IPU and the Association closely, and was grateful to members of the Association for their engagement in this way. He thanked his colleagues for their support for the activities and initiatives of the IPU: the Union derived its strength from its interaction with secretaries-general of Parliaments in the common cause of promoting parliamentary democracy.

He briefed members on a number of current IPU initiatives.

- The Centre for Innovation in Parliaments aimed to harness innovations in management and the use of technology to reach out to all sectors of society and to facilitate the better internal functioning of parliaments. It was envisaged that its work would be supported by an annual conference. It would develop a knowledge base to be assimilated and disseminated to parliaments. The Centre would be designed to build parliamentary capacity and encourage cooperation, fostering strong mutual support between parliaments and supporting regional hubs and focal points for discussion. It was an initiative very close to his heart and he knew that the Executive Committee was strongly in support.
- Two important anniversaries for the IPU's work on democratic strengthening would fall in 2017:
 - The twentieth anniversary of the Universal Declaration of Democracy, made in Cairo in 1997, which marked the adoption of the core values of democracy, international politics and good governance by the global community. Its key attributes were still very resonant: the promotion of

human rights, gender equality and the rule of law; the promotion of free and fair elections; and support for the key pillars of democracy. Parliaments, as those pillars, ought to live up to their reputations in this respect by promoting the qualities of transparency, effectiveness and accountability.

- The tenth anniversary of the International Day of Democracy, inaugurated on 15 September 2007, in which parliaments were heavily involved.

He thought it was important to use both anniversaries to reaffirm core commitments to universal values. A campaign was planned which would encourage Members of Parliament to rededicate themselves to the principles of the Cairo Declaration by signing a pledge, and the IPU would be providing materials which would assist MPs in marking the day in a special way. Secretaries General would of course be encouraged to participate. High-level events were planned in Geneva and in New York, and it was possible that President Obama would come to Geneva to participate in events to mark the anniversaries.

- The IPU was working on the second edition of the Global Parliamentary Report: a team was engaged in interviewing MPs and assessing the best ways of working for greater accountability. The report would be launched at the Saint Petersburg meeting in October 2017. Feedback on drafts of the report was actively encouraged.
- A gender assessment toolkit was in development, intended to support the IPU Gender Plan of Action launched earlier in the year. The toolkit was intended to give parliaments tools to assert their competences in this field and to develop appropriate benchmarks for gender assessment: it was not intended to impose a framework on all parliaments. A gender issues brief had been sent to all Secretaries General in April 2016, highlighting the need for tough action to stamp out sexist practices and to discourage the harassment of women.
- A self-assessment toolkit related to the Sustainable Development Goals had been developed, aimed at shaping the global development agenda. In this respect it was time for parliaments to “walk the talk”, and the toolkit provided expert resources to assist, including guidelines on relevant resolutions for parliaments to pass and guidance on their eventual implementation. Parliaments were encouraged to feed back the outcome of self assessment activity to the IPU.
- The Common Principles of Support to Parliaments, agreed in Hanoi in 2015, had already been endorsed by parliaments worldwide. It was important for as many parliaments as possible to sign up to them, to underline their global validity.

The President, Mrs Doris Katai Katebe MWINGA, thanked Mr CHUNGONG for his address. There were no questions arising.

5. Elections to the Executive Committee

[MPA to give text]

6. Communication by Mr Najib EL KHADI, Secretary General of the Chamber of Representatives, Morocco: “Evaluation of public policy: practice in the Chamber of Representatives in the Kingdom of Morocco”

Mrs Doris Katai Katebe MWINGA, President, invited Mr EL KHADI to make his communication.

Mr Najib EL KHADI (Morocco) spoke as follows:

[DM note: text is not available in English]



[MPA text Q&A]

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

She reminded Members that the Parliament of Bangladesh had invited members for a tour of the building and lunch at noon on Tuesday 4 April: the sitting the following morning would begin promptly at 10am to enable members to participate in the visit.

The sitting ended at 5.27 pm.

FIFTH SITTING

Tuesday 4 April 2017 (morning)

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

The sitting was opened at 10.20 am.

1. Introductory remarks

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

She expressed her sympathy for colleagues from the Russian Federation and her concern at news of the recent terrorist attack in Saint Petersburg. She similarly expressed sympathy for colleagues from Botswana in the light of reports of an earthquake in that country.

She repeated her reminder to colleagues to sign up for the excursion and stressed that it was important that as many members as possible should attend.

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. Elections to the Executive Committee

The President, Mrs Doris Katai Katebe MWINGA, reminded members of the outcome of the elections to the Executive Committee held the previous day, and congratulated **Mr Ali AL KANDARI**, who was present.

Mr AL KANDARI (Kuwait) thanked the Association for his election and expressed his intention to make a positive contribution to the work of the Committee.

4. General debate: Management innovation in parliaments

The President, Mrs Doris Katai Katebe MWINGA invited Ms Andrea SAMPAIO PERNA, Director of Strategy Management Office at the General Directorate of the Chamber of Deputies of Brazil, to moderate the debate.

Ms SAMPAIO PERNA introduced the debate 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 hackers 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 hackers 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.

Mr Sergey MARTYNOV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation, presented a communication on “Management innovation in parliaments” as follows:

1. The complexity of tasks facing parliaments is constantly growing, which places high demands on the quality of work of both legislators and parliamentary services. It is therefore important to integrate knowledge, technology and innovation into the work of members of parliament.

The Council of the Federation seeks to use innovations in its chamber’s work, which, as a rule, requires significant modernization of the Office’s activities.

2. We are constantly looking for and developing new forms of work. For example, the **“Days of the Constituent Entities of the Russian Federation.”** The chamber presents and discusses the achievements and experiences of the Russian regions.

Every plenary session includes a “government hour,” where members of the Council of the Federation can listen to reports by government representatives, heads of various federal authorities and CEOs of leading Russian corporations and ask questions.¹⁹

Two years ago, we introduced the **“expert hour”** work format, where leading Russian scientists, artists and cultural figures appear before the Senate to address important issues of the day. This allows the members of the chamber to keep abreast of developments in various areas of science, culture and technology.

¹⁹ President of Russian Railways Oleg Belozyorov will present a report to the Council of the Federation on 1 February 2017.

Over the course of several years, the Council of the Federation has organised events in conjunction with Russia's leading university, Lomonosov Moscow State University, in the format of **workshop-seminars** with the chairpersons of the legislative authorities of the constituent entities of the Russian Federation.

3. A relatively new area of work is the preparation of framework documents on domestic and foreign policy issues. These issues include the analytical report **“On the Main Areas of the State Regional Policy of the Russian Federation”** and the report **“Russia and France: A Parliamentary Vision for the Future.”**

4. Much of our work is directed towards **informational and technological support of the chamber's activities**

The website of the Council of Federation has become a platform for discussing draft projects and various strategic documents. It provides complete and up-to-date information on the activity of the chamber as a whole, as well as on the work of individual council members.

We are developing the **“Mobile Workspace for Council of the Federation Members,”** which gives members of the Council access to electronic materials developed for the chamber's events from mobile devices.²⁰

Special attention is paid to the **development of electronic document management**,²¹ and electronic digital signatures.²²

The **Council of the Federation** has set up its own **television channel – Vmeste RF (“Together RF”)** – as part of the **open parliament concept** to cover events in the Russian regions, as well as the activities of the Council of the Federation. Plenary sessions and other important events of the chamber are streamed live on the TV channel and the Internet.

5. The **complicated international situation** adds a sense of urgency in the terms of employing new formats and technologies in the Council's work.

For example, this year the Council of the Federation is also organising **televised question and answer sessions** that link up the parliaments of Russia, Syria,

²⁰ Using new technologies in the system's mobile application allows members of the Council of the Federation to work with electronic documents when they are not physically present at the Council of the Federation building.

²¹ According to the Department of Information Technology and Document Management, there was a total of 150,000 documents (incoming, outgoing and internal) in the system in 2016. This represents an increase of almost 3000 outgoing and internal documents, and an increase of 2000 incoming documents, compared to 2015.

²² Via interaction with the software and hardware complex of interdepartmental electronic document management.

Turkey, Iran and European countries.²³ We hope that a direct dialogue among the members of parliament will help in the search for a peaceful resolution to the Syrian crisis and the fight against international terrorism.

6. In conclusion, I would like to note that much is asked of members of parliament in today's world. The people expect us not only to develop and implement effective laws, but also to be **completely transparent in our actions**.

That is why we, as secretaries general of parliaments, must do everything in our power to make sure that members of parliament of our countries are at the forefront of these changes.

Thank you for listening.

The President, opened the debate to the floor.

Mr DO Manh Hung (Vietnam) emphasised that in the context of the country's renovation process, it was made sure that Parliament can work better and that the Secretary General was appointed in 2015 with a view to be innovative in managing Parliament, the discussions were held within the ASGP in 2015 at the meeting in Hanoi that inspired this movement.

The Secretary General was elected by the Assembly, and was charged with the following responsibilities: advising the Chair of the National Assembly on the working programme of the Assembly and procedures for carrying out its decisions; coordination with the ethnic, cultural and other committees of the Assembly in drafting proposed positions for the Assembly to take; organising press, publication, library and research services to support the plenary and the committees of the Assembly.

The Secretary General therefore organised the work of National Assembly sessions. He was assisted by a secretariat which had an organisation, structure and powers determined by a standing committee of the Assembly. Priority was given to supporting the Assembly in its oversight tasks. The Secretary General and his secretariat were continually challenged to be more effective in their work. That work contributed to the quality of legislation delivered through the legislative process, the degree of public interest and trust in The Assembly's activities and the assistance given to oversight of the government and support for timely interventions in national political debate. The Secretary General and the secretariat received petitions from the public. The Association's contribution to this effectiveness following the 2015 meeting in Hanoi was greatly appreciated and had had many positive outcomes.

Ms Lydia KANDETU (Namibia) said that the National Council of the Namibian Parliament was comprised of two members from each region of Namibia. Members spent most of their time in their regions, and communication with them was difficult. The Council had instituted a constituency week during which members could discuss with their constituents the issues to be raised in the Council. A WhatsApp group had

²³ This was announced by Chairperson of the Council of the Federation Valentina Matviyenko at the 406th Meeting of the Council of the Federation on 15 February 2017.

been established for communication with Members: draft bills were sent to them for review in their constituencies before they came to the Council. The Council found the production of a report of its proceedings in Braille very costly, and she wondered how other parliaments made reports of debates available to citizens with visual disabilities.

Mr José Manuel ARAÚJO (Portugal) remarked that in the Portuguese Parliament the Secretary General collaborated with Members and with parliamentary services to promote innovation. A working group on the subject had recently reported, and had brought forward several innovations. Petitions to Parliament were now published online and could be signed online by citizens. Electronic voting was being considered, in the light of experiences in other parliaments: an issue under consideration was the secrecy of voting. Legislative procedures had been entirely digitised, and a platform for the electronic transmission of bills had been developed. Publications from the Presidency of the Republic and publications in the Official Journal were now circulated electronically with a digital signature.

Mr Najib EL KHADI (Morocco) recalled that he had presented a paper in Lusaka on electronic Parliament because the Parliament of Morocco réaliseuse projects such as the digitization of archives. He stressed that advanced were found everywhere in the use of new information technologies but proposed a sharing of information to help parliaments who are early in the process, from networks at continental, or through meetings organized by the Inter-Parliamentary Union.

Mr William BEFOUROUACK (Madagascar) stressed that new ways of working had been introduced in Madagascar to promote the development of good laws in the Committees. Graduates have been recruited and trained to support parliamentary work in the 32 committees.

Ms Norah BABIC (IPU Secretariat) introduced the IPU's initiative for a Centre for Innovation in Parliaments. This was being established in succession to the IPU's Global Centre for ICT in Parliaments, which had run from 2006 to 2013 and which had promoted the use of digital tools in Parliamentary work. The Centre would provide a platform for parliaments to share good practice and would promote opportunities for citizen engagement. It was proposed that regional hubs should cat as catalysts for peer-to-peer exchanges of best practice. The World e-Parliament held in June 2016 had identified growing demands for digital services, and it was recognised that digitally-enabled parliaments were crucial for parliamentary development in the modern world. A consultation had been held in the second half of 2016 and valuable feedback had been received on the consultation paper. Three levels for participation in the centre had been identified: key partners, who could provide governance support and funding; funding partners, who would principally provide funding for the centre, and partners who would provide staff contributions and participation in the Centre's initiatives. The Centre was proposed to start in 2018 under the coordination of a small central secretariat, which would require some funding from participating parliaments. The initiative had been endorsed by the Executive Committee of the IPU, and political support would be sought from the IPU Governing Council: once this was achieved a more detailed plan for the Centre's operations would be worked up. She hoped that the Centre would fulfil some of the aims for sharing of best practice set out by Mr EL KHADI. She recognised that there

would be differing levels of engagement. The IPU hoped that there would be interest in funding the Centre and providing staff support for capacity-building missions under this exciting initiative.

Mr Sheikh Ali bin Nasir bin Hamed AL MAROOQI (Oman) said that his Parliament ensured that all members could view the documents before the hearing, and that the speaking time was limited. He added that the information and communications technology were used.

Ms Philippa HELME (United Kingdom) remarked on one significant development in the United Kingdom: the growth of the e-petition system in the House of Commons. The principle was not new, but there had been a significant growth of interest in e-petitioning following the redesign and relaunch of a system jointly owned by the Government and the Commons. Resources for managing the system had been increased. The new system had been particularly successful in passing information back to the signatories of e-petitions which had been selected for debate—typically petitions which had received over 100,000 signatures. The House's engagement with the public had vastly increased and multiplied, which was welcome, but the cost and demand on resources had also increased.

She observed the division between the functions of Secretary General and Director General in the Brazilian Chamber of Deputies and asked Ms SAMPAIO PERNA who had the ultimate authority.

Ms SAMPAIO PERNA responded to indicate that in the Brazilian Chamber of Deputies the Director General had responsibility for all administrative and human resources processes, while the Secretary General was responsible for legislative processes. In practice they collaborated closely. The Director General or a delegate generally attended meetings of the Association. The Secretary General worked with the President and Board of the Chamber, and the Director General dealt with all Chamber services.

At 11.20 am the Association took a short coffee break.

On resumption, **Dr Abdur Rob HOWLADER (Bangladesh)** communicated some practical information about the lunchtime visit to the Bangladesh Parliament and the day-long excursion to take place the following day.

Mr William BEFOUROUACK (Madagascar) claimed the floor to make an observation about the proposed change to the Rules of the Association. The President assured him that there would be an opportunity for the change to be fully debated in the afternoon session.

Ms SAMPAIO PERNA summed up the morning's discussion by remarking that parliaments faced many problems, several of which were being addressed through the investment of efforts into digital and mobile services and collaboration with

external partners. There was a clear need to regularise and capture these processes. The President of the IPU had himself stressed the importance of sharing good practice. She thanked colleagues for their contributions.

Mr Yousif Ahmed ALROWAIE (Bahrain) made some observations about technological innovation in the Bahrain Parliament. Voting in plenary sessions was done electronically on 80 per cent of occasions. Members could now hold e-meetings via their iPads: agendas were distributed electronically, which saved paper and staff time. Committees were adopting these ways of working, and there was much more electronic correspondence.

Mrs Doris Katai Katebe MWINGA, President, thanked Ms SAMPAIO PERNA for her moderation and thanked members for their participation in the debate.

The sitting ended at 12 noon.

SIXTH SITTING

Tuesday 4 April 2017 (afternoon)

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

The sitting was opened at 3.09 pm.

1. Introductory remarks

The President, Mrs Doris Katai Katebe MWINGA, welcomed members to the afternoon session. She thanked the Association's hosts, Dr HOWLADER and the Parliament of Bangladesh, for the excellent organisation of the session and for the lunch and visit to Parliament of Bangladesh, the stunning architecture of which had impressed the members.

2. Orders of the Day

The President, Mrs Doris Katai Katebe MWINGA observed that there would be no communication on recent developments in the IPU, since the Secretary General of the IPU had made a comprehensive presentation on the issue the previous day.

3. Members

The President, Mrs Doris Katai Katebe MWINGA said that a membership application has been submitted and accepted by the Executive Committee:

Mr Mohamed Ali MOHAMED

Senior Deputy Clerk of the Senate of Kenya

The new member was *accepted*.

4. Administrative matters: changes to the Rules of the Association

[TEXT TO FOLLOW]

5. Presentation by Mr Sergey MARTYNOV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation on the forthcoming session in St Petersburg

Mrs Doris Katai Katebe MWINGA, President, invited Mr Sergey MARTYNOV, Secretary General of the Council of the Federation of the Federal Assembly of the Russian Federation, to make his presentation.

Mr Sergey MARTYNOV (Russia) thanked the President and members of the Association for the condolences expressed to him and to the people of Saint Petersburg following the recent tragic attack on that city.

He stressed the very great appreciation within the Russian Federation for the work of the Inter-Parliamentary Union, which was the oldest interparliamentary association and the greatest global platform for parliamentary activity. He recalled that the Russian Federation had hosted the one hundredth Inter-Parliamentary Conference, in Moscow in September 1998, the organisation of which had been very highly praised.

Saint Petersburg was considered one of the most important business and political centres of the Russian Federation, and had hosted many summits. Saint Petersburg was renowned for its architecture and its monuments: it was the Venice of the North.

Mr MARTYNOV had the great honour to invite all members of the Association to join him in Saint Petersburg. As the saying had it, it was better to see these sights once than hear about them hundreds of times.

Mrs Doris Katai Katebe MWINGA, President, thanked Mr MARTYNOV for his presentation and said that she was looking forward to the session in Russia.

6. Draft agenda for the next meeting in St Petersburg (Russian Federation), 15-18 October 2017

Mrs Doris Katai Katebe MWINGA, President, presented the draft agenda as follows:

Possible subjects for general debate

1. Management of speaking time in parliamentary debates
Moderator: Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal
2. Parliamentary opposition
Moderator: Mr Manohar Prasad BHATTARAI Secretary General of Parliament of Nepal

Communications

Theme: Parliamentary groupings (interparliamentary groups, friendship groups and parliamentary clubs)

1. Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal (title to be confirmed)

Other proposals for communications

2. Mr Gengezi MGIDLANA, Secretary General of the Parliament of the Republic of South Africa: Implementation of the Oversight Model of the Parliament of the Republic of South Africa
3. 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
4. Mr Najib El KHADI, Secretary General of the Chamber of Representatives, Morocco: Citizen participation in the legislative process

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)

* * *

The draft agenda was *agreed to*.

7. Closure

Mrs Doris Katai Katebe MWINGA, President, once again thanked Dr Abdur Rob HOWLADER and the Parliament of Bangladesh for the wonderful way in which the Session had been hosted, and thanked the people of Bangladesh for their wonderful hospitality. She thanked the Secretariat—Ms PREUVOT, Mr ATKINS, Karine VELASCO and Daniel MOELLER—for their work in supporting the Session, and thanked the interpreters for their hard work. She especially thanked her fellow members of the Association for their attendance, their contributions and their participation in discussions, all of which would help colleagues to improve the practices in their own institutions.

She reminded members that the excursion would take place the following day and requested that as many members as possible should attend.

She also reminded members that an informal meeting concerning the proposed IPU Centre for Innovation in Parliaments would convene at 4.30 pm.

The next Session would begin on 14 October 2017 and would be held in St Petersburg, Russia. She looked forward to seeing colleagues then.

The sitting and the Session ended at 3.55 pm.