

# The Guatemalan Parliamentary System

## Extracts from the minutes of the Guatemalan meeting in April 1988

The PRESIDENT (Mr. Lussier) invited Mr. Robert Alejos Cambara, Secretary General for International Affairs of the Congress of Deputies of Guatemala, and Mr. Luis Mijangos, Official Mayor of the Congress of Deputies, to describe the Guatemalan Parliamentary System.

Mr. ALEJOS welcomed members of the Association to Guatemala. He explained that in addition to being Secretary General for International Affairs and Secretary of the Guatemalan Group to the IPU, he was a Member of Parliament. Guatemala had only recently changed its system of government from military rule and most parliamentary groups and committees had Members of Parliament as their Secretaries. Nonetheless, it was realised that an active politician could not act effectively as a neutral adviser or secretary to a parliamentary committee, and steps were being taken to increase the administrative staff of the parliament. The head of the administration of the Parliament was Mr. Mijangos, the Official Mayor, who dealt with all legal affairs and administration in Congress. He had worked for the Congress for 20 years and had been Official Mayor (Secretary General) for the last 7 years.

Mr. MIJANGOS said that under the Guatemalan Constitution the legislative, administrative and judicial powers were separated. The Congress was a unicameral parliament, elected by universal suffrage. 25 of the 100 Deputies were elected on a national list at the same time as the election of the President and Vice-President of the country. The remaining 75 were elected in separate constituencies with a minimum of 2 Deputies for each constituency. The term of office was 5 years.

In the Executive, only the President and Vice-President were directly elected. Other ministers were appointed by the President without any parliamentary involvement.

The Judicial Branch' was represented by the Supreme Court, whose judges were elected by the Congress.

As early as 1808, one Guatemalan had been represented at the Congress of Bayonne. Guatemala was also represented in the Cortez of Cadiz in 1811. The first Congress of Guatemala took place in 1823-24, following independence from Spain. This congress drew up the fundamental charter which was the origin of the Guatemalan Constitution.

The Congress had sole legislative power, but draft laws could be proposed by Deputies, the President, the Judicial Branch, and the national university. The only limit on the legislative power of Congress was the Constitution. A draft law was subject to two readings on the floor of the House, the Committee stage and the addition of amendments on Third Reading. Once a law had been passed by Congress, it was submitted to the President for signature and publication. The law took effect when published in the Official Gazette. The President could, (i) approve and publish the law; (ii) give an express and total veto; and (iii) simply not sign the law. Congress could override the Presidential veto by a two-thirds majority vote. If the President did not sign the law within 15 working days, Congress could order its publication without a further vote and the President could not do anything further to prevent its implementation.

The main directing body of the Congress was the Board of Directors. Specific matters and draft laws were referred to relevant working committees by the plenary. In general, the chairman of each committee was elected by the Congress as a whole and he then had the right to choose the other members of the Committee. An exception to this was the Constitutional Committee on Human Rights on which all parties with Members in Congress were represented and which worked with the Special Procurator for Human Rights.

The Congress had the traditional powers of setting taxes, approving the budget and examining a report on past expenditure. But it also reviewed external debt and government loans. International treaties and agreements had to be ratified by Congress as well as the passage of foreign armies through the country.

Appointments to certain other bodies, such as the Supreme Court, the Constitutional Court, the Electoral Tribunal, the Government Auditor and the Human Rights Procurator were made by Congress.

Under the 1985 Constitution, a minister could be questioned, by the process of interpellation, on the initiative of a single deputy. If the answer to the interpellation was unsatisfactory, a vote of 'no confidence' in that minister could be held.

The Constitutional Court had the power, under the Constitution, to rule that a law passed by Congress was incompatible with the Constitution.

Mr. CHARPIN (France) asked about the political composition of the Congress.

Mr. ALEJOS said that the election at the end of 1985 had produced a government majority for the Christian-Democratic party which had never previously been in power in Guatemala. They had won 53 of the 100 seats, but 3 of the Deputies thus elected had reverted to independent groups allied to the Christian Democrats. There were now 14 such independents including Mr. Alejos himself. Since electoral law required all candidates to be members of political parties, these Independents would have to re-join a political party if they wished to stand in the next election. In addition to the 50 Christian Democrats and 14 Independents, the main opposition party (the National Union of the Centre) had 15 members and the 21 others were divided between 6 different groups of which 3 were substantial parties and 3 had only 1 or 2 members. Although it looked as if the Government majority was very thin, many of the Independents and supporters of small groups voted with the Government. Although the Opposition played a very active role, in general the Government had little difficulty in passing legislation.

In response to questions from Mr. JACOBSON (Israel), Mr. AMELLER (France) and Mr. KASHYAP (India), Mr. MIJANGOS confirmed that while a two-thirds majority was required to override a presidential veto, no specific majority or even vote was necessary for Congress to authorise publication of a law which had not been signed by the President within 15 working days of its approval by Congress. There had been only about a dozen Presidential vetoes in the past 20 years, and only a couple of Congressional implementations of laws not signed by the President. A recent example was when the law establishing the Human Rights Procurator had been passed and the President was abroad for all of the period of 15 working days after its passage. The Vice-President was uncertain whether to sign the law and after 15 days had elapsed, Congress authorised its publication.

Mr. LAUNDY (Canada) asked whether all the 25 Deputies elected on the party list system belonged to the winning government majority.

Mr. MIJANGOS explained that the 25 seats were allocated between the political parties in proportion to the votes their presidential candidate received in that election. Thus the winning Christian Democrats had received 40% of the votes and 10 of the seats on the national list.

Mr. RYLE (United Kingdom) asked about the connection between ministers and Congress.

Mr. MIJANGOS said that there was no formal link between ministers and Congress though they could be called to answer interpellations and face a 'no confidence' vote if the answer was unsatisfactory. Although only the President could send draft laws from the executive to Congress, in practice, the responsible minister could be called to explain the purposes of a draft law.

The PRESIDENT asked who was responsible for ensuring that a draft law, before it was passed by Congress, conformed with the Constitution.

Mr. MIJANGOS said it was up to the Deputies considering a draft law to address this issue. In particular, they had to consider whether the draft was in conflict with the dogmatic parts of the Constitution (the general principles governing the country) or the organic part, the rules governing the role of the separate powers in the State. Once the law had been passed, it could be challenged by anyone affected before the Constitutional Court of 5 judges.

Mr. ORBAN (Belgium) asked whether the government as a whole had to obtain a vote of confidence for its programme.

Mr. MIJANGOS said that although Congress could remove individual ministers by a vote of 'no-confidence', there was no general confidence vote on the Executive's programme.

Mr. LAUNDY asked about the procedure for amending draft bills.

Mr. MIJANGOS replied that all drafts must be considered by the relevant committee, irrespective of which the body had initiated the draft. Amendments could be proposed by a Committee but could only be added to the bill by the plenary at the third sitting.

Mr. PARK (Republic of Korea) asked whether there was any general disqualification from membership of Congress and what limits applied to relatives of the President and Vice-President.

Mr. MIJANGOS said that relatives of the President or Vice-President to the second degree of affinity or the fourth degree of consanguinity could not stand for Congress. Also, contractors for public works or people convicted or suspected of corruption were banned from membership of Congress.

Mr. ALEJOS said that the Guatemalan practice of using maternal as well as paternal surnames often caused confusion as to whether people were closely related to the President or Vice-President.

The PRESIDENT thanked Mr. Mijangos and Mr. Alejos for the clarity of their answers, and remarked that they never seemed to be caught unaware by any question. He looked forward to the opportunity of visiting the Congress of Deputies the following day.

## The Bulgarian Parliamentary System

### Extracts from the minutes of the Sofia meeting in September 1988

The PRESIDENT (Mr. Lussier) invited Professor Spassov, an expert on constitutional law and a Member of the Bulgarian Parliament, to introduce the subject.

Professor SPASSOV said that the Socialist parliamentary system had made use of the parliamentary models of countries with other political systems. The National Assembly of the People's Republic of Bulgaria (the Narodno Sobranie) was a unicameral chamber with 400 Deputies elected for a term of 5 years. Election was by universal and equal suffrage for all those over the age of 18 years. Until recently, all candidates had been put up by the Fatherland Front (comprising the Communist party of Bulgaria and the Agrarian Party). Recent changes had provided for unlimited candidacies to be proposed by other bodies. The only restriction was that no-one could propose himself. Of the 400 seats, 286 were held by the Communist Party, 98 by the Agrarian Union and 26 by independents. 84 Deputies were women.

The Narodno Sobranie made its own rules of procedure. The first session was presided over by the oldest Member and on that occasion, the President and a number (currently 3) of Vice-Presidents were elected. There was no designated Secretary or permanent official. But the Communist Party and the Agrarian Union had parliamentary groups and the independent MPs were given advance notice of proposals made by either of these groups.

There were both Standing and Ad Hoc Committees. In the past, Standing Committees followed the work of specific ministries but this was changed in 1967 to making them functional committees, covering such issues as social problems, the environment, foreign policy. One legislative committee dealt with bills, but other committees could contribute to bills. A new Standing Committee had recently been appointed to deal with the public interests and citizens' rights. This body had an important role as a collective ombudsman. Specialist experts were permanently attached to it, and its field of activity was likely to widen in future.

The Narodno Sobranie (now in the 9th term since the adoption of the Constitution) was the supreme expression of the people's power and the only legislative body of the State. Although the Constitution provided for referenda, these had taken place only rarely.

A bill could be initiated by the Council of State, government departments and the Supreme Court or by union or political bodies. An individual member could also table a bill, but until very recently, it had not been the practice for them to do so. Each bill was submitted to two votes in the Parliament before being adopted by the Council of State and published in the official gazette.

*"The Narodno Sobranie was also the only body which could pronounce on the constitutionality of a law."*

Professor Spassov contrasted the first situation with Yugoslavia and Poland (which had constitutional courts) and said it was similar to that in Hungary where there was the Constitutional Council within the Parliament. The Constitutional Council would make suggestions to the Narodno Sobranie about bills which might conflict with the Constitution.

Various government bodies and agencies were supposed to report each year to the Narodno Sobranie on their activities. A number were failing to do so and the Parliament needed powers to enforce the submission of such reports. There was a hybrid form of questioning ministers, but full use was not made of this at the moment, nor of committees of inquiry.

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In July 1987 the Bulgarian Communist Party had adopted a programme for the future development of socialism. This included improvement in the political system. It was therefore likely that changes would be made in the parliamentary system in Bulgaria. It was generally expected that the committee system would be developed.

The PRESIDENT thanked Professor Spassov for his clear explanation and asked about the respective roles of the government in relation to parliament and of judges of the Supreme Court or State Council.

Professor SPASSOV said that the government was responsible to the Narodno Sobranie for its activities. Ministers were not Members of Parliament, but he did not believe that they should become so. They could,

however, present bills. The State Council was an organ of the Narodno Sobranie and its Members were elected by the Narodno Sobranie. The Supreme Court and Attorney General were also elected by the Parliament. He acknowledged that in some other countries, governments were represented in Parliament, and could both propose laws and take part in their parliamentary consideration. The Supreme Court could propose bills to Parliament but did not take part in their consideration.

In reply to Mr. WHEELER-BOOTH (United Kingdom), Professor SPASSOV said that the constitutional reforms currently under consideration would probably come into effect within the next 12 months. Their aim was to improve the legislative system and add a more human dimension to it. It was up to the individual committees to decide which subjects to look at, but the Legislative Committee had to consider any bill proposed to the<sup>1</sup> Narodno Sobranie, which could not consider it in plenary session until the Legislative Committee had examined it. There were three plenary sessions a year, amounting to a total of about 6 days. Some committee work took place in between the plenary sessions. One aspect of the likely reform was for longer plenary sessions to be held and for committees to be made more permanent.

Mr. LAUNDY (Canada) asked about consideration of legislation in plenary sessions.

Professor SPASSOV said that debates on legislation were held in plenary and anyone could speak or put down amendments, after the Legislative Committee had carried out its initial examination of a bill. The bill could then be referred back to the Committee for further consideration. Submissions from outside bodies would also be taken into account the second time the bill was considered on the floor of the House.

### Later

Mr. SWEETMAN (United Kingdom) noted that in moving from departmental to subject committees, Bulgaria had taken the opposite direction to that of the House of Commons. He asked whether committees had powers to send for persons, papers and records, and how an individual Member could initiate and pursue legislation.

Professor SPASSOV said that committees could introduce draft legislation and any committee could report on any matter on the agenda of the Narodno Sobranie. The committees chose their own rapporteurs and consid-



ered reports from other bodies. The committee on public interests and citizens' rights was a step towards the establishment of an ombudsman as; in Poland.

Mr. HAOUA (Ivory Coast) asked about the organisation of elections.

Professor SPASSOV said that elections were organised by electoral committees. The central role was played by the Fatherland Front. Electoral committees interviewed candidates about their qualifications and occasionally concluded that a candidate was not suitable, so that the body which had nominated him had to withdraw him and put up another candidate. He himself had been nominated by the Fatherland Front and represented Ruse in the North East of the country. Prior to his election, he attended several meetings, including some at factories, and listened to the wishes of the electorate. MPs were not full-time politicians and usually had other duties. A general expenses allowance was paid but no salary as such.

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In reply to Dr. ROLL (Federal Republic of Germany), Professor SPASSOV said that the public interests and citizens' rights Committee had only been in existence for 2 years and its status was not finalised. It had received individual citizens 3 days a week and considered their oral or written submissions. Its experts helped investigate the cases raised. In 1986 the rules of the Narodno Sobranie had been amended to enable Standing Committees to make recommendations to relevant bodies on the implementation of legislation.

Mr. HADJIOANNOU (Cyprus) asked about the recall procedure for elected MPs.

Professor SPASSOV said that after the pre-election meetings, elections took place on the same day throughout the country (a non-working day). The candidate with the greatest number of votes was elected, but he had to receive at least 50% plus 1 of the eligible votes (even if there is only one candidate). It used to be the case that there would be only one candidate, but now there was no limit on the number of candidates who could stand in a particular seat. This had first been applied in the municipal elections in February 1988, but the law was not fully implemented due to lack of experience and handling it. There was a rather complicated procedure for recall of elected Members, but there were no known cases in which it had been used.

Mr. SATYAL (Nepal) asked whether committees were set up under the Constitution or under the Standing Orders of the Narodno Sobranie.

Professor SPASSOV said that the Constitution provided only for the possibility of setting up such committees; it was up to the Narodno Sobranie to decide which and how many committees to set up and how they should be composed; at present there were eight such committees.

In reply to Mr. MBOZO'O (Cameroon), Professor SPASSOV said that the Council of State was responsible for the administrative organisation of parliament. The President of the Narodno Sobranie had a small staff. Some reorganisation was now going on within the Parliament and the structure of the Council of State was also being reconsidered.

Mr. KATALA (Zambia) asked about the effectiveness of committees, about a Member changing party and about the direct appointment of MPs.

Professor SPASSOV said that all Members of Parliament had to be elected, and none were appointed. A case had arisen of a Member leaving his political party. The obligations of membership of the Bulgarian Communist Party were well known (it was difficult to join and difficult to leave). On the whole, the recommendations of committees had always been followed, but the Parliament had no measures for enforcing them. They could also make imperative recommendations if there had been a breach or the non-implementation of some part of a law or directive. The political consequences of non-compliance, were the only sanction, the Narodno Sobranie had at its disposal.

The PRESIDENT thanked Professor Spassov for his answers to the wide range of difficult questions.

Professor SPASSOV said that it had been an interesting experience responding to the questions. He invited members of the Association to go on a visit to the Narodno Sobranie.

# The Hungarian Parliamentary System

## Extracts from the minutes of the Budapest meeting in March 1989

Dr. ISTVAN SOLTES (a parliamentary official) said that, in the absence of the Secretary General, Dr. Torocsik, he would give a description of the current political and parliamentary developments in Hungary. Dr. Torocsik would, later in the week, describe current parliamentary procedure and conduct a tour of the building.

Dr. SOLTES said that the Association had come to Hungary at a particularly crucial time in the development of its parliamentary system. The events which had occurred in the latest session, which had been adjourned the previous Friday, would have been unthinkable a year before. Parliament's role was being enhanced; the part it should play in the running of the country was being widely discussed.

The current parliament comprised some 387 MPs elected in a single party system in 1985. The next election was due in 1990. The legitimacy of the current parliament was not questioned. There was, however, a debate about its ability to adopt a new constitution for the country.

The Communist Party Congress, in May 1988, had been a major turning point. From that point radical change in the constitution, parliament, government and general administration of the country were inevitable. The nature of that change was less certain. At present only the principles underlying a new constitution were under discussion. Considerable effort had gone into both academic research and consultation with dissident groups to establish those principles. During the latest session on the framework for the constitution, no less than 42 of the 387 members had taken part in the debate.

Members of the present parliament considered themselves competent to establish a new constitution but they were conscious of the need to consult widely with interests and groupings not currently represented in the Parliament. The parliamentary committee on the constitution could be supplemented by outsiders. There was a feeling that at the end of the day a new

constitution would have to be ratified, not just by parliament, but also by the people in a national referendum.

The major issues being discussed in relation to the constitution were:

- (1) Whether it was sufficient to describe the country as a republic or whether further adjectives such as socialist, peoples', democratic etc. were necessary;
- (2) Whether the parliament should be bicameral or unicameral—Hungarian history contained some unhappy memories of unrepresentative bicameral parliaments. On the other hand a second Chamber might be able to include in the political process various interest groups which would have insufficient time before the next election in 1990 to organise themselves into fully-fledged political parties;
- (3) Whether the public prosecution authorities should be subordinate to the Government or to parliament;
- (4) To whom the military authorities should eventually report;
- (5) The basis for local government units.
- (6) How to describe and protect the basic rights of citizens.

An example of the dramatic changes the parliament was undergoing was the resignation the previous week of the Speaker. The incumbent had felt unable to continue in the light of the over-heated discussions and criticism of the work of parliament. It was the first time that parliament had had to face the task of choosing a new Speaker. A committee had been set up to choose his successor and it was widely recognised that a person with sufficient standing within the parliament and someone who commanded respect internationally would be required. In the end only one name was recommended by the committee and only twelve of the members of the parliament voted against him.

Parliament was already beginning to assert its independence from the Government. The Government had been keen that a Bill on strikes should be passed in the current session. Strikes were not illegal in Hungary but there was no legal framework governing them. Despite the Government's enthusiasm to press ahead with new legislation, Parliament had decided that it wanted further time for consultation and consideration of the Bill had been deferred until the next Session several weeks later.

Parliament had also adopted new rules of procedure. Live television broadcasts had themselves brought new problems. New rules on voting had had to be amended quickly. The rule provided for all "yes" votes to be counted even if it was immediately clear that the majority was in favour. This could cause substantial delays in proceedings. Electronic voting would not be introduced until September, 1989.

In the past, parliament used to meet four times a year for a day or two at a time. Few Bills were adopted and counting votes was no problem. Most legislation was actually made by the Presidential Council. Now parliament was meeting for a session almost every month and moving towards a position in which it was in a continuous session. Parliament had withdrawn the right of the Presidential Council to alter or to make decrees.

The PRESIDENT (Mr. Lussier) thanked Dr. SOLTES for his fascinating description and asked what had provoked the changes in parliament. Dr. SOLTES said that the voters who had elected MPs in 1985 had made it clear that they wanted some change. The public debates about the future of the country had fuelled wide discussion and built up links between voters and elected Members of Parliament. Furthermore there was provision in the Constitution for a Member to be subject to recall or re-election if ten per cent of the voters were unhappy with his performance. Currently some twenty MPs were affected by such proceedings. In the last session five MPs who were in danger of such recall had resigned.

## **Later**

Dr. Gabor TOROCSIK, Secretary-General of the Hungarian Parliament, said the Hungarian Parliament had one Chamber and 387 MPs. 352 of these were elected in single member constituencies and 35 were elected on a national list. In each constituency there were about 30,000 voters. The national list provided for the representation in parliament of various groups and sections of society, including the church, ethnic minorities and interest groups.

All aspects of the Hungarian parliamentary system were under review and likely to be changed. The country was moving to a multi-party system with new arrangements for elections and this would undoubtedly bring substantial changes in the running of parliament. The new electoral system would probably provide for party lists either on a national or a regional basis.

It was possible that in addition to a lower Chamber elected by constituencies or by a list system, there would be a second Chamber comprising representatives of different interest groups.

Until recently there had been 13 committees in the Parliament. Recently adopted Standing Orders provided for 16 committees. The parliament was led by a presidium comprising of the Speaker, three Deputies and six Secretaries.

Legislation was only introduced into parliament after widespread national discussion. There had been a substantial increase in the number of Bills recently (amounting to 34 in the current year). At the same time Parliament had also been discussing the principles of the new constitution. These principles would be widely discussed in the country before a detailed draft was submitted to parliament. After Parliament had passed the necessary legislation, the constitution would probably be submitted to a nation-wide referendum.

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Each year Parliament debated the government's policy programme. During the year it examined the implementation of that programme. Four or five Ministers had to account for their actions at each session and the Prime Minister would report on the government's work at least once a year.

In reply to Mr. LAUNDY (Canada), Dr. TOROCSIK said that new political parties, arising from existing interest groups and social organisations, would compete with the Hungarian Socialist Workers' Party for power. The legal framework for political parties would be drawn up later in the year. Official recognition of political parties would probably be a matter for the Constitutional Court.

Mr. RYLE (U.K.) asked whether Ministers were actually Members of Parliament, what rights they had to appear in Parliament, how they were made accountable and whether they took an active part in legislation.

Dr. TOROCSIK said that the Prime Minister and two or three other Ministers were Members of Parliament but it was not essential for them to be so. Ministers attended plenary sittings and maintained direct contact with committees. A Minister was obliged to attend a committee if asked to do so. There was some discussion about whether in future Ministers should or should not be Members of Parliament and in the doctrine of separation of

powers there was a strong case for Ministers not being MPs. The experience of 40 or 50 different parliaments around the world was being drawn to clarify the respective roles of government and the legislature.

The PRESIDENT asked whether Dr. TOROCSIK, as Secretary-General, was a Member of Parliament.

Dr. TOROCSIK said that he was the Head of the staff of Parliament and appointed by the Speaker. He was not a Member of Parliament but there was a case, under the new constitution, for the Secretary-General to be appointed from among the Members of Parliament.

Mr. TARDAN (France) welcomed the prospect of a new Upper Chamber being created and asked which groups would be represented in it.

Dr. TOROCSIK said that it was not certain that the new parliament would be bicameral. A territorially-based lower Chamber would certainly be part of the new system. Organisations such as Trade Unions, Chambers of Commerce, Farmers' Federations, Churches and ethnic minorities could be represented in the upper Chamber. There was a danger that having two Chambers would delay the decision-making process.

Mr. JEMBERE (Ethiopia) asked what device's existed for parliamentary control of government.

Dr. TOROCSIK said that the government's programme had to be approved by Parliament and its implementation was monitored. The Prime Minister reported twice a year and four or five Ministers reported on their responsibilities at each session. Under the new constitution there would be a National Audit Office responsible to parliament.

In response to Mr. SATYAL (Nepal), Dr. TOROCSIK said that candidates were nominated by the Patriotic Peoples' Front (which included the Hungarian Socialist Workers' Party) at local meetings; all sections and strata of society could take part. Any citizen could propose an alternative to the official candidate and if thirty per cent of those present at the meeting agreed that the second candidate would be added to the list, then voting took place by secret ballot. There had to be at least two candidates at such meetings and there might be as many as five. A majority of more than fifty per cent was required for election. In drawing up the national list of the 35 MPs elected by that method, a national council of the Peoples' Patriotic Front consulted various organisations. Each voter therefore had two ballot papers: one for the candidate in the particular constituency and one for the national list.

Mr. IDRISSI (Morocco) asked whether the Constitutional Court would be able to approve or reject the establishment of a political group and whether the constitution would specifically provide for a multi-party system.

Dr. TOROCSIK said the details had yet to be worked out but it was unlikely that the constitution would provide specifically for a multi-party system; this was a matter of politics rather than law. There would, however, be legal provision for the registration of parties and the Court would decide whether the rules and programme of a possible party were compatible with the constitution. Some framework for the financial organisation of parties would have to be established.

Mr. AMELLER (France) asked whether the government could be defeated in Parliament and dismissed.

Dr. TOROCSIK said that at present members of the government were nominated by the Patriotic Peoples' Front and approved or rejected by parliament. In future the President of the Republic would produce a list of Ministers for parliamentary approval. Alternatively the President might nominate the Prime Minister for parliamentary approval but the Prime Minister would appoint other Ministers. In the past, parliament had been able to pass a motion of no confidence in individual Ministers or in the government as a whole. In future such a motion of no confidence would also be available as in, for instance, Czechoslovakia and Yugoslavia. The government would be able to call for a vote of confidence on particular issues or a fixed number of Members of Parliament could submit a motion of no confidence in the government as a whole, or in individual Ministers.

Mr. HJORTDAL (Denmark) asked what considerations affected the choice of the name of the country.

Dr. TOROCSIK said the first written constitution adopted in 1949 had provided for Hungary to be described as the Peoples' Republic. When constitutional changes were considered in 1972 there was some discussion about describing it as socialist republic but no change was made at that point: the debate continued. To a certain extent the country's constitution was a political statement about its aims as well as the legal framework.

The PRESIDENT thanked Dr. TOROCSIK for his explanation and for the answers he had given to questions.



# The Role of Parliament's Secretariat in promoting the knowledge of democracy and legislative procedure

## 1. Introductory Note by Mr. Burirak Namwat, Deputy-Secretary General of the National Assembly, Thailand

The major responsibility of the Parliament's Secretariat is to facilitate all works of the Parliament. There are some kinds of activity performed by the Parliament's Secretariat which are not related to the direct services to the Parliament. The growing role of the Parliament's Secretariat is considerably an extensive service to public. The promotion of knowledge in democracy and legislative procedure done by Parliament's Secretariat appears in many countries in the same and different methods.

The activities in promoting the knowledge in democracy and parliamentary procedure can be categorized into three streams of services to make the easy way for discussion. They are:

1. Promoting through the channel of public relations
2. Promoting through the channel of internship and training program
3. Promoting through the channel of direct service to public or institutions.

In order to make this introductory note a short one, only headings of activities which promote the knowledge of Democracy and legislative procedure will be given, in this note, the substances will be presented in the meeting of the Association at the spring session in Mexico.

The headings and sub-headings of the discussion will be as follow:

### *1. Promoting through the channel of public relations*

The matter of Parliament and public relations was widely considered in the meeting of the Association at the fall session in Ottawa, it is repeated in this introductory note for the completion of this topic. The channel of promotion through public relations can be done by various ways in following items and sub-items.

- 1.1. Parliamentary Publications/visual media
  - 1.1.1. Parliamentary Records/minutes
  - 1.1.2. Parliamentary journal/newsletter
  - 1.1.3. Parliamentary illustrated books/brochures
  - 1.1.4. Video tape/slide presentation/film
- 1.2. Parliamentary Exhibition
  - 1.2.1. Permanent Exhibition
  - 1.2.2. Periodical Exhibition
  - 1.2.3. Occasional Exhibition
- 1.3. Open Competitions in knowledges of Democracy and Legislative procedure.
  - 1.3.1. Essay writing competition
  - 1.3.2. Answer question competition
  - 1.3.3. Picture/photo contest
- 1.4. Parliamentary tour and briefing
  - 1.4.1. Parliament's building tour
  - 1.4.2. Briefing for public visitors
  - 1.4.3. Briefing for special group of guest
- 1.5. Promoting good relations with mass media representatives
  - 1.5.1. Providing good facilities in parliament for mass media representatives
  - 1.5.2. Providing releases for mass media
  - 1.5.3. Appointing Parliament's Secretariat Spokeperson.

## 2. *Promoting through the channel of internship and training program*

Internship and training program is the direct way of promoting knowledges of Parliaments and democratic process. Many Parliaments perform excellent programs on Parliamentary internship or fellowship program, or even direct training with the curriculum on parliamentary matters. Political education for children is one among the best ways of indoctrination, thus, the organization of Parliamentary Youth Forum Program is a creative idea to promote the good understanding of democracy and parliamentary process for young generation. Other types of training may be orga-

nized in the form of seminar or workshop. Activities under this heading can be categorized as follows:

- 2.1. Parliamentary Internship/Fellowship Program
  - 2.2. Internship opportunity for students from school or college
  - 2.3. Parliamentary Page School
  - 2.4. Special Parliamentary Training courses for
    - 2.4.1. Persons in governmental service
    - 2.4.2. Local government administrators
    - 2.4.3. Persons in business circle
  - 2.5. Seminar/workshops on Parliamentary matters for
    - 2.5.1. Member of Parliament
    - 2.5.2. MP's assistants
    - 2.5.3. Public
  - 2.6. Parliamentary Youth Forum
3. *Promoting through the channel of direct service to public and institutions*
- Co-operations and services given to institutions or public outside the parliament are other group of activities which can be counted as promoting activities. The Parliament's Secretariat is a resource institution to provide useful substantive informations in promoting the knowledge of democracy and Parliamentary process. The Parliament's Secretariat may provide various kinds of help directly to public or promoting institutions. Types of services and co-operation may be listed in the following items:
- 3.1. Briefing/lecturing outside Parliament
    - 3.1.1. Briefing on Parliamentary matters for public gathering
    - 3.1.2. Lecturing in school/college/university
    - 3.1.3. Lecturing in training courses
  - 3.2. Co-operating with other Institution in the activities which promoting the knowledge of Democracy and Parliamentary Procedure
    - 3.2.1. Providing staff

3.2.2. Providing information/material

3.2.3. Providing technical aids.

3.3. Providing parliamentary receptionist for public inquiry.

## **2. Topical discussion**

### **Extracts from the minutes of the Mexico meeting in April 1986**

Mr. NAMWAT referred to the introductory note which had been circulated and in which he categorised 3 types of services, namely, (1) public relations, (2) internship and training programmes, and (3) direct services to the public and institutions. His introductory note listed as many as possible of the services which were provided by parliaments though not every parliament provided all of those services. In Thailand, for example, the Parliament had a range of publications and some all year-round exhibitions but no films of parliamentary work had been produced. Much of the activity was aimed at school students. In the current year a photographic competition with the theme of democracy had been organised. There were arrangements for tours of the building and briefings for visitors and a special programme for VIP visitors. Efforts were made to ensure good relations between Parliament and representatives of the media who worked there, particularly by providing good media facilities.

Like some other parliaments the Thai Parliament ran an intern scheme for 12 to 15 young people working for five or six months; this was open to university students up to the age of 30. A new programme had been started for administrators from government, local government and business to enable them to learn more about Parliament. Importance was also attached to sending parliamentary staff to lecture at universities and colleges and to provide them with the facilities and aids for such education. He concluded by saying that he would be interested to hear what services were provided by other parliaments in this area.

The Vice-President (Mr. HAYATOU), said that in the Cameroon the more senior government officials did not know much about parliamentary institutions because they had not learnt about them at school. As Secretary General he had asked the government's administration school to run courses for magistrates and officials to teach them about parliament and the parliamentary staff gave lectures at such courses.

Mrs. LEVER (Canada) said that the Canadian House of Commons ran a page programme offering 30 places each year. Selection was by a country-wide competition and the course was bilingual (with language training if necessary). The pages pursued their university studies at the same time and worked in Parliament for 12 hours a week. Under an internship programme graduates worked for a year in Parliament on attachment to different MPs for periods of 2 or 3 months. At the end of their year they had to write a paper. The recently established table research branch carried out long term research projects on procedural matters and provided briefings and pamphlets for the Speaker, Members, staff and the public. They had just published a collected set of the decisions of recent Speakers and a precis of parliamentary procedure for the lay reader.

Mr. TRNKA (France) referred to the topical discussion on parliament and public relations introduced by Mr. Tardan at the Ottawa session in 1985. He said there were some constraints arising from the separation of powers, on the extent to which parliamentary staff could become involved in public relations. Staff were recruited directly from university to spend their career in Parliament but recently they had been sent on attachments to government departments and business. Young staff were encouraged to go and lecture in the universities etc., on parliamentary matters.

Two other ways in which the French National Assembly contributed in this field were in making its archives, containing old books of great historical value, available to outside researchers and by putting parliamentary information onto the publicly available 'Minitel' (telephone computer information system).

Mr. LUSSIER (Canada) said that there were some other ways in which the Canadian Parliament promoted knowledge of democracy and legislative procedure. One was the Parliament of Young Canadians comprising the best students of political and social studies who spent a full week in Ottawa once a year acting as politicians. Mock sittings of parliament were held with the clerks available to give advice. These had proved an extraordinary success. Fifteen times a year secondary school students aged between 14 and 16 would come to spend 3 days in Ottawa to talk to, and particularly to ask questions of, parliamentarians. Parliamentary staff took part in these sessions. The Public Service Commission organised 'Canada Exchange' under which a senior official from the public administration would spend a year or 2 working in industry while a businessman would work in government. The Canadian Parliament also provided an information service for the public

which had been established in response to general demand. He was interested to know what form the exhibitions in Thailand took.

Mr. NAMWAT said that the full range of display techniques was used including in particular flow charts and statistical analysis of, for instance, the political composition of Parliament.

Mr. ZILLER (Federal Republic of Germany) said that bringing knowledge of democracy to young people was a high priority in his country. Groups of young people were brought to the parliament buildings for a tour and to meet Members and staff. Many thousands visited Parliament each year in this way. Workshops for teachers were also organised involving a week in the federal capital. Travel and sometimes accommodation costs were paid for by the Parliament. Parliamentary staff also produced films and other aids for use in schools and universities.

Sir KENNETH BRADSHAW (United Kingdom) said the best way for the public to get to know what went on in Parliament was to read the official record but the problem was how to make this more attractive through public relations. The Public Information Office had been set up in the House of Commons Library initially to deal with inquires but it now produced documents and educational material. Outsiders also had some access to parliamentary information on computer. In considering Mr. Namwat's list of things other Parliaments did he thought the United Kingdom record on publications was good; shortage of space had made it difficult to organise exhibitions; an experiment for a public competition on radio had not proved successful; a large number of visitors toured the buildings each year and attended briefings but these were not as well organised as they might be; no internship programme was run but a considerable amount of effort was put into training attachments for clerks from other Parliaments and parliamentary staff undertook a large number of outside lecturing commitments. He calculated that the United Kingdom would score between 60% and 70% on Mr. Namwat's list and was grateful for having had the gaps pointed out to him.

Mr. DE JONGE (Council of Europe) said the Council of Europe's activities in this field were at a modest level, with a visitor service, lectures, films and some interns but the whole programme was expensive and absorbed a considerable amount of staff time. He wondered how much was spent by the Thai Parliament on this activity.

Mr. NAMWAT said that much of the cost of the Thai Parliament's activity was supported by a specific foundation committed to promotion of democracy. Funds were raised from Members of Parliament and non-profit

organisations and only part of the cost was borne on the parliamentary budget.

Mr. DAVIES (United Kingdom) said that the televising of the House of Lords had had a major effect on its public relations. He calculated that if the people who were able to watch one sitting on television were instead to attend and sit in the gallery themselves it would take 30 years for the same number of people to witness Parliament at work.

Mr. DUARTE (Cape Verde) said that he had organised an office responsible for disseminating information about Parliament. His officials also devoted time to explaining the working of Parliament to young people.

Mr. DIAKITE (Mali) said that this was an important problem for young parliaments. Often even senior government officials knew very little about Parliament. He had very few specialist staff who had sufficient knowledge to explain Parliament's work to outsiders. A number of publications had been prepared and the National Administration School was now running courses on how Parliament worked for the benefit of those in public administration who would have dealings with Parliament. There was some question whether such public relation activity was a luxury for Parliaments in developing countries; on the contrary he thought it was a necessary part of parliamentary activity. In Mali he had a particular problem because his Parliament had been out of action between 1968 and 1979 and new staff had to be recruited and trained to work in Parliament itself before they could spread knowledge about Parliament to other people.

Mr. HAQ (Pakistan) said that in Pakistan emphasis was placed on visits to Parliament by young people. The Speaker, senior Members and staff would address such groups of visitors. Since this work was not yet categorised as the specific function of Parliament, funds had not been forthcoming for it.

Mr. NAMWAT thanked everyone for the contributions they had made to the discussion. He had learnt some valuable points which could be of use in Thailand.

The Vice-President thanked Mr. Namwat for preparing his introductory note and for his contribution to the discussion.

## Friendship groups

### 1. Introductory note by Mr. Paul Amiot, Secretary General of the French National Assembly

As an introduction for the topical discussion this note sets out the arrangements in the French National Assembly for friendship groups.

Friendship groups occupy a focal position in the National Assembly's work in the area of external relations.

A friendship group can be defined as a group of Members of Parliament whose purpose is to establish exchanges with parliamentarians from another country. It is essentially a self-starting body which, to this day, is not even mentioned in the Rules of the National Assembly or in the General Instructions of its Bureau.

The first friendship groups were established 50 years ago, but the institution has really grown only in the last 10 years. At present there are 130 friendship groups in the National Assembly and to these should be added seven international study groups which, as we shall see, can be likened to the friendship groups.

This recent growth has required some regulation which has become much more strict in the current legislature and which has given rise to the need for coordination.

#### *1. The constitution of friendship groups—the need for the approval of the Bureau*

The initiative for setting up a friendship group comes from one or more Members of Parliament, but its formal establishment requires the approval of the Bureau. In principle its approval is given on three conditions about the proposed partner country:

- a. the existence of a parliament;
- b. membership of the United Nations;
- c. diplomatic relations with France.



On the whole these conditions are interpreted fairly broadly: thus there is a friendship group with Switzerland, which is not a member of the United Nations.

Nonetheless, in certain cases the application of these three conditions or the fact that certain national entities have not yet received international recognition, leaves a gap in the Assembly's external relations which needs to be filled. To do this, international study groups have been created and they operate in a similar way to friendship groups. At present there are seven of these: Afghanistan, Cambodia, North Korea, South Korea, Namibia, Palestine, Western Sahara.

Approval is given by the Bureau following a report from one of its own sub-committees. This body, composed of a Chairman and 4 Members representing each of the political groups, is called "the Delegation responsible for the requests of study and friendship groups and for the coordination of international activities". In order to prepare its report, the Delegation will, in difficult cases, take evidence from those Members making the proposal and consider, should the occasion arise, the opinion of the Foreign Affairs Committee.

When the Bureau gives its agreement, it says at the same time the political group which should provide a chairman for the friendship group. In effect since 1981, the chairmanship of friendship groups has been distributed proportionally among the political groups and no Member has been allowed to accumulate more than 2 chairmanships.

## *2. The work of friendship groups*

The approval of the Bureau entitles the friendship group to make use of administrative and financial facilities. A secretary, who has to be one of the permanent officials of the Assembly, is put at the group's disposal. The meetings of the group are announced in the *Feuilleton* (Order Paper) and its activities are reported in the *Bulletin of the National Assembly*. Funds can be requested by the Chairman of the group for the organisation of meals, visits abroad and incoming visits.

The activity of friendship groups depends on many different factors, notably political ones, and the issues which arise from time to time. However varied they are, on the whole they consist of receiving information, maintaining relations with the Embassy of the country concerned, following particular

cases or issues which have come to the attention of the group, taking part in the activities of the associations which foster relations with the particular country, and arranging exchange visits. These exchange visits constitute an important part of a friendship group's activities and are based on the principle of reciprocity. Visits abroad to the partner country and incoming visits from Members of Parliament from that country to France are arranged alternately. In any case these exchanges are limited to one dinner for the Ambassador, one visit abroad and one incoming visit in each legislative term (i.e. five years) for each friendship group.

By analogy with the provisions of the Bureau's General Instructions concerning visits abroad by committees, visits by friendship groups are limited to 7 members and one official to destinations in Europe and to 6 members and one official to destinations outside Europe. Besides, the total number of visits abroad by friendship groups is fixed at 12 a year. In other respects the Bureau's General Instructions prohibit these visits abroad during the Assembly's session except with the express permission of the Bureau. Taking account of the constraints imposed by the dates offered by the host country, the Bureau often allows such exceptions.

There is also a limit on the number of incoming visits which are fixed at 6 in one Assembly session, (i.e. 12 in one year). Friendship groups also offer hospitality to Members of Parliament or Ministers from their country of interest who are in Paris on business. Meetings, visits to the National Assembly or a dinner can be arranged on such occasions.

### *3. Coordination of friendship groups*

The activity of friendship groups is part of the general policy of the Assembly on external relations. For this reason some coordination is necessary. In addition to basic coordination, there are also arrangements to deal with the practical matters of administration and finance.

#### *— basic coordination: role of the Bureau and of the Delegation*

Proposals for visits abroad and incoming visits are submitted to the Delegation which meets several times a year and proposes to the Bureau a list and a timetable consistent with the Bureau's general approach to exchanges with foreign parliaments.

In considering both invitations to Paris and visits overseas, the Delegation and the Bureau take account of the activities of other parts of the Assembly—the Bureau itself and the committees. The level of activity of

the different friendship groups is also considered. Thus the chairmen of the friendship groups have to keep the President of the Delegation informed of all their proposals.

— *administrative and financial coordination*

The International Parliamentary Relations and Protocol Service provides a secretariat for the Delegation sub-committee of the Bureau. It receives the annual reports of the friendship groups as well as the reports on visits abroad and incoming visits which are sent to the President of the Delegation. It also examines the requests for funds sent to the Questors by the chairmen of the friendship groups for their expenses on incoming visits and travelling.

## 2. Topical discussion

### Extracts from the minutes of the Lomé meeting in March 1985

The PRESIDENT (Dr. Wolter Koops) thanked Mr. Amiot for preparing the introductory note on friendship groups and invited him to introduce the subject.

Mr. AMIOT recalled that the Association had decided to hold a topical discussion on this subject at its spring meeting in Geneva in 1984. In fact friendship groups were a matter of continuing interest. In the last few years, friendship groups had increased in number in the French parliament bringing various political, administrative and financial problems which had required fairly strict rules to be introduced. It seemed that some parliaments were more restrained about setting up friendship groups for three major reasons: (1) duplication with other international bodies, (2) the difficulty of controlling expenses, and (3) a drift towards 'parliamentary tourism'. Nonetheless, this subject seemed to be fairly topical in quite a number of countries.

Mr. Jonovski, Secretary General of the Yugoslav parliament, had proposed a questionnaire on bilateral relations between parliaments. Friendship groups could be considered as one particular form of these bilateral relations. Mr. Duarte, Secretary General of the Parliament of Cape Verde, had included in his list of subjects of current interest a number of questions on the work of friendship groups.

In general, development of international activities was a characteristic of modern parliaments (e.g. the ratification of treaties, control of foreign policy, voting the budget). The French National Assembly had built up an important range of international activities including: the French delegations to the Council of Europe, the North Atlantic Assembly and to the European Parliament (up to 1979); study missions by committees; parliamentary exchanges; conferences of the Inter-Parliamentary Union and the Association of French-speaking Parliaments.

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*"development of international activities was a characteristic of modern parliaments"*

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Undoubtedly, it was the friendship groups which best illustrated the bilateral exchanges between parliaments. The first had been founded fifty years previously between France and Great Britain. Between 1978 and 1981 there had been some 70 friendship groups but in the seventh parliament there were now 130, not counting the 7 international study groups. The rules governing friendship groups had not been fully codified because they had been progressively worked out by the Bureau of the Assembly and the Questure.

The agreement of the Bureau was required for a friendship group to be set up. This agreement depended on three conditions: (1) the existence of a parliament in the other country, (2) membership by the other country of the United Nations, and (3) the existence of diplomatic relations between France and that country. These conditions could be interpreted fairly broadly: for instance there was a friendship group between France and Quebec even though that province had no independent international status.

The Bureau had also for political reasons refused to allow the setting up of a friendship group with South Africa and Chile as well as with Argentina until it returned to a democratic system of government. International study groups had been created in cases where the other country was not recognised internationally. Thus there were such study groups between France and Afghanistan, Cambodia, Korea, Namibia, Palestine and Western Sahara. The difference between these and friendship groups was more formal than real.

When the Bureau gave its approval it would also specify which political group would provide the chairman of the friendship group. Until 1981 all the chairmanships belonged to the majority party; since 1981 the chairmanships had been distributed proportionally among the political groups. The activities of friendship groups were varied. The approval of the Bureau entitled them to

make use of administrative facilities such as meeting rooms and information in the *Feuilleton* of the Assembly (Order Paper), and to financial assistance. In the 1985 budget 2.3 million francs (about \$230,000) were allocated for this purpose, of which 1.4 million was for missions abroad and 900,000 francs (or \$90,000) was for incoming visits.

The first task of a friendship group was to make itself known and so it would get in touch with the other country's embassy and inform the other parliament of its existence. Although the main objective was certainly to increase exchanges between Members of Parliament, some friendship groups took part in a wider range of activities. Thus the friendship group with Tanzania had pressed for the completion of the Dar-Es-Salaam airport; the group with Zaire had helped in the freeing of political prisoners; the group with Equatorial Guinea had paved the way for that country to join the franc currency zone; and the group with Zimbabwe had assisted with the re-establishment of air links between the two countries. Some groups had taken part in the sending of medical supplies to help certain institutions and the friendship group with Mali gave specific help to an institute for the blind. Staff from the parliament of the friendly country had attended training courses at the National Assembly.

The principle of reciprocity was applied to missions abroad and incoming visits. Taking account of the costs involved a friendship group could only undertake one mission abroad or organise one incoming visit from the other parliament in each session. In practice there were 12 such missions and 12 incoming visits each year. Missions overseas were governed by the same rules as those which applied for committees. A maximum of 7 members and 1 official could undertake visits in Europe and 6 members and 1 official could go on visits outside Europe.

The need for some coordination of these activities was immediately felt. It was necessary not to mix up the priorities of the Assembly's external relations policy, to avoid duplication and to limit expenses. Thus the Bureau controlled the timetable and programme of groups, which had to present an annual report on their activities. On the administrative level the international parliamentary relations and protocol office (formed in 1970) dealt with the reports of missions overseas and incoming visits and the annual reports of the friendship groups.

The task of coordination was a delicate one because it was important to preserve the initiative of Members of Parliament in this area. Mr. Amiot concluded by saying that he would be interested to hear the comments or questions of other members of the Association.

The PRESIDENT thanked Mr. Amiot for his clear explanation of the situation in France and invited other Members of the Association to take part in the discussion.

Mr. CHARPIN (France) said that the friendship groups in the French Senate were organised differently from those in the National Assembly. Nonetheless, the difficulties were similar and the number of friendship groups there had also increased substantially. The level of activity differed from one group to another and relations with some countries were very well established. For instance for a good 40 years there had been regular exchange visits between France and Great Britain, even though Great Britain was now a member of the European Community. Certain other groups had ceased to be active, for instance the France-Belgium friendship group, since the Members of Parliament from two countries had plenty of opportunities for meeting each other within the institutions of the European Community. The proliferation of these groups had led to fairly strict regulation because it was feared that their activities would develop into no more than a series of pleasure trips.

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*"the number of friendship groups there had also increased substantially"*

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For a friendship group to be set up it had to satisfy the three conditions set out by Mr. Amiot as well as a fourth condition that a minimum number of 10 Senators wished to join it. An annual subscription was compulsory. The group was also required to contribute to expenses because the Senate itself would only cover 75% of the costs. In principle, the chairmen of the bureau of the friendship groups were elected each year so any change in the political complexion of the Senate would be reflected in the groups.

Each December an annual report had to be submitted, together with a timetable of future activities, to enable the Bureau to coordinate and plan the events of the different groups. In the light of the experience of the last few years one could conclude that friendship groups had firstly enabled Members of Parliament to get to know each other but also made informal steps towards future official decisions. For instance, some friendship groups had prepared for the re-establishment of diplomatic relations between the two countries.

The PRESIDENT asked two questions to Mr. Charpin. First, whether the friendship group between France and Great Britain involved contacts between Senators and just Members of the British House of Lords or Members of the British House of Commons as well. Secondly, whether there was a friendship group between France and the Netherlands and how it worked. Mr. Charpin replied that the Senate friendship group with Great Britain involved Members of both British Houses. There had been a friendship group between France and the Netherlands, but this had fallen into abeyance since the setting up of the European Community.

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*"some friendship groups had prepared for the re-establishment of diplomatic relations between the two countries."*

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Mr. HJORTDAL (Denmark) said that the French system seemed extremely well polished and that the position in Denmark was at the other end of the scale. In practice, there were no friendship groups in the Danish Parliament. The question had been discussed for many years but the decision had been taken to maintain the status quo. Besides, such a change would have involved considerable administrative problems. Of the 179 Members of Parliament, 50 or 60 were ministers and so few were available for friendship group activities. There were not sufficient staff to meet the needs which would arise and increasing the number of staff was not popular in Denmark. Thus the decision had been taken on the grounds of economy. The figure Mr. Amiot had given for the costs incurred in France had borne this out.

The Danish Parliament did its best to have contacts with European and other parliaments without setting up a particular structure for them. From time to time delegations comprising committees or chairmen or vice-chairmen were sent abroad. There were also a few informal friendship groups run by the Members of Parliament themselves. There were also frequent contacts with embassies. The advantage of a small country was to enable ambassadors from other countries to get in touch easily with Members of Parliament who were interested in their own country. Thus, although bilateral relations were not organised as systematically in Denmark as they were in France, nonetheless, the results were not very different.

Mr. TUMANGAN (Philippines) said that there were no friendship groups in the Philippines parliament. Some French Members of Parliament from their friendship group with the Philippines had made a visit to his country of

7 to 10 days and had invited Philippine Members of Parliament to go to France, but this mission had not yet been arranged. He was particularly interested in the remarks of Mr. Amiot and Mr. Charpin and wondered whether there were differences in the objectives of friendship groups, namely whether they were commercial, cultural, political etc.

Mr. DUARTE (Cape Verde) said that Cape Verde, because it had only recently gained independence, did not have a long parliamentary experience. For that reason he had been particularly interested by the introductory note and the remarks of Mr. Amiot. According to the Standing Orders of the Assembly of Cape Verde, friendship groups could be set up by a resolution of the plenary on a report from a committee, with the agreement of the Bureau. The activities of such groups were built up on the basis of reciprocity.

Mr. SHERBINI (Egypt) said that the rules governing friendship groups in Egypt dated from 1981 when they had been made by the President of the Assembly. These rules provided that a friendship group could be established with a friendly country if the circumstances were favourable. The agreement of the Executive Committee of the national group was required in any case. Priority was given to countries in which there already existed a friendship group with Egypt.

According to rule 2 the objective of friendship groups was to establish and reinforce good relations with the parliaments of friendly countries, to encourage exchanges of information on political, economic and social matters and to create a better understanding and better cooperation between parliaments. Every Member of the Egyptian parliament had the right to belong to a friendship group and to do so he applied in writing to the bureau of the Executive Committee (rule 3). The President of the Assembly was responsible for notifying the other parliament of the setting up of a friendship group (rule 4).

The bureau of the Executive Committee would nominate the chairman, vice-chairman and secretary of a friendship group (rule 5). The chairman would run the activities of his group in accordance with the directions of the Executive Committee (rule 6). The chairman of the national group could make suggestions to the chairman of the friendship group about its activities (rule 7). A meeting of the friendship group could be called by the chairman of the national group or the chairman of the friendship group (rule 8). If he was present, the chairman of the national group would preside at the meeting (rule 9). The chairman of each friendship group was responsible for submitting a report on its activities in June of each year (rule 10).



Invitations to members of other parliaments were made in the name of the chairman of the national group. The bureau of the assembly was responsible for choosing the composition of delegations from the Egyptian parliament to go abroad (rule 11). The activities of friendship groups were financed by the national group (rule 12). Meetings of friendship groups were held in the Assembly of the People (rule 13). Other questions concerning the groups were governed by the Standing Orders of the Assembly or by law. The national group comprised all Members of the National Assembly and thus included all friendship groups. The new system had not created any difficulties to date but the results were not yet very significant. In reply to the President, Mr. Sherbini concluded that the term 'friendly country' was interpreted very broadly because Egypt was not at war with anyone.

Mr. LUSSIER (Canada) said that in Canada there was a secretariat of 28 people who dealt with international parliamentary relations (including the North Atlantic Assembly, the Inter-Parliamentary Union, the Association of French-speaking Parliaments, the Commonwealth Parliamentary Association). The larger organisations took up most of the budget. There were only 7 friendship groups, so the Senate had not experienced the same proliferation as the French parliament. Only the previous week a decision had been taken that there should be no ill-considered expansion of the groups because of the major expenses involved.

Some groups were particularly active, for instance the Canada-United States group. He wondered whether it was true to say that the French parliament maintained continuous relations with other parliaments because, taking account of the large number of groups, it seemed that each group could only undertake one mission abroad every ten years or so.

Mr. ZUNIC (Yugoslavia) said that the Yugoslav parliament had not set up any friendship groups but had accepted the formation in other parliaments of friendship groups with Yugoslavia. In general a sub-committee of the Foreign Affairs Committee was responsible for preparing the programme and welcoming visitors from other parliaments.

Mr. NDIAYE (Senegal) said that Senegal was in a position half-way between that of France and Denmark. There were 120 members of parliament and between 20 and 26 friendship groups. There was nothing in the Standing Orders covering the groups. Not many initiatives had been taken but Parliament responded to suggestions from other countries. The friendship groups with France, Korea and Cape Verde were particularly active. He wondered whether the programmes for overseas visits provided sufficient opportunity for the visitors to get to know the problems of the host country. He asked

whether it would not be useful to draw up some document governing this type of relations between parliaments.

Mr. BLAKE (Australia) said that the formation of friendship groups was probably due to the same concerns which gave rise to the Association of Secretaries General of Parliaments. The Australian system of friendship groups was less developed than that in France. There were five at present with Members from both chambers and they operated under the auspices of the Inter-Parliamentary Union comprising a Bureau with chairman, vice-chairman and secretary. Financial support came from the IPU Group. Whenever a delegation from the Australian parliament went abroad they tried to include members of the relevant friendship group. In the same way visitors from abroad to the Australian parliament were invited to meet members of the friendship group. The secretariat for the groups was provided by the office of the IPU Group.

Mr. PRING (United Kingdom) said that the system in the United Kingdom was close to the French one. The House of Commons had 650 Members and had set up some 104 friendship groups. Unlike in the French National Assembly, however, these groups operated under the auspices of the Inter-Parliamentary Union group and the Commonwealth Parliamentary Association and their organisation was less formal than in France. All that was needed to set up a group was for 10 Members from either House to show an interest in doing so. The groups operated unofficially and received no public funds or assistance from the parliamentary offices. No rules governed their operation or creation. The only requirement was that they make a report on their activities to the British Group of the IPU or the Commonwealth Parliamentary Association branch.

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*"The House of Commons had 650 Members and had set up some 104 friendship groups".*

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Mr. MOROSETTI (Italy) said that in the Italian parliament it was the IPU Group which ran the friendship groups. They were set up at the beginning of each parliament and financed from the total budget for international relations. He estimated that the groups in each of the two chambers received about \$50,000 a year.

About 6 visits abroad were authorised each year. The Italian system seemed to be more pragmatic than the French one.

The PRESIDENT said that the Netherlands parliament did not have what could properly be called 'friendship groups'. One standing committee regularly went to the former Dutch colonies. There were also parliamentary delegations to the Council of Europe, the North Atlantic Assembly, the Benelux Parliament, the Western European Union, the United National General Assembly and the Arab-European discussion group.

There was only a relatively small number of Members of the Second Chamber. The IPU group was responsible for maintaining relations with other Parliaments and for hosting delegations from abroad. There were also historic ties between the Foreign Affairs Committee and its counterparts in, for instance, Yugoslavia. The absence of friendship groups was sometimes embarrassing when there was a friendship group with the Netherlands in other parliaments. A parliamentary delegation to Korea had been welcomed with great hospitality and had not been able to return it. He asked Mr. Amiot if the committees of the National Assembly were not irritated by the activities of the friendship groups. In the Netherlands there would be an overlap of responsibility.

Mr. AMIOT said that it would be difficult to summarise immediately the wide range of methods of organisation of friendship groups in different parliaments. When he had seen the summary report of the discussion he proposed to compile a fuller note on this subject.

It seemed in any case that all parliaments had a desire to increase international exchanges. The French parliament had arranged many different types of relations: not only friendship groups, but also French delegations to international organisations such as the Western European Union, and traditional exchanges beyond the normal limits like those with Canada. He did not intend to present the situation in the French parliament as a model. In fact the administration had simply responded to the wish of Members in this matter and had been led to introduce regulations in order to avoid the growing problems.

The French Senate had adopted stricter rules. It seemed to them useful to require a minimum number of participants and a financial contribution from the Members of the friendship group. Not all the 130 groups in the National Assembly were very active or had many Members. Thus the friendship group with the United States had 150 Members but other groups had no more than 10 or so. In fact the level of their activity depended on circumstances, on their bureau etc. He noted that Mr. Lussier had been surprised at the small number of visits abroad authorised in each session. Nonetheless, there were some 60 missions or incoming visits which were authorised each Parliament.

Otherwise the activity of the groups was not confined to these visits. Meetings with ambassadors were frequent. Members of friendship groups were freer than official representatives and could thus pave the way for important decisions such as the establishment of diplomatic relations between France and China and the Republic of Korea.

He noted that certain parliaments, like that of Denmark, had very different arrangements but were none the less effective in their international relations. Others seemed to have even more formal arrangements than those of the National Assembly; in Cape Verde a resolution of the plenary was required to set up a friendship group. He thought there were major similarities between the arrangements in France and in Canada quoted by Mr. Lussier even if their importance was not the same. In practice in the French National Assembly one particular office, that of international parliamentary relations and protocol comprising 10 people, ran the friendship groups, French delegations to international organisations, overseas visits, and study groups. He noted the different arrangements in Yugoslavia where the hospitality for friendship groups was the responsibility of the Committee on Foreign Affairs. The system in Senegal seemed more or less similar to that in France, though the number of groups was smaller, as was the case in the Australian parliament.

He noted on the other hand that in some parliaments, like the United Kingdom and Italy, friendship groups operated under the auspices of the Inter-Parliamentary Union. This was perfectly natural because that organisation had certainly created the first examples of exchanges between parliaments. Some parliaments still preferred to work within the institutional framework. Thus, in the Netherlands, the Foreign Affairs Committee was responsible for dealing with these matters. In reply to the President's question, Mr. Amiot said that there was no conflict of responsibility in the National Assembly between the Foreign Affairs Committee and the friendship groups. Besides, a number of members of the Committee were also members of friendship groups.

The PRESIDENT thanked Mr. Amiot warmly for having introduced the discussion which had proved to be of great interest to a large number of Members.

# Disqualifying a member for changing party affiliation, non-voting/cross-voting or for disobedience of a whip

## 1. Introductory note by Mr. Kashyap (Lok Sabha, India)

Immediately after the General Elections held in December, 1984, the new Government, in a bid to curb the evil practice of frequent change of party allegiance by legislators, introduced the Constitution (Fifty-Second Amendment) Bill, 1985 in the Lok Sabha on 24th January, 1985. The Bill was passed by the Lok Sabha and the Rajya Sabha on the 30th and 31st January, 1985, respectively and received the President's assent on 15th February, 1985. The Act came into force with effect from 1st March, 1985. Important provisions of the Act are as under:—

- (i) An elected member of Parliament or a State Legislature, who has been elected as a candidate set up by a political party and nominated member of Parliament or a State Legislature who is a member of a political party at the time he takes his seat would be disqualified on the ground of defection if he voluntarily relinquishes his membership of such political party or votes or abstains from voting in the House contrary to any direction of such party.
- (ii) An independent member of Parliament or a State Legislature will also be disqualified if he joins any political party after his election.
- (iii) A nominated member of Parliament or a State Legislature who is not a member of a political party at the time of his nomination and who has not become a member of any political party before the expiry of six months from the date on which he takes his seat shall be disqualified if he joins any political party after the expiry of the said period of six months.
- (iv) Provisions have been made with respect to splits in, and mergers of, political parties. No disqualification would be incurred when there is a split in the legislature party provided at least one-third of its members

decide to quit the party or when a legislature party decides to merge with another party and such decision is supported by not less than two-thirds of its members.

- (v) Special provision has been made to enable a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of People or of the Legislative Assembly of a State or to the office of the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of Legislative Council of a State, to sever his connections with his political party.
- (vi) The question as to whether a member of a House of Parliament or State Legislature has become subject to the disqualification will be determined by the presiding officer of the House; where the question is with reference to the presiding officer himself it will be decided by a member of the House elected by the House in that behalf.
- (vii) The Chairman or the Speaker of a House has been empowered to make rules for giving effect to the provisions of the Schedule. The rules shall be laid before the House and shall be subject to modifications/disapproval of the House.

It will thus be observed that the measure seeks to curb the evil of defection or floor crossing by legislators for personal gain and yet permits realignment of forces in the House by way of merger of two or more legislature parties or split in an existing party.

## **2. Topical discussion**

### **Extracts from the minutes of the Buenos Aires meeting in October 1986**

Mr. KASHYAP, introducing the topical discussion, drew attention to his note on the subject which had been circulated. The law concerning disqualification of Members had been introduced to deal with the specific and unhappy situation which had arisen in India in the period 1967-77. In that time 46 governments at state level had been over-turned by changes of party allegiance. Individual Members had been motivated either by the lure of ministerial office or by money to vote against their party. He himself had written a 600 page book on the subject in 1969. Until 1967 the Congress

Party had had an overwhelming majority at both federal and state level in India but after that year its reduced majority had made it vulnerable.

Mr. SENEVIRATNE (Sri Lanka) said that this had been a problem in his country too. He was interested in knowing when disqualification took effect in India. The practice in Sri Lanka was for the party secretary to write to the Secretary General of the Parliament saying that a particular Member had changed party and had therefore forfeited his seat under the relevant amendment to the Constitution. The Secretary General of the Parliament would take no action for a month in order to leave time for appeal to the courts or to a select committee. This provision applied also to someone who had been dismissed by his party.

Mr. KASHYAP said that the position in India was much the same as that in Sri Lanka except that there was no provision for recourse to the courts. Disqualification was not automatic. The rules governing procedure had been laid down by the Speaker. The leader of the party concerned or any other Member would write to the Speaker or the Secretary General drawing attention to the defection. The alleged defector was invited to comment on the allegation and there were prescribed periods of delay. The matter was finally decided by the Speaker or the Privileges Committee before the disqualification took effect. Dismissal from the party outside Parliament did not lead to disqualification as a Member of Parliament. Only if a Member left his parliamentary party voluntarily did he become disqualified.

Mr. LUSSIER (Canada) said that he found the Indian law contrary to the constitutional provisions of most countries and that it amounted to a denial of freedom of speech. He asked what was 'a nominated Member' in paragraph (ii) of the introductory note.

Mr. KASHYAP said that the law had only been introduced after mass defections from political parties had in fact stopped. Bills with similar provisions had been introduced earlier. The 1985 Act had therefore not been applied in many cases so it was difficult to judge its effect. He agreed that it raised constitutional issues and these were being considered by the courts and would eventually have to be judged by the Supreme Court. A parliamentary party was recognised for the purposes of the Act if it had one-tenth of the composition of the House, and only the Congress Party qualified at national level currently. There were four other national parties and many regional parties. A total of 13 parties were represented in parliament. This Act was the first constitutional recognition of the existence of political parties. In total there were 547 seats in the Lok Sabha (Second Chamber) including provision for 2 nominated Members to represent the Anglo-Indian community if the

President deemed that they were not sufficiently represented already. The Rajya Sabha (First Chamber) included 12 nominated Members to provide for the inclusion of distinguished scientists etc.

Mr. BOULTON (United Kingdom) said that the United Kingdom had no similar provision. There was a great resistance to institutionalising the power of political parties and it was considered important to maintain the dignity and status of individual Members of Parliament and their relationship with their own constituencies. The onus was on the party to keep its Member happy. The individual Member had the right to appeal to his own electorate at a time of his own choice if he disagreed with his party. The parties could not give any formal direction to a Member on which way to vote. The famous three-line Whip was nonetheless a strong indication of the way the party wanted its Members to vote but it was a matter between the MP and his constituents if he chose to defy the party Whip.

Mr. KASHYAP pointed out that the problem of cross-party voting and defection was not wholly unknown in the United Kingdom. Winston Churchill had changed party twice.

Mr. HAYATOU (Cameroon) inquired how electoral campaigns were financed. In Cameroon political parties financed the campaigns and if the central committee of a party decided to exclude someone, then he would lose his seat in Parliament.

Mr. KASHYAP said that the original version of the law had provided that someone who was expelled by his party would be disqualified but this had not been enacted. The philosophy of the party mandate at the time of election was important in India. The test in the law as finally agreed was that if an individual left his party that was sufficient justification for disqualification and therefore expulsion was no justification for disqualification.

Mr. MASYA (Kenya) said that his country had gained independence in 1963 and had had a one party system since 1964. That party had split in 1966 and 20 or so Members had crossed the floor. A constitutional amendment had been introduced similar to the Indian one to prevent such events recurring.

Mr. KASHYAP said that if more than a third of the party defected their claimed that it was a party split or a merger with another party and disqualification did not occur.

Mr. ZVOMA (Zimbabwe) said that his country's constitution, which had been approved at the Lancaster House Conference in 1980, provided for a party list system. A Member who changed his party allegiance was protected.



Nonetheless, it was a party requirement within the white party to resign a seat if a Member defected from the party. But defection would at the same time break such a Member's obligation to the former party. It was now open to Zimbabwe to change the constitution if it wished. Nonetheless, he regarded freedom of association as very important.

Mr. KASHYAP said that the Indian constitution guaranteed freedom of association as a fundamental freedom. One of the problems was why electors voted for an individual Member: was it his personality, his party policy, his party leadership, etc.? There was a feeling that someone who defected from the party with which he had been elected ought to seek a new mandate.

The PRESIDENT (Sir Kenneth Bradshaw) said that that was a moral rather than a legal argument.

Mr. ZVOMA said that there was an apparent contradiction in the Indian arrangements between the freedom of association and disqualification.

Mr. HADJIOANNOU (Cyprus) said that in his country any Member could change party without any consequences.

Mr. KABULU (Zaire) said that in one party state a mandate was derived from the party. If someone left the party the mandate therefore disappeared.

Mr. KASHYAP stressed that the disqualification followed defection and not expulsion.

Mr. MASYA said that if a Member was expelled in Kenya he lost his party sponsorships and therefore his seat in Parliament.

Mr. KHAIR (Jordan) asked what was the consequence in India of sufficient majority party Members defecting to support the opposition to bring the government down.

Mr. KASHYAP said the government would indeed be defeated, but would stay in office as caretaker and might indeed seek fresh elections. It was enough for the President to decide whether to allow a dissolution of Parliament.

Mr. BUECKER (Federal Republic of Germany) said that the position in his country was similar to that in the United Kingdom. He wondered whether all candidates in India were obliged to belong to a political party.

Mr. KASHYAP said that they could be elected as independents but they were obliged to remain as independents once they were elected.

Dr. MACRIS (Argentina) asked whether if someone abstained or voted against his party, would he still have the option of explaining it to his party caucus and remaining in the party.

Mr. KASHYAP said the party could allow a conscientious vote and might even decide subsequently not to impose any sanctions on someone who voted against the official line. In order for the Speaker to take notice of the defection, the leader of the party concerned had to write to him within 15 days. If another Member raised the alleged defections, the Speaker would refer it to the party leader. Abstentions or cross voting could be allowed or could be taken as evidence of defection.

Mr. LUSSIER asked about someone who wanted to abstain and yet remain in the party but stayed away from a vote.

Mr. KASHYAP said that abstention was not sufficient to avoid possible consequences. A three-line whip in India compelled attendance. In response to Mr. POEHLE (European Parliament) he said there was some delicacy in the exercise of functions by the Speaker and his Deputies. He thanked members of the Association for the interest they had shown in the topical discussion which had generated much more debate than he had expected.

The PRESIDENT thanked Mr. Kashyap and remarked on the liveliness of the discussion. It illustrated the importance to the Association of selecting good subjects for topical discussion.

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## **PUBLICATIONS**

### **Parliaments in the Modern World by Philip Laundry**

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