

# Parliamentary needs of newly independent countries

## 1. Consideration of draft report

Extracts from the minutes of the **London** meeting in September **1989**

Mr. DUARTE (Cape Verde), the rapporteur, spoke as follows:

If we note that this subject was first discussed by the Association at the meeting in Ottawa in September, 1985, you can recall that the Association has been dealing with it for four years, although I myself v/as absent from two meetings for reasons of health.

It seems, nonetheless, that the essential questions have been dealt with although we have not analysed all the problems in depth at each meeting and the positions of all concerned are fully understood.

This subject is truly the major pre-occupation of all officials of the Cape Verde Parliament who have followed our work with a close interest from the start.

These problems come from difficulties experienced by poor countries like our own which was colonised for 500 years. There are fundamental historical reasons for the great challenge to our structure and organisation as a State which has recently become independent and has inherited no parliamentary experience with which to help build a State which is young but wishes to face up to its responsibilities.

We are familiar with the great statutory objectives of the Inter-Parliamentary Union and the efforts taken to achieve them by its Secretary-General recently. But we all know that these same objectives deserve the attention of the relevant organs of the Union but the basic pre-occupation at the moment is to understand to meet effective way that these bodies can address the following issues.

Firstly the growth in the 1960s of the number of countries becoming independent and which were either backward or completely in the beginning stages of constitutional structured and organisation; it was for this reason that many joined the IPU.

Secondly it is also worth noting the different stages of structure and organisation within young parliaments of countries already affiliated to the Union. There exists among them a certain level of experience and parliamentary knowledge and even a capacity to operate by reason of their inheritance from previous stages of development. But we are sure that the majority of them still face considerable constraints.

Thirdly, on the one hand there are established problems and the other there is the need to understand them, their scope and complexity in order to promote the affiliation of all parliaments (to the Union) in order that they can achieve a certain evolution by sharing experience and safeguarding the democratic spirit which is spreading throughout the world. In order to make effective the interest shown in the subject since it was first introduced to the Association it is worth recalling the remarks of Mr. Desrosiers (Canada) who said, four years ago, "One cannot ever speak seriously about parliamentary matters in the world without objectively studying the practical forms of support for young parliaments".

Fourthly, taking into account the great changes that have occurred in the world recently, our hope is that general awareness will grow to meet this common challenge and a new stage of human history and that parliamentary action in the world will play a very important role. The statutory objectives of our Union call for a combined action of all parliaments whether, large or small, to take action in the matter that concerns all of us.

With that, Mr. President, I am open to discussion with colleagues on the second draft of my report.

The PRESIDENT reminded the Association of the topical discussions and consideration of the questionnaire at previous sessions which had indicated the difficulty of the subject. He mentioned that Mr. DUARTE had, with other Secretaries-General, undertaken courses at the Canadian Parliament. He asked whether the replies to Mr. DUARTE's questionnaire had been clear and had assisted him.

Mr. DUARTE said the replies to the questionnaire gave a picture of the situation from different parts of the world but that there had been too few responses to give a full picture. Nevertheless they gave a general idea of the main difficulties encountered by young parliaments. In his own Parliament they had given rise to bilateral contacts with parliaments of more developed countries from which he had been able to draw knowledge and experience. Such bilateral contacts were essential for making substantial progress. In response to the PRESIDENT, Mr. DUARTE said

the geographical distance between younger and older countries was not a significant factor. For example, Cape Verde had benefited from assistance from China, and Portugal also had provided technical and political support for the Parliament of Cape Verde. He was particularly interested in having information on the technical organisation of parliaments.

Mr. ILUNGA (Zaire) recalled the substantial efforts made by Canada, particularly in the area of staff training.

Mr. DIAKITE (Mali) said that young parliaments generally faced the same problems: training of staff, equipment and contacts with parliaments of more advanced countries. He wondered whether the ASGP could play a more significant role rather than relying on bilateral relations. The Association could act as a technical body for multilateral co-operation. All parliaments had their problems. Even the parliament of a rich country was not necessarily able to provide all the help required. Parliamentary buildings (a problem not yet resolved in Mali) was also among the difficulties encountered in a developing country. In these circumstances there were not even the methods of reliably estimating needs, seeking finance and linking offers of help to precise requirements. He therefore proposed there should be meetings between parliaments to see what needs there were. For example, in the French National Assembly and the Senate it was surprising in the difference which existed between development of their administration and those of under-developed countries. The problem of resources was the main one.

The PRESIDENT said the Association could already be considered as a technical co-operation body but that was principally the role of the Inter-Parliamentary Union itself. Secretaries-General had an executive rather than a policy-making role. The fact that they met twice a year constituted both a form of multilateral co-operation and provided the opportunity for exchanges and meetings on a bilateral basis. The French-speaking parliaments also had a body for co-operation called the International Association of French-Speaking Parliaments (AIPFL).

Mr. DUARTE agreed with Mr. DIAKITE that the international secretariat of the IPU played an important role as did the International Centre for Parliamentary Documentation run by Peter Dawe. For example, the Cape Verde Library had benefited from the study conducted by a Portuguese expert and a conference centre had been established as a result of bilateral contacts with Portugal.

Mr. WAN ZAHIR (Malaysia) said it was necessary to take account of the different forms of technical assistance which were necessary for parliaments and to take care against simplistic classifications. Running through the list of problem areas it was noticeable that the common denominator was the availability of financial resources. This was a problem not just for young parliaments but for most parliaments.

Mr. BARNHART (Canada) asked if Mr. DUARTE and his colleagues had benefited from taking part in seminars and courses. All parliaments had a common problem in finding out about the procedures used in other parliaments. The experts sent to other parliaments tended to advise the use of procedures which applied in their own country even though the country visited might have very different constitutional and political arrangements.

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Mr. DUARTE replied that no parliament had resolved all its problems but there were some parliaments without any experience whatsoever. The interest in bilateral contacts was to derive the benefit of that experience and apply it in new parliaments.

Mr. KLEBES (Council of Europe) said that the Parliamentary Assembly of the Council of Europe took people on courses for between one and three months. *Stagiaires* from Africa, China and other countries had already undertaken such courses and the next one would come from the Soviet Union. The main interest of such courses was in learning the procedure and organisation of parliamentary work. The *Stagiaires* were responsible for their travel costs but the Council of Europe paid the rest.

The Strasbourg Conference on Democracy focused mainly on the operation of democratic parliaments in developed countries but attention could be drawn to Mr. DUARTE's report. Also a number of seminars for Secretaries General had been held other than in developed countries and another was being prepared for 1991. A colloquy had been organised in Costa Rica and there had been contacts with the Senegalese Parliament. The Strasbourg Conference also acted as an intermediary to encourage co-operation between other parliamentary assemblies of developed countries and, particularly, the European Parliament. The Library of the Council of Europe was open to use by other parliaments.

Mr. NDIAYE (Senegal) pointed out that the IPU organised international co-operation by means of courses and seminars. These were not sufficient to cover all the problems and the ASGP should try to improve its relations with each parliament, particularly those of its senior staff. The work of the Association was not distributed and thus senior staff of parliaments were not informed about it. For example the Executive Committee could at conferences of the Inter-Parliamentary Union organise a meeting of fifteen minutes to explain to the host Assembly the problems encountered by Secretaries General.

The PRESIDENT said it could be up to each country to invite the Secretaries General to explain to Members of Parliament certain procedural information but the Association could not, in effect, invite itself to a parliament to tell its members how to conduct themselves.

Mr. DUARTE recalled the co-operation as neighbours between Cape Verde and Senegal.

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Mr. HADJIOANNOU said that the Parliament of Cyprus was a young Parliament which had replied to Mr. DUARTE's questionnaire. He congratulated him on producing his report, given the shortage of staff available.

Mr. DIAKITE said that he did not want to under-estimate the role of bilateral co-operation but this should be complimented by a greater multi-lateral co-operation. He hoped the Association was the best body for informing Members of Parliament about administrative matters and make them aware of the need to have proper administration.

The PRESIDENT pointed out that even parliaments in developed countries had certain problems.

Mr. ILUNGA said that his own experience was of being trained in Belgium, Canada and the United States. Each Parliament had its own problems. He wondered whether, when observing the problems and needs of countries which had newly become independent, officials of parliaments of developed countries played the role of consultants (which was difficult) or if they confined themselves to describing the practice in their own countries (which was easier). It would be interesting to know if the estab-

lished parliaments faced in the hypothetical situation of starting from the beginning again, would do exactly what they had, in fact, done in the past. He emphasised the importance of self-criticism.

The PRESIDENT thanked Mr. DUARTE for all the effort which had gone into the report. The report was agreed subject to final revision by the rapporteur.

## **2. Report on the parliamentary needs of newly independent countries**

*Rapporteur: Mr. Pedro Gabriel M. DUARTE (Cape Verde)*

### **A. Introduction**

1. This subject was first discussed at the Association's autumn session in Ottawa in September 1985, and the questionnaire was adopted at the spring session in Mexico in April 1986. The first draft of this report was discussed at the spring session in Guatemala in April 1988.

2. The proposed theme was examined and welcomed by members of the Association at those meetings.

3. This subject was raised in the ASGP as a result of a study of the current problems in the Parliament of Cape Verde. Cape Verde became independent in 1975. Despite its deeply-rooted traditions (acquired during the long struggle for national liberation) in favour of democratic ideals and the rule of law, the country has no experience of Parliament at the time the colonial yoke was lifted. Thus it could not easily create a legislature to match its expectations at such an early stage of its development. These problems were particularly acute for a Parliament established as the sovereign body of the state. Major political, economic and social changes were necessary, for which the Parliament was not equipped. Only the important bilateral and multilateral contacts with the parliamentary bodies of friendly countries, most of whom had a variety of parliamentary experience, and Cape Verde's attendance at IPU and UPA meetings, enabled it to overcome most of the shortages and difficulties it faced.

4. Besides, the experience of the liberation struggle, as well as the philosophy and principles which contributed to national unity, shows that the development of a country faced with enormous difficulties is only

possible if the will of the people is structured and organised. Harnessing this force is essential if the objectives of development are to be achieved. In the case of Cape Verde the chief objective was the establishment of the rule of law.

5. These therefore were the reasons for attaching such importance to the Association's consideration of this subject. The central aims were:

- (a) to take steps to assist young Parliaments to acquire the experience and capacity to play a major role in each state; and
- (b) to make Parliaments more effective throughout the world, an aspiration which goes to the origins of the IPU, its work and the increasingly important role it plays in the world.

6. It is thus necessary to encourage co-operation in order to overcome the many difficulties so that young Parliaments can organise themselves effectively and so make a better contribution to the strengthening of the inter-parliamentary institution and the world parliamentary movement. The voice of each parliament, independently from that of its country, could make itself heard in the defence of legality, democracy and the rule of law, both at a national and an international level.

7. Co-operation could be expressed through bilateral aid between countries in need and those able to assist or to provide means of support.

8. Bilateral contacts established among IPU member countries are a key route for such co-operation. They could put to best use the existing structures of the IPU and other international organisations. The IPU itself has fostered such bilateral relations by putting needy Parliaments in contact with other Parliaments able to help them.

9. The replies to the questionnaire (which were based on giving the date a country became independent) make it difficult to specify exactly which Parliaments are in the first stages of organisational development.

10. There may be more complicated reasons for the poor number of replies received, than to speculate about replies which were not written. One reason may be the under-representation of young Parliaments either in membership of the ASGP or among those attending its meetings.

11. Some of the Parliaments of newly-independent countries (such as Senegal and Cameroon) are already able, under certain conditions, to help other young Parliaments, particularly in the training of staff. This horizontal co-operation can extend the opportunities for mutual assistance among young Parliaments, depending upon their organisation and relative development.

## **B. Analysis of replies to the questionnaire from parliaments considering themselves young institutions**

1. The aim of this draft report is to analyse as precisely as possible the few replies which have been received. This low response does not show a lack of interest among the relevant Parliaments, but results from the organisational problems of each IPU/ASGP member Parliament and the extent of its involvement in interparliamentary activity.

2. In this context the following issues are central to an appreciation of the material needs of all Parliaments:

- (a) the problems and needs in respect of finance and administration;
- (b) the effective running of legal, technical, and administrative support services;
- (c) the availability of suitable accommodation for the different working sessions of Parliament.

3. This draft report is based on replies received from the following countries:

- Cameroon
- Cyprus
- Côte d'Ivoire
- Tunisia
- Zaire
- Senegal
- Cape Verde

From these replies, we have identified the main problems and needs, whether structural, organisational or technical.

Taking account of the different stages of development of countries which have recently become independent, their problems and needs fall into two groups:

- those which have had some parliamentary experience, however limited, during the colonial period, but which still have difficulties in the areas of structure, organisation or adequate equipment;
- those young parliaments, particularly in Africa, which were set up at the time of independence and are therefore still in an early stage of parliamentary activity; these are the ones which need support, including transfer of knowledge and practical assistance, particularly in the training of staff.



In the first group there are countries with significant previous parliamentary experience but which still have specific problems, whether in organisation or equipment. These young parliaments have also had to face various constraints, not least of which has been the lack of necessary funding. This has affected their ability to function properly in all aspects of parliamentary work. Some refer also to problems such as shortage of space, inadequate infrastructure, or facilities not properly adapted to parliamentary needs.

The second group, comprising largely African countries which have recently become independent, have much more serious problems. These countries have major obstacles to survival and development and have to overcome economic, social and technical deficiencies. On top of these problems, young parliaments also have to operate within tight financial constraints. Real difficulties are encountered in the training of staff. If these young parliaments are to be able to operate effectively and to perform a proper legislative role, provision has to be made for recruitment and training of suitable staff.

Some of these young parliaments face insurmountable problems in obtaining the means to furnish and equip their buildings adequately.

The effectiveness of young parliaments depends, in one way or another, on their resources in terms of equipment, money and people to support their basic structural organisational and technical needs. Harmonious and well-directed operation with more technically advanced and experienced institutions, could be fundamental to the creation of the essential conditions in which young parliaments can operate more effectively.

### **C. Replies by Parliaments in a position to assist young Parliaments**

The following countries replied to the questionnaire:

- Federal Republic of Germany (Bundesrat and Bundestag)
- Australia (House of Representatives)
- Belgium (Senate)
- Brazil (House of Representatives)
- Canada (House of Commons)
- Denmark (Folketing)
- Spain (Congress of Deputies)
- France (National Assembly and Senate)

- Greece (Chamber of Deputies)
- Italy (Chamber of Deputies)
- Japan (House of Councillors and House of Representatives)
- Netherlands (Second Chamber)
- Portugal (Assembly of the Republic)
- Republic of Korea
- United Kingdom (House of Commons)
- Argentina (Chamber of Deputies)
- Council of Europe (Parliamentary Assembly)

In general all these members have shown an interest in the problems raised in this report. All these Parliaments are in a position to help young Parliaments, above all in the training of professional parliamentary staff.

The budgetary arrangements for most Parliaments are designed solely for the functioning of that institution and thus restrict any other financial expenditure. Nonetheless other forms of assistance could be given, especially in the form of equipment, through other means of co-operation which could be encouraged such as direct bilateral contacts.

### D. Conclusions

The following conclusions can be drawn:

- (a) Young Parliaments in newly-independent countries (despite the difficulty of definition) are almost all in a state of organisational development in which they need some form of help, whether in terms of equipment or in the form of political, legal, or technical advice from experienced Parliaments. Technical assistance is the most important.
- (b) Most older Parliaments (or ones in an advanced stage of organisation) demonstrate, despite some limits on direct parliamentary aid, a willingness to provide help, particularly in the training of professional parliamentary staff.
- (c) Assistance which has financial implications could be achieved bilaterally at government level.
- (d) Certain young Parliaments are in a position to provide horizontal assistance, under certain conditions, in areas such as training of staff.
- (e) Even other Parliaments with advanced organisation, have to operate in the context of the political conditions and constitutional structures of their countries.

# **ASSOCIATION OF SECRETARIES GENERAL**

## **OF PARLIAMENTS**

### **Aims**

The Association of Secretaries General of Parliaments, constituted as a consultative body of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing co-operation between the services of different Parliaments.

The Association also assists the Inter-Parliamentary Union, when asked to do so, on subjects within the scope of the Association.

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*President:* Christodoulos Hadjioannou (Cyprus).

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