

Constitutional
and Parliamentary
Information

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Parliamentary system of Chile
Members' Assistants

INTER-PARLIAMENTARY UNION

Aims

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

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

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

Membership of the Union (October 1992)

Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Latvia, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mexico, Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Senegal, Singapore, Spain, Sri Lanka, Sudan, Surinam, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Associated members: Andean Parliament.

Structure

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Sir Michael Marshall (United Kingdom).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President. At present, it has the following composition:

President: Sir Michael Marshall (United Kingdom)

Members: Mrs. H. Castillo de Lopez-Acosta (Venezuela); D. CavayS Yegue (Cameroon); M. Darusman (Indonesia); M. J. Essaid (Morocco); L. Fischer (Germany); V. Gotsev (Bulgaria); J. Komiyama (Japan); Mrs Naziha Mahzoud (Tunisia); L. McLeay (Australia); S. Paez Verdugo (Chile); G. L. Papp (Hungary); Y. Tavernier (France).

4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, Case Postale 438, 1211 Geneva, Switzerland.

Secretary general: Mr. Pierre Cornillon.

Official publication

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

Constitutional and Parliamentary Information

Association of Secretaries General
of Parliaments

3rd Series - No. 16412nd HuJj-year -1992

First Series - Forty-second year

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I* The Parliamentary System of Chile

Extracts from the Minutes of the **Santiago** session **October 1991**

The PRESIDENT introduced Mr. EYZAGUIRRE Echeverria, Secretary of the Senate of Chile and Mr. Carlos LOYOLA Opazo, Secretary of the Chamber of Deputies to address the Association.

Mr. EYZAGUIRRE spoke from the following text (translation):

"A. THE NATIONAL CONGRESS

I. The bicameral system

The Constitution of 1980, like its predecessor of 1925, provides for a bicameral system in which the National Congress consists of two arms, the Chamber of Deputies and the Senate. In Chile, the Congress has two principal functions: (a) the Co-legislative Power and (b) the Monitoring Power. The 1980 Constitution, like that of 1925, established a presidential system of Government, vesting the government and administration of the State in the Executive Power. The present Charter has established a strong executive, increasing and strengthening the powers of the President of the Republic and curtailing certain powers held by the Parliament before it came into force.

The executive is a part of the Legislative System and has pre-eminence through three constitutional arrangements: (a) the exclusive initiative of the President of the Republic in administrative, social and economic matters (Article 62, third and fourth indents); (b) the urgent processing of bills and the grading of that urgency (Article 71), which procedure requires the Congress to reach a decision within thirty days; in addition, the grading of urgency as ordinary, extreme or for immediate debate (30, 10 and 3 days respectively, in Article 27 of Law 18918, the basic law of the Congress) also falls to the Executive and not to the Parliament as was the case under the

Constitution of 1925; and (c) the Ordinary and the Extraordinary Session periods (Articles 51 and 52): only during the ordinary period may members of Parliament initiate laws, under the name of Motions. That period lasts from 21 May to 18 September and therefore lasts but four months whilst, during the extraordinary period from September to May (7 or 8 months), the executive alone holds the initiative in putting forward bills (Messages). The legislative function of the Members of Parliament has therefore been restricted, for we see that for a large part of the year only the President of the Republic has the initiative on laws and, when they do have the initiative, during the ordinary session from May to September, their power is seriously diminished by the "urgencies" requested by the Executive for its bills.

II. Composition of and recruitment to the Senate

The Chamber of Deputies comprises 120 members elected directly by the electoral districts established by the Constitutional Organic Law on Popular Voting and Elections (Article 43).

But the Senate consists of members elected by direct vote in senatorial constituencies covering thirteen regions of the country (Article 45). Each region comprises a single constituency, apart from six which are each divided into two constituencies by the constitutional organic law (Transitional Article 30). Each constituency elects two Senators. The six regions in which there are two electoral constituencies are Valparaiso, Santiago Metropolitan, el Maule, el Bio-Bio, Araucania and Los Lagos (Nos. V, VII, VIII, IX, X) and the Metropolitan Region. The directly-elected Senators therefore are 38 in all, with 26 from the thirteen Regions (electing two each) and the other 12 being elected in the six regions with two Senatorial constituencies, as described in the paragraph above.

In addition, the Senate comprises the Senators known as institutional or appointed, as provided for in the Constitution. These are:

- (a) those ex-Presidents of the Republic having held office for six years;
- (b) two ex-Ministers of the Supreme Court, elected by the Court;
- (c) one ex-Comptroller General of the Republic who has served for two years;
- (d) four ex-Commanders in Chief of the Armed Forces and Carabiniers, one from each Force;

- (e) one ex-Rector of a State University or University recognised by the State who has held the post for two consecutive years; and
- (f) one ex-Minister of State who has held office for two consecutive years.

The institutional or appointed Senators hold office for eight years and, if they die or cannot serve during that term, they cannot be replaced until after their term, in accordance with the Fundamental Charter (Article 45, fourth indent). Under these arrangements, there are at present eight institutional Senators who, together with those elected, make a total of 46 Senators.

III. Requirements for election as senator

To be elected as Senator, one must: (a) be a citizen entitled to vote; (b) have resided for two years in the region concerned; (c) have completed Middle Schooling or the equivalent; and (d) be at least forty years of age (Article 46).

IV. Term of office for elected senators: replacement

These Senators hold office for eight years and are replaced every four years in alternation, at one time replacing those representing the odd-numbered regions and the next time those representing the even-numbered regions plus the Metropolitan Region. Hence, of the Senators elected in 1989, some have mandates expiring in four years and others have mandates which expire in eight years (Article 45, second indent). Members of Parliament may be re-elected to office (Article 47).

V. Vacancies for members of parliament: no fresh parliamentary election

A seat vacated by a directly-elected Member of Parliament is to be taken by the citizen who was on the electoral list of the Member ceasing to serve and would have been elected had the list been for some other office. If the above rule does not apply and there remain more than two years to the end of the term of the previous office-holder, the seat is to be filled by the Chamber concerned, by an absolute majority of its serving members, from a list of three put forward by the party of the person causing the vacancy

(Article 47, third indent). The new member of parliament is to hold office for the period remaining to the previous member (Article 47, fourth indent). The Charter expressly provides that by-elections are not to be held under any circumstances (Article 47, fifth indent).

B. THE MONITORING POWER

The Chamber of Deputies monitors the Executive Power in accordance with its powers chiefly by means of impeachment¹ (Article 48). The Chamber of Deputies holds this monitoring power on an exclusive basis.

In order to exercise this power, the Chamber may by a majority vote of the Deputies present, adopt resolutions or suggest observations to be forwarded in writing to the President of the Republic, and the Government must give an answer through the relevant Minister of State within thirty days. In no circumstances will such resolutions or observations affect the political responsibility of the Ministers and the Government will be held to have discharged its obligations simply by delivering its answer (Article 48.1). Any deputy may seek specified details from the Government provided that his proposal is voted for by one-third of the members of the Chamber present.

I have referred to this monitoring power of the Chamber of Deputies because there has been discussion for many years on the Senators' power to request details of the Government on the most varied subjects (social, public-works, transport, education, telecommunications, economics, and so on) and the Senate has always held that such requests for information are not "monitoring" since the details are sought in the name of the Senator who requests them, and the Chamber does not pass a resolution on the matter or suggest any specific observations. The request for details is sent in the name of that Senator and on his sole responsibility.

In any case, the Government has so regarded it and generally answers the request or sends the details concerned, without that raising any liability of a political kind. It is held that the Senators' requests on various matters sought from the Executive are intended solely to facilitate the parliamentary work of the Senators and in no way constitute monitoring acts in the sense specified in either paragraph of Article 48.1 of the Fundamental Charter.

¹ Translator's note: literally "constitutional accusation"

The second monitoring power concerns the "political trial" (also known as "impeachment") (Article 48.2). The Chamber of Deputies has the power to declare whether charges, brought by neither more nor less than twenty of its members against the following individuals for the acts specified in each instance, are good (Article 48.2):

- (a) by the President of the Republic;
- (b) by Ministers of State;
- (c) by judges of the higher courts of justice or the Comptroller General of the Republic;
- (d) by generals or admirals; and
- (e) by Intendants or Governors.

If the impeachment is supported with levels of quorum as specified by the Fundamental Charter, it moves to the Senate of the Republic, which body has the exclusive power of hearing any impeachments which the Chamber of Deputies brings under the rules described above (Article 49.1).

The Senate has to decide as a jury and is to restrict itself to declaring whether the accused is guilty of the crime, offence or abuse of power stated. The declaration of guilt must be supported by two-thirds of the Senators in office where an impeachment is brought against the President of the Republic and by a majority of the Senators in office in all other cases.

Senators in office means those which have been admitted to the Senate, with the exception of those suspended under a constitutional provision (Article 58, last indent) and of those absent from the country with constitutional consent (Article 5 of Senate Standing Orders).

A declaration of guilt strips the accused of his office and he may not exercise any public function, whether by election of the people or otherwise, for a period of five years. An official declared guilty is to be prosecuted in accordance with the law by the proper court, both as regards imposition of the penalty for the offence, if one has been committed, and to assign civil liability for loss and damage caused to the State or individuals.

The procedure for impeachments is governed by Law 18918 (1990), the Constitutional Organic Law of the National Congress (Articles 37 to 52).

VI. Exclusive powers of the Senate (Constitution Art. 49)

In addition to hearing impeachments by the Chamber of Deputies in the political trials we have seen above, the Senate holds other important powers, namely:

1. To resolve whether or not it is proper to accept legal actions which any person intends to bring against any Minister of State for any losses he may have suffered unjustly through an act of the latter in the exercise of his office;

2. To hear disputes on competence arising between the political or administrative authorities and the courts of justice;

3. To declare restoration of citizenship where an applicant has been sentenced to a major penalty;

4. To give or withhold consent to acts by the President of the Republic where so required by the Constitution or the law; if the Senate does not resolve within thirty days from a request for urgency from the President of the Republic, consent shall be deemed given.

5. To give its consent for the President of the Republic to leave the country for more than thirty days, or within the last ninety days of his term.

6. To declare the unfitness of the President of the Republic or of the President elect when some physical or mental impediment makes him unfit to exercise his office; and similarly, when the President of the Republic resigns his office, to declare whether the grounds therefor are sound and hence whether to accept or refuse it. In either case, the Senate must first consult the Constitutional Court.

7. To give its opinion to the President of the Republic whenever the latter asks for it.

VII. Senate powers under the 1925 Constitution removed by the 1980 Constitution

Among these we should in particular mention:

1. To appoint the leading Chiefs of the Armed Forces. The Senate's consent was required for these appointments, but the power was removed in 1980.

2. To appoint Ambassadors. Since 1980, the Senate's consent is no longer required for their appointments.

3. To deprive Intendants or Governors of rights. Under the 1925 Constitution, it was solely in the Senate's power to declare whether a criminal case could be brought against Intendants or Governors. The 1980 Constitution removed this power.

VIII. Parliamentary restrictions (Constitution: Art. 54 sqq)

In terms similar to those of the 1925 Constitution, that of 1980 specifies disqualifications, incompatibilities and grounds for removal from the offices of Senator or Deputy. I shall not refer to these matters in detail, since the object of my contribution is only to describe some of the most important provisions in the system governing the Senate of the Republic.

I shall however give a general description of the subject of parliamentary disqualification and incompatibilities:

- (a) Disqualification from becoming Senator or Deputy. Article 54 of the Constitution covers these.
- (b) Incompatibilities (Charter Article 55)
- (c) Special Incapacity (Article 56)
- (d) Grounds for removal from office (Article 57)

IX. Immunity of senators and deputies (Art. 58) Removal of Rights

- (a) Deputies and Senators are immune only for the opinions they express and the votes they cast in the exercise of their office, in sessions of the Chamber or the Commission.
- (b) No Deputy or Senator, from the day of election or appointment or from the day of admission (as relevant) may be prosecuted or deprived of his liberty, except in flagrante delicto, unless the Appeal Court of the appropriate jurisdiction, in full session, first authorises the charge and declares that the case may be brought. An appeal may be brought against this resolution to the Supreme Court.

If any Deputy or Senator is arrested in flagrante delicto, he is to be delivered forthwith to the relevant Appeal Court with the appropriate summary information. The Court is then to proceed as described above.

From the time that a final resolution is announced that a case is good or has been brought, the Senator or Deputy charged is suspended from office and is subject to the competent judge.

X. Remuneration of members of Parliament (Art. 59).

Since the Constitution of 1980, members of parliament have a remuneration set by the Constitution: the Charter provides that Deputies and Senators shall have as their sole income a salary equivalent to the remuneration of a Minister of State, including all allowances payable.

XI. Legal matters (Art. 60) / XII. Making of the law (Art. 62).

- (a) Statute initiative: President of the Republic (Message); Members of Parliament (Motions).
- (b) Chamber of origin (Article 62, second indent).
- (c) Exclusive initiative of the President of the Republic (Article 62, third and fourth indents).
- (d) Special Quorums (Article 63). Constitutional Reforms.
- (d) Procedure (Articles 65, 66, 67, 68 sqq). Mixed Committees.
- (e) Requirements of the Organic Law of the Congress on proceedings for statutes, and
- (f) Requirements of Senate Standing Orders.

These subjects take a long time to examine and I do not think they can be considered in detail in a speech such as this.

I thank the meeting for their courtesy in listening to these explanations and I am of course at your disposal if you wish to put any questions."

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Mr. LOYOLA OPAZO, Secretary of the Chamber of Deputies, spoke from the following text (translation):

"It is a great honour to me, as the Secretary of Chile's Chamber of Deputies, at this Conference we are now holding jointly with the 86th Conference of the Inter-Parliamentary Union, to describe the most important aspects of the organisation and operation of our branch of the legislative arm. With your permission, Mr President, I shall leave for discussion later any matters that may be of special interest.

I. Beginnings of the National congress

An election of Deputies to the National Congress was called on 15 December 1810. By March of 1811 this had been completed everywhere except in Santiago and Valparaiso. In Concepcion, the Realist Tendency (which did not wish to make changes in the political system) was triumphant but, in the remainder of the country, the forces were more evenly balanced. Santiago was to decide and, on 6 May, the Patriot Party finally triumphed. That is the background to the solemn inauguration of the National Congress, on 4 July 1811. The functions of the Governing Council were ended with a mass in Santiago Cathedral (at which the homily was given by a substitute Deputy, Fray Camilo Henrique Gonzalez) and with the solemn oath of the new Deputies.

From then on, government and the legislative function were based in this body, producing a weakened administration. Not all were partisans of the advances which would lead to independence. The experience that power could not be under the administration of so many led to the Congress electing (11 August 1811) an Executive Council of three members. The activities of another patriot, Jose Miguel Carrera, brought an acceleration of the independence process, but that finally led to the coup d'état of 15 November 1811, dissolving the Congress and setting up a new Council.

This brief summary of the beginnings of the National Congress is included only to underline its presence since the start of our institutional life. Since then, the Congress has been the fundamental pillar of civic life, as a meeting point for all ideological and social tendencies.

II. Principal fundamental laws

Traditionally, Chile's Constitutions have named their parliaments the National Congress and given it a bicameral structure. In the history of our Republican political system, our Constitutional Charters have had special influence, such as that of 1833, lasting until 1925. It began its long life as markedly presidential in character but, over the years, and tempered by the political and intellectual changes of the 19th century, it was increasingly interpreted in a parliamentary way, especially in matters such as electoral freedom or the requirement of confidence in the President's cabinets. This led to growing conflict between the executive and the legislature, finally breaking out in the fratricidal conflict of the Civil War of 1891.

The new social and political demands that stem from growing industrialisation in the 20th century required a profound reform of the political practices exercised through a parliamentarist influence, since there had never been a prime minister with governmental functions separate from those of the Head of State, and it was becoming difficult to end discussion in legislative practice. Thus, in 1925, the new Fundamental Charter took the option of defining the political regime from a presidentialist standpoint, clearly defining the fields for action of the powers of the State and vesting in the National Congress (specifically, the Chamber of Deputies) the monitoring power which both chambers of parliament had exercised until then without distinction.

The Constitution of 1925 states that the Chamber of Deputies has exclusive power to declare whether impeachments may stand against the President of the Republic and other civil or military authorities for exercise of their offices and, secondly, to monitor the acts of the government. As regards the making of the law, it provided that requirements on any form of taxation, public administration budgets, and military recruitment could be initiated only in the Chamber of Deputies. The Fundamental Charter stated that, in order to be elected as Deputy or Senator, one had to meet the requirements for citizenship with the right to vote, be able to read and write and never to have been sentenced for any offence subject to a major penalty. Additionally, at the time of election, Deputies must be aged 21 years, and Senators 35.

III. Constitution of 1980

After the break in political institutions in 1973, the Constitution of 1980 retained the principle of the Chamber's exclusive powers, but it increased the requirements for election as Deputy. It also restricted the scope for members of parliament to initiate legislation and it now gave the President of the Republic the power to grade urgent action.

IV. Restored operation of the National congress

The current four-year legislative session (which matches the mandate of Deputies) began on 11 March 1990 with the re-installation of a Parliament that had remained in operation almost without interruption from 1811 until it was dissolved in 1973, putting our National Congress among the oldest in the world, after the British Parliament, the Congress of the United States of America and France's National Assembly. The present legislative session is the 48th, counting from 1828, when our country adopted a bicameral legislature.

Before enumerating the most important aspects in the organisation and operation of the Chamber of Deputies as an integral part of the legislative power, I must repeat that, in Chile, the Parliament is structured on a bicameral system. Under the Fundamental Charter, the National Congress consists of two chambers - the Senate and the Chamber of Deputies - both of which are involved in the process of making laws and further exercising other powers assigned to each chamber by the Constitution itself and the Organic Constitutional Law of the National Congress.

V. Composition

The Chamber of Deputies comprises 120 directly-elected Members, representing the 60 electoral districts into which the country is divided, with two Deputies per District. The Deputies hold office for four years; the entire Chamber is replaced at the end of each Legislative Session and may be re-elected indefinitely. The elections for Deputies are held together with those for Senators as relevant. For election as a Deputy, one must be a citizen entitled to vote, be aged 21 years, have completed Middle schooling or the equivalent and have been resident for not less than two years in the region that covers the Electoral District concerned (counting back from the day of the

election). The Electoral Scrutiny Tribunal (established in Law 18460 - the Organic Constitutional Law of the Congress) oversees general scrutiny of elections for the President of the Republic, Deputies and Senators and of plebiscites, resolves appeals made on matters within its competence and oversees the processes of national or local elections or plebiscites and declares who has been elected or the outcome of plebiscites. The Tribunal comprises three Ministers or ex-Ministers of the Supreme Court, elected by the Court, an Advocate also elected by the Supreme Court and an ex-President of the Senate or Chamber of Deputies who has held that office for not less than three years, chosen by lot. A further Organic Constitutional Law (No. 18556) makes provision for the system of electoral registration and the organisation and operation of the electoral service. It also makes provision for the manner in which the process of election or plebiscite is to be conducted, other than as specified in the Constitution. At all times, full equality is to be guaranteed as between independents and members of political parties, both in standing for election and in taking part in electoral processes. The preservation of public order during electoral plebiscite activities falls to the Armed Forces and Corps of Carabiniers.

VI. Exclusive powers of the Chamber of Deputies

The exclusive powers of the Chamber of Deputies for which the present Constitution provides are (firstly) monitoring the acts of the government. In exercising it, the Chamber may, by a majority vote of the Deputies present, adopt resolutions or suggest observations to be forwarded in writing to the President of the Republic, and the Government must give an answer through the relevant Secretary of State within thirty days. In no circumstances will such resolutions or observations affect the political responsibility of the Ministers and the Government will be held to have discharged its obligations simply by delivering its answer. Another power exclusive to the Chamber of Deputies (as it was previously) is to declare whether charges brought by not more than ten nor less than twenty of its members may stand against the President of the Republic, Ministers of State, judges of the higher courts of justice, the Comptroller General of the Republic, generals or admirals of the National Defence forces, or Intendants or Governors. The grounds, the requirements and procedures for these charges, and the majority required for the declaration, depend on who is charged.

VII. Initiating and making law

Next I shall describe the part played by the Chamber of Deputies in initiating and making law. Under the Constitution, laws on any kind of taxation, those to approve public administration budgets and those on recruitment must begin in the lower Chamber. Within the Chamber of Deputies, laws may be initiated by a Message from the President of the Republic or by a Motion from one or more of the members; as a way of ensuring that the law proposed is the outcome of a full parliamentary debate, the Motion may not be signed by more than ten Deputies. The members' power to initiate laws is bounded by the extent of the exclusive initiative held by the President of the Republic: he alone may propose legislation on taxes, charges and levies; on the creation or abolition of public services or paid posts under the treasury, local authorities or state corporations; on taking loans or making transactions which commit the State's credit or financial responsibility. Similarly, the Head of State has exclusive initiative in bills relating to the matters of pay, pensions or any other economic benefits for personnel of the public administration or in bills specifying minimum pay in the private sector, or arrangements and procedures for collective bargaining or changing social security legislation for either public or private sectors. In all these matters reserved for the exclusive initiative of the President of the Republic, the Chambers may only accept, reduce or reject the services, jobs, pay levels, loans, benefits or expenses proposed to them by the executive. To complete this brief summary of the process of making law, it should be pointed out that the President of the Republic can have a decisive influence in exercise of the Chambers' powers, by declaring a matter urgent. The Executive can require the Chamber concerned to decide on a bill within no more than thirty days, if it is graded as ordinary urgency; the period can be reduced to just three days if the urgency is graded as for immediate debate - or ten days, if it is of extreme urgency.

VIII. Organisation and internal operations of the Chamber of Deputies

For the purposes of organising itself and its internal operations, the Chamber of Deputies (like the Senate) has its own powers to make relevant standing orders. Under this power, the Chamber of Deputies (June 1990) approved its current Standing Orders which, in line with the Constitution and the Organic Constitutional Law of the National Congress, set out the proce-

dures applicable and the organs required in the exercise of its powers. Among the organs of the Chamber we must first mention the Board, comprising a President, with first and second Deputies. It holds office until the end of the relevant legislative session and, if a vacancy arises for any or all of its seats, these are filled for the time remaining. Constitutionally, the President of the Board follows the Presidents of the Senate and the Supreme Court in the order of precedence for the purpose of replacing the President of the Republic when the latter cannot take or continue in office.

Among the organs of the Chamber of Deputies, we must also mention the Committees: these legislative bodies are set up to cover specific subjects and there is a degree of likeness between them and the Ministries into which the executive is organised; they must report on the bills which relate to them. The Committees comprise 13 Deputies, appointed in proportion to the representation of each political party in the Chamber. From time to time, special committees may be appointed, with terms of reference and duration as specified by the Chamber when it resolves to create them. There are also joint committees, with equal numbers of Senators and Deputies, which must propose how to settle any differences arising as between the two Chambers in the passage of a bill. Similarly, in the internal organisation of the Chamber of Deputies, special mention must be made of the Parliamentary Committees, with nine Deputies in each. The purpose of these is to facilitate the relations of the Board with the other Deputies and thus to expedite the processing of matters submitted for the Chamber's consideration.

In their work of legislation and monitoring, the Deputies are assisted by the Chamber personnel, consisting of professionally- and technically-trained officers. The Head of the service is the Secretary, assisted by the Pro-Secretary and the Chief Secretary of Committees. These offices are the culmination of an official career. Special note is required of the office of Secretary of the Chamber; during the 19th Century, this office was generally held by a serving Deputy but, from 1891, it has been held by an official who, currently, must be appointed and may be removed in a secret vote of the full Chamber by a majority of the Deputies present. The Secretary is the Head of Service and is therefore responsible for organising and supervising the operation of the various sections or offices of the Chamber and for compliance by the Chamber's officers with their obligations. The Secretary is an attorney for all statutory and regulation purposes and has to countersign all documents and communications signed by the President and, in particular, those relating to Bills and Resolutions adopted. Among a great many other functions, he also advises the Board of the Chamber in the management of

debates and in implementing and interpreting the applicable requirements of the Constitution and the law and the Chamber's Standing Orders.

Mr President, Ladies and Gentlemen, it has been my intention to give a picture of the Chamber of Deputies and, as I said, I am entirely at the disposal of my esteemed colleagues, for their kind attention".

Question and Answer session:

Mr. BAKINAHE (Rwanda) asked about the appointment of the senior Officers of the Senate and about the procedures for reconciling disagreements between the two Chambers.

Mr. EYZAGUIRRE replied that the Speaker of the Senate was elected by absolute majority vote at the beginning of each four year period.

Mr. LOYOLA indicated in respect of the second point that a law passed by the Chamber of Deputies went to the Senate for consideration. The second Chamber could propose amendments. If the first Chamber rejected them the Constitution provided for a mixed Committee.

Mr. QUIROZ (Venezuela) asked whether the former Presidents holding office for six years, which was one of the categories from which a Senator could be appointed, applied to elected Presidents only and also asked who appointed the other individuals who became institutional members of the Senate. He also wished to know whether it was the President who named the Commander in Chief of the Armed Forces and whether the power of the Chamber of Deputies in respect of motions brought against the President applied also to former Presidents.

Mr. EYZAGUIRRE, in respect of the first two points, replied that only the immediately preceding President was eligible for appointment to the Senate under the provision in question. That person also held post as the Commander in Chief and so was ineligible to serve as a Senator in practice. The representative of the Supreme Court was appointed from amongst themselves out of those who had been in office for two years or more. The National Security Council, established under the 1980 Constitution, was responsible for electing the former Armed Forces Chief to the Senate. In respect of the last point the Constitution referred to acts which offended the Constitution being capable of being proceeded with until up to six months after the President has left office. Mr. LOYOLA added that such motions against the President required a majority of current Deputies to support it.

Mr. ALBA NAVARRO (Spain) asked, first, whether there was a hiatus in the existence of the Chamber of Deputies during elections; secondly, how government answers to Questions were provided; and, thirdly, whether recruitment of staff was separate between the two Chambers.

Mr. LOYOLA indicated in respect of the first point that the Chamber of Deputies was always in existence and that elections took place immediately after the end of the session. In respect of the second point, answers could be communicated either in writing or in person. Government officials could attend Committees but not, of course, the Plenary sessions.

Mr. EYZAGUIRRE, in respect of the third point, said that recruitment of staff was managed independently by the two Houses. Jobs were open to public application, though many jobs had specialist requirements and, therefore, specialist tests. He added in respect of the second point that Ministerial attendance was also required in the Senate.

Mr. FARACHIO (Uruguay) asked why the Parliament was in Valparaiso and not in the capital.

Mr. EYZAGUIRRE replied that this was a difficult question and was part of a continuing and hard fought debate. The previous Government had established the Congress in Valparaiso. One of the reasons was to encourage decentralisation, and the existence of the Parliament in Valparaiso provided economic assistance to that region. The building in Valparaiso also represented a substantial investment in its own right which might have little value other than as a parliament building and it was more suited to the uses of parliament than the old one in Santiago. The Chamber of Deputies had rejected a motion in respect of moving the Congress back to Santiago by a small majority in the course of the last year. Another possibility to which consideration was being given was to move part or all of the Executive to Valparaiso.

Mr. TRAVERSA (Italy) asked whether there was provision for joint sessions of the two Houses and whether there was a minimum quorum for a session's or for a debate's validity.

Mr. LOYOLA replied that the only kind of joint Congress meeting was in respect of giving consideration to a law of constitutional reform after it had been approved by both Houses. But the two Houses could also meet together for welcomes to visiting Heads of State for example. Mr. EYZAGUIRRE added that there was also provision for a full Congress meeting in respect of the election of the President of the Republic. As for a quorum, the 1980 Constitution required a one-third attendance for the adoption of certain texts and many other matters required specific majorities.

Mr. EFOUA MBOZO'O (Cameroon) sought clarification on the matter of the respective roles of the Senate and of the Courts in respect of impeachment of a Senator.

Mr. EYZAGUIRRE explained that in such cases the basic accusation was framed and passed by the Chamber of Deputies. The Senate only acted as a jury in such a case and decided if the accusation was well founded. The case would then go to the Courts for the assessment and enforcement of the penalty. The Courts had no authority to challenge the decision of the Senate in respect of the basic guilt or otherwise of the accused.

ANNEX:

Question and Answer Session with Mr. Loyola Opazo, and officials from the Chamber of Deputies, following visit to the Congress Building at Valparaiso on Tuesday, 8 October

Mr. FARACHIO (Uruguay) said that he noted that the voting equipment in the Chamber provided for those voting yes and no and those abstaining. He wondered whether the system worked well.

Mr. LOYOLA replied that abstentions had not been recognised until 1973. In the last one and half years provision had been made for the recognition of abstentions though this had, occasionally, caused difficulty with respect to the calculation of the required majority. At present the principle was adopted of requiring a majority of members present.

Dr. ALZUBI (Jordan) asked whether any difference was recognised between abstentions in different cases, for example in respect of the rules of the Assembly as opposed to political issues.

Mr. LOYOLA replied that the only underlying principle was that all members could express themselves freely in whichever way they wished on all subjects. In practice they usually preferred to express themselves either for or against a proposal.

Sir Clifford BOULTON (United Kingdom) asked how the chairmen of committees were appointed and whether there were any opposition chairmanships.

Mr. LOYOLA replied that each Committee had 13 members and that representation on the Committee was proportionate to the number of Deputies each party possessed in the Chamber. There were 10 such committees. The chairmen were elected by secret ballot and there was agreement that some committees should have opposition chairmen.

Mr. CASTIGLIA (Italy) asked about the legal or political impact of the two Chambers having equal status.

Mr. LOYOLA replied that it was important to note that the electoral basis of the two Chambers was different and, in particular, that some of the Senate were non-elected. There had, however, been a long tradition of bicameralism in Chile with different functions being given to different Chambers.

Mr. TRAVERSA (Italy) asked whether the Presidents of the Assemblies (Speakers) could take part in debates and vote.

Mr. LOYOLA replied that the Presidents and Vice Presidents, apart from their principal duties of presiding over debates, did have all the rights of other members to vote and to speak but that when they did so they spoke from the rostrum like other members.

Mr. LAUNDY (Canada) sought clarification of the electoral system whereby each constituency elected 2 representatives.

Mr. LOYOLA replied that the system was a binominal majority system in which a party list to have both its members elected required two and a half times the number of votes of the next list.

Mr. WHEELER-BOOTH (United Kingdom) asked whether the Parliament and the President of the Republic in practice ever came into conflict, for example in respect of amendments to government bills or in respect of the use of the urgent procedure.

Mr. LOYOLA indicated that there were ways of resolving conflicts between the two in that if the two Chambers agreed they could override a Presidential veto. In respect of the urgent procedure, the 1980 Constitution was very different from the 1925 in that the President's powers were stronger.

Mr. BAKINAHE (Rwanda) asked how members were seated within the Chamber and, secondly, whether the problem of the Parliament meeting in Valparaiso while the Government was in Santiago caused any practical delays in the consideration of legislation.

Mr. LOYOLA indicated that the Presidents and Vice-Presidents and the Secretary and Deputy-Secretary and the reporters for the Chamber sat up on the rostrum and that the members were arranged by party, with the opposition parties sitting on the left. The Press Gallery was upstairs. On the second point he indicated that this was a highly contentious matter being discussed by the politicians and it was difficult for him to comment on it.

Mr. MBOZO'O (Cameroon) asked what provision was made in the Constitution for independence of the judicial authorities.

Mr. LOYOLA indicated that Article 73 provided exclusive authority to the courts and protected them from Government or congressional interference.