

## II. Members<sup>7</sup> Assistants

### A. Introductory Note by Mr Bernard Charpin, Secretary General of the Questure of the French Senate, June 1990

The need to improve the individual resources of Members of Parliament led to the introduction in 1976 of assistants for Senators and staffers for Deputies. Unlike parliamentary officials these staffers and assistants were attached not to the Parliament but to the individual Deputy or Senator.

At first a Member of Parliament could recruit only one staffer or assistant. The National Assembly decided in 1980 and the Senate in 1981 to double the allowance given to each Member of Parliament to enable two staffers or assistants to be employed.

#### I. The allowance for staffers or assistants

##### *(a) Setting the Allowance*

The allowance for staffers or assistants is fixed by the Bureau of each Assembly as a level linked to the index of public service salaries. It can be revised by the Questeurs each time public service salaries are increased and this is what has happened on each occasion.

##### *(b) The Level of the Allowance*

At present the allowance for a staffer is 21,460 French francs and for an assistant 24,592 French francs a month, which represents two net monthly salaries of 10,730 French francs in the National Assembly and 12,296 French francs in the Senate. The staffer or assistant also receives an annual bonus. To these should be added employers' costs which are paid from the budgets of the National Assembly and the Senate.

(c) *Payment of the Allowance*

The allowance is assigned to the salaries of staffers and assistants and in no circumstances can payment be made for the benefit of the Member of Parliament himself.

(d) *Division of the Allowance and the use of Consultants*

The allowance can be divided up to enable three staffers to be employed by each Deputy in the National Assembly and four assistants in the Senate with each Senator able to employ people on part-time contracts provided they work at least half-time for him.

A Member of Parliament can equally, using the same allowance, employ consultants for specific studies, with the consultant paid not a salary but a fee which is liable to Value Added Tax.

(e) *Transfer to a Political Group*

Since 1989 each Senator can transfer to his political group a sum equivalent to up to 50 per cent of his allowance and the Presidents of the political groups can pass the whole of their allowance to the group.

## **II. The status of staffers and assistants**

(a) *Legal Contract of Employment*

(i) Recruitment

Each Member of Parliament is the direct employer of his staffers or assistants. He recruits them freely in a personal capacity and agrees a contract of employment for a fixed or for an indeterminate period.

(ii) Termination of the Contract

In accordance with employment law a Member of Parliament can sack his staffer or assistant if he loses confidence in them or they have a difference of opinion. The contract ends if the assistant resigns or at the end of the parliamentary mandate of the employer for whatever reason (dissolution, non re-election, resignation, death, appointment to the Government or to the Constitutional Court, election to another Assembly, overriding incompatibility or continuation for more than six months in a temporary Government post).

*(b) Conditions of Recruitment*

Although there are no conditions of nationality, age, academic or other qualification in the National Assembly, the Senate has a maximum age limit of 65 years and does not authorise the recruitment of people who have not attained the baccalaureat, a degree or equivalent qualification. There are also some restrictions on who can be a staffer or an assistant: parliamentary officials and former parliamentary officials or their spouses cannot be employed directly by a Deputy or a Senator. At the same time a Senator cannot recruit more than one member of his family as an assistant.

*(c) Combination with other activities*

The Senate and National Assembly have equally produced rules governing what other paid activities staffers or assistants can engage in, particularly of a commercial nature. The assistant to a Senator who is on a part-time work contract can work for another Senator or Deputy.

*(d) Under a law passed on 13th January 1989*

Civil servants, local government officials and health service officials can be seconded to work for a Deputy or a Senator for a fixed period or, if the secondment is expected to last for more than two years, for an indefinite period.

*(e) The management of staffers and assistants*

All the administrative formalities concerning these staff, particularly the payment of salaries and social security contributions, are organised in the National Assembly by the financial affairs service and in the Senate by an association specially set up for this purpose called the "Association for the management of Senators' Assistants (AGAS). The AGAS is governed by a law of the 1st July, 1901 (?) and has as a governing body the four Vice-Presidents, the three Questeurs and three Secretaries appointed by the Bureau of the Senate. They approve the standard form of contracts and are generally responsible for all the formalities concerning the administration of assistants for Senators.

### III. The role of staffers and assistants

#### *(a) Setting objectives for staffers and assistants*

A phrase used by the Bureau of the Senate is that an assistant or staffer has a task of assisting the Member of Parliament "in personal tasks directly linked to the conduct of his parliamentary duties", but it is the Member of Parliament himself who decides what specific duties should be carried out by his staffers or assistants.

#### *(b) The place of work*

Staffers or Assistants can work either in Paris, in the parliamentary buildings, or in the constituency of the Member of Parliament, or in a local government office if the Member of Parliament also has an elective office there. In many cases a Member of Parliament employs two assistants or staffers and one works in the Assembly to which he belongs and the other in the constituency.

#### *(c) Variety of their duties*

The duties of their assistants or staffers vary greatly. In the constituency of the Member of Parliament an assistant or staffer can be responsible for dealing with correspondence, keeping the constituency office manned, representing the Member of Parliament at public occasions and even taking part in electoral campaigns.

In Paris the assistant or staffer is on duty in the office when the Member of Parliament attends a plenary or committee meeting, attends other meetings when he is in his constituency. Basically the tasks given to him depend on the needs of the Member of Parliament. For example the assistant can maintain links with his political party, handles correspondence, deal with his written/oral questions, prepare amendments or draft speeches for public sittings or other occasions.

#### *(d) Restrictions which apply to staffers or assistants*

(i) The agreement of the Member of Parliament is required for any political activities. In the Assembly it is explicitly provided that staffers of Deputies cannot accept any political responsibilities nor be candidates to any elected post in the administrative area, which the Member of Parliament represents, without his prior approval in writing.

(ii) The restriction on representing the Member of Parliament in the exercise of his duties as a Deputy or a Senator. Assistants and staffers cannot represent Members of Parliament themselves in personal dealings with the services of the Senate of the National Assembly or in their legislative work (such as taking part in public sittings or committee meetings, working groups, study groups etc.) because these duties belong personally to the Member of Parliament and cannot be delegated.

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In conclusion it should be emphasised once again that staffers and assistants are directly employed by Deputies or Senators who personally decide the nature and extent of the tasks they undertake.

Paris, 27th June 1990.

## **B. Topical discussion: extracts from the Minutes of the Punta del Este session September 1990**

Mr. CHARPIN (France) said the relations between Members' assistants and assistants of parliamentary parties was a long-standing problem which had developed for a number of reasons. The reduction in the real value of parliamentary pay meant that Senators and Deputies could no longer meet the costs of their secretaries and assistants from their own funds. In 1978 this had been resolved by the creation of a category of parliamentary assistants.

The terminology differs between the two Chambers: in the National Assembly there are "staffers" and in the Senate they are called parliamentary assistants. In 1980 the allowance for such assistants was increased to enable a second to be employed by each Senator or Deputy.

Mr. CHARPIN then referred to the description in his introductory note of the allowance for staffers, the status of staffers and the role they played. The allowance for such assistants had originally been set by the Bureau of each Chamber by linking it to the average pay of a parliamentary official. Since

then the allowance has been increased by the Questeurs in line with an index of public sector salaries, although they are not obliged to do so because these merely contain limits. On 30th June 1990 (just before an increase) the allowance for staffers in the National Assembly was 21,480 French Francs a month and in the Senate 24,592. After the increase, the staffer in the National Assembly could earn a net salary of 10,370 Francs a month and in the Senate an Assistant could earn 12,296 Francs (on the assumption that the allowance was divided equally between the two assistants). In addition a "thirteenth month" of pay was provided for each staffer at the end of the year.

The allowance was not paid to Members of Parliament but only to assistants whose names were notified to the Association for the administration of Senators' assistants (AGAS) which was responsible for the organisation and pay of assistants. The allowance could be used in a flexible way. It could be divided up to allow several assistants to work part-time or full-time. The National Assembly allowed up to three staffers and the Senate permitted up to four assistants on condition that each worked at least half time. Alternatively the allowance could be used to finance study contracts for assistants who did not want to become salaried staff. In addition, since a year ago, a Senator could put up to half of his allowance at the disposal of his political group. A similar provision applied in the National Assembly.

The staffer or assistant was the paid employee of a Member of Parliament, with whom he had a contract of employment for a fixed or indeterminate period. The contract was drawn up by the Questeur of each Assembly. Apart from the normal reasons of terminating such a contract, it also came to an end when the Senator or Deputy ceased to be a Member of Parliament (dissolution, non-re-election, death, resignation etc.). Senators or Deputies could recruit their assistants freely, subject to certain exceptions. Officials or former officials of the two Chambers or their spouses could in no case be an assistant or staffer. The Senate was more restricted than the National Assembly in specifying that a assistant had to be French, less than 65 years of age, the holder of the Baccalauréat or equivalent degree. Nor could Senators employ members of their families.

Staffers and assistants could not combine their duties with any other profession. Some activities, particularly business ones were banned. On the other hand, one assistant could work half-time for two Members of Parliament. Public service officials, local government officials and health service staff could be seconded to work for a Member of Parliament. This sometimes

gave rise to problems because they could not return automatically to their previous employment at the end of the contract.

For practical matters the organisation of staffers was run by the financial affairs service of the National Assembly and by an especially created association in the Senate.

The task of staffers and assistants was to support the Member of Parliament "in personal tasks linked directly to his parliamentary duties". It was up to the Member of Parliament to interpret this provision. One former assistant had been sacked for refusing to mow his employer's lawn. He started proceedings before the tribunal responsible for employment law.

The assistants could either carry out their duties in Paris or in the Member's constituency. Generally each Senator or Deputy had one assistant in Paris and one in his constituency. The tasks carried out by assistants varied (dealing with letters, manning the office, representing the Member at meetings etc), but were limited by two factors. First, assistants required the specific authorisation of a Member to carry out any political activities, so as not to enable them to set themselves up for a future election. Secondly, assistants could not substitute for Members of Parliament. This was a complex issue because assistants could represent Members in some legislative activities, such as taking part in study groups, tabling amendments or carrying out administrative tasks. On the question of use of the Library, assistants could study books in the Library but only a Member of Parliament could borrow books.

The conditions of work, including hours, holidays etc., were fixed by the employer. After fourteen years it had shown up the problem of assistants who were making a career out of the job. They demanded improved conditions and were opposed to a system that gave the same pay irrespective of age, seniority or level of work. They called for a bonus for seniority which would reflect their pursuit of a career in the job. This was a worrying drift from the original idea of a parliamentary assistant. In 1976 the post had been intended to enable people to have experience of public life or to prepare a doctorate or study course on public service. Professionalisation of assistants who were making a career with a relatively good salary, which could rise to 20,000 Francs a month, presented a threat to the official parliamentary staff. It was therefore necessary to take many precautions to avoid infringements on the duties of parliamentary officials and to ensure that such claims were deferred for as long as possible.

Mr. HADJIOANNOU said that in Cyprus Members of Parliament had neither staffers nor assistants. They did receive a small allowance for secretarial services and this could be paid either to the individual or to his party.

Mr. GARCIA (Venezuela) said in many countries Members of Parliament carried out their duties on their own and this gave rise to problems in resolving difficulties between their national and their local roles. The duties of a parliamentary assistant could not be confined to bureaucratic tasks or giving advice essential though these were as the modernisation of parliament called for more technical skills. Often the assistant would have to substitute for the Member.

Public relations were also important to Members and assistants were important in improving the image of Members who might otherwise be regarded as people whose sole aim was to gain power and were indifferent to the duties of the job. Some adjustment in these attitudes was all the more important because it was essential for democracy that Members of Parliament had two fundamental but misunderstood tasks? passing legislation and controlling the Government. They therefore had to carry out a public relations policy.

Mr. ORBAN (Belgium) spoke as follows;

## **A. Staff made available to Members and groups in the Belgian House of Representatives**

### **1. Staff employed by the House**

This category of staff were recruited by the House which was their employer but they are distinct from parliamentary officials. These staff were allocated to political groups. They were appointed by the Bureau on the proposal of the groups. There were three types of staff in this category.

#### *(a) Secretaries of Groups*

Each group had a secretary whose appointment, rank and term of office were proposed by the group. The salary was equivalent to the permanent officials of the House. Since August 1990 secretaries of groups had to have the same level of academic degree as that required for parliamentary officials of the same ranks.



*(b) Secretaries of the "Cabinet"*

Each Questeur and each President of a political group had a Chef de Cabinet (chief of staff). Their duties came to an end either on the proposal of the political group or when the term of office of the President or Questeur ended. Their grade was the highest grade of personal staff.

*(c) Academic assistants*

These were attached to groups on a ratio of one for each four Members of Parliament. Their job came to an end either on the proposal of the group or if the reduction in its Members caused a reduction in the number of such assistants. On recruitment their grade was the first grade of public service. Their pay was fairly modest, partly to ensure a good turnover of staff which happened on average every three or four years.

## 2. Staff on contracts of employment

*(a) Administrative assistants for academic assistants*

These are recruited on the basis of one administrative assistant for every four academic assistants and are paid for by the group under a special budget.

*(b) Personal assistants of Members*

Each Member has the right to have one personal assistant paid for by a non-profit making organisation. This organisation receives a subsidy at the request of the group.

*(c) Other assistants*

Other assistants can be recruited by the group and paid for out of general funds.

## B. Status and role of the different types of assistant

Their duties are set by the group or by the Members of Parliament or by themselves. The same incompatibility rules applied as in France in that assistants cannot also be parliamentary officials or be the wife or related to

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a Member of Parliament. The rules governing the circumstances in which assistants can substitute for Deputies are as follows:

- at Committee meetings assistants of the political group can substitute for a Member of Parliament of the same group. However the group can only use an assistant in this way if it is also represented at the same sitting by at least one of its Members of Parliament and only if the Committee accepts the participation of the assistant. The list of assistants taking part is established at each meeting. Assistants cannot speak at such meetings.

Mr. KABULU (Zaire) said two types of official were made available for Deputies: secretaries and advisers. The latter were young academics who worked in the research office and were only available during parliamentary sittings.

Mr. NDIAYE (Senegal) thanked the Rapporteur for his cautionary advice. Members of Parliament complain of having too much work to do. He was also interested in the way in which staffers and assistants co-operated with parliamentary officials, particularly those of Committees.

Mr. BATETANA (Congo) said Members of his Parliament had already raised the issue of whether they ought to have assistants and the move towards a multi-party system raised this issue again. The cost would fall on the budget of the Assembly and any such provision would have to be organised by the Secretary General.

Mr. KIRBY (Canada) said that in Canada staffers and assistants had been employed for some long time. The current annual cost of such assistants was 160,000 Canadian dollars for each Member and this could be used to pay for temporary assistants and to hire equipment and for other secretarial costs. Some of this expenditure can be incurred in the Member's constituency. Various problems had arisen about the application of this allowance and these were dealt with by the Speaker assisted by a Committee on Members' services. There had been much misunderstanding outside Parliament about this provision. At the end of the previous year the Canadian police had notified the House of Commons that an enquiry had been conducted into allegations of mis-appropriation of these funds by fifteen Members of Parliament. The rules would have to be clarified so that Members knew what they were entitled to do.

Mr. QUIROZ (Venezuela) said these matters (recruitment of assistants, their status, the frequency of changes etc.), included the method by which they were paid. It was also related to the reform of parliament. The introduction of new technology tended to reduce the need for extra personal staff. At

present in Venezuela only the Chairman of Committees had an assistant other than the Committee staff. If an in-coming Chairman wanted a change, such an assistant would have to leave. Such a case was covered by employment law and the parliament itself had to re-employ the individual. Some Members of Parliament would like to have two or three assistants at their disposal. Such claims were not unrelated to the allowances paid by the Parliament.

Dr. ALZUBI (Jordan) said that in his Parliament there was no provision for Members to have assistants. All basic services were provided to Members by the Secretariat General. There was provision for specialist staff to be appointed to assist committees. A body had also been created to look into the question of assistants for Members of Parliament in Jordan. All salaries were paid by the Government in his country and Members of Parliament had no direct say in such matters.

Mr. YOO (Republic of Korea) said that each Member of Parliament was allowed four assistants and a driver. There were no restrictions on the working conditions of assistants although there ought to be some.

Mr. WHEELER-BOOTH (UK) said that the Officers of the House of Lords were strongly opposed to the provision of research assistants for Peers. It was thought that the use of research assistants would simply generate extra work and exacerbate the problems of accommodation, staffing and finance. The official Opposition in the House of Lords did benefit from some public funds to provide a small research staff. If Mr. Charpin proceeded to a questionnaire on this subject he hoped the questionnaire would address the issue whether the introduction of research assistants had been a help or a hindrance in many parliaments.

Mr. HOOPLOT (Suriname) said that the 51 Members of his Parliament made use of the services of the Secretariat General. A study on the introduction of Members' assistants was being conducted.

Mr. MBOZO'O (Cameroon) wondered whether in France the staff of political groups were governed by different rules to those of individual staff of Members. He was also interested in the different means of payment of staff of groups and of individual Members.

Dr. CATALURDA (Uruguay) said there were two categories of secretary - one for political groups and one for Members of Parliament. The parliamentary budget included an item for the expenses of Members in the pursuit of their duties and this enabled employment of secretaries for Representatives and Senators. The use of these allowances was discretionary. Members of Parliament could have up to three parliamentary officials seconded to them on a full-time basis as secretaries with their salaries paid by the parliament. It

was up to the Member to decide what could not be compatible with the duties of employees of parliament. The relationship between the secretaries and Members of Parliament was not precisely defined and some thought was being given to such matters as pensions and the relationship between employer and employee under national employment law. The question of pay was also relevant to this.

Mr. WARDHANTO (Indonesia) said there were no individual assistants for Members in his Parliament. Parliamentary staff assisted Members and the Secretariat General provided staff, paid for out of government funds, for Committees. The growing need for technical advice led the Chamber to appoint a group of experts to advise Committees in 1990.

Mr. SWEETMAN (UK) said that the subject raised by Mr. Charpin was one of the more important ones facing parliamentary authorities. The uncontrolled growth of research assistants had become a threat to the effectiveness of the House of Commons. Now there were 1,200 accredited assistants but there had been pressure in recent years for the number to be reduced. This arose from concerns about security, unfair access for pressure groups and constraints on facilities. Members of Parliament were now restricted to a maximum of three research assistants each but further restrictions were possible.

Mr. DE SOUZA BARRIGA (Portugal) thanked the interpreters for enabling him to speak for the first time in the history of the Association in his mother tongue. He said that there were no individual assistants for Members but there was a budget item to provide technical assistance for political groups.

Mr. CHARPIN (France) said the Senate provided for 300 Senators, some 600 assistants and 900 parliamentary officials. Half the assistants worked in Paris and the other half in the country. Certainly in France there had been no reduction in the number of assistants in any year. He did not agree that there was any connection between the creation of parliamentary assistants and the solitary life of Members of Parliament. Every aspect of his parliamentary duties as a Member was assisted by many parliamentary officials with a wide range of specialities and experience. On legislative matters a Member had at least one official to help him. It was therefore an exaggeration to talk about the solitary role of Members.

Furthermore the parliamentary assistant was much less experienced than a parliamentary official because of the precarious nature of his position, based on the personal link between him and a Member of Parliament. Therefore it was the parliamentary official who could help the Member more effectively.

In effect the creation of an assistant arose from other needs and was only a consequence of a long political and economic development. Personal incomes of Members of Parliament had diminished. Previously Members of Parliament had been able to pay for their own staff from their own resources. He noted in 1893 British Members of Parliament had voted against the establishment of a parliamentary salary. On the other hand Members of Parliament now had less help during parliamentary recesses in their party offices because the number of party activists had decreased.

If this subject was followed by a questionnaire, one question which could be addressed was the extent to which assistants actually did contribute to the work of Members of Parliament.

Mr. CHARPIN pointed out in response to what had been said by Mr. BATETANA concerning a multi-party system in the Congo, that France offered an example of a well-established parliament which did have a multi-party system. The role of official parliamentary services was to provide resources separate from political parties and to ensure good facilities for a Member's legislative work. This naturally implied complete political neutrality for parliamentary officials.

In response to Mr. MBOZO'O (Cameroon), Mr. CHARPIN said that assistants working for political groups were paid by the group itself from a global budget allocated to them by the Assembly. On the whole relations between parliamentary assistants and the staff of groups appeared to be good. Some assistants were seconded to work with groups.

Mr. CHARPIN said in response to Mr. NDIAYE's comment that relations between staffers and the assistants of Chairmen of Committees (who were more numerous than the staff of an ordinary Deputy) and parliamentary officials really came down to a certain rivalry. Mr. CHARPIN commented on the allowance paid to Canadian MPs of 160,000 Canadian dollars, compared with the French figure. He recalled that Mr. KIRBY had said that pre-postage and other services were not taken into account in this figure. Following Mr. QUIROZ's comment, Mr. CHARPIN said that he thought that the introduction of information technology might reduce the number Members' staffers but not that number of parliamentary officials. He was concerned to hear from Dr. ALZUBI that his government paid for the salaries of parliamentary officials and drew attention to the difference between the work performed by Members' assistants and that done by parliamentary officials.

## **C. Report prepared by Mr Bernard Charpin, Secretary General of the Questure, French Senate (adopted at the Yaoundé session April 1992)**

### **Introduction**

I would first of all like to thank all those among you who have replied to the questionnaire which I was asked to prepare, at our meeting in Pyongyang, on the subject of Members' Assistants.

I have received replies from 31 countries, of which 8 have two chambers, plus the European Parliament, making 40 replies in all.

The contents of the replies follow in this report, taking each point separately with certain comments where appropriate.

In respect of the first question, by far the most important, 26 assemblies indicated that they had a system of members' assistants, while 14 did not. It must be noted immediately however that a certain ambiguity exists in this respect in that some countries, including Spain, Norway and Poland, have addressed the problem of providing assistance for Members by using the mechanism of the political groups, which relieves the assemblies themselves from responsibility for their organisation. Ambiguity also arises where Members receive assistance provided from a different source, such as the German Bundesrat whose Members are Ministers from the various Lander who have available to them their ministries' officials.

I cannot therefore be certain of the accuracy of the figure of 26 for those replying 'yes' to the initial question; the rest of the replies to the questionnaire have however been analysed on this basis.

### **I. Recruitment**

- (a) *The Assistant is recruited* by the Member in 23 cases, by the assembly in two cases, and by his political group in 4 cases. These add up to more than 26 because in some countries more than one method of recruitment is possible.

- (b) *In respect of the method of recruitment*, I noted only one case of recruitment by competition, 7 on the basis of qualifications and 20 on a discretionary basis. However, the replies on this point were not very clear and, while a number did not indicate their replies, others replied 'yes' to 2 or 3 different methods.
- (c) *Attachment of an Assistant to several Members*. On the point of whether an Assistant can serve several Members, 17 replied in the affirmative and 9 in the negative. On the point of whether a Member may have several assistants, 22 replied 'yes' and 4 'no', with the possibilities ranging from 2 assistants to an unlimited number. A particular point to be noted on this is that in the USA House of Representatives a Member may have up to 18 assistants.
- (d) *Conditions on recruitment*: 8 indicated a minimum age requirement with 15 indicating no such requirement (with Canada referring to the provisions of the national Labour Code). In respect of the existence of a maximum age, 6 replied 'yes' and 17 'no'. In respect of nationality conditions, 6 replied 'yes' and 14 'no'; in respect of academic qualifications 5 replied 'yes' and 16 'no'; in respect of security vetting 7 replied 'yes' and 16 'no', though there is likely to be a certain ambiguity here, reflecting different customs in different countries.
- (e) *In respect of incompatibilities between assistants' functions and other functions*, 6 examples were noted, including Greece (which does not accept lawyers), Australia (which does not accept national government civil servants), and Belgium (which does not accept parliamentary staff), to which must be added France which has other incompatibilities, with 20 negative replies.
- (f) *In respect of secondment of a civil servant to serve as a Member's assistant*, 7 replies indicated that this was possible and 16 that it was not. In Italy, a specific authorisation was required.

## **II. Conditions of employment**

- (a) *Contract of employment* 11 replies indicated the contract was under private law, 4 under public law, 5 that it was that of a public official and 6 that it was of a different kind. It must be said however that differences in the legal nature of these terms refer to concepts well understood in some countries but not in others and it is not surprising that the ambiguity in the question has led to some hesitancy in the answers.

- (b) *In respect of working hours and holidays*, a large majority stated that these were determined by the employing Member (22), with 2 indicating that they were determined by the Assembly and 1 or 2 describing other arrangements.
- (c) *Payment of salary to the Assistant* is made directly by the assembly in 13 cases, by the Member in 8 cases, and by other means in 5 cases, most often by the political group, as indicated above.
- (d) *The amount of assistants' remuneration* is fixed in 16 cases, and includes variable elements in 12 cases (4 according to seniority, 4 according to academic qualifications, and 4 according to other criteria). In Switzerland, the total payment may be 30,000 Sfr. if justified.
- (e) *Availability of social benefits to assistants*: 20 assemblies indicated that an assistant is covered for sickness, 17 for maternity, 14 for invalidity, and 13 for death. This cover often varies according to the nature of the contract whether as a "subordinate" or "adviser" as in Italy, or salaried or fee-based as in France, or as in the European Parliament according to the national regime of the assistant concerned.

### III. The assistant's activities

- (a) *Place of work* 21 replies indicated that the assistant's work takes place in the assembly itself, with unrestricted entry in only 1 or 2 cases, 12 cases in which an identity pass is required and 11 in which an identity badge is required. 5 assemblies permit free circulation within the assembly's buildings, while 19 restrict access, principally in respect of the plenary chamber (22 cases), committee rooms (14), the library (1), and catering facilities (6); it should however be noted that, other than in respect of the plenary chamber where there was unanimity in prohibiting access, the other responses depended to a certain extent on the particular arrangement of the parliamentary buildings and the different customs of Members.

As for the hours of work, 17 replies indicated that they attended on all days, and 13 during all working hours. Additionally, 12 indicated that the Assistant could also be required to work wholly or in part in the Member's constituency, though some noted that this was rare or exceptional.



- (c) *The Assistant's principal duties:* in a majority of cases the Assistant keeps the Member's office staffed (16), above all dealing with correspondence (22) and drafting speeches (20); by contrast drafting of amendments was mentioned in only 12 cases, with 8 negative responses. A majority indicated that Assistants maintained contacts with government departments and public bodies (21, with two negative response), while there were relatively few replies, mostly in the negative, on whether principal duties included tabling amendments (3 yes and 15 no) or written or oral questions (4 yes and 13 no). Finally, dealing with visitors was indicated in a majority of replies (18 yes and 2 no) and 12 replies indicated other activities, with one reply indicating research projects and one that the duties were set in the contract to be at the discretion of the Member.

#### **IV. Termination of employment**

- (a) *Causes:* 20 replies indicated the resignation of the Assistant, 18 listed redundancy or dismissal (with however 3 negative responses), 6 listed age limit (with 13 negative responses), and all included the loss by the employing Member of his seat. Other reasons given included mutual agreement between the Member and the Assistant, inability to work together and insufficient aptitude, all of which could perhaps be regarded as examples of redundancy or dismissal.
- (b) *As to whether reasons must be given where an Assistant is made redundant* in only 3 cases of those which had indicated redundancy as a cause were reasons required to be given, and in 15 they were not required.
- (c) *Financial consequences of termination of employment:* only 8 assemblies provide specific grants at the time of termination, while 14 do not; 14 provide a retirement pension, while 10 do not. Here also clear replies are no doubt made more difficult by the different social security regimes in force for employees. It can however be noted that amongst those providing grants, one varies the amount in respect of length of service, one provides an amount fixed in advance, and one provides for an 'extraordinary payment'. This description is equally applicable to retirement pensions, since Assistants under a private contract depend for their pension on the general regime applicable to employees.

Here too, the difficulty arises of the distinction between salaried employees subject to the standard pension regime and assistants/advisers remunerated on a fee basis who are not covered in this way.

## VI. Developments in the position of assistants in the near future

13 Assemblies indicated that no plans existed for the establishment of a system. The Belgian Senate, the Polish Senate, Australia and Cyprus are on the other hand considering modifications to their systems, albeit of a minor nature.

The information given above, if somewhat dry and detailed, suggest that only a minority of assemblies are endowed with a system of Members' assistants, since it may be that a large number of those which do not have one - or do not yet have one - did not consider it particularly useful to reply to the questionnaire, which suggests all the more credit to those among them which did reply. From those which have a system a few conclusions might be drawn, namely that recruitment and the working arrangements are largely determined at the discretion of the individual Member, that the main activities are in respect of staffing the Member's office and correspondence, and that the work is generally done in the assembly.

It is perhaps worth noting that these principal characteristics distinguish such assistants clearly from the employees of the assembly itself.

For us as Secretaries General this is an important issue both now and for the future, and it may be that the system of recruitment and payment of salary via political groups could be a more satisfactory and clearer solution, although here too there is the problem of the particular differences between each of our assemblies, with not all having an organised system of political groups, which has no doubt prevented the establishment of a system based on them. However this may be, it cannot but be noted that a not inconsiderable number of assemblies have been led to establish a system of Members' assistants enabling Members to have staff devoted full time to their needs, as opposed to parliamentary officials who have other duties to perform on behalf of the assembly itself. Finally, it is worth noting that this institution has tended to spread to new parliaments, by way of the normal process of an infection. This Report hopes to encourage a period of reflection amongst those who are still considering such a step.

## **III\* Multilingual Parliaments**

### **A. Introductory note by Mr Klaus Pöhle, Director, European Parliament, February 1991**

#### **Preliminary remarks**

Faced as it is with the same economic and information requirements, our communication-orientated world is moving gradually towards a certain degree of unification, thanks to technological advances and the harmonization of standards. Nevertheless, there is one great obstacle which still remains and will remain in the future: the expression of different cultures through different languages. The number of languages spoken in the world's 170 or so states is currently estimated at between 2500 and 3500. To these language based on different cultures must be added dialects and argots which have also demonstrated a capacity for survival.

Even dictatorships do not succeed in eliminating the use of languages and dialects not officially permitted in the country in question. They resist every attempt at suppression.

Because of new technologies, the use of English/American is beginning to be accepted in aviation, telecommunications, tourism and certain other areas. But its use is limited to the specific needs of these areas.

#### **Parliaments and multilingualism**

The formula "one national parliament = one language" is not universally applicable; a distinction must be made between states which have only one official language and states which have several. If there is only one language, the parliament tends to ignore the fact that some of its members may not have the official language as their mother tongue. Even in centralized states there may be regions where languages other than the official language are spoken, the latter perhaps being used mainly for educational and administrative purposes.

Nowadays immigration and the representation of the immigrant population introduce a new element. This section of the population may also be represented by nationals who are obliged to use the official language in parliamentary plenary sessions. This puts them at a disadvantage, since in politics—unlike university life, for example—it is the way one expresses oneself orally, and not on paper, that counts for most. It must be said that in Europe, Asia and Africa historical developments bear witness to the artificial way in which national borders were established during the period of decolonization (by taking a river or a mountain as the border, for example). This has given rise to artificial nations which consist of a majority having one culture and language, and one or more minorities based on other cultures and languages, but forming part of the same nation state.

In the "new" continents (North and South America and Australia) one finds indigenous tribes and immigrants from Europe, Asia and Africa. In these continents there is always an official language (English, Spanish or Portuguese), but a certain percentage of the population is known to use a different language at home, with friends, for social activities, etc.. It is reported that, in Australia, members of parliament sometimes insist on delivering the first few lines of their maiden speeches in their native language, among other reasons to express their pride, as immigrants or members of ethnic minorities, at having risen to the heights of joining the elected representatives of their people.

### **The so-called "international" parliaments**

If "emancipation", in the broad sense of the word, continues to be an element of democratic progress, national parliaments could find themselves obliged to take account of the diversity of languages existing within them. Representatives of minorities, for their part, may be encouraged by the trail-blazing role of the international, and hence multilingual, assemblies.

Until the Second World War there only intergovernmental conferences (attended by diplomats accustomed to using French and English, rather than by parliamentary representatives), whereas developments since 1945 have brought international assemblies into being:

- the Parliamentary Assembly of the Council of Europe (which has two active and passive working languages, but allows the passive use of other languages)

- the Assembly of Western European Union (with two active and passive working languages)
- the NATO Assembly
- the European Parliament.

This latter has to face "two apparently contradictory necessities", according to Mr. Pierre Pflimlin, President of the European Parliament, speaking at an international conference on multilingualism in Europe held in Madrid in 1986:

- organizing the best possible communication between people who are products of their own cultural background and speak their own national language,
- safeguarding the variety of languages and dialects (and even of accents) spoken and written by the peoples of Europe, which bear witness to the rich historical and cultural heritage of our continent.

The EP currently uses nine official languages. It expects other countries to join it, bringing a corresponding increase in the number of official languages used.

The term "official language" means in the EP that, in plenary sitting, at meetings of parliamentary committees, political groups and other EP bodies, Members can use one of the nine working languages (French, German, English, Italian, Spanish, Dutch, Danish, Portuguese and Greek). The observant reader will notice that this list does not include Letzeburgesch, Gaelic, Catalan, Basque, etc. So there is some limitation within the EP, despite the number of working languages.

All official documents intended for Members of Parliament must therefore be available in the nine languages, so that Members can acquaint themselves with them thoroughly before expressing an opinion. This applies to reports, resolutions and legislative texts, as well as to amendments. This calls for a high degree of organization and discipline with a parliament if amendments and other texts are to be tabled within tight deadlines, translated, printed and distributed in time for the debate and vote in question.

## Looking to the future

The same questions apply to all multilingual parliaments:

1. *Are there technical limits on the number of languages?*

Even now the so-called "rare languages" are interpreted by a relay system: interpreting booths are linked so that interpretation can take place via a common language.

2. *Are there budgetary limits on multilingualism?*

In order to hold a part-session and ancillary meetings, the EP needs about 330 interpreters, 50% of whom are EP officials, 50% freelance. The annual number of interpreter-days amounts to 50 000, despite parliamentary recesses.

3. *To what extent can multilingualism give rise to political constraints?*

Should a parliament accept the influence of linguistic problems and compromise on questions such as:

- keeping to the working hours, breaks and other agreements concluded with the interpreters' unions
- not holding meetings in places where there are no premises technically equipped to provide simultaneous interpretation into the necessary number of languages (or enough room to install mobile booths)
- adhering to very tight deadlines for tabling motions for resolutions and amendments
- either abandoning the system of substitutes for committee meetings, working parties and delegations or accepting the additional expense of providing the whole range of interpretation, even in places far away from the seat of parliament. (Another possibility would be to accept a limitation to three working languages or to forego "passive" interpretation for delegation missions.)

While it is accepted that a member of parliament is entitled to use his mother tongue and to receive all official documents in this language, is this equally necessary for the officials of the parliament in question? It is a fact that, with a few exceptions, the members of the general secretariat of a multilingual parliament use only one, or perhaps two, languages in the course of their work. This is an advantage for officials who work in their native language and a disadvantage for those who do not. Great savings in tran-

slation, typing, technical production (printing, print run, total amount of paper used, etc.) could be made if, instead of nine languages, one were used.

With regard to the translation of written texts, one could work on the optimistic assumption that in a few years' time this task will be able to be done by computers. Pilot schemes and trials have been under way for several years now.

However, it will probably be a number of years before completely satisfactory operational applications are achieved.

### **B. Topical discussion: extracts from the Minutes of the Santiago session October 1991**

The PRESIDENT called Mr. Poehle (European Parliament) to open the discussion on multilingual parliaments.

Mr. POEHLE (European Parliament) introducing the discussion, drawing from the paper he had circulated, noted that the ASGP and IPU meetings themselves highlighted the problems of languages in international assemblies. Harmonisation of language existed in only very limited areas, such as aviation, communications and tourism. It was also very rare that a country had only one language. Most had some regional languages and this was exacerbated by the growing level of migration between countries.

Drawing on his own experience from the European Parliament, he stressed that there were contradictory requirements between safeguarding national languages and cultures (and even accents) against the need to ensure efficient communication. It was difficult to expect parliamentarians to express themselves in a foreign language. Even if the principle was accepted it would be difficult to agree on which language or languages should be adopted. The European Parliament had nine official languages and these did not include all the languages spoken in the Community. The question which arose within the European Parliament was to what extent votes and deliberations should be held up until all texts were available in all languages. It was known that the problem would grow if and when further countries joined the Community.

One of the major problems was the question of the availability of interpreters. Interpreters were not readily available overnight in respect of all language mixes. When Greece joined the Community interpreters had to be specially trained for one year beforehand. Steps were being taken at the present to train interpreters in Russian in respect of the likely membership or

association of some of the Eastern European countries. A similar process was necessary for translators. In practice the problem was often a shortage of interpreters who could do both passive and active translation in respect of the lesser used languages. Sometimes at a meeting only one interpreter was able to interpret from a minor language and this meant that other interpreters then had to translate from that first interpretation. A related but significant problem was that of the technical requirements of interpretation booths. Initially it had been the practice to have interpretation booths arranged in the meeting room itself, which was not the best system. The rooms had later been re-built to provide for the requisite number of booths to be available alongside the room. If the number of languages was further expanded this raised the question of whether the rooms would have to be re-built again. Ultimately, though, such technical problems could always be overcome.

In respect of financial limitations, certain details of the cost involved were given in the paper which had been circulated. The European Parliament currently required 330 interpreters for plenary sessions. Half of these were permanent employees and half were freelance. The permanent employees were on a salary scale linked with other European Parliament staff, whereas the freelance interpreters were employed on a recognised tariff basis. This tariff changed from time to time and this made budgeting relatively difficult. The budgeting problems were compounded in respect of meetings outside Strasbourg where travel expenses had to be provided for. The cost of interpretation for visits outside Strasbourg was further complicated by the difficulty in knowing beforehand exactly which Members would be attending and, therefore, which interpreters would be required. This was often not decided until the last moment. Additionally interpretation booths sometimes had to be provided by the Parliament at the place of the meeting.

A consequential problem arising from the need to translate documents was the need for very strict deadlines for the deposition by Members of documents. A further issue was in respect of the staff at the Parliament who also had a preference for freedom to express themselves primarily in their own language; however because of the need to serve all Members French was, in practice, universally available amongst the staff.

The PRESIDENT sought clarification of the distinction between so-called passive and active languages.

Mr. POEHLE explained that an active language was one spoken by a Member and which, therefore, had to be translated into the other languages. Initially at the Council of Europe this was limited to English and French but



from the time of German membership interpreters were introduced to enable them to speak German.

Mr. SORINAS (Council of Europe) explained that the Council of Europe currently had two official languages - French and English - in which all documents were available. When the German Members and then later the Italian Members began to speak in their own languages their respective governments, initially, paid the costs. Later they were designated as working languages and the Council of Europe paid. Subsequently Spanish, Turkish and Dutch had been treated in the same way.

Mr. ALBA NAVARRO (Spain) reiterated the point made earlier that it was just not a problem for international parliaments and that in his own country there were problems with respect of the use of the Basque and Catalan languages. He posed a particular problem which arose when the translation into a second language turned out not to reflect exactly the political intention of the author in the original language.

Mr. POEHLE replied that this was indeed a problem recognised at the European Parliament. Initially the problem had been addressed by having revisers who were above the translators, who would have the time to discuss the problem with the author of the text or the amendment. This was increasingly difficult now that there were more languages and Members and documents. He noted that it was important that the authors of texts were precise in their drafting. Vagueness in drafting led to difficulties in translation. Where texts of laws were concerned it was necessary to have legal experts to ensure that the texts coincided.

Mr. SAUVANT (Switzerland) spoke as follows (translation):

"The Federal Constitution recognises the existence in Switzerland of three official languages (German, French and Italian) in the respective proportions of 80%, 16% and 4% and a fourth national language, namely Romansh.

Legislation is published in all three official languages. In the debates in parliament each Deputy may speak in his own language, including the President of the Council and the Ministers. Simultaneous translation is provided in one of the Assemblies (the National Council), the other Assembly having renounced it. A translator is available in the Assembly for translation of the interventions of the President and the handling of debates and votes. The Official Journal contains the debates in the language of the speaker.

In respect of the level of knowledge of other languages, 30% of Members spoke and understood the other language out of French and German. Italians, who comprise 8 Members out of 200, express themselves in German or

French. This had given rise to the saying that "an Italian Member expresses himself in French when he wishes to speak about his culture and in German when he wishes to be understood".

In Committees simultaneous translation has just been introduced in October 1991 in respect of deliberations, although if all the Members of a particular language group choose this can be dispensed with. We have not yet had experience of this. The three official languages are represented in respect of the composition of Committees taking into account the relative importance of groups and the regions in the country. In conclusion, multilingualism holds up the work of a parliament and is expensive but it is considered in Switzerland that the respect for minorities is without price."

Dr. ALZUBI (Jordan) asked what the trend in policy was in the European Parliament with respect to the alternatives of maintaining the status quo, that is gradually to accept each new language and problem whatever the cost as it arose, or to introduce a policy towards recognising fewer languages.

Mr. POEHLE replied that the present policy was to recognise that the Parliament would have to continue with its many languages and possibly to accept more. It was hoped that in the longer term technological progress might lead at least to automatic translation of documents. He added as an additional point that the Library of the Parliament maintained its catalogue in nine languages.

Mr. NDIAYE (Senegal) reiterated the point that national parliaments had problems of this nature as well and that in Senegal, while French was their official working language there were also seven national languages and there were currently Deputies who did not speak French. This gave rise to a number of problems. First, some legal concepts in a national language did not exist in French. Secondly, in the technical area, the reporters for debates occasionally had to leave some references blank where a Member spoke in a different language. Sometimes during an exchange between a Minister and a Deputy there might be misunderstanding. Thirdly, financial problems arose in that it was not possible to provide for interpretation for all the languages. In practice, working documents were provided in French and it was hoped that in due course all the Deputies would speak French. He considered that in international parliaments the working languages should be limited to two or three but provision should be made for representatives to be allowed to speak in their own language.

Dato WAN ZAHIR (Malaysia) stated that while in the Malaysian Parliament they had started with two languages, English and Bahasa, only one was now used, namely Bahasa, and most Members were conversant with it. The

point he wished to express was that acceptance by all of a national language was a matter of political will. English was, however, still allowed, with permission of the Speaker, and simultaneous interpretation was still provided (principally for the public gallery). However as its use became less and less it might be that the simultaneous interpretation would no longer be provided.

In concluding the debate, Mr. POEHLE noted that the proposed supplementary item for discussion at the IPU Conference itself in Santiago, namely the position of minorities, had not been accepted for debate. He suspected this was a subject which, while difficult, was one which would be returned to.

## **IV. The Parliamentary System of Liberia**

**Paper by D. Lincoln Bloh II, Chief Clerk, Interim Legislative Assembly of the Republic of Liberia**

### **THE HISTORICAL DEVELOPMENT OF LIBERIA'S LEGISLATURE**

The historical process of the Liberian Legislature began with Liberia's political and constitutional development. As far back as 1822 when the Liberian State was Founded by the American Colonization Society, there was a constitution referred to as the "Social Contract". "Under that constitution, Legislature, Executive and Judicial powers were dedicated to the American Colonization Society, which was empowered to make such laws, rules and regulations that were found fit for the governance of the settlement. Later, legislative functions were conducted by a Board of Agents, with a limited power to enact laws.

The exclusive control of the political machinery of the settlement by the American Colonization Society continued to undermine the ability and opportunity of the freed negroes settled here in Liberia to have self-government. Consequently, on August 22, 1824, the plan of Civil Government was adopted by the settlers. That document, also referred to as the 1824 Constitution, partially limited the powers of the American Colonization Society by providing a distinction in the execution of legislative, executive and judicial functions.

A tremendous improvement in Liberia's legislative and political history came along with the establishment of the Commonwealth in 1839, and the subsequent adoption of its Constitution. The 1839 Constitution established the position of a Governor and a Legislative Council. All legislative powers and functions were vested in the Governor and the Council; however, all laws enacted by them were subject to the scrutiny or revocation of the American Colonization Society. The first Session of the Council met from August 20 to September, 1839.

The Governor of the Commonwealth was the Presiding Officer of the Legislative Council. He was empowered to appoint and publish the times, places and procedures for holding elections. More importantly, the Governor had a veto on the acts of the Council.

The quest of the settlers for self-government led them to declaration of Liberia as a sovereign, independent State in 1847. With the declaration of independence, a new Constitution was adopted, which recognized the Republican or Presidential System of Government. The framers of the 1847 Constitution drew their wisdom from prominent international documents such as the Bill of Rights, the Magna Charter, the American Constitution, etc. Unlike previous constitutions, the 1847 Constitution established the doctrine of separation of powers by the creation of the three branches of Government, namely: the Legislature (Parliament), the Executive and the Judiciary. The arrangement was intended to provide checks and balances.

### **The Legislature of Liberia prior to 1980**

The legislative power was vested in the Legislature which comprised both the House of Representatives and the Senate. The Speaker of the House of Representatives was its Presiding Officer. Also there were two deputy speakers who assisted the speaker to conduct the affairs of the House and acted in his absence. The President or Presiding Officer of the Senate was the Vice President of the Republic of Liberia. The position of President Pro-Tempore was also established in the Senate with constitutional empowerment to act in the absence of the Vice President.

The 1847 Constitution of Liberia was suspended as a result of the change of government in 1980. Liberia then came under military rule. In an effort to return Liberia to a constitutional and civilian rule, a new constitution was written which is referred to as the 1986 Constitution. Like the 1847 Constitution, the 1986 Constitution made the Legislature bicameral: the House of Representatives and the Senate. Both of them must pass on laws. There are no serious variances between the 1847 and the 1986 Constitutions.

### **Standing Committees of both Houses and their importance**

The Legislature operates through its various Standing Committees. The Senate is composed of twenty-six (26) Standing Committees and the House of Representatives consists of forty-one (41) Committees. Every Legislation,

before debated at plenary and passed into law, is referred to the Standing Committees on the subject matter. It examines the surrounding circumstances and all implications, and submits its findings, including recommendations to the full body of either House. In addition to its functions, every Standing Committee is empowered to hold hearings at such time as it deems appropriate during the period the Legislature is in Session.

### **Requirements for election of senator**

Citizens of Liberia who meet the following qualifications are eligible to become Members of the Legislature:

- (a) for the Senate, have attained the age 30 years and for House of Representatives, have attained the age of 25 years;
- (b) be domiciled in the County or Constituency to be represented not less than one year prior to the time of the election and be a taxpayer (Article 30 of the Liberian Constitution).

### **Term of office of elected senators**

The Senate shall be composed of Senators elected for a term of nine years by the registered voters in each of the counties. Each County shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election (Article 45). Immediately following the elections, the senators shall be divided into two categories as a result of the votes cast in each County. The senator with the higher votes cast shall be the senator of the first category and the senator with lower votes cast shall be senator of the second category; provided that no two senators from a County shall be placed in the same category. The seats of senators of the first category shall be vacated at the expiration of the ninth year. In the interest of Legislative continuity, the senators of the second category shall serve a first term of six years only, after the first elections. Thereafter, all senators shall be elected to serve a term of nine years (Article 46).

### **Replacement of elected senator**

The vacancy created by the death, resignation, expulsion or otherwise of an elected senator shall be by a by-election to fill the vacancy created. The person so elected shall serve only the remainder of the unexpired term of office (Article 45).

## **Composition of House of Representatives**

The House of Representatives shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election (Article 48).

- (a) The House of Representatives is headed by a Speaker elected once every six years by Members of the House. He is assisted by a Deputy Speaker who acts in the absence of the Speaker. Other officers like Chairmen of Standing Committees are appointed by the Speaker to ensure the proper functioning of the House.
- (b) The Speaker, the Deputy Speaker and other Officers so elected may be removed from office for cause by resolution of a two-thirds majority of the Members of the House (Article 49).

## **Powers of the Legislature**

The Legislature shall have the powers:

- (a) to create new counties and other political sub-divisions, and readjust existing county boundaries;
- (b) to provide for the security of the Republic;
- (c) to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic and to make appropriation therefore provided that no appropriation of money for that use shall be a longer term than one year; and to make rules for the governance of the Armed Forces of Liberia;
- (d) to levy taxes, duties, imports excise and other revenues; to borrow money, issue currency, mint coin, and to make appropriation for the fiscal governance of the Republic subject to the following qualifications:
  - (i) all revenue bills, whether subsidies, charges, imposts, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills...;

- (ii) no monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the legislature;
- (e) to constitute courts inferior to the Supreme Court.

### **Power of impeachment**

The power to prepare a bill of impeachment against the President of Liberia, the Vice President or a Justice of the Supreme Court is vested solely in the House of Representatives of the Legislature, whereas the power to try all impeachments is vested solely in the Senate. However, when the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside. And when the Chief Justice or a judge or a subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached not by the concurrence of two-thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law (Article 43).

### **Legislative immunities**

Article 42 of the Liberian Constitution provides that no member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the function of his office. Members of both Houses shall be privileged from arrest while attending, going to or returning from session of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statements made in the chambers of the Legislature shall be privileged, and no legislator shall be held accountable or punished therefore.

### **Contempt of the Legislature**

Contempt of the Legislature shall consist of action which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished



by the House concerned by reasonable sanctions after a hearing consistent with due process of law. However, no sanction shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in the Liberian Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

### **Filling in vacancy**

In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within 90 days prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

### **The birth of the Interim Legislative Assembly (ILA)**

The rebel incursion into Liberia on December 24, 1989 has resulted in the total collapse of government. Consequently, through a subregional initiative, the six political parties of Liberia and the various pressure groups met in Banjul, the Republic of the Gambia, and constituted the Interim Government of National Unity in keeping with Article One of the Liberian Constitution which states inter alia: "All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require."

Additionally, an All-Liberia Conference was convened between March and April, 1991 in Monrovia, Liberia which reaffirmed and reconfirmed the results of the Banjul Conference, thus the Republican form of Government was established with the Interim Legislative Assembly (ILA) as the Legislative Branch of Government.

### **Composition of the Interim Legislative Assembly of Liberia**

The Interim Legislative Assembly of Liberia is composed of representatives of the Liberian six political parties, pressure groups, the thirteen counties of Liberia and the Independent National Patriotic Front of Liberia (INPFL), one of the warring factions to the Liberian conflict. Each political

party is represented by two representatives and the pressure groups are represented by two persons. Each county is represented by one person while the INPFL is represented by four persons. The Assembly elects its own Speaker and Deputy. The Speaker appoints standing committees for the effective functioning of the Assembly.

The Assembly is assisted by a secretariat and clerical staff headed by the Chief Clerk. The Chief Clerk administers the affairs of the Assembly in consultations with the Speaker and members of the Assembly.

## V\* IFLA: Parliamentary libraries section

by Dr Kohl (German Bundestag) - August 1992

### IFLA<sup>1</sup>

Founded in 1927, IFLA was created to provide librarians throughout the world with a forum for exchanging ideas, promoting international co-operation, unifying library practices, and advancing the cause of librarianship. It is an independent, international, non-governmental association with headquarters in The Hague, Netherlands, with at present more than 1200 members in over 120 countries.

The main objectives of IFLA are:

- to initiate or coordinate research and studies in librarianship;
- to publish and disseminate information on all kinds of library activities;
- to organize meetings, conferences, and seminars;
- to collaborate with other international organizations in the field of information, documentation, and archives.

IFLA works through two kinds of unit:

- Sections and Round Tables, grouped in 8 Divisions, for type of library (*e.g.* parliamentary libraries, public libraries) or library activity (*e.g.* acquisition and exchange, statistics);
- Core Programmes:
  - Universal Availability of Publications (UAP),
  - Universal Bibliographic Control and International MARC (UBCIM),
  - Advancement of Librarianship in the Third World (ALP),

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<sup>1</sup> International Federation of Library Associations and Institutions.

Universal Dataflow and Telecommunications (UDT),  
Preservation and Conservation (PAC).

### **Section 03 : Parliamentary libraries**

The parliamentary libraries of the world, as a distinct type of librarianship, form a Section of their own within IFLA. This Section (Section 03) belongs to the Division of General Research Libraries (Division I).

The purpose of the Section is to apply the general objectives of IFLA to the particular situation of legislative libraries, the national legislatures in the case of unitary states and both national and second tier legislatures in the case of federal countries.

Parliamentary librarianship is a distinctive form of information work, mainly for members of the legislature, who work under great pressure, and who both use and create information. For this reason they need adequate information support. In the last twenty to thirty years there has been a great growth of this work, not just in terms of quantity, but in many legislatures in terms of quality and depth also. Research services have sprung up, and other specialist services such as economic modelling. Whether these come under the Library or not depends on the administrative structure of the legislature. But all forms of information for legislators and also any personal staff they may have is of interest to the Parliamentary Libraries Section.

#### **Objectives of the Section**

Its particular concerns as set down in the Medium-Term Programme include:

1. to assist in the development of parliamentary libraries by providing assistance and support in accordance with the interest, requirements, and stage of development of parliaments in various regions of the world; to encourage bilateral assistance and development programmes; and to act as a clearing house in this regard;
2. to encourage programmes which would foster the adaptation of the latest information technologies to parliamentary library services;

3. to examine the relationship of the research work carried out in parliament and by public and private institutions and the needs and work of parliament with special reference to the library and research services of parliaments themselves;
4. to examine the administrative arrangements within parliaments with regard to library, information, and research services;
5. to strengthen the co-operation between the Inter-Parliamentary Union and parliamentary libraries, and explore possibilities of joint programmes and activities;
6. to encourage the establishment of regional groups of parliamentary libraries like the European Centre for Parliamentary Research and Documentation.

A particular aspect of the Section's work is to promote cooperation between legislatures and especially their libraries because of the growing need for legislators to be well informed concerning developments worldwide.

### Organization and activities of the Section

The Section's work is steered by a Standing Committee which, in turn, elects the Section's Executive Committee, *i.e.* the Chairman and the Secretary.

IFLA holds meetings throughout the world once a year at which the Section presents a programme of papers for open session, sets up a workshop on a particular theme and sometimes holds a pre- or a post-IFLA meeting lasting two days or so. These meetings are often held in connection with the legislature of the host country.

### Publications

In addition to the benefits derived from Section membership, IFLA members receive free of charge:

*IFLA Journal* (quarterly)

*IFLA Annual*

*IFLA Directory*

*IFLA Trends* (biennial report)

*IFLA Medium-Term Programme*

*IFLA Statutes and Rules of Procedure*  
*Divisional and Sectional Newsletters*

The Section of Parliamentary Libraries publishes:

*Newsletter* (biannual)

*World Directory of National Parliamentary Libraries* (biennial)

Enquiries on the Section's publications should be addressed to the Secretary.

### **How to join IFLA**

Membership of IFLA is open to associations and to institutions; affiliation is open to institutions and individuals. For further information regarding membership, please contact: IFLA Headquarters, POB 95312, NL-2509 CH The Hague, Netherlands.

# **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.

### **Membership and structure (October 1992)**

*President:* Doudou Ndiaye (Senegal).

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