

IV. Reform of Parliament

1. Introductory Note by Mr Sauvant (Secretary General of the Federal Assembly of Switzerland) (April 1992)

When we say that the reform of Parliament is an ongoing job, this is a fundamental truth which applies to all Parliaments. The question of the development of parliamentary institutions is coming up everywhere. Over the last 25 years, Swiss parliamentary law and procedure have undergone many changes, and the desire to reform Parliament has been reflected by steps designed to speed up procedure in plenary. Speaking time has been curtailed more stringently, more emphasis has been placed on written documents, new standing committees have been set up, a duty to report personal and direct interests has been introduced, the content of personal interventions has been redefined, as has been the procedure to be followed in dealing with parliamentary initiatives. Lastly, MPs' salaries have gradually been increased, financial aid for groups has been introduced and parliamentary departments have been expanded and restructured.

These reforms have without any doubt helped the Federal Assembly to manage to fulfil its duties despite the considerable increase in the pace of legislative work and the equally significant increase in its supervisory obligations. As this trend is not about to end, there is a pressing need to find solutions to extremely delicate and complex problems of society: environment, immigration, Switzerland's position in Europe and at the international level, etc.

Here, we would like to take the liberty of digressing for a few thoughts on the state of Switzerland and how its institutions have withstood the test of time.

At a time when Switzerland is engaging in self-examination and taking stock of its institutions, it is useful to point out that hardly any countries in Europe are still governed by a constitution whose essential rules date back to the 19th century. If we leave aside the introduction in 1891 of the people's right of initiative and of proportional representation in the People's Chamber, it is the Constitution of 1874 which governs the organizational structure of the central State. If one agrees that in the European countries surrounding Switzerland, no political system has lasted more than an average of 40 years, one cannot help but be struck by the extraordinary stability of Swiss institutions. Some have referred to our "organized empiricism", or to an extraordinary stroke of luck

which helped us to stay out of two world confrontations. It is true that armed neutrality has been instrumental in this stability insofar as Switzerland has lived in the comfort of certainties, so that its institutions and the judicious equilibrium they represent have acquired a quasi sacred nature. The system has proved its worth, but the world changes very quickly and is going through far-reaching transformations, truths are only temporary, time is shrinking and distances have disappeared. Problems have never before been so complex. A few "affairs", in particular the decision by the Federal Public Ministry to open files on citizens without the authorities' knowledge, have revealed the dysfunction of the political system. The parliamentary fact-finding commissions set up to clarify the situation have shown that the central administration had reached such proportions that the Government has lost control of it. It was also shown that a non-professional Parliament, known as a "militia", was incapable of fulfilling its duty of supervising the Administration due to a lack of time, skills and means.

Thus, it is militia-style parliamentarism which is called into question. Here, however, a distinction must be made between career politicians, those acting on behalf of pressure groups, and true "militiamen".

Accordingly, the Swiss Parliament accepted the proposals of two of its members calling for the reform of Parliament and Government. The reform of Parliament was adopted at the end of the 1991 legislature; it provides for the professionalization of the office of MP while retaining the militia system. Yet Switzerland is subject to the referendum. Far-reaching Federal laws and decrees must be submitted to the people for approval if a request is made by 50,000 active citizens or eight cantons (Art. 89 of the Constitution). As for the reform under way, it is to be put to a vote by the people (scheduled for September 1992).

Now let us come back to the *mechanism of reform*, which is initiated by the submission of a parliamentary initiative. The reasons given for the reform stress the need to improve working methods by speeding up the legislative process, enhancing effectiveness with regard to management and the planning of parliamentary activity, more active participation in foreign policy, and an improvement in MPs' working conditions. However, no decision has been taken as yet with regard to the possibility of delegating some decision-making powers to committees, to full pay for MPs whose parliamentary mandate is their primary occupation and to the right of exercising a mandate on a secondary basis.

The two Legislative Councils (National Council / Council of States) both of which have the same powers, have followed up these initiatives and entrusted committees with the task of drawing up a draft and presenting the first phase of proposals for reform.

The Swiss Parliament meets four times a year, for three weeks at a stretch. This gives citizens the impression that Parliament only works during this time. MPs themselves complain that Parliament is unable to take a stand on current events which occur in between sessions: non-standing committees are wound up once they have finished examining the draft before them. Accordingly, the proposal has been made to set up a system of standing committees covering all fields of Swiss politics and to eliminate time limits on Committee members' mandates.

As foreign and domestic policy are becoming more and more intertwined, *Parliament participates in the decision-making process in the context of international organizations*. So as to avoid impinging on the Government's constitutional competence to conduct negotiations and conclude international treaties, efforts have been limited to suggesting a process for ongoing consultation between the competent Committee and the Government or Administration.

To avoid giving the impression that the two Councils, which are on an equal footing, will tackle joint legislative duties on an "every man for himself basis, the *procedure for the elimination of divergences* has been simplified to two stages.

Lastly, a decision has been taken *to improve and modernize MPs' working conditions by increasing the amount of basic salaries and per diems*. This is designed to allow every MP to either give up entirely or cut back considerably his professional activities, thereby ensuring that the commitments implied by the mandate of MP take precedence over professional obligations. It has further been planned that the State would pay each MP *an allowance for contingency! old age* and would allocate *transitional allowances* once an MP ended his parliamentary mandate.

Lastly, each MP should be able to *recruit, on an individual basis* or together with other MPs, *personal collaborators* to help him prepare for sittings (subject to a credit limit). In addition, MPs would have access to their own workplace equipped with modern working facilities.

To say that this set of reforms was well received by public opinion is a euphemism. *Attention has above all been riveted on the financial question and the amount of salaries*. It is feared that the balance of powers would be called into question if Switzerland moved towards a system based on a parliamentary assembly. It is further feared that standing committees would become involved in the conduct of business, that the new super-MPs would become formidable forces, that less involved MPs who still exercised a profession would become second-class parliamentarians.

Yet people forgot that the most important thing was above all to improve the functioning of Parliament.

Now that the process of reform is under way, public opinion is worried that the machine will get carried away. In short, this planned reform has virtually appeared as an attempt to carry out a mini *coup d'Etat*.

Moreover, one cannot say that the MPs enjoy a favourable image as far as public opinion is concerned. In its desire to avoid a professional Parliament - which has the advantage of transparency and which justifies high pay - Parliament has run the risk that the revision will fail. The referendum has been launched and has been adopted. No one thinks that it will get past the stage of popular consultation. As semi-direct democracy in Switzerland is what it is, allowances will have to be made for its negative effects until Parliament can give itself better playing rules. Thus, a new type of MP will not appear overnight in Switzerland: there is said to be little enthusiasm for the introduction of efficient professional parliamentarians because they would no longer have any contacts with the people and the milieu from which they come and because legislative and regulatory inflation, which is already excessive today, would only increase in proportion to the additional free time. This would be too high a price to pay for the smooth functioning of democratic powers. Thus, Swiss MPs will continue to shun all logistic aid. Indeed, MPs have just been refused the infrastructure of which they stand in dire need.

Consequently, the militia-type system will remain the linchpin of political life in Switzerland. MPs are viewed as citizens like any others who have decided to devote part of their time to public life.

2. Topical Discussion: Extract from the Minutes off the Yaoundé session (April 1992)

The PRESIDENT recalled that this subject had been tabled by Mr. Sauvant at the Autumn 1991 session at Santiago.

Mr. SAUVANT (Switzerland) reiterated the main theme of his introductory note. He drew attention to the way in which the experience of the reforms had been presented in such a way as to reduce the debate in popular opinion to a financial one and that it was the question of payment which dominated the debate. Furthermore some people feared that the location of effective power was at stake and a slide towards government by the assembly, which would run counter to the principles of a political militia, with "super Members" becoming powerful people who would perhaps relegate other Members to the second rank of importance.

Mr. SWEETMAN (United Kingdom) noted that the financial questions and the question of payment was not a problem in the United Kingdom but the major problem was that of the growth in the numbers of hours of sitting. The House of Commons had for the first time in the past year given a close examination to the question of sitting hours and the two Chambers had established that they probably sat longer than any other parliament. Sittings were very long and were rendered yet more complicated by the fact that there were 651 Members in the Commons, which made the Assembly one of the largest, excluding the German Bundestag whose numbers had substantially increased following reunification. These developments had taken place alongside an increase in parliamentary work, involving European questions and Northern Irish legislation, but were also due to a very subtle change in the nature of the work of Members of Parliament in their constituencies. In the United Kingdom the Member of Parliament had to some extent replaced the local priest, the doctor, nurses, nannies etc.

The consideration of the work of parliament had led to proposals for the cessation of night sittings and a suggestion that there should be a solemn declaration on behalf of the Government that sittings would finish earlier. It was also proposed to finish earlier on Fridays and to reduce the length of sessions by rising earlier in the summer. Critical questions posed by journalists on this point were answered by the observation that while Parliament would work fewer hours it would be more effective. Furthermore, it had been proposed to introduce more timetabling for consideration of legislation to prevent debates running on for too long and a more fixed calendar for parliamentary recesses.

Dr. ALZUBI (Jordan) thanked the Rapporteur for his presentation. He had raised two forms of parliamentary reform - one being a reform in procedures and administrative and financial arrangements (times for speaking, the status of Members of Parliament, payment for Members etc.) and another form of reform which concerned the general political and economic changes connected with the way Switzerland saw its future role in Europe. The question was thus one of the inter-action between government and parliament and the nature of parliament. Traditionally in Jordan it was the Government which took the initiative and the Parliament which reacted.

Mr. NDIAYE (Senegal) underlined that the reform undertaken by the Swiss Parliament was not limited to internal arrangements but also affected important elements outside and affected the balance between parliament and the executive.

Mr. IDRISSE KAITOUNI (Morocco) remarked on the way Mr. Sauvant had drawn attention to the image of the institution of parliament in public opinion. This was an issue embarked upon traditionally with some reticence,

and one could detect a certain resistance in public opinion with respect to Assemblies which wished to expand their field of competence. Administrative and financial questions gave a focus to public opinion in respect of increases of parliamentary salaries, access to further staff and the creation of conditions whereby parliamentary life was institutionalised.

Mr. IDRISSE KAITOUNI stressed that the wish to develop a greater professionalism was perhaps linked to the socio-professional composition of the Swiss Parliament.

As for new legislation, which tended to come now within the field of specialists, he noted that in all parliaments there existed a certain tendency to be subject to technocracies. Thus the ratio between Government Bills and individual Members' Bills which became law was one which was adverse to the interests of individual Members of Parliament. There had been a certain reluctance to give up popular sovereignty relative to representative legislative power, as was illustrated by the important role played by the referendum. He concluded by noting that Switzerland remained one of the rare examples of direct democracy.

Mr. WINKELMANN (Germany) noted that the number of seats in the Bundestag was now 662 following reunification. He did not think there would be any reduction in this because half the Members came from geographical constituencies and the other half was elected on a proportional system using electoral lists. If the number was reduced to 500 then the constituencies would become too large which might mean that the smaller parties would lose their representation in the smaller Länder.

Mr. DAVIES (United Kingdom) said that he thought the term "militia" seemed to be a curious one to describe a non-professional Member of Parliament. As regards the number of sitting hours the House of Lords followed the House of Commons and was not prepared to sit for a longer time than the other House. It was therefore necessary for them to reduce their sitting hours. They were therefore considering reforming their procedures and conditions of work notably in respect to Committees of the Whole House. In the same way, consideration was being given to making greater use of delegated legislation, although Members of Parliament did not like governments to use delegated legislation to amend primary legislation.

Mr. HJORTDAL (Denmark) drew attention to the way in which a parliament should be central in society. While it can be noted that public opinion is often rather critical towards Members of Parliament and their work this may imply that parliament is effective in its work. Parliament should be the place for debate and formation of public opinion. Differences in political structures and

in the role of parliament can be noted between countries where the government is strong and in a majority and where it takes the initiative and those countries where the government is a minority government. In Switzerland reform could, because of socio-cultural differences, create two tiers of Members of Parliament, with on the one hand professionals and on the other non-professionals for whom their political activity was combined with a different job. The problem at root was one of the conditions of participation of Members in the work of Assemblies.

The Danish Parliament had created a committee for European questions. This committee specialised in a very important task but one which was clearly identifiable, something which was not always the case with a non-specialised committee. The problem then was to know whether committee members should or should not be professionals and, if they are to be, to know how much they should be remunerated by way of salaries, pensions etc. In time it was noticed that parties had fewer and fewer interested candidates and the question was difficult to resolve.

As for sitting hours in Denmark, sitting times had been limited and this move had been not unsuccessful. In Committee Members spoke for less time, more punctually and the public was more interested in short sessions than in long sessions. The Prime Minister had given consideration to the conditions of the daily life of a Member of Parliament so as to be able to interest younger Members who were reluctant to lead an inconvenient working timetable.

Mr. HADJIOANNOU (President) (Cyprus) sought further information on the degree of independence and sovereignty of the individual cantons and asked whether each had a parliament of its own and whether the federal assembly could make laws applicable to each canton.

Mr. SAUVANT, Rapporteur, replied that the reform had illustrated a certain disfunctioning in the Swiss political system. The country was a victim of its own stability founded on consensus and it was possible that elections might lead to new developments. There had also been parliamentary initiatives to reform the government.

The system of meeting four times a year for three week sessions enabled Parliament to exercise its functions in a regular fashion. It sat from 8 am to 1 pm, for five days a week. The limitation on speaking time however permitted everybody to express their views, with different categories of limitation of time according to the importance of the debate. The budget was discussed in two sessions, which was relatively few. The problems of the deficit etc. had led to a political crisis.

As respects the militia system, the Swiss wished to amend the system since all Members of Parliament exercised a profession. It had always been accepted in Switzerland that Members of Parliament gave up a certain percentage of their time to their political life without the remuneration which was the real counterpart of that. While the process of reform was underway, public opinion was doubtful as to whether the consequences would be difficult to control. It was not just a question of the remuneration but also the fear of creating a gap between the people and the parliament which gave rise to this feeling in the public opinion. The militia system meant that there was no professionalism in the parliament in the same way as there was no professional army in Switzerland, but the debate on the role of Switzerland within Europe would revive the discussion.

As respects the question of referendums it might be asked whether Switzerland deserved democracy since there was such a lack of interest in the population with the former participation rates of 70% having now come down to 40%. As to the matter raised by the President with respect to the sovereignty of the cantons, Mr. Sauvant explained that the Swiss cantons were sovereign in the domains which were reserved to them, that there was a parliament in each canton and that each canton was autonomous.

The PRESIDENT thanked Mr. Sauvant for the quality of his contribution and for the contributions of the other speakers. He noted that the wish of the Association was for a questionnaire to be prepared on this subject although he regretted that Mr. Sauyant would not be able to do it since he would be retiring within the coming months. It was therefore suggested that Mr. Sauvant's colleagues be invited to take up the task.

3. Report prepared by Mrs Anne-Marie Huber, Secretary General of the Federal Assembly of Switzerland (adopted at the Canberra session, September 1993)

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Annex: The areas of reform in the countries consulted

1. Introduction

At its session in Stockholm in autumn 1992, the ASGP approved a questionnaire on "Reform of Parliament". This survey was addressed to parliaments, the following of which have replied:

Australia: House of Representatives and Senate
Belgium: Chamber of Representatives and Senate
Cameroon: National Assembly
Canada: House of Commons
Cyprus: House of Representatives
France: National Assembly and Senate
Germany: Bundestag and Bundesrat
Greece: Chamber of Deputies
Italy: Chamber of Deputies and Senate
Japan: National Diet
Korea (Rep. of): National Assembly
Luxembourg: Chamber of Deputies
Mali: National Assembly
Netherlands: Second Chamber
New Zealand: House of Representatives

Norway: Stortinget

Philippines: Senate

Portugal: Assembly of the Republic

Spain: Congress of Deputies and Senate

Sweden: Riksdag

Switzerland: National Council and Council of States

United Kingdom: House of Commons and House of Lords

United States of America: Senate

Uruguay: Senate

Zambia: National Assembly

All these 33 parliaments are present discussing reforms or have decided, during recent years, to carry out reforms.

However the survey reveals that the notion of "Reform of Parliament" is very wide-ranging and embraces various different measures and purposes. Furthermore, the reasons for carrying out reforms are themselves multifarious. A transformation of the structure of the State is at the origin of both basic and structural reforms. This was the case of Belgium (federalism) and Cameroon and Mali (democratization). Reforms of this kind are generally initiated by the government but sometimes by outside bodies.

However, reforms come from the parliament or some of its members when it is a question of increasing the efficiency of the parliament, adapting the procedures and organization of parliamentary work to new needs or improving the status and position of the members or parliament.

The requirements of modern society, which is evolving towards an ever greater internationalization as are economies, lead to increased state intervention and, as a result, more legislative measures. They also lead to extensive measures of control. This acceleration in parliamentary rhythm has repercussions on the work of parliaments and results in a "professionalization" of their members, as is suggested by the *House of Commons of the British parliament*. In the case of many democratic countries there are also changes in the system of political parties which make the process of decision-making inside and outside parliament more difficult. All these changes take place much more quickly than in the past. Consequently parliamentary reform has become a permanent task in most countries.

The motives for parliamentary reform vary, as is pointed out by the *Canadians*, according to the "actors" and the political environment and in particular the perception which these actors have of the best way of maintaining a balance between the two basic contradictory principles of Parliament: the right of the majority to govern and the right of the minority to be heard.

It is interesting to note that the reforms do not lead to a reduction or concentration of the tasks of the parliament and the rights of its members in any of the countries.

Following the revision of the Belgian Constitution, however, there has been a contraction of certain competence, above all in the leadership of the Senate: this does not imply any reduction of democratic values. On the contrary, the parliamentary institutions will doubtlessly operate more rationally and the regional assemblies, which will be elected directly henceforth, will acquire a better electoral basis.

2. Rhythm and spheres of reform

2.1 Parliamentary reform as an ongoing task

As regards questions concerned with the rhythm of reforms and in particular reforms currently under way, most of the countries replied that they consider reform to be a regular task which occupies them periodically and claim to have carried out reforms during the last twenty years.

Exceptions to this are the German Upper House, the American Senate and the Second Chamber of the Netherlands, which do not consider reforms to be a task to be carried out regularly.

2.2 Important constitutional reforms

Important constitutional reforms have been decided upon lately or are in the process of being discussed in the following countries:

In *Germany*, unification has led to an increased number of Members in both houses (Bundestag and Bundesrat). In addition, a Joint Constitutional Committee of the Bundestag and the Bundesrat has been set up to consider proposals concerning the relationship between the Federation and the federal states (Länder) and the inclusion in the Basic Law (Constitution) of so-called "state aims" (such as environmental protection). Any proposals of the Joint Committee may be tabled as bills by the Federal Government, parliamentary groups or the Bundesrat. Only those amendments of the constitution made necessary by the completion of European Union (Maastricht Treaty) have already been proposed by the Joint Committee and adopted by both houses.

In *Belgium*, the reform of the national legislative assemblies, in particular the Senate, is one of the main elements in a revision of the constitution and in the completion of the fundamental and historic reform in Belgian state, which is changing from a unitary to a federal state. This reform will affect the structure of the Parliament (a reduction in the number of the members of Chamber and Senate), its position in relation to the executive, its areas of activity (Chamber-legislation, control of the government, budgetary jurisdiction; Senate - legislation, settling conflict of interest between the country's different legislative assemblies, chamber for reflection) as well as its working methods.

In *Cameroon*, *Zambia* and also in *Portugal*, democratization and the change from a single party to a multiparty system has brought changes to the constitution as well as to the structure of the parliament.

In the *Philippines*, the new constitution of 1987 resulted in a fundamental reform of the parliamentary system, with the re-establishment of a two-chamber system. The opposite trend was seen in *Sweden*, where the second chamber was abolished in 1971.

In *Canada* a change in the constitution, initiated by the government, which would have resulted in a substantial transformation of the parliament, was rejected by both the public and provinces in October 1992.

In *France*, an attempt to modify the structure of the Senate as representative of the territorial communities was rejected in a constitutional referendum in 1969. As far as the position of the two chambers of the French parliament is concerned, their powers and jurisdiction were reduced in favour of the government in 1958. On the initiative of the President of the Republic, new proposals for changing the constitution were submitted to a consultative constitutional committee in December 1992, with a view to tabling a proposal for constitutional reform in favour of a more balanced parliamentary system.

In 1974 a constitutional change granted sixty deputies or sixty senators the right to refer laws to the Constitutional Council for it to judge their conformity, before their promulgation. This reform has resulted in a considerable increase in the checking of the constitutionality of laws in France. The same number of deputies or senators can, in accordance with the 1992 change in the constitution, ask the Constitutional Council to check that an international commitment is in accordance with the constitution.

In *Italy* substantial constitutional changes intended to reform the parliament, the powers of the President of the Republic, the government, the judiciary, the regions, provinces and communes as well as the Constitutional Court were decided upon in a motion adopted by the Chamber and the Senate on 23rd July 1992. A joint commission of the two houses is preparing these changes. It

should soon obtain the power to report directly to each house on the proposals for changes. In a departure from ordinary procedures, these changes in the constitution and the constitutional laws first have to be approved by an absolute majority of the members of each house and then in a national referendum.

In *New Zealand* a change in the electoral system is under discussion. In a referendum on 19th September 1992, the voters had the choice between different models and later they will make a final choice as to the system to be introduced. In relation to the new electoral system, the government has announced that it also intends to organize a vote on the option of reintroducing a second chamber of parliament (Upper House).

In the *Netherlands*, a debate is currently taking place on the political system. The parliament has been criticized for a lack of independence and for getting bogged down in details. It is required to perform better in terms of representing the people of the country and making its work understood. In addition, some of the political parties are proposing that the electoral system should be changed.

In the *United Kingdom*, various major changes to the composition of House of Lords have been proposed periodically, but they have not so far been put into effect.

In *Switzerland*, the two chambers in 1990 initiated a global reform of the parliament and government. These reforms are being carried out in stages. A first package of reforms to the parliament was agreed on in 1991. But a referendum was called against changes in the law designed in particular to improve the pay of members and the infrastructure available for their use. The voters rejected these improvements in autumn 1992.

In most of the *member countries of the European Economic Community (EEC)*, the parliaments manage, by setting up special committees, to bring about a better participation in community politics. In *Germany*, the constitution even provides for committees of this kind in both houses. Other reforms are under discussion in both houses with a view to further increasing Parliament's participation in EC matters.

In *France*, the parliament in 1972 created permanent *Délégations* for the European Community. The powers of these delegations were reinforced in 1990 by the requirement that the government should pass on to them all proposals for community decrees. Since 1992 the government has to submit to the parliament, as soon they are sent to the Council of the Communities, proposals for Community decrees if they contain elements of a legislative nature. The two houses of parliament have the right to vote resolutions related to them.

In *Italy*, the two chambers created committees on community policy in 1990 and in Portugal the powers of the parliament on matters of European policy have been widened.

In the *United Kingdom*, the two houses, the House of Commons and the House of Lords, in 1973/74, set up special committees to examine EEC legislation; these committees have contributed to substantially widening Parliament's fields of activity. Proposals to set up regional assemblies in Scotland and Wales in 1978 were not accepted.

As regards the reform of parliamentary regulations and practice to increase the effectiveness and improve the procedures and organization of work done by parliaments, please refer to point 3 of the annex.

2.3 Principal spheres of reform (see also annex)

The reforms that have been planned and decided in the various countries concern different parliamentary spheres. However, most of the countries clearly consider certain matters important for parliamentary work. Here are the main topics:

a) *Extension of the committee system*

The committee system is frequently the focal point of efforts towards reform. In recent years, nearly all the countries consulted have carried out a reform of their committee system or are planning reforms in this sphere. A permanent system of legislative committees provides parliament with constant and qualified participation in legislative work; at the same time parliamentary control over the government and administration is improved through extension of control committees. It seems that numerous parliaments want to strengthen their positions in both these spheres. Thus, so-called "speaking parliaments", whose activities were hitherto concentrated on the plenum, have also extended their committee systems.

In the *United Kingdom*, for example, in the Commons a system of 14 permanent committees was created after 1979, corresponding to government departments. These were aimed at improving control of government activities and thus reinforcing parliament's position.

In the Lords following review of the Committee work of the House by the Jellicoe Committee, agreement has been reached for a widening of the scope of Committee work by the regular appointment of ad hoc Committees, experi-

ments in consideration of legislation of the floor, the establishment of a Delegated Powers scrutiny Committee and the appointment of a Liaison Committee to provide a structural framework for Committees activities and to allocate resources.

New committees were also set up in other parliaments. In *Canada*, for example, new legislative and finance control committees were created in a 1982 reform. In *Spain*, four new permanent committees have been established since 1989. The parliament of the *Republic of Korea* has extended its system of permanent committees by four and now has 17 at its disposal. In order to improve control of government activities, the *Australian* House of Representatives also extended its committee system after 1985. *New Zealand* established a new committee system in 1985 for the same reason. The *Swiss parliament* changed from a system of mainly ad-hoc committees to a system of 12 permanent committees in 1991.

Greece has announced a restructuring of its committees and the extension of their competences. A reform of the committee system is also being discussed in *Norway* at present. The number of permanent committees is under discussion in the *Netherlands*.

In connection with the extension of the committee system, the question of transparency of their activities is also being discussed. Thus in *Portugal*, for example, the issue is whether the press and public should have access to committee meetings. In *France*, they are dealing with the same question, while at the *Belgian* Chamber of Representatives, public committee meetings were already introduced in 1985. In *Canada*, the broadcasting of committee meetings via TV became permanent in April 1993.

b) Modification to procedures

Procedural reforms have been undertaken in various countries, in particular of plenum procedures. These reforms have had varying effects on the rights of the individual members of parliament. Thus, in order to increase the efficiency of council debates the right of members to speak has been limited in some parliaments, whereas others have extended the individual member's opportunities to participate.

A restriction of members' rights in one sphere may well cohabit with the extension of their rights in another, as in the *Australian House of Representatives*. There reforms on behalf of improved procedures have been undertaken since 1985: on the one hand speaking time has been restricted, and on the other hand the members' right of initiative has been extended. In the *British House of Commons*, the Speaker has had the right to limit speaking time in certain

situations since 1988. Procedural reforms restricting the right of members to put questions or table motions have also been introduced in the *British House of Lords*. In the *Swiss National Council*, speaking times have been reduced and the possibility of requesting a restricted debate has been introduced.

In countries undergoing an intensive process of democratization, endeavours are evidently being made to extend members' rights as far as possible. Thus in *Korea*, for example, members' speaking time has also been increased from 20-30 minutes by the creation of additional meetings days. The opposite trend, i.e. the reduction of plenum meetings, is under discussion in the *Netherlands*.

Since 1989 *Spanish parliamentarians* have been able to participate more, with the introduction of a weekly question hour and the opportunity to discuss international treaties in parliament. Questions have also been introduced in *France*, both in the National Assembly and the Senate. In the National Assembly, members may ask a minister so-called "questions crible" during one hour each week, and in the Senate the government has to answer members' questions for two and a half hours each month. In contrast, the right of individual senators to intervene during debates has been restricted. Procedures have been simplified in the case of undisputed or less important bills with the object of shortening plenum debates. In return, the presence of members is required for certain votes in important bills. The Senate also wishes to shorten plenum debates by means of the "vote sans débat": the debate is transferred to the committee, and members not belonging to these may bring forward proposals for alterations in the plenum.

In *Portugal*, it was decided to introduce a monthly debate on current affairs as well as an annual debate on the state of the nation. Great importance is also attached to the presence of members in the Portuguese parliament; thus sanctions may now be imposed on absent members, which could also include the loss of their seat.

As in the sphere of committees, measures have been taken with regard to plenum activities in numerous countries in order to make parliamentary work more transparent for the public. Thus in *Australia* and *Korea*, for example, regulations have been laid down regarding the transmission of parliamentary debates on radio and television. In various countries it was first of all necessary to authorize broadcasting and television coverage: in *New Zealand* this took place in 1990, in the *United Kingdom* in 1978 and 1985-89. In the *Republic of Korea*, an information service was also set up.

In *France*, they are attempting to improve relations with the public by means of a so-called "kiosk" and the organization of touring exhibitions on parliament. In 1987, the *Italian parliament* created a communication and information committee, as well as a press and information office.

c) *Improvements to infrastructures*

Numerous parliaments have made attempts to improve the working conditions in parliament and of individual parliamentarians by extending the infrastructures. These comprise, for example, the use of new technical installations, such as data-processing, which has been introduced in various parliaments. Members are also to be given increased support by "human resources"; accordingly they have been given the means to employ assistants. Parliamentary services have been generally extended and they have been accorded a status independent of the government. The financial compensation of members is evidently a long-standing topic in most parliaments. In various parliaments the architectural infrastructures have also been improved, i.e. new buildings have been erected in some cases.

The *French National Assembly*, for example, has improved the financial status of its members, introduced data-processing and taken over new buildings. New buildings are erected in *Spain*. In *Zambia*, new houses of parliament were put into operation in 1991.

The *Korean parliament* has increased the number of members' assistants from four to five; in addition new offices have been built for members. In *New Zealand*, members have had the possibility to engage one assistant for their work in the capital and another for work in their constituency since 1984. Moreover, the parliamentary services in New Zealand were put solely under parliament in 1985 and government control was withdrawn. In 1988 these parliamentary services were restructured. Also in 1988, New Zealand's parliament took over new buildings and introduced data-processing.

In *Cameroon*, a system of compensation for members has been the subject of a revision. A similar revision is also being discussed in *Norway*, however without any plans for an increase. The improvement and extension of the data-processing system is also planned there. Members of the *British House of Commons* have received increased compensation since 1983. In 1991, moreover, they were awarded more funds for the compensation of assistants and for secretariat costs. Offices in a newly-opened building were also placed at their disposal. In addition, parliamentary services have been reorganized here, with the creation of a new department.

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In *France*, the President of the Republic has announced his intention of making changes to the constitution which will involve a reform of the parliament. In 1988, at the beginning of the IXth legislature, the President of the National Assembly defined the framework for reforms that are obviously necessary to adapt the institution in order to make the parliament the centre of political debate, to improve its image, to enable each deputy to exercise his function fully as a legislator and to control the government.

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c) *Improvements to infrastructures*

Numerous parliaments have made attempts to improve the working conditions in parliament and of individual parliamentarians by extending the infrastructures. These comprise, for example, the use of new technical installations, such as data-processing, which has been introduced in various parliaments. Members are also to be given increased support by "human resources"; accordingly they have been given the means to employ assistants. Parliamentary services have been generally extended and they have been accorded a status independent of the government. The financial compensation of members is evidently a long-standing topic in most parliaments. In various parliaments the architectural infrastructures have also been improved, i.e. new buildings have been erected in some cases.

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ANNEX

The areas of reform in the countries consulted

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
Australia		
House of Representatives	from 1985	<ul style="list-style-type: none"> - better control of the Government by Representatives extending the system of permanent committees and their activity - improvement in working methods and procedures - extension of deputies' right to take initiative
	from 1990	<ul style="list-style-type: none"> - limiting time for speeches at plenum under discussion: - publication of House's documents - procedure for electing chairman and powers of president in conducting business - procedure for opening parliament - right of committees to hear witnesses and experts and related procedure - organization and infrastructure of committees - adaptation of parliament's computer system
Senate	1970/81/82	- modification of system of committees
	1974/75	- modification of system of representation of regions of country
	1977	- new constitutional arrangements regarding seats temporarily vacant in Senate
	1987	- new law covering privileges of Senate members
	1988	<ul style="list-style-type: none"> - legal provisions and resolutions concerning the hearing and protection of witnesses before committees - new provisions for freedom of speech and protection of persons referred in debate

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
	from 1990	<ul style="list-style-type: none">- rules on broadcasting of parliamentary debates by radio and television- new procedure for attributing draft laws to permanent committees- reduction of quorum from one third to one quarter- limiting of time of speeches during question time and other debates

Belgium

Chamber of Representatives	1985.	- modification of legislative Representatives procedure, eg. introduction of public sessions of committees
	1989	- modification of budget procedure
	1993	- fundamental modification of State structures (see point 2 of report)
		- incompatibility between parliamentary mandate and ministerial mandate
Senate	from 1970	- 9 modifications of the regulations
	1993	- fundamental modification of the State
		- incompatibility between the parliamentary mandate and the ministerial mandate

Cameroon

	1989	- creation of a permanent committee for resolutions and petitions
		- new parliament building and introduction of computerization
	1991	- introduction of motion of censure against the government
	1992	- revision of rules following move to multi party system
		- power of decision of president of parliament to decide on matters re parliament's budget

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		<ul style="list-style-type: none"> - provisions for committees of inquiry - revision of system of deputies' remuneration
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Canada		
	1968	<ul style="list-style-type: none"> - modifications to procedures, e.g. for the different stages of legislation and work of committee - transformation of special procedure committee and institution of a permanent committee
	1975	<ul style="list-style-type: none"> - recommendation of this committee to improve routine proceedings and financial procedures
	1982	<ul style="list-style-type: none"> - certain proposals from a special committee carried out, eg. method of electing speaker, creation of new legislative and financial control committees
	1984	<ul style="list-style-type: none"> - changes to rules following proposals made by a special commission for reform of parliament
	1986	<ul style="list-style-type: none"> - changes to rules following inter-group negotiations
	1987	<ul style="list-style-type: none"> - important changes in working methods of plenum and committees
	from 1991	<ul style="list-style-type: none"> - new proposals for composition of committees, directives re broadcasting of committees debates on television, re status of deputies etc.

Cyprus	-	-
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France		
National Assembly		<ul style="list-style-type: none"> - reforms aimed at associating the parliament to a greater extent with the development of the European Community (see report), half-yearly debates on European questions

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		<ul style="list-style-type: none">- "screening questions" (experimentally): each week a Minister is questioned for an hour on the activities of his ministry- simplified adoption procedure in a public session for consensual texts or ones of limited scope- requirement that deputies should be personally present when voting at a plenum on certain important texts- increase in size of special committees to improve representation of groups- suppression of rule of quorum for work of committees, depositing and distribution of texts also between sessions- better control by committee of application of laws- change in procedure of committees of inquiry; institution of a "drawing right" (right of each group to place on the agenda a proposal for a resolution in favour of creating a committee of inquiry on a subject that it considers important, once a year), public hearings, composition etc.- public hearings of permanent committees- improvement in relations with the public (opening of a "kiosk" and organization of travelling exhibitions on role and work of the parliament)- limit to plurality of deputies posts- improvement in deputies' financial status and infrastructure- improved facilities and new buildings- adaptation of computer systems, communications, etc.
Senate	1972/1990	<ul style="list-style-type: none">- institution of control of application of laws and perfecting of this control, public access to work of committees

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
	1976/1990	<ul style="list-style-type: none"> - defining of conditions under which financial amendments can be accepted and of procedure of second debate - limit of maximum length of parliamentary speeches to 45 minutes and to debates in public by suppressing general discussion and reducing number of speakers - creation of "public voting at the tribune" - limit to scope for resorting to delaying tactics (checking of quorum, closure of debates etc.)
	1977/1991	<ul style="list-style-type: none"> - committees of inquiry: length of mandate, public access, reinforcement of penal sanctions against people refusing to testify
	1979/1990	<ul style="list-style-type: none"> - changes re participation in the politics of the European communities (see report)
	1979-83	<ul style="list-style-type: none"> - new parliamentary delegations and creation of a parliamentary office to evaluate scientific and technological options
	1982	<ul style="list-style-type: none"> - creation of government question time (once a month for two and a half hours), session broadcast on television
	1985-1988	<ul style="list-style-type: none"> - limit of two parliamentary mandates; requirement for members of parliament to declare their wealth at the beginning and end of their mandate; ceiling to electoral campaign expenses
	1991	<ul style="list-style-type: none"> - introduction of procedure for voting without debate which allows for the transfer to a committee of the main part of a legislative debate subject to the possibility, for the authors of amendments not selected by the committee, to submit their proposals to the plenary session of the Senate
	1990/1991	<ul style="list-style-type: none"> - measures for improving relations with the media and the public

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
Germany		
Bundestag	1980	- reform of Rules of Procedure - Code of Conduct for Members
	1982	- improvement of functions of Defence Commissioner
	1983	- annual report of Bundestag President on appropriateness of Members' remuneration including proposal for amendment
	1985	- change in form and duration of plenary debates - election of President and Vicepresident of Federal Audit Office by Bundestag and Bundesrat
	1986	- reform of the Code of Conduct
	1988/1990	- questions put to Federal Government after preceding Cabinet meeting (in addition to the regular question time) - Members not having the floor are able to comment briefly on the subject under debate - simplified referral of bills, motions and other items to committees
	1992	- changes in control of intelligence services - committee for participation in EC matters provided for in the constitution as well as obligation of the Federal Government to provide quick and comprehensive information
	1990/1993	- establishment of a technology assessment unit
	1993	still under consideration: - improvements concerning the participation by the Bundestag in EC matters - possibility for Bundestag of dissolving itself - constitutional arrangements aimed at guaranteeing the existence of an opposition

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		<ul style="list-style-type: none"> - increased duty of government to inform the Bundestag and the right of the Bundestag to inspect files - law on procedure and powers of committees of inquiry - law on the protection of data in parliamentary affairs - change in the distribution of legislative powers between the Federation and the states (Länder) - new rules for financing political parties and Members' remuneration - law on status and financing of parliamentary groups - implementation of the decision to transfer Bundestag from Bonn to Berlin - bribery of Members as a punishable offence
Bundesrat	1988	<ul style="list-style-type: none"> - creation of a special Committee for European Economic Community affairs

Greece

<ul style="list-style-type: none"> 1987 1989/1990 	<ul style="list-style-type: none"> - radical reform of rules - enlargement of Committee by election of vice-presidents of opposition and creation of conference of presidents - changes to procedure for plenary sessions (number of speakers, time speakers allowed, question time for questions of the moment, prime minister's time) restructuring of committees and enlarging of their powers - changes in status of deputies
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Italy

<ul style="list-style-type: none"> 1972-90 	<ul style="list-style-type: none"> - 17 changes in the rules of the chamber (eg. limit to opportunities for voting in
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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		secret, budget approval procedure, number of permanent committees) and several modifications of Senate regulations
	1987	- creation of a communication and information committee and of a press and information office (Chamber of Deputies)
	1990	- law on parliamentary immunity - Constitution Art. 88 (power of the President of the Republic to dissolve the Chambers in advance)

Korea, Rep. of

1987-90	- change in the constitution (approved by the electorate) and in the rules, to improve the position of the parliament and widen its field of activity -• creation of 17 permanent committees -• extension of calendar for sessions as well as time for a deputy to speak (from 20 to 30 minutes) - strengthening of political groups - increase in the number of assistants for deputies from 4 to 5
1991	- provision of offices for deputies - rules on the broadcasting of debates on television and on relations with the press information service - code of honour regulating the rights and duties of deputies

Mali

from 1990	- new laws and rules, particularly the Electoral Code instituting a multiparty system
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Netherlands

Second Chamber	- measures of reform are under discussion, eg. a reduction in plenary sessions and in
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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		the number of permanent committees and in the number of members of its committees, participation in EEC affairs
New Zealand	1984	- members allowed to hire an assistant in the capital and another in their constituency
	1985	- freedom of parliamentary services from the control of the executive and integral attachment to parliament - new system of committees, particularly to improve the control of government and public sessions
	1986	- change in the structure of parliamentary services - new buildings and introduction of computerization with electronic mail system - directives for use of chairmen of committees
	1989	- law covering the privileges of deputies - law covering public finances changing the participation of the parliament (pay and control)
	1990	- NZ Bill of Right Act, providing for the intervention of the Attorney General when a legal arrangement does not conform with the "Bill of Right" - admission of television to the parliament, special committee to supervise and apply standards of fairness
	1991	- electoral reform, new procedure in financial matters - new measures to summon the parliament for emergency sessions
	1992	- new procedures for examining the budget and controlling state enterprises and other public organizations - appointment of a vice-chairman

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
Norway	1977-1985	- establishment of deputies' right to initiate
	1979	- introduction of electronic voting system
	1989	- new electoral system (introduction of 8 seats without membership of a political party)
	1993	under discussion: - institution of a control and constitution committee - change in system of committees - change in system of remuneration (with out an increase) - increase in size of groups from October (1 assistant for 5 members) - extension and improvement of computer system
Portugal	1976-1992	- 9 changes to rules and laws regulating organization and structure of the parliament - stricter control of absences, possible sanction: loss of mandate - diplomatic passport for deputies
	1993	- decision to undertake a reform of the parliament (introduction of a debate on a current subject once a month and on the state on the nation once a year, definition of the president's power and the powers of the committees, possibility of opening up sessions of committees to the press and public, bi-monthly plan for parliamentary work)
Spain		
Congress	from 1989	- introduction of a weekly question time - opportunities to discuss international treaties

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		<ul style="list-style-type: none"> - changes to legislative procedure - creation of four new permanent committees (constitution, foreign affairs, defence and budget) - changes to deputies' status (new system for retirement, control of attendance, duty to declare interests) - construction of a new building
Sweden		(see report)
Switzerland		
National Council	1976/1988	- new procedure for handling popular initiatives
Council of States	1978	- report of a special committee to study "the future of the parliament" (joint-commission) which resulted in several changes in the law covering relations between the councils, the law on allowances for members of the two councils and on the councils' rules
	1984	<ul style="list-style-type: none"> - introduction of the requirement for members of the two councils to declare their interests - changes to provisions for the coordination conference of the two councils - change to provisions for parliamentary committees (composition, procedure, method of working) - creation of new permanent committees (different in the two chambers), new procedure for the editorial committee of the two chambers - arrangement for bringing the two chambers together to hear government statements on important questions - definition of requirements as regards government reports and messages, in particu-

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		lar concerning management and legislature reports
		- improvement in information from the government and widening of powers of committees of inquiry
		- new procedure for handling initiatives and parliamentary interventions
	1986	- total revision of the rules of the Council of States
	1988	- reorganization of parliamentary services (joint services of the two chambers), creation of administrative and information services
		- creation of an administrative committee of the parliament
	1990	- total revision of the rules of the National Council
	1991	- partial revision of the law on the relations between the councils, changes to relations with the Federal Council (participation of the parliament in foreign policy, government obligation to inform the foreign affairs committees about its relevant proposals) and to the regulations of the councils (introduction of limited debates and limitation of length of speeches for National Council, new system of 12 permanent committees and changes of procedure in the committees and or procedure for parliamentary initiatives). The revision of the law covering the relations between the two councils was accepted in a referendum in 1992
	1988/1990	- total revision of the law on allowances in 1988 and partial revision in 1990 resulting in an increase in parliamentary allowances and contributions to political parties
	1991	- new law on allowances and law on infrastructure for members providing for sub-

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
		stantial increases in parliamentary allowances and the possibility for members to hire assistants. These changes were rejected by the voters in 1992

United Kingdom

House of Commons	1973/1991	- creation of the EEC affairs Commons committee (see report)
	1974/1978	- register of members' interests; limited duty to provide statement also for accredited journalists and certain civil servants
	1978/1979	- power of speaker to decide on steps to be taken following complaints regarding members' privileges
	1978/1991	- introduction of broadcasting of debates on radio and TV
	1978/1991	- change in administrative structure of the House and its control, 5 administrative committees
	1979/1982 and 1992	- system of permanent committees: one committee per government department, in particular for purposes of control, to improve the position of parliament
	1983	- creation of coordination committee (chairmen of above-mentioned committees)
	1983	- installation of new national audit office headed by an officer of the House of Commons
	1986	- incorporation into Standing Orders of a special legislative committee procedure for reviewing bills in detail
	1988	- power of speaker to limit length of speeches in special situations
	from 1983	- adaptation of members' pay to civil servants' salaries; since 1st January 1992 pay has been fixed at £30,854 per year: bearing in mind the country's economic situation, no increase was decided on for 1st January 1993

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<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
	from 1991	- allocation for assistants and secretarial expenses was fixed at £28,986 per year in 1991 and has been raised to £39,960; it is reviewed 4 times per year
	1991	- changes in parliamentary services, in particular by creation of new financial and administrative department - opening of new office building for 86 members and their assistants; leasing of another building for 100 members, planned for 1994 and planning of a second stage for 1997 - installation of a video and data network system (pilot project)
	1992	- new report of the "Sittings of the House" committee together with recommendations for substantial reforms
House of Lords	1968	- House of Lords Reform White Paper (abortive wholesale reform of composition and powers)
	1973/1974	- European affairs committee (see report) which involves a new task for the House of Lords
	1985	- admission of television
	1990	- following a report on the administrative structures of the Commons, changes in the House of Lords were also decided upon
	1991	- creation of a special committee with the task of studying the work of committees and putting forward proposals for reform; this committee published its report in February 1992
	1992	- creation of the Delegated Powers Scrutiny Committee which has the job of examining laws and related reports - Labour Party's proposals to change the structure of the House of Lords (second chamber elected by popular vote)

<i>Country</i>	<i>Years</i>	<i>Areas of reform</i>
	from 1992	<ul style="list-style-type: none">- reforms to procedure (limit to the questions each member can ask per day, restrictions on tabling motions etc)- introduction of a new administrative and computer structure
	1993	<ul style="list-style-type: none">- studies on the status of members- Leader's Group on Proceedings of the House

United States

1992	<ul style="list-style-type: none">- creation of a joint committee of the two chambers with the task of presenting proposals for global reform by the end of 1993- change to the constitution as regards the remuneration of members of the parliament
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Uruguay

1985-1992	- various changes to the Senate rules
1991	- changes to the rules of the chamber

Zambia

1991	<ul style="list-style-type: none">- change to parliamentary procedures and practices following the move to a multi-party system- creation of a committee for questions relating to women and young people- redefinition of role of political parties- new parliament buildings
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ASSOCIATION OF SECRETARIES GENERAL

OF PARLIAMENTS

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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.

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