

### **III. Security and access to parliamentary buildings**

#### **1. Introductory note by Mr Herman Nys, September 1993**

##### **1. Introduction**

The Federal Belgian Parliament comprises two Houses, the House of Representatives and the Senate. It sits at the *Palais de la Nation*, close to the centre of Brussels and not far from the European institutions. The capital thus has the privilege of seeing each year around 250 demonstrations of a political character, coming from all over Belgium and also from all corners of Europe.

The revision of the Constitution, which has just been completed, gives regional and local Councillors the same immunity as federal Members of Parliament. In the years to come the security position of Councillors will have to be more exactly defined.

The security of Parliament and access to the buildings is provided by a system which results from a local adaptation of universal principles.

##### **2. Constitution and Legal Provisions**

The security of Members of Parliament is based on the principle of separation of powers contained in the Constitution: "the free exercise of the sovereign powers established by the Constitution" must be guaranteed.

In the bicameral system each House is responsible for its own security. Each must set in hand measures to guarantee the freedom and the quiet passage of its sittings. The two Houses have passed regulations, similar to each other, which confer on the President of each Assembly responsibility for security.

The two Presidents have at their disposition the military Commander of the *Palais de la Nation*, who directs the different security services.

### 3. Organisation of Security

The military Commander of the *Palais de la Nation* is an armed forces officer with a special status; he is placed out of the chain of command, that is to say from the moment he takes up his office he is dependent neither on the military hierarchy nor the Minister of Defence but on the Presidents of the Parliamentary Assemblies.

He is promoted on the recommendation of the Presidents of the two Houses and not on the proposal of the military hierarchy. He can remain beyond the age limit for armed forces officers.

Separation of powers is thus provided for in the organisation of the security of Members of Parliament.

Security for the *Palais de la Nation* extends also to the *Maison des Parlementaires* adjoining the Palace. This contains the offices of the Deputies and Senators as well as those of their staff. A large number of people, sometimes up to 2,500 a day, enter and leave the *Palais de la Nation*.

To provide for the security of all these people four categories of personnel are involved: the concierges, who live on the premises and keep watch outside working hours; the *huissiers*, principally responsible for visitors and for control of the interiors of buildings during working hours; the security officers, whose task is to identify entrants; and the military police, the armed wing of the security service.

In total and according to circumstances, between 30 and 300 people assure the security of Parliament. Reinforcements in case of emergency and special outside equipment can be requisitioned in case of need.

### 4. Security of Members of Parliament

The security of Members of Parliament security must be guaranteed not just in the *Palais de la Nation* but also throughout the realm. The measures taken can be represented by a system of concentric circles. On the outer circle there is the Member of Parliament's home, and on the inner circle the Chamber itself; there are seven circles altogether.

At his home and in his general dealings with the public, the Deputy and the Senator are under the protection of the local responsible security services, i.e. either the police or another specialised service according to needs.

A second circle of responsibilities is delineated by the neutral zone: this is a collection of public streets around the *Palais de Nation* where all demonstrations are banned. In the event of a demonstration, access to the neutral zone is prevented by the police, who use for this purpose certain non-permanent equipment such as barbed wire, water cannon etc. Demonstrators rarely enter within the neutral zone.

The third circle comprises the military police, who maintain a continuous surveillance around the perimeter of the Palace. In the event of danger gates and entrances are closed and police take up position within the perimeter.

The fourth circle is provided by the security officers; their task is to identify everyone coming into the Palace. In their recruitment particular attention is paid to their skill in visual recognition of people: they are able to recognise on sight all the Deputies and Senators and many members of staff. Some of them can identify up to 1,500 people without hesitation, giving their name and job. They are also responsible for the administrative control of visitors.

The fifth circle concerns security in the parliamentary buildings. The *huissiers* and the *huissiers guide* of the House and the Senate are responsible for these. They are familiar with all parts of the building and are aware of the importance of maintaining decorum, and watch carefully to ensure that all incidents are avoided.

The sixth of the seven circles is again provided by the military police. They control the public galleries in the Chambers. Visitors are forbidden to interrupt sittings in any way whatsoever. A law lays down that any person who creates trouble in this way is immediately excluded from the galleries. After inquiry, such a person is brought before the competent authority, which authority the Presidents of the Chambers have delegated to the military Commander of the *Palais de la Nation*. Offences are punishable by imprisonment from eight days to six months and/or a fine. Needless to say this power is very rarely invoked.

The last circle, the Chamber and the Galleries for official guests, is under the direct authority of the President of the Assembly. In case of incident the President interrupts the sitting and depending on circumstances instructs the *huissiers* (or, if necessary, the Military Police) to clear the Chamber and the Galleries. Again there is no need to stress that such an event is extremely rare.

Thus we have the scheme of security with seven concentric circles. The clear delineation of responsibilities can be seen together with the involvement of all the security services of the realm; the nearer one gets to the Chamber itself, the more the security services depend on the legislative power.

### 5. Security off access

Access to the *Palais de la Nation* and the *Maison des Parlementaires* is controlled at the different doors of the two buildings by a team composed at least of one military policeman, one *huissier* and one security officer. The staffing is such that each open entrance is permanently manned.

For regular users, the control mechanism is eased at certain entrances by the use of magnetic keys. A modernisation of the system will shortly be in place involving a combination of cameras, personal magnetic cards and turnstiles which will further increase efficiency in access to the buildings.

As has already been indicated, all access requires identification. For school groups or other groups such as pensioners the person in charge is contacted in advance and provides a list of names of the participants. It is thus possible to know at all times who is in the Palais and to identify whoever is found there.

But there are cases where identification is not sought: Members of Parliament receive visitors who they do not want the parliamentary services to know, or a committee of inquiry may wish to hear witnesses in secret. In such cases the Member of Parliament himself welcomes his visitors or a *huissier* is detailed to welcome them. Discretion is thus assured thanks to the division of responsibilities.

### 6. Intensity of control off access

Control of access is flexible in its intensity according to circumstances. Thus on a quiet day all the entrances are open and once in the building, all personnel have access to almost all the rooms: this is level "white" on the security scale.

If the general situation has deteriorated and a threatening situation or situation of political or general social tension arises - terrorism, governmental crisis, delicate discussions, violent demonstrations - plan "orange" is put into operation. The security services intercept trouble makers in the environs of the Palace, forbidding persons who have not been registered to have access to the Palace, and identifying non-authorized vehicles or suspects or abandoned objects.

In case of direct threat within the Palace - bomb alert, demonstrations taking place within the neutral zone - the security system forbids access to people not concerned with essential activities and makes visitors leave: these are the essential features of the security alert "violet".

If there is a grave and direct threat - taking of a hostage, explosion or fire - security alert "black" is applied and all measures are taken to save persons and, if necessary, the Palace.

To cope with unforeseen situations, particular parts of the plans may be applied so as to deal with the particular threat.

### **7. The Future**

The technological revolution has made its entry within the walls of the Palace. Control will become easier: the parliamentary buildings service has proposed a plan to do this.

But it must not be taken too far. The concentration of information in certain hands, which are not themselves controlled by parliament, could limit the fundamental liberties of the Members of Parliament.

It is thus preferable to avoid giving control of access to private firms which in principle are not under the constant control of the Houses and their Presidents.

### **8. Conclusion**

Our system of security, based on the Constitution and specific laws, guarantees the liberty of Members of Parliament and the quiet passage of their sittings, while affirming their independence relative to the Executive and Judicial powers in this area.

In the Palace also, technology is entering the phase of being applied in concrete ways, and this, taken with changes in structures, requires us to review continuously the measures taken. A security committee under the chairmanship of the two Presidents of the Assemblies ensures the system is kept up to date.

We have a flexible system, in course of modernisation, which gives to Members of Parliament the security which they wish to see applied in such a way as to guarantee "the free exercise of the sovereign powers established by the Constitution".

## **2. Topical discussion: extract from the Minutes of the Canberra session, September 1993**

Mr BOSTEELS rehearsed the principal elements of the introductory note prepared by Mr Nys. He stressed the fact that security of parliament was one of the essential conditions for the exercise of its sovereign powers. In bicameral parliaments the principal of autonomy for each of the two Chambers resulted in the autonomy for the Presiding Officer of each Chamber to manage the security of his Chamber.

In Belgium the question was made a little more complex by the sharing of a single building which led to a common interest between the two Chambers. The security of the Belgian Parliament was organised around the military commander of the Palais de la Nation who was an Officer of the armed forces detached from, and not dependent on, the military hierarchy. Beneath this level security was provided by four categories of personnel, the concierges, the Huissiers, the Security Officers and the Military Police.

The security of Members of Parliament was reflected in seven circles: at the home of the Member of Parliament the local services provided protection for the Member; in the public streets around the Palais de la Nation demonstrations were forbidden; an area around the perimeter of the Palais de la Nation was controlled by the Military Police; control over access to the Palace was provided by Security Officers; control was provided over the buildings of the Palace itself; the public gallery in the Chamber was controlled by the Military Police; and the Hemicycle and the distinguished visitors galleries were under the direct authority of the President of the Assembly.

He described the systematic character of the way in which access to the Palais de la Nation was controlled and noted the permanent arrangements in place to ensure the confidentiality of the identity of visitors received by Members of Parliament or witnesses heard by Committees. Different security plans were in place graduated according to the level of identified risk. One of the questions for the future was to establish whether recourse should continue to be made to parliamentary staff or whether private security companies should be used.

However the question of security continued to involve a permanent search for a balance between the needs of control and respect for the liberties of Members of Parliament. Parliaments should not be transformed into fortresses - something which would be incompatible with their role as the origin of the exercise of power in a democratic society. To examine these questions parliament had created a Security Committee which was currently studying

a new security plan taking account of new technical resources placed at its disposal.

Mr GREENE (Canada) noted that security of the Canadian Parliament was the task of both Chambers. Security personnel were distinct between the Commons and the Senate. Each of the two Chambers had made a separate examination of its management. In the course of these examinations a number of questions appeared which should be managed by the two Chambers jointly. Amongst these areas was that of security. The examination had identified the peculiarity involved in having two distinct security forces working together in the same parliament. It had made nine recommendations: the establishment of a unified command structure; the creation of harmonised emergency procedures for the two Chambers; similar training for personnel with joint exercises; development and training for security procedures for parliamentary staff and of the mounted police; setting in hand of standard conditions of employment with exchange of staff; establishment of an operations centre; establishment of an emergency communications network; purchase of integrated security equipment useable by both Houses; co-ordination of information between the two security services; and establishment of a Joint Security Committee comprising persons of high rank from each of the two Houses, the Officers in charge of security, the Commander of the Mounted Police and an observer from the Ottawa Federal Police. The Auditor General had indicated that an intervention force should be established. Even if co-ordination was satisfactory one could envisage further the creation of a single force which might lead to savings.

Mr ALISON (Australia) described three circles of security for the Australian Senate: the Member's home where security was the responsibility of the local police; the exterior of parliament where security was provided by the Government Security Forces and the Australian Protective Service; and the interior security of parliament which was provided by Officers trained in matters of security and the Australian Federal Police. Since 1988, following a new law on policing, police officers were responsible for the security of the area surrounding Parliament. The Presiding Officers of the two Chambers could, in addition, make arrangements with the Australian Federal Police and the Ministers responsible for the Australian Protective Service.

In respect of the interior of the building the public had a right of access to most of it, a point which had in fact been one of the key elements in the construction of the building and which had led to a reduction in security costs in due course. One hundred and sixty-nine closed circuit cameras observed the boundaries of the parliamentary building and the principal interior zones.

However there were no cameras in the corridors around the parliamentary buildings.

Mr. SOELAKSONO (Indonesia) noted that deployment of security forces risked straining the links between Members of Parliament and the public. He also raised the question of the financing of parliamentary security, noting the issue of the link between the number of Members of Parliament and the number of security officers and of the percentage of security expenditure in parliamentary expenditure as a whole. Mr BOSTEELS noted that, despite the separation of powers, the Executive put security resources (staff) at the disposal of Parliament. In Belgium security personnel ranged from between thirty to three hundred people according to need. The military personnel placed at the disposal of the two Houses fell to the budget of the Ministry of National Defence. The parliamentary staff was accounted for by the two Chambers.

Mr MARLEAU (Canada) noted the collaboration with the Executive and the exchange of information. This led to an increase in the effectiveness of security and a reduction in the operational costs which were transferred to the Executive. A Co-ordinating Committee had been established between the parliamentary authorities and the intelligence services. Mr. BOSTEELS spoke with approval of collaboration on the questions of security.

Mr WHEELER-BOOTH (United Kingdom) also noted how difficult it was to combine effective security with freedom of access to parliament. From the budgetary point of view expenditure on security had risen faster than other costs. Certain administrative arrangements made by both the House of Commons and the House of Lords had allowed significant economies to be realised. From a practical point of view a current difficulty arose from the way in which security questions were always surrounded in a veil of confidentiality. A certain amount of public discussion was necessary sometimes. In respect of identity badges, this was a difficult question to evaluate and a number of members of the House of Commons and of the House of Lords had had difficulty in understanding why and in what way they were necessary.

Mrs RAMA DEVI (India) noted the internal debate taking place in her parliament on security. The President of the Upper Chamber, the Rajya Sabha, was responsible for questions concerning the building and security. It had become necessary to instal security equipment such as television. Some Party Chiefs had wondered whether their installation was designed for purposes of security or for the surveillance of Members of Parliament. There had been a certain number of discussions between Senators and the Speaker on this subject.



### **3. Report prepared by Mr Herman Nys, Secretary General of the Senate of Belgium (adopted at the Bucharest session, October 1995)**

#### **1. Introduction**

The limits of this study should be made clear at the beginning. The objective of the study is simply to bring together, in an ordered way, a certain amount of factual information as to the means by which the various Parliaments who have contributed to the inquiry ensure that the operation of the legislative power is not faced with attacks or disorder or nuisances liable to impair the dignity of the legislative function, or to endanger the free exercise of this function.

It is therefore essentially an analysis of the facts, though not omitting, where appropriate, study of their legal basis.

In this context it is important to bear in mind problems relating to the application of the principle of separation of powers. While it may be readily understood that the policing powers generally given to the Presiding Officers of Assemblies are supported by the forces of law and order of the executive power, possible interference in these policing powers from the judicial power is a more delicate issue. This aspect of the problem has been regarded as beyond the scope of the present work.

#### **2. Basic responsibility for maintenance of order and security in the organisation of services**

The first issue, to which as precise an answer as possible is necessary, is to establish to whom the fundamental or initial responsibility for the maintenance of order and security in the various Assemblies falls.

The replies given to the questionnaire were less uniform than might have been supposed.

Certainly in the vast majority of Parliaments it is the President of the Assembly who is designated as the person vested with responsibility for the maintenance of order. This is the case notably in Algeria, Australia, Belgium, France, Germany, Greece, Israel, Italy, Japan, New Zealand, Spain ...

The basis for this duty is normally to be found in the Rules of each Assembly. In Spain, its basis is constitutional, arising under article 72 of the

Constitution, which provides that the Presidents of the two Houses shall exercise, in the name of each House, all the administrative powers and policing powers within the two chambers. The same provision is made for the Bundestag in article 40(2) of the German Constitution.

The position is a rather individual one in Switzerland, where the responsibility is given to the "*Délégation administrative*" of the federal Parliament. This parliamentary body comprises the President and Vice President of each Council, a member of the bureau of the National Council and a member of the bureau of the Council of States. It lays down the aims and basic principles for security in the federal Assembly. Where it is simply a matter of maintaining order in the rooms of one or other of the two Houses, the respective Presidents may take such measures as are necessary. The parliamentary services are responsible for the execution of the relevant tasks.

The Uruguayan Senate and that of Chile indicate that the President and the Secretary General are jointly responsible.

Several responses indicate that the relevant officials or services are directly responsible for order and security. It might be that these replies are referring more to the level of implementation rather than of original responsibility.

Mention should be made also of the responses of the United Kingdom House of Lords and the Canadian Senate which indicated that the person responsible for security was the *Gentleman Usher of the Black Rod*. Besides his other duties, this official has directly under his authority the personnel charged with security for the Assembly. He is answerable for his actions to a Committee of the House in the United Kingdom and to the Senate in Canada.

In any case, in the majority of cases where the President of the Assembly is specifically mentioned as being responsible, it is also added that he is assisted in this task by organs or officials such as:

- the Questeurs (in France, Italy, Belgium and the European Parliament);
- the Secretary General;
- the Serjeant at Arms in the House of Commons and in other English-speaking Parliaments;
- Security Committees, notably in Italy (House of Deputies) and in the British, Belgian and Uruguayan ("*Comision Administrativa*") parliaments. In these last three cases, these bodies are, in essence, charged with coordination between the two Houses of the same Parliament, an aspect which will be discussed in more detail at section 4 below.

At the level of execution of services there is an extreme diversity of structures, from the very simple to the highly complicated, which it is impossible to detail here.

One post which features frequently is that of Chief Security Officer (*Chef de la Sécurité*), who is in charge of either an identified body of staff charged with the maintenance of order, or of a more structured administration bringing together various more or less specialised departments.

In a number of countries (notably in Belgium) this official is a senior Officer appointed to the post by the Government.

### **3. Assistance from the forces of law and order of the executive power**

A large majority of Parliaments replied to this question by indicating that they received assistance from security forces made available to them by the Government. In a few cases even (FYR of Macedonia, Cyprus) maintenance of order is fully taken in hand by the Ministry of the Interior.

In the United Kingdom, such forces are placed under the control of the appropriate authorities in each House.

By contrast no assistance of this type is provided in the Netherlands (First Chamber), Uganda, Israel, Denmark or Norway.

The Italian Senate and House of Deputies reported the presence of a unit of state Police and a commandant of the Carabinieri charged with guaranteeing the constitutional immunity of their respective seats.

In a similar way, the outlying security of the French Senate is provided by a *Bureau militaire* headed by a General.

In Switzerland, it is not only the government which provides assistance to the legislature but also the City of Berne where it sits. In effect, the law makes the City responsible for security outside the buildings.

This assistance from the Executive is generally legally based, albeit in diverse ways. In Germany, the principle is even laid down in the Constitution (article 35(1)), and in Japan it is inscribed in the law. In other countries by contrast recourse is made to requests initiated by the President by virtue of his own prerogatives, while in Poland assistance is based on agreements concluded between the relevant services of the Executive power and the Head of the Chancellery of the Sejm.

In most cases, such assistance is provided on a permanent basis, but it is temporary in Australia (at times when there are serious security threats), in Zimbabwe (when it is required for reasons of protocol) and in the European Parliament (for both reasons).

It should be stressed that in all these cases the intervention of the security forces is always flexible, according to needs and to the level of risk faced.

#### **4. Coordination of security measures in certain bicameral Parliaments**

Brief attention should be paid to the problem arising from the colocation of two parliamentary assemblies in the same building or complex of buildings, as may happen in countries with a bicameral regime.

The level of autonomy which chambers normally have in a bicameral regime can give rise to problems of coordination which are overcome in a variety of ways, as set out in the replies given by Australia, Belgium, Canada, Netherlands, Poland, Switzerland, United Kingdom, USA and Uruguay.

As already indicated, it is in Switzerland that the most clear cut formula is to be found with both the National Council and the Council of States represented in a single parliamentary body, the "*Délégation administrative*" of the federal Parliament. Furthermore, the parliamentary services work for both Chambers.

Another example of integrated cooperation is given by Australia, where the Presiding Officers of the two Houses are jointly responsible for security arrangements, their powers being laid down in the Parliamentary Precincts Act 1988.

In the USA, the Sergeants at Arms of each Chamber have their own responsibilities, but the Capitol Police have power in respect of the buildings on the Capitol overall.

In other Parliaments, the arrangements are less formal. Thus in the United Kingdom the Serjeant at Arms has regular contact with his colleague in the House of Lords and policing measures are overseen by an informal joint consultative Committee comprising members of both Houses. In addition, the security forces are common to both Houses and under a single command.

This situation is somewhat comparable to that in the Belgian Parliament, which also has a joint security Committee, presided over jointly by the Presiding Officers of the two Houses. An important coordination function is however assumed in Belgium by the military commander of the Palais de la Nation\*, a

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\* The Palais de la Nation is the seat of the Belgian parliament.

senior Officer given this responsibility by the Government, who is in charge of both a core of security staff and of military police, these being common to both Houses.

In Canada and Japan by contrast the security services of each House function as two separate entities, though in Canada they have signed a protocol of cooperation so as to enable mutual assistance to be given in situations of urgency and to avoid any ambiguity in joint operations.

In Poland, while orders in security matters are issued by the Head of the Chancellery of the Sejm, they are however made by agreement with his colleague in the Senate.

In the Netherlands, finally, the head of security ensures coordination between the two Chambers, the Council of State and the Prime Minister's Office, all of which are located in the same place.

### **5. The budgetary impact of security measures**

The discussions prior to the issuing of the questionnaire revealed interest in the financial implications of security measures that Parliaments have to take.

There is no point in describing at length the extreme diversity in situations - the level of risk faced, the great variation in level of parliamentary activity, the disparity in salary levels between different countries, the different methods used by governments or local authorities in respect of financing law and order. All these elements constitute reasons for any work of comparison to be impossible.

Furthermore, respondents showed a divergence of view as to which headings should be included or not in the expenditure falling to this part of their budgets.

France, Germany, Italy, Denmark and the USA indicated straightaway that it was impossible to provide any sort of figure. The French Senate, for example, observed that it would include:

- expenditure on personnel falling to the budget of other Ministries
- the occasional and unpredictable costs which sometimes arose
- the highly variable costs of maintenance of equipment and capital costs

The Italian Senate, for its part, noted that the function of control and the function of representation were intertwined.

As for paying for the relevant costs, the FYR of Macedonia indicated that the whole of this expenditure was supported by the Ministry of the Interior. In Spain and Portugal also the salaries of security staff were paid by the executive; only the supplements given for the specific costs to the services of the Assemblies were accounted for by the Assemblies.

Is it nevertheless possible in this situation to hazard a comparison between the estimates submitted by a number of Parliaments?

Subject to the qualifications just indicated, some rough indications as to the budgetary cost arising from the maintenance of order and security were provided by the various parliaments listed below (after conversion into millions of US dollars):

	US\$m
Australia (both Houses)	8.6
Canada (Senate)	2.2
Canada (House of Commons)	8.7
Chile	0.06
European Parliament	12.7
Finland	0.6
Israel	4
Japan (House of Representatives)	27.5*
Japan (House of Councillors)	13.6*
Korea (Rep. of)	2.6
Norway	1.2
New Zealand	1.6
Netherlands (First Chamber)	0.09
Poland (Senate)	0.6
Uganda	0.02
United Kingdom (House of Commons)	15.3
United Kingdom (House of Lords)	8.0
Switzerland (both Houses)	1.1**

\* personnel costs only.

\*\* of which 75% comes under the Federal budget and 25% under the Parliament's budget; figures exclude costs to the City of Bern.

The indications given as to the percentage of the total budget of each Assembly taken up by security must be treated with similar caution. While, surprisingly enough, the figure of 2% was given for a number of countries (Portugal, Korea (Rep. of), Norway, Belgian Senate, Senate of Poland), and the United States gave a figure of 3%, other apparently abnormal figures were given by some (Australia 9.6%, Israel 14%, House of Commons and House of Lords of the United Kingdom 14.7 and 20.0% respectively). These figures should be subject to a more thorough analysis. For example, for those assemblies with a small overall budget, such as the UK House of Lords, whose Members are not paid, the percentage spent on security will inevitably be higher.

### **6. The staff responsible for order and security**

#### *a) Status and training*

It is no surprise to report an extreme diversity in respect of the status, the number of personnel and the organisation of staff appointed to the role of maintenance of order.

The training given to these officials is always different, both in respect of the degree of responsibility, the details of the tasks required, the nature of the site, the level of potential risk faced etc.

While in certain Parliaments it seems possible to limit training to certain elementary warnings and to go on from there to practical "on the job" training, elsewhere one finds a rapid development of all kinds of technical arrangements, more or less elaborate, whose operation frequently demands a dedicated training. Some Parliaments even show an interest in modern anti-criminal techniques.

Nor is it surprising that several Parliaments lay emphasis on the permanent character of their staff training. In addition, besides technical knowledge, in several police units there is a requirement to maintain peak physical fitness. The use of martial arts in Japan and the Republic of Korea should be noted.

#### *b) Carrying of arms*

As for the carrying of arms a double distinction arises in the information received. First, a distinction must be drawn between the situation inside and outside the building where the Parliament meets. Secondly, the response is generally different according to whether the personnel are the personnel of the Assembly itself or are police personnel seconded by the Government.

A minority of replies indicate that arms are not carried either inside or outside the buildings. This was the case in Denmark, Norway, Netherlands, New Zealand, Uruguay and the European Parliament.

In all other cases arms are normally carried - certainly outside the building and often inside as well.

Arms may be carried by the services responsible for order within the buildings in Belgium, Brazil, Canada, Chile, Cyprus, Germany, Greece, Japan, Lithuania, Niger, Philippines, Uganda, United States and Zimbabwe. In general, responses indicate that staff of the Parliament itself are not armed, in contrast to the police made available to Parliament by the Executive.

Canada, however, reports that a special armed unit is deployed to ensure the personal security of the Prime Minister and dignitaries visiting Parliament, and the security in the chamber itself and in the corridors alongside. The same is true even in the United Kingdom, where such a unit is held in reserve.

### *c) Use of private companies*

A large majority of responses indicated that no recourse was made to private security companies to take on tasks in the area with which we are concerned.

Positive responses however were received from the European Parliament and the Assembly of the WEU, Switzerland, Norway, Philippines (Senate) and Canada.

Emphasis is generally put on the complementary role played by such staff and on the flexibility with which they can be deployed. Sometimes recourse to the private sector is justified by the needs of specialisation which may require use or maintenance of certain technical equipment.

With the exception of the European Parliament, which seems not always to have been satisfied with the service received, the universal reaction to this type of arrangement was positive.

## **7. Methods of maintaining order and security**

### *a) Security of Members of Parliament at their home, in their constituency and elsewhere in the country*

While as a general rule it was up to Members of Parliament themselves to request, in case of need, protection by local police forces, note should



however be made that in Australia, Canada, Greece, the Philippines and the United States specific arrangements have been made to ensure protection of Members of Parliament (or certain of them) in their constituency itself or across the country.

Special protection is provided for the President/Speaker of the Assembly in Italy (Senate), Korea (Rep. of), Lithuania, Niger, Poland, and Spain (Senate). This list may not be complete.

In the German Bundestag, Members can ask for a special grant to enable them to improve the protection of their home or office against possible acts of violence. Technical advice can be given them for this purpose by specialists in the federal criminal police office.

Finally, it might be noted that Belgian members benefit from an insurance policy drawn up by each chamber to cover them against risks of acts of violence.

### *b) Security around the Parliament*

Only Brazil, Greece, New Zealand and Uruguay reported that there were normally no particular measures taken to protect the site of Parliament.

For the rest, and taking into account the particular structure of each site, protective measures taken include, first of all, surveillance (continuous, intermittent or simply occasional, according to circumstances). This surveillance is often undertaken by the police, sometimes military police, sometimes civil (local or national), or by the parliamentary services themselves. Use of video cameras seems to be increasing rapidly.

In Japan there is a law to guarantee quiet in the vicinity of the parliamentary buildings.

Many Parliaments have taken steps in respect of traffic around the Parliament, either forbidding it or specially monitoring it, or submitting it to limitations or special rules such as prohibitions on parking or stopping.

It should be noted also that, in Canada, overflight of the site of Parliament is subject to official permission and that in the United States also there are restrictions on this.

There remains the problem of demonstrations. These require authorisation in Canada, Israel and Norway, or are closely regulated as in Australia. In Poland and in the United Kingdom also, they are subject to restrictions. In respect of the latter this is so notably in respect of "mass lobbies" which are specific meetings between groups of electors and their Members.

Demonstrations are by contrast forbidden around the parliament in Germany, Switzerland, Spain and Belgium. In Belgium, a neutral zone has even been established according to law, a rigorously controlled area in which all political demonstrations are formally banned.

### *c) Access to buildings*

A distinction must be made between two "flows" of personnel: authorised persons and occasional visitors.

- Authorised personnel (Members of Parliament, staff...). These persons are generally admitted without any particular formality, those controlling the points of entry usually being trained in the visual identification of such persons. In any case, the carrying of identity badges or pass cards is tending to become fairly general and in certain Parliaments electronic control systems have been installed; in others, such installation is being seriously considered. As for cars coming into Parliament, these are subject to similar control. A requirement to place a distinctive sign on the windscreen is fairly common.
- Occasional visitors are usually submitted to stronger controls. In many cases, deposit of an item of identity in exchange for a provisional access pass is required. It goes without saying that use of metal detectors is growing at an increasing rate.

### *d) Control over mail and parcels*

Many Parliaments have already installed machines capable of inspecting mail and parcels by fluoroscope or by x-ray. Others, on the other hand, are considering introducing such machinery. In some cases, the identity of messengers bringing parcels is controlled.

In other Parliaments, mail which is considered to be suspect is handled by specialised officials in the police or security services.

### *e) Measures taken inside the building, in the galleries and the sittings chamber*

This last point does not require much elaboration; various official corps are cited as being in charge of such duties: *huissiers*, doorkeepers, security staff, Military Police, staff from the general services...

It is well understood that such roles are fulfilled without prejudice to the prerogatives generally given in this respect to the presiding officer of the sitting.

It is thus according to his directions that the above-mentioned staff act to re-establish order if it has been disturbed.

Finally, it should be noted that in several Parliaments the security powers similar to those exercised by the presiding officer of the Assembly are expressly accorded also to Members who preside over sittings of Committees.

### **9. Conclusions**

It will have come as no surprise that the structures established in different parliaments to ensure order and security, the working methods of those whose responsibility it is, the legal basis for their operations, and their budgetary impact show such contrasts that it is scarcely possible to pick out any really significant common threads.

Clearly, the parameters governing the conception, organisation, and implementation of the security arrangements derive from very different situations. The socio-political context in each country and the level of risk faced in each is critical in this respect. In some countries the wish to respect certain ancient traditions is also important.

While it may seem unsurprising that a certain pragmatism is revealed in a field such as that under examination here, certain contrasts are nonetheless striking, notably in respect of cooperation with the Executive's forces of law and order: in some countries no cooperation of this type takes place, while in some others the whole responsibility for maintaining order rests with governmental personnel.

Where such cooperation does take place, again a wide variety of different legal bases can be seen: while in some cases it is based on the Constitution, in others it is based solely on custom or convention.

As might have been predicted, if there is one common thread visible from this study it is that there has been a general intensification of concern in the field of security. Logically enough, it is in the area of technical equipment (video-cameras, metal detectors etc.) that a wide range of investment is currently taking place.

## ANNEX

### *List of Parliaments replying to the questionnaire*

Algeria (Consultative National Council)  
Australia (Parliament - both Houses)  
Belgium (House of Representatives and Senate)  
Brazil (Federal Senate)  
Canada (House of Commons and Senate)  
Chile (Senate)  
Cyprus (House of Representatives)  
Denmark (Folketing)  
Finland (Eduskunta)  
FYR of Macedonia (National Assembly)  
France (Senate)  
Germany (Bundestag and Bundesrat)  
Greece (Chamber of Deputies)  
Italy (Chamber of Deputies and Senate)  
Israel (Knesset)  
Japan (National Diet - both Houses)  
Korea, Rep. of (National Assembly)  
Lithuania (Seimas)  
Netherlands (First Chamber)  
Niger (National Assembly)  
Norway (Storting)  
New Zealand (House of Representatives)  
Philippines (House of Representatives and Senate)  
Poland (Senate)  
Portugal (Assembly of the Republic)  
Spain (Senate)  
Switzerland (Federal Assembly - both Houses)  
Uganda (National Assembly)  
United Kingdom (House of Lords and House of Commons)  
United States of America (Senate)  
Uruguay (Senate)  
Zambia (National Assembly)  
Zimbabwe (Parliament)  
European Parliament  
Western European Union Parliamentary Assembly

## **IV. Role of Parliament in establishing peace in times of civil war: the Parliament of Congo**

**Communication by Mr Moufonda, Secretary General of the National Assembly of Congo, at the Bucharest session, October 1995**

Mr MOUFONDA (Congo) spoke as follows (translation):

### **" 1. The traditional role of Parliament**

The traditional role of Parliament in a unicameral (or bicameral) regime is on the one hand to pass legislation for promulgation by the Head of State and implementation by the government, and on the other hand to control the actions of the Executive.

A representative of the people, whether he is a Member of the Lower or Upper House, does not stand in the place of a Minister but helps him to carry out his functions, by creating the formal conditions for the execution of his tasks and by controlling his actions so that he does not stray too far from the task of resolving the problems of the people.

The Member is the chosen representative of the people, the intermediary between the Minister and the people.

Under a system of separation of powers, usually enshrined in constitutions or in custom, each part works within its own well-recognised limits: the Legislative power is responsible for laws, the Executive for governmental acts and the Judiciary for justice.

The Legislative controls the action of government, the Executive ensures the application of laws through decisions, decrees etc., and the Judiciary deals with breaches of the law.

With such a balance a country can enjoy internal stability free from conflict.

## **2. Traditional mechanisms for the resolution of internal conflict within a state**

Generally, in each state, public order is guaranteed by public security forces directed by the Executive.

The Executive power is chiefly responsible for the maintenance of order and security in a country.

When the balance between institutions is upset or where a civil war breaks out in the country, the Head of State and the Government are immediately called upon to re-establish the balance and peace.

In these circumstances, it is the public security forces (police forces or, exceptionally, the army) which the Executive must draw on to restore order.

This depends on the conditions and constitutional provisions in each country.

In some cases, recourse to the security forces alone is insufficient to re-establish order, and politicians, church leaders, community leaders etc may then be called to the negotiating table by the Head of State to set up the conditions necessary for a restoration of peace and stability.

Attempts at mediation can also play a certain role. However, it can happen that such procedures break down; in such a case, other formulae must be found.

## **3. Extension of the traditional role of Parliament to resolution of internal conflicts in the state: the case of Congo**

When a country becomes involved in an unending war and all traditional methods of conflict of resolution have failed, Members of Parliament may spring into action and join in the process, as has recently happened and is continuing to happen in Congo; the embodiment of national unity, the Congolese Parliament composed of two Houses, has gone beyond its traditional role so as to contribute to the search for peace in the country.

At the plenary sitting of 11 December 1993, the National Assembly, through a radio broadcast by its President, assured the people of its unending support for the restoration of peace in the country and for the satisfactory resolution of the conflicts which were current. At the same time, he called upon the population still engaging in conflict to stop the firing, to end all arbitrary arrests, all kidnapping and all armed and oral threats.

In this regard, the combined efforts of the joint front of both presidential and opposition members of parliament - in the form of constant negotiations - led to a declaration of a Parliament, meeting in Congress, on the restoration of lasting peace in Congo, 16 December 1993. This taking in hand of the problems of peace and security, by the Members of Parliament of the Congo followed the view expressed by M F C Rodriguez:

"It seems to me important to note that the internal organisation of Parliaments for the defence of human rights principally in groups within parliamentary committees would allow solutions to national problems to emerge and violations of human rights to be forestalled."

The declaration of the Congolese Members of Parliament contained the following measures:

- the sending of parliamentary missions abroad to explain Congolese political realities and internally to make the population aware of the need for a durable peace;
- the tabling by the Leaders of parliamentary groups at each session of the National Assembly and the Senate of reports on security in the country;
- individual actions by Deputies and Senators in their respective constituencies to assist in the re-establishment of a national consciousness;
- demands for action by Deputies and Senators for those constituencies where events threatening peace were taking place;
- the organisation of joint meetings for peace and national unity, bringing together the President's movement and the supporters of the URD-PCT (opposition);
- the setting up by the National Assembly of an ad hoc parliamentary committee to oversee government action on the measures taken by Parliament;
- a role for the Senate as a moderator, taking a full part in actions to restore peace.

Among other measures were repeated calls for the political classes, the established institutions and the state media to work for peace. The established legal institutions should work to encourage respect for such institutions, for recognition of the rights and duties both of those in power and those in opposition; for law which have been passed, for the need to re-establish constitutional bodies; for effective management of the senior civil service, and for recognition of the need to quicken the pace of legal proceedings.

As for the state media, they were called upon to guarantee balanced coverage of the activities of political parties and to involve a significant number of state journalists, who must conduct themselves properly.

Additionally, there were measures:

- guaranteeing the security of goods and persons, the free circulation of goods and persons, the progressive resolution of the problems of victims, the dismantling of armed bands, the return of troops to their quarters;
- for concerted action between the parties concerned in cases of conflict;
- providing for recourse to dialogue in cases of conflict through structures for mediation including Members of Parliament.

In support of these actions, the President of the Senate during his speech at the first Extraordinary session of 24 January 1994, issued a rousing call to those those who were holding and using arms as their sole means of expression to stop from that moment accusing each other of responsibility for provocative actions. Such a climate would, he proclaimed, allow men of goodwill to find a solution leading to peace.

After more than a year of intense activity, from 21 December 1993 to 2 March 1995, the ad hoc parliamentary committee (which was composed of 12 Members, including Members from both Houses and members of both the President's movement and of the Opposition - that is, the URD-PCT and supporters (PCF and supporters now known as DFU) - and set to work a few days after the declaration of the Parliament) tabled a report. This report set out the steps taken to lead towards a progressive return to peace in the country and highlighted the steps that still needed to be taken, above all in respect of support for the victims of war and the recovery of arms illegally held by members of former armed bands.

Following this, the committee was charged with finalising its work and working towards resolving the remaining problems.

It is worth adding that at the beginning of this year a Minister with responsibility for victims was appointed to resolve specific questions relating to that category of persons.

The actions of this high profile committee were appreciated by the whole of the Congolese people and by the international community. This unique event in Congolese parliamentary life will be inscribed in golden letters in the pages of the history of parliaments, in respect of their actions to ensure peace and security in each country throughout the world."

Mr DE BEAUFORT (Netherlands) wondered whether, in addition to Parliament contributing to the establishment of peace, the converse was also to some extent true, with the Parliament having been enabled to meet *because of* the gradual re-establishment of peace. He asked whether there had been occasions in which the Parliament had been unable to meet because of the unrest.



Mr MOUFONDA replied that in its early days of operation the National Assembly had not always been able to meet because of continued fighting in some areas and that it was precisely in that period that Parliament had shown itself to be effective.

Mr MULENDA-A-LUTULA (Zaire) sought clarification as to whether the initiative leading to peace was not a broadcast by the President of the Republic, on which Parliament had been able to build. Mr MOUFONDA replied that it was the actions of the parliamentarians which had turned the situation around, the efforts of the President of the Republic having come to an end.

Mr DE BEAUFORT (Netherlands) sought to know what the Secretary General's own role had been. Mr MOUFONDA replied that when the National Assembly had been dissolved in 1992 he had been a Deputy but that when the new National Assembly had been established he had become the Secretary General and that this was a non-party role. His function had been to advise a number of Deputies and to help them in their duty to contribute to the establishment of peace.