

UNION INTERPARLEMENTAIRE



INTER-PARLIAMENTARY UNION

ASSOCIATION DES SECRÉTAIRES GÉNÉRAUX DES PARLEMENTS  
ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS



*CONSTITUTIONAL  
AND PARLIAMENTARY  
INFORMATION*

**The parliamentary system of Namibia**

**The parliamentary system of the Russian Federation**

**Recent developments in the Parliamentary Assembly of the Council of Europe**

**The Bucharest Seminar**

**The Second Chamber of the States General of the Netherlands**

**The Chamber of Deputies of Chile**

# **INTER-PARLIAMENTARY UNION**

## **Aims**

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

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

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

## **Membership of the Union (December 1998)**

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Former Yugoslav Republic of Macedonia, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Korea (Dem. P. R. of), Korea (Rep. of), Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia, Rwanda, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Associated members: Andean Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe.

## **Structure**

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Mr. M. A. Martinez (Spain).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President.
4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, CP 438, 1211 Geneva, Switzerland. *Secretary general*: Mr. Anders Johnsson.

## **Official publication**

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

---

# Constitutional and Parliamentary Information

Association of Secretaries General  
of Parliaments

*No. 176/ 2nd Half-year -1998*

*Forty-eighth year*

*Contents*

**I. The parliamentary system of Namibia**

Presentation by Ms Stephanie Winson, Secretary of the Namibian National Assembly. Windhoek Session (April 1998). . . . .141

**II. The parliamentary system of the Russian Federation**

Presentation by Mr Nikolai N. Troshkin, Secretary General of the State Duma, and Mr Vladimir A. Nikitov, Secretary General of the Council of the Federation. Moscow Session (September 1998). . . . .155

**III. Recent developments in the Parliamentary Assembly of the Council of Europe**

Communication by Mr Bruno Haller, Clerk of the Parliamentary Assembly of the Council of Europe. Moscow Session (September 1998). . . . .178

**IV. The Bucharest Seminar (June 1998) on the Parliaments of Central and Eastern Europe and the Baltic States**

Communication by Mr Alexandru Dumitrescu, Secretary General of the Romanian Senate. Moscow Session (September 1998). . . . .183

**V. The difficulties in the Second Chamber  
of the States General relating to the  
respective powers and activities of  
committees and individual members**

Communication by Mr William de Beaufort, Clerk of the  
Second Chamber of the States General of the Netherlands.  
Moscow Session (September 1998). . . . .189

**VI. The Chamber of Deputies of Chile**

Communication by Mr Alfonso Zufiiga Opazo, Deputy  
Secretary General of the Chamber of Deputies of Chile.  
Moscow Session (September 1998). . . . .196

# I. The parliamentary system of Namibia

**Presentation by Ms Stephanie WINSON, Secretary of the Namibian National Assembly. Windhoek Session (April 1998)**

## I. Historical Background

Namibia gained independence on 21 March 1990 after 105 years of foreign domination. This followed the November 1989 elections when 89 per cent of the registered voters elected the Constituent Assembly on a system of proportional representation. The Constituent Assembly drafted the Namibian Constitution which was adopted on 9 February 1990. This Constituent Assembly also constituted the first National Assembly of the Republic of Namibia.

This was the first time that Namibians elected their own people into positions of legislative power. The period prior was marked by colonial rule, typified by an imposed legislative system.

The first President of the Republic of Namibia, His Excellency President Sam Nujoma of the SWAPO Party, was elected by the 72 members of the Constituent Assembly, which comprised 7 different political parties. During the second elections in 1996 President Nujoma was elected directly by popular vote for a term of 5 years. In terms of Article 29(3) of the Constitution the President shall not hold office for more than 2 terms.

The Constitution also expressly provides for a second Chamber of Parliament, but the National Council only came into existence in February 1993, after the Regional and Local Government Elections of November 1992.

The task of the Namibian Parliament is not an easy one. During colonialism the country was governed under apartheid laws. It has therefore been a challenge to this Parliament to bring about constructive change, repealing or amending these tools of oppression.

This task is complicated by the fact that the lives of many could be affected by changes in previous legislative instruments but in the interests of reconciliation and peace, some changes have been slow.

## II. Organisation

### 1. *The National Assembly*

The National Assembly consists of 72 Members elected on the proportional representation party list basis. In addition there are 6 members appointed, in terms of Article 46(b) of the constitution, by the President on the basis of their expertise, status or experience, bringing the total number to 78. These 6 members have no vote in the National Assembly. The maximum term of the National Assembly is 5 years. But it can be dissolved, before the expiry of this period, by the President in terms of Article 67. The President exercises this power on the advice of Cabinet if the government is unable to govern effectively.

Every Namibian citizen who is 21 or older is eligible to be elected to Parliament. Likewise every citizen who has reached the age of 18 years has the right to vote.

Persons are not eligible for membership in the National Assembly if:

- they have been convicted of any offence for which there is no option of a fine
- they are an unrehabilitated insolvent
- they are of unsound mind and been so declared by a competent court
- they are remunerated members of the Public Service
- they are members of the National Council, Regional Councils or local authorities

The National Assembly elects the Speaker and Deputy Speaker at the first sitting of a newly elected National Assembly. They cease to hold office if they are no longer members of the National Assembly or if the House resolves to remove them. The Speaker presides over the parliamentary proceedings, maintains order in the chamber and supervises the administrative and financial affairs pertaining to the National Assembly. He is also the chair of the Privileges Committee and Committee on Standing Rules and Orders. In his absence the Speaker is deputised by the Deputy Speaker (who is also the chairperson of the whole House Committee of the National Assembly).

### 2. *The National Council*

The National Council has 26 members comprising two members elected directly from each of the 13 regions, at regional council level. Members of the National Council serve for a term of 6 years and are eligible for re-election.

Qualifications for membership in the National Council are the same as for members of the National Assembly. The National Council elects a Chairman and Vice-Chairman from its members. The Chairman chairs all sessions of the house and oversees the financial and administrative affairs of the Council Committee on Privileges and Rules and Orders.

### III. Meetings

#### 1. *National Assembly*

The proceedings of the National Assembly are dictated by the Standing Rules and Orders. Essentially a Westminster style system, the house meets in plenary and refers certain matters to Committees.

The majority of committees of the National Assembly only came into existence in 1996. The Committees consist of Standing Committees and Select Committees. Standing Committees serve for the duration of the Assembly, while Select Committees are ad hoc and cease to exist on the presentation of their final report or the day fixed for such presentation unless the National Assembly has granted an extension.

All the backbench members of the National Assembly are eligible to serve on the Standing and Select Committees. Standing Committees have specific portfolios which mirror the respective Government Ministries. They also conduct in-depth deliberations on bills and other matters that fall within these portfolios.

On the other hand, Select Committees are appointed to investigate and report on specific matters, after which they dissolve. Individual Committees are chaired by a Chairman and each has a very limited number of support and administrative staff. The Committees may continue to conduct business during the periods of recess.

Currently, the Standing Committees of the National Assembly are: Privileges, Standing Rules and Orders, Public Accounts (always chaired by a member of the Opposition), Ombudsman, Natural Resources, Human Resources, Security, Governmental Affairs and Economics.

#### 2. *The National Council*

All the current Committees of the National Council (just like those of the National Assembly) did not immediately start functioning at the inception of

the National Council. Three committees, namely Standing Rules, Orders and Discipline, and Privileges of Members and Steering (now defunct) have performed their duties in the past. Currently the National Council has 6 Standing Committees. These are: Standing Rules, Orders and Discipline; Public Accounts and Economy; Foreign Affairs, Defence and Security; Privileges of Members; Legislation and Regional Development and Reports.

The importance of Parliamentary Committees has become increasingly evident, not only as a mechanism to check the executive arm of government, but also to elicit public opinions on proposed legislation. Public Hearings conducted in the regions have proved very useful in this regard.

### **3. Parliamentary Group**

The Namibian Parliament also actively participates in the activities of international parliamentary Groups and currently holds membership with the Inter-Parliamentary Union, the Commonwealth Parliamentary Association, and the SADC Parliamentary Forum.

For each of these there exists a national group which participates in the activities of these associations.

## **IV. Composition**

The National Assembly, currently comprises 5 political parties. These are SWAPO Party, DTA, UDF, MAG, DCN.

The ruling party, SWAPO Party, has a majority, with 53 members, followed by the official opposition party, the DTA, with 15 members. The United Democratic Front (UDF) has 2 members and the Democratic Convention of Namibia (DCN), and Monitor Action Group (MAG) each only have 1 seat.

In the National Council there are only two parties. SWAPO Party has 19 members and DTA has 7 members.

## **V. Sessions**

### **1. Opening *and* duration of sessions**

The President of the Republic of Namibia opens Parliament at the first session every year. This is a ceremonial event and is celebrated accordingly, when both Houses gather in a joint session.



The National Assembly has a fixed annual calendar which runs from mid February to the end of November. A mid-year recess normally coincides with July and August.

2. *Opening and adjournments of meetings*

The National Assembly's session starts and ends on dates as determined by the National Assembly unless the Speaker directs otherwise.

The National Council sessions normally follow after the National Assembly session.

3. *Legislative process*

Parliament is the law making body of the country. Bills can be proposed by the President, the Cabinet, any Member of the National Assembly or the National Council, the Law Reform and Development Commission, a non-governmental organisation or even a member of the public. Private members' bills do not go to Cabinet for approval, but are tabled directly by the responsible members in the National Assembly.

Draft legislation is normally introduced by government ministries and submitted via Cabinet to the Cabinet Committee on Legislation for approval. The Attorney General scrutinizes all draft bills to ensure that they meet Constitutional provisions. Thereafter a certificate is attached attesting to this fact before the bill is deposited with the Secretary of the National Assembly. The Bill is then tabled and introduced by the respective Minister.

Then the House considers it in the first and second reading before it is referred to committee. Thereafter it is read for the third time before it is referred to the National Council.

The National Council considers bills referred to it in terms of Article 75 of the Constitution. Its recommendations, amendments and/or agreement to the principle of the Bill are communicated by the Chairperson to the Speaker.

If the Chairman of the National Council reports that the bill be passed subjected to amendments then such a bill is referred back to the National Assembly.

The National Assembly may reconsider the bill (but is not obliged to implement the amendments proposed by the National Council) and may make any amendments, whether proposed by the National Council or not. If the bill is again passed by the National Assembly, whether in the form in which it was originally passed or in an amended form, the bill will not again be referred to the National Council but is referred by the Speaker to the President for signature.

If the Bill is passed by a two-thirds majority of all members of the National Assembly and confirmed by the National Council, the President shall be obliged to give his assent thereto. But in case the President refuses to sign the Bill, by virtue of reservations he/she may have, it will not automatically become a law. In such a case, it will be referred back to the National Assembly for reconsideration. If it so decides, the National Assembly may then pass it in the form it was referred back to it, or make amendments, or withdraw the Bill. Where a Bill is passed by the simple majority of all the members of the National Assembly, and has been confirmed by the National Council, but the President declines to assent to such Bill, the President shall communicate such dissent to the Speaker.

#### **4. *Public access to Parliament***

The sessions of both the National Assembly and the National Council are open to the public. The public can be denied access if a motion supported by two-thirds of all its members is passed in respect of specified matters. Such a motion can be considered if it is supported by at least one-tenth of all members of the two Houses. But the final decision rests with the Presiding Officers.

#### **5. *Quorum***

A quorum consists of at least 37 members of the National Assembly excluding the Speaker and nominated members, while the presence of a majority of the members of the National Council constitute a quorum to enable it to meet. Both presiding officers have a casting vote.

#### **6. *Divisions***

If the House is divided on issues the matters are put to the vote. The Speaker calls the members to rise if they are in favour, against or abstain. The Secretary will hand the results to the Speaker to announce. In terms of the Standing Rules and Order, a member may ask that his objection be recorded in the minutes or demand a division whereby the names of all voting members are recorded in the minutes. This, however, happens very seldom.

## **VI. Functions**

### **1. *Legislative Power***

The main function and powers of the National Assembly in co-operation with the National Council are to: pass bills and repeal laws; approve govern-

ment expenditure and regulate taxation by passing laws relating thereto; approve international agreements entered into by the Government of the Republic of Namibia with other governments; receive reports on the activities of the government ministries/offices and parastatals; initiate, approve or decide to hold referendums on matters of national concern; debate issues and advise the President on matters which the Constitution has authorised him/her to deal with.

## **2. *Check and balances***

The Minister of Finance is obliged once every year and thereafter as necessary to present estimates of revenue expenditure and income for the prospective financial year to the National Assembly. The National Assembly shall consider such estimates and pass such Appropriation Acts as are necessary to meet the financial requirements of the State from time to time. The Report of the Auditor General is also tabled in the National Assembly annually, by the Minister of Finance.

The Report of the Auditor General is referred to the Standing Committee on Public Accounts, where an in-depth investigation is made of the expenditure by Ministers, offices and agencies. Although these committee hearings are usually in camera, they have been opened to the public and press in the past.

## **VII. Parliamentary contacts**

Our Parliament attaches great importance to fostering close relationships with both regional and international Parliaments. This is not only evidenced by the participation of Namibia at the IPU, but also at the Commonwealth Parliamentary Association and more recently its initiative to establish the SADC Parliamentary Forum.

The Forum, which is still in its infancy, has the objective to foster greater regional links in SADC at parliamentary level.

## **VIII. Secretariat**

### **1. *Outline***

The National Assembly and the National Council have separate Secretariats.

However, the Director of Common Services serves both Chambers, which comprises the following divisions: General Services, and Research, Information and Library Services.

The staff component is very small, and after 7 years of independence the need for more staff and particularly specialised skills is obvious.

### **2. General**

The National Assembly is further serviced by the Table Office, Committee Services and Legal Services. These divisions have only really taken shape over the last 2 years and admittedly require much more development.

The Legal Services Department was also established to assist committees in their deliberations. The demand for such specialist skills is high, particularly because Members of Parliament do not get their own staff.

In the current committee structure resources are extremely limited with one assistant clerk alone serving one or two committees.

## **IX. Library of Parliament**

The Namibian Parliamentary Library is administered by the legislature of the country. It is there to provide information and research results specifically to Members of Parliament, Parliamentary staff and also to provide a reference service to the public. Information provided by the library enables Members to make informed decisions in their legislative work.

The Library is independent from the Namibian National Library and Archive Services of the Ministry of Basic Education and Culture, which administers all government libraries. However, we maintain mutual co-operation with other libraries of different institutions in the country in exchanging information.

The Namibian Parliamentary Library is at an embryonic stage as its collection went through turbulent experiences during the colonial era. As a result some of its historical publications are either missing, incomplete or relocated to the Archive or to unknown places. Likewise attempts to rebuild the Library are being curtailed by a limited budget.

At the moment the Library provides the following services: newspapers, periodicals and monograph reference services, lending services and inter-library loans. It keeps records of newspaper cuttings from local, regional and international newspapers and magazines. At the same time it also provides

information from outside sources such as Namibia Literature Database (Namlit). Its collection includes legislative material with historical and current government publications, reports, policy documents etc.

### **Research**

The Research Centre, which is connected to the Parliamentary Library, is a hub of the computer network, Internet, and electronic e-mail facility. We have a local area network which allows internal sharing of folders, and within government.

Through the Internet connection it is possible to access various information sources for example Southern Africa Information Network (SABINET) which is one of the outstanding facilities in the SADC region and specialises on Southern Africa. SABINET has 14 databases which contain more than 2000 million records, many related to government and legislative topics, as well as full-text Government Gazette and journal articles.

The Library has computers to provide computing and Internet access to researchers. Likewise the Internet also provides access to local African and International news.

\*  
\*   \*  
\*   \*

Mr Michael DA VIES thanked Ms Stephanie WINSON for a superb account of the parliamentary system of Namibia. He asked whether the President had ever refused to sign a bill. He also asked whether ministers had to be members of parliament. Ms WINSON replied that the President had not as yet refused to sign a bill. With regard to ministers, they had to be members of the National Assembly. Deputy ministers could come from the National Council. The Prime Minister and ministers had the right to address the National Council. An example of such an address was over the land issue which was a very controversial topic in Namibia. Ministers addressed the National Council on this subject.

Mr KHATRI CHHETRE (Nepal) congratulated Ms WINSON on her address. He asked why she was called Secretary to the National Assembly and her colleague Secretary to the National Council and the word Secretary General was not used. He also noted the fact that there were different committees in both Houses but the important committees seemed to be in the National Council, for instance, those on Foreign Affairs and Safety and Security, although the Public Accounts Committee was in the National Assembly. Ms WINSON said that the

word Secretary was the name as found in the Constitution but it was the same as Secretary General. She was not sure why this word had been chosen. It was, however, a common term in Namibian Government structures. Below her there were deputy secretaries. With regard to the different committees it was difficult to say that one committee was more important than another. The National Assembly committees did govern the various portfolios. Foreign Affairs was covered, for instance, under Government Affairs. The National Assembly committees were real, functioning scrutiny committees. The National Council committees had only just been developed. The Public Accounts Committee in the National Assembly was the one that checked the reports of the Auditor General and called in the permanent secretary and took effective action. In the National Council members had been marginalised. Committees were established in the National Council to give them an increased role. Ms Pandeuleni SHIMUTWIKENI, Secretary of the Namibian National Council, added that there would soon be a workshop in the National Council on the National Council's Rules and Standing Orders, where the role and function of committees would be discussed.

Mr MASALHA (Jordan) thanked Ms WINSON for her communication and asked how votes of no confidence were handled in the Constitution and which Chamber was significant for confidence in the government. Ms WINSON explained that the President was voted by direct ballot not by the National Assembly and National Council. He nominated the Cabinet and it was he who could dissolve the National Assembly. The National Assembly would need a two-thirds majority for a vote of no confidence.

Mr TROCCOLI (Italy) asked whether the National Assembly and National Council had budgetary autonomy in relation to the government. Ms WINSON said that they did not. They were ruled by the Treasury and spent a long time every year arguing with the Ministry of Finance. She felt that this was not right. Approval of the budget by Parliament was a formality.

Mr SANTARA (Mali) thanked Ms WINSON for her account of the parliamentary system which had taught him a great deal. He noted that in the first years of the Namibian Parliament, one of the most important tasks was the reform of the apartheid laws. He asked what the procedure was for the reform of these laws. Did the Constitution consider that such laws were no longer valid. He also asked about parliamentary groups. In Mali, they consisted of political parties represented in the Assembly with similar ideas. There were five such groups. He also asked about the initiation of bills - whether they could be initiated by individuals or NGOs. Ms WINSON said with regard to reform of the apartheid laws, that under the Constitution all such laws were not automatically repealed. There was in fact provision that they apply until they were

replaced. There was therefore a considerable rush post-independence to repeal such laws and introduce new ones. An example of pre-independence laws that had to be changed was the fact that women had the status of children and the insane for contract purposes. There was an obvious need to change this law with regard to the rights of married women. It took time, however, and was only passed in 1996. Namibia had a Law Reform and Development Commission with the task of finding out what the existing law actually was and determining whether change was necessary. Until the 1970s, law in Namibia was promulgated in Cape Town. Then a Legislative Council in Namibia was able to produce legislation only applying in that country. This legislation usually followed the South African model. For all these different reasons it was difficult sometimes to find out exactly what the law was. They did not have parliamentary groups as in Mali. There were rather voluntary associations of members not on political lines. With regard to bills, individuals and NGOs would have to lobby MPs. This was not as yet a very popular or common process although Ms WINSON thought that it would increase.

Mr WINNIFRITH (United Kingdom) asked whether the Speaker used his casting vote on the basis of procedural grounds or merit. He also asked whether in elections the Speaker stood with a party label. Ms WINSON had mentioned that the Chairman of the Public Accounts Committee was from the opposition. Were there other committees with opposition chairmen? He noted the committees were beginning to think of meeting in public. In the United Kingdom, open committees had revolutionised the way Parliament was perceived. He thought this should be encouraged. He also had great sympathy with the Namibian Parliament's financial difficulties. His final question was whether there were parliamentary questions to ministers and whether they were properly used. Ms WINSON said the Speaker cast his casting vote on a procedural basis. There was a party label used for elections but there was not much opposition to the Speaker. The Speaker did belong to a political party although the opposition supported his role as Speaker. The Public Accounts Committee was the only committee with an opposition chairman and this was specifically provided for. In the other committees such a situation was unlikely although there were a lot of opposition deputy chairmen. One reason for this state of affairs was simply the party numbers in the Parliament. She was sure that with experience committees would see the errors and difficulties in the current rules. She referred to the forthcoming National Council conference on possible rule changes where they would be looking at the question of the accessibility and openness of committees. Thursday was the day for parliamentary questions and they were extensively used and used well. It was, of course, possible for ministers to dodge questions but it did give an opportunity for the opposition to show that things were not right. It also provided useful information for the ministers themselves.

Mr OUEDRAOGO (Burkina Faso) thanked Ms WINSON for her account of Namibia's parliamentary system and asked about the relation between the Ombudsman and committees. He also asked about the duration of sessions and the length of a deputy's term. Ms WINSON said that the Office of the Ombudsman was provided for in the Constitution. The Ombudsman tabled her annual report before Parliament (the Ombudsman at the moment was a woman). The report was debated and referred to a committee. The Ombudsman therefore had a strong relationship with parliament. She was a means of check and scrutiny of the Executive. She called ministers up for human rights abuses. It had to be noted, however, that committees had only really evolved in the last two years. They were not as yet doing an excellent job and some were behind schedule. The session lasted from February to November with a break in July and August. Last year the Speaker had ruled that the Executive could not table bills after 1st November in an attempt to rationalise the work of the House. The National Assembly had a five year term and the National Council had a six year term.

Mr HONTEBEYRIE (France) congratulated and thanked Ms WINSON. He noted that scrutiny was possible through questions and he wondered whether there were other ways to scrutinise the work of the Executive. For instance, were inquiry committees set up and if so with what powers? Were there rights to table amendments to bills? With regard to the Committee of Immunity and Privileges, he wondered whether it considered rules or cases. Ms WINSON said that in the last eight years the only real form for scrutiny was question time and certain committees. It was possible to move in the House that a certain topic be debated and this had happened recently. There were no additional committees formed but the committees under the Standing Orders could themselves act as committees of inquiry although this had not as yet happened. With regard to amendments, these could be proposed in the second reading debate but they happened formally in committee. After consideration of the proposed amendments the committee would liaise with the relevant minister to win them over to the amendments. An example recently was in connection with legislation on the sale of liquor. In that case the National Council made amendments which were then accepted by the minister and the National Assembly. The bill went to the President in a very different form to that in which it was tabled. The Committee of Immunity and Privileges mainly looked at such privileges as freedom of speech, declaration of interest, right to subpoena. Only now was an ethics code being devised. Ms WINSON had encouraged the Speaker to suggest that this committee have stronger powers.

Mr GALAL (Sudan) said he had three points. He asked what the official language of debate was and could other languages be used. He also asked what was the remuneration of members and whether ministers enjoyed the same



immunities as other members if they were members of parliament. Ms WINSON said that English was the language of debate. It was possible to speak in other languages and there were eleven indigenous languages in Namibia. Although this was possible it was rare and it was necessary to speak with an interpreter. With regard to remuneration there was a basic salary and there were no allowances paid. A commission had been established to examine wage and remuneration in government two years ago. Allowances were sucking the country dry and the government was attempting to down-size. The MP therefore got his or her salary and a subsistence allowance. All MPs received this subsistence and housing allowance as well as a travel allowance but nothing else. Parties were funded by the government but that money went straight to the party so as to fund a secretariat. The amount was based on the size of the party. Ministers were paid a top-up amount. They also had a car and an entertainment allowance. With regard to immunity, ministers had the same immunity as any other MP.

Mr NYS (Belgium) asked about the quorum in the Assembly and whether one could abstain in a vote. In the Belgian Senate, abstentions were counted but not for the quorum. It would therefore be interesting to know whether abstentions counted in the quorum in the Namibian Parliament and whether they also counted for any majority. Ms WINSON said that it was possible to abstain although because people were elected on a party-list basis, members tended to vote on party lines.

Mr SAMBA-IGAMBA (Gabon) thanked Ms WINSON for the presentation and asked why bills were drafted by the Ministry of Justice and not by the relevant ministry. He also asked who decided on the parliamentary agenda and whether ministers had substitutes in the Assembly. Ms WINSON explained that bills were drafted by the Ministry of Justice but not by private members. In a small country, human resources were limited and needed to be shared. Parliament, however, felt that they should have their own drafters for private members' bills. This was not, unfortunately, likely. The agenda of parliament was decided upon by the clerks in consultation with the Speaker, although ministers could make requests. In answer to the question about substitutes, Ms WINSON explained that every minister had deputies.

Mr BENVENUTO (Italy) asked about the vote of no confidence which required a two-thirds majority. He had read the relevant Article 25 of the Constitution but he also noted Article 39 where it gave reasons for such a vote of no confidence. He noted that the President must terminate the Cabinet's appointment if the National Assembly voted by majority that it had no confidence in the government. He asked whether there were any cases where Article 39 of the Constitution had been used. Ms WINSON said that there were no such examples.

Mr MFENYANA (South Africa) said he was glad that most of his questions had been answered. He wondered, however, whether members of parliament could cross the floor. He also said he was surprised that the Order Paper was drawn up the Speaker and clerks alone. Ms WINSON said that if one crossed the floor one automatically lost one's seat unless the other party added them to their list. With regard to the Order Paper, the whips were consulted, but in practical terms it was the clerks and the Speaker who decided on its contents. This was easier in a small parliament. Ms Pandeuleni SHIMUTWIKENI said with regard to the National Council that it was not possible to cross the floor.

Mr GEORGIEV (Bulgaria) asked if there was a code of conduct for civil servants. He also asked what role there was for the judiciary if a law was passed which contravened the Constitution. Ms WINSON explained that the parliamentary staff were civil servants although the Secretary General was appointed by the Speaker. They were trying to change this situation because at the moment the Office of the Prime Minister determined the management of parliamentary staff. As to the behaviour of civil servants, that was controlled by the Public Service Act approved in 1997. The judiciary did have a checking power. This was not, however, automatic and it had to be exercised by the Supreme Court. A recent example was the Racial Discrimination and Prohibition of Discrimination Act. The Supreme Court had found that one paragraph was unconstitutional. Parliament was given a dead-line to change the law or it would fall automatically.

Mr CASTIGLIA (Italy) asked about the role of the whips and parliamentary groups. Ms WINSON explained that whips did participate in the drawing up of the agenda but not with the establishment of the parliamentary groups. The Speaker was meant to be objective and not favour the majority party.

Mrs PONCEAU (France) asked about the televising of parliamentary debates and how many staff the Assembly had. Ms WINSON said that the opening of parliament was televised nationwide but normally debates were not broadcast live although they were reported on the television news. There was a direct feed in the parliamentary building. The staff was between 150 and 175 for the two Chambers together.

Mr SAMBA-IGAMBA (Gabon) asked if ministers had substitutes whether such substitutes sat in parliament at the same time and also asked for further information on bills. Ms WINSON explained that deputy ministers were also members of parliament and that it was impossible to draft bills apart from in the Ministry of Justice.