

RELATIONS BETWEEN PARLIAMENT AND CIVIL SOCIETY

Mr Ian HARRIS, Président invited Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso to open the debate.

Mr Prosper VOKOUMA (Burkina Faso) *présentée the following contribution, entitled "National Représentation and public participation: What is the machinery for dialogue between the National Assembly and civil society? The expérience of the National Assembly of Burkina Faso "*

In 1991 the Burkinabé authorities set up a process of planning and action in relation to a national policy on good governance. This planning led to the préparation and agreement in 1998 of a "national plan of good governance for Burkina Faso".

Good governance relates to the exercise of political, économique and administrative authority in the management of political affairs. It involves ail the resources and mechanisms for optimising the performance of management of public affairs and for enabling the interests of the public to be expressed, for the exercise of their rights and duties, as well as settling any difficulties which might arise. Good governance aims in particular for political stability, public participation in the management of public affairs, the development of institutions of government and respect for human rights.

Good governance includes three dimensions: économique, political and administrative.

Good governance has various objectives, including:

- The establishment of an overarching State, which can effectively carry out its directional rôle carrying forward socio-economic development.
- Promotion of a civil society, which is able to influence the various political and économique décisions and to constitute social balance.
- Reinforcement of the organisational technical capacity of the législative and consultative institutions with a view to their making a more effective contribution to the démocratie process.

Good governance is justifiée! not only because it implies modernisation of administration, but above ail because of the extent to which it has as its ambition consolidation of democracy and the rule of law, as well as the promotion of lasting human development. It has the following basic principles:

- Participation of ail citizens (men and women) in decision-making.
- Transparency, equity and responsibility in the conduct of public affairs.

The national plan for good governance has as its overall aim the establishment of mechanisms and methods which allow for efficient and transparent management of the affairs of the State, while giving effective opportunities for participation and oversight to ail citizens, notably by way of strong participation by the private sector and civil society.

The national plan has been translated into programmes and the institutional and political resources for bringing this about include:

- The three constitutional Powers (executive, législative and judicial);
- Ail the consultative organs (Social and Economie Council, Mediator of Faso, Superior Council for Information).
- Civil society, essentially non-governmental organisations, human rights organisations, trade unions, women's associations for the defence and promotion of women's rights, customary and religious communities, press and média organisations, etc.

Ail these institutions and organisations in civil society contribute in their own way to the process of introduction of good governance to Burkina Faso. Nonetheless, it is necessary to recognise that there are still limits to the exécution of the national plan for good governance.

In order to play its part in this process the National Assembly has put into effect its own programme. Therefore it signed with the United Nations Programme for Development (UNDP) a coopération project called "Project for the improvement of the capacity for dialogue in Parliament on stratégies and policies for development." (Project BKF/03/001/MT).

As part of this project on the 7th August 2003 the National Assembly established a pilot study at Kaya (province of Sanmatenga) with the main objective of creating an area for dialogue and partnership between Members of Parliament and civil society. This would increase the efficiency and improve the performance of Members of Parliament in the exercise of their duties, taking into account the real and expressed aspirations of citizens.

The results of the pilot study (I), which was to set up a basis for formai or informai participation of people in the exercise of Parliamentary fonctions within a constructive dialogue, led to the holding of a national forum (III) including Members of Parliament and civil society. In advance of this forum, on 7th and 8th November 2003 at Ouagadougou, there was a conférence of current and previous Members of Parliament (II) of Upper Volta and Burkina Faso on the thème: "National représentation and public participation in Upper Volta and Burkina Faso: exchange of expérience".

Before dealing in turn with these différent results, it is important to remember the main objectives behind the project called "Project for the improvement of the capacity for dialogue in Parliament on stratégies and policies for development".

As indicated above, project BKF/03/001/MT "Project for the improvement of the capacity for dialogue in Parliament on stratégies and policies for development" is the fruit of a partnership between the National Assembly and the UNDP, with the aim of establishing a policy on dia-

logue with the population based on co-ordinated action. This is within the general framework of the programme for support for good governance in Burkina Faso, in which most of the multilateral and bilateral partners in the country have intervened.

This project has two main objectives:

- To strengthen the technical capacity for dialogue within Parliament and the Parliamentary administration with a view to increasing the efficiency of their involvement in development questions.
- To facilitate the creation of an area of dialogue and partnership between Members of Parliament and civil society. This would increase the efficiency and improve the performance of Members of Parliament in the exercise of their duties in connection with legislation and control of government action.

The pilot study was aimed at achieving the second objective of the project.

I. PILOT STUDY ON THE MECHANISMS FOR DIALOGUE BETWEEN THE NATIONAL ASSEMBLY AND CIVIL SOCIETY

As part of the project mentioned above the pilot study was launched on 7th August 2003.

- The overall objective of the pilot study was to facilitate the creation of an area for dialogue and partnership between Members of Parliament and civil society;
- The particular objectives of the study were to collect data in order to construct a framework for a dialogue involving the process of valorisation of experience and ideas among the population. The information which was collected would allow the preparation of relevant proposals for:
 - improving the visibility of performance of duties and improving public opinion relating to the exercise of responsibilities by Members of Parliament;
 - Better identifying and promoting the participation of the public in Parliamentary work;
 - Better integration of questions relating to daily life and development in the work of Parliament;
 - Organisational interaction between Parliament and the public with a view to creating areas and mechanisms appropriate for dialogue with civil society;
 - Opening the National Assembly to the public more.

The report of the pilot study was presented under three main headings:

- The National Assembly and the demands of society;
- The conditions for a dialogue between the National Assembly and civil society on strategies and policies relating to development;
- Proposals for better management of the dialogue between the National Assembly and civil society.

A. The National Assembly and the demands of society

By the demands of society is meant public aspirations, expectations and needs (expressed or not) in relation to Members of Parliament.

The demands of society were addressed from two angles:

- The perception among Members of Parliament themselves of the duties and responsibilities of a Member of Parliament:

Members of Parliament perceive the National Assembly as a power - the legislative power - the National Représentation, as well as the seat or the place of work of the representatives of the people. Members of Parliament think that they are misunderstood by the public, who do not understand their duties for various reasons. The Member of Parliament is seen as a branch of the social security System, as somebody who can do anything, build schools, dispensaries, maternity hospitals, distribute food, etc.

- The perception among members of the public of duties and responsibilities of a Member of Parliament

For the public, the Member of Parliament is the person whom they have elected by vote and who must deal with their région, transmit their complaints and take part in baptisms and funerals. He is to a greater or lesser extent known by his origins and his actions, but the public think that they are not familiar with their Members of Parliament, who are seen as VIPs sitting in the capital.

A good Member of Parliament is seen as one who helps with the development of his constituency.

B. The conditions for a dialogue between the National Assembly and civil society on strategies and policies relating to development

The study revealed that the dialogue between the National Assembly and civil society was undermined by difficulties and constraints arising from political, économie, social and cultural factors:

- In terms of politics, for example, among the public there is a widespread misunderstanding of the constitutional rôle of the National Assembly and duties of the Member of Parliament.
- In terms of society, the image of the Member of Parliament is not always that of an impartial elected official.

Among those factors which are favourable to a dialogue between the National Assembly and civil society, it is possible to note specifically that:

- In political terms:
 - Members of Parliament have a good understanding of their constitutional duties;
 - Members of Parliament are considered as privileged interlocutors in the search for solutions to daily problems;
 - Members of Parliament make the effort to appear as those taking direct action in relating relation to development.

- In terms of society: there are many occasions when Members of Parliament and public meet.

On the basis of these favourable and unfavourable factors, the consultants prepared proposals for better management of the dialogue between the National Assembly and civil society.

C. Proposals for better management of the dialogue between the National Assembly and civil society

The proposals made by the consultants for an improvement of the dialogue were as follows:

- The establishment of formal frameworks for dialogue, such as the convocation of a national forum which would meet concurrently with the legislature;
- The establishment of channels of communication;
- The opening up of the National Assembly to the public by:
 - An improvement in the flexibility of the conditions for public access;
 - The taking into account of national languages in Parliament;
 - Better publicity for the work of Parliament.

II. CONFERENCE OF MEMBERS OF PARLIAMENT AND FORMER MEMBERS OF PARLIAMENT FROM UPPER VOLTA AND BURKINA FASO

The conference of Members of Parliament and former Members of Parliament from Upper Volta and Burkina Faso was held from 7th to 8th November 2003 at Ouagadougou on the theme: "National representation and public participation in Upper Volta and Burkina Faso: exchange of experience".

This conference gathered together 242 members of Parliament and former members of Parliament under the project for support for dialogue within Parliament. It arose from the overwhelming need to understand better our Parliamentary history and to profit from its experience by establishing a common memory within the National Assembly.

The conference resulted in an exchange of experience and information between Members of Parliament and former Members of Parliament and enabled the collection of information and the establishment of photographic and audiovisual archives with a view to creating a gallery within the National Assembly.

In addition the conference served as the basis for planning and preparation of the forum which would unite the National Assembly and organisations from civil society.

The conference allowed the following people to bear witness to the experience within previous legislatures:

- Matthias SORGO: President of the Territorial Assembly from 1945 to 1957;
- Gerard Kango OUEDRAOGO: President of the National Assembly from 1978 to 1980;
- Bongnessan Arsene YE: President of the Assembly of People's Deputies from 1992 to 1997;
- Melegue TRAORE: President of the National Assembly from 1997 to 2002;

- Abdoulaye Abdoul Kader CISSE: President of the Chamber of Representatives from 1995 to 1998;
- Moussa SANOGO: president of the Chamber of Representatives from 1999 to 2002.

All the former Presidents made presentations relating to their experience in their legislatures and exhorted all the Members of Parliament to cultivate and promote dialogue and to be reference points for moral and intellectual probity.

Discussion of the basic document relating to the theme of the conference gave rise to enriching debates, which were evidence of the opportunity for a creation of a framework of action between former Members of Parliament.

Finally, the conference acted as a constituent General assembly for the Burkinabe Association of Former Members of Parliament, which had as its leader Madame Mary Madeleine OUEDRAOGO/COMPAORÉ, former vice president of the National Assembly (1992 to 1997). This association took as its aims the gathering together of former Members of Parliament of Burkina Faso, the reinforcement of solidarity and the mutual assistance between its members and, above all, the establishment of a permanent framework for common action and exchanges of view in order to place the knowledge and experience of former Members of Parliament in the service of democracy.

III. THE FORUM FOR THE NATIONAL ASSEMBLY AND ORGANISATIONS OF CIVIL SOCIETY

The Forum for the National Assembly and organisations of civil society was held on the 2nd, 3rd and 4th December 2003 at Ouagadougou on the theme "National Representation and public participation: what are the mechanisms for dialogue between the National Assembly and civil society?"

This was the culmination of the second part of the pilot study and the conference of Members of Parliament and former Members of Parliament within the framework of the project for improvement of the capacity for dialogue within Parliament.

Those who participated in the democratic system took as their starting point that after a decade of government by special measures, Burkina Faso had since 1991 renewed its following of the democratic ideal. Since the country was now in a consolidation phase in the democratic process, it was necessary to find ways of supporting and deepening its democratic experience.

For its part, the National Assembly decided to lead the thinking on the conditions for putting down roots for this democratic process within the establishment of a constructive dialogue with civil society.

A. The objectives of the Forum

The forum involved about 340 participants, mainly coming from civil society, political parties as observers, international organisations, and, of course, from the National Representation (former and current members of Parliament).

The context is the putting into action one of the objectives of the project to "facilitate the creation of areas for dialogue and partnership between Members of Parliament and civil society". Through this forum, the National Assembly aims to have greater openness to the public and to

all the actors involved in development, since dialogue between the two entities is indispensable for the deepening of democracy in our country.

Seven objectives were given to the forum. They were:

- to facilitate participation and involvement of all citizens in the political and decision-making process;
- to reinforce the representative nature of the political institutions, in particular that of the National Assembly, by greater involvement of citizens in Parliament's work and the work of Members of Parliament as the legislative power;
- to assess all those mechanisms for dialogue which exist institutionally or under the constitution;
- to create a favourable climate of confidence between the National Assembly and organisations in civil society with a view to building a responsible and productive partnership;
- to encourage organisations in civil society to play to the full and with complete independence their role of permanent scrutiny and representation;
- to broaden the popular base of support for the National Assembly with a view to consolidating democracy;
- to construct new working practices for consultation, coordination and planning between the National Assembly and organisations in civil society with respect to the nature, the role and the mission of each of the parties represented in the dialogue.

B. The Work of the Forum

The work of the forum was carried out in two ways: Plenary sessions and Committees.

1. Plenary Sessions

After the opening ceremony, the first plenary session was devoted to introductory communications followed by debates, the second being the closing sitting.

a) Communications

Three important Communications were made. They were on the Presentation of Parliament, the Identification of Civil Society, and the results of the pilot study.

— Presentation of Parliament and Parliamentary work:

This Communication was delivered by the Member of Parliament Mr Mahama SAWADOGO on the constitutional powers, the organisation and functioning of the National Assembly, legislative procedure, and inter-parliamentary cooperation. The speaker also dealt with the history of the Parliamentary institution since colonial times.

In dealing with the constitutional powers of Parliament, the speaker opened by saying that the National Assembly was one of the seven institutions established by the Constitution. It was an institution which was characteristic of the democratic system and an essential

actor in political life. It voted laws, agreed to taxation and scrutinised government action. Each member of the National Assembly was a representative of the entire nation.

The current legislature included 111 members representing 13 parties or political groups.

— **The identity and missions of the organisations in civil society in Burkina Faso.**

This presentation was made by Professor Augustin Gervais LOADA, Executive Director of the Centre for Democratic Governments. The speaker began by defining civil society as "any form of organisation outside the family and the state, or any form of organisation between the domestic and public spheres." He then described the classification of organisations in civil society and identified the essential criteria for recognising the most significant ones, which were that they should be apolitical and non-partisan and should be independent of public authority.

Turning to the rôle of civil society, he said that among other duties it was an active partner in development, cultivated peace and dialogue, defended minorities and disadvantaged populations and essentially supported the rule of law.

— **Communication on the results of the pilot study.**

The SAP AD research office gave the conference on account of the results of a pilot study. The Communication included a description of the objectives of the study, the information obtained and proposals for a better dialogue between now the National Assembly and civil society (see below).

b) *Debates*

After the Communications mentioned above, the debates focused on the following areas of interest:

- The organisation of Parliament: the conference discussed what possibilities might be available for representing views within the system of communication between the National Assembly and organisations in civil society, possibilities for the public to take part in open sessions, difficulties with using the system of petitions.
- Identification of civil society: during the debate it became apparent that it would be necessary to clarify the concept of civil society, in order to prevent it emerging as a general catch-all category.
- Pilot study: the debates mainly focused on the conceptual analyses of the studies.

2. Work in committee

At the end of the introductory plenary, the forum carried on its work within two committees:

- Committee 1: connection between the National Representatives and the general public;
- Committee 2: system for dialogue between the National Assembly and civil society.

a) *Connection between the National Representatives and the general public*

Those attending the conference first of all recognised that the constitutional duties of Members of Parliament were not well understood by the general public, for whom the Member of Parliament appeared as an agent for development, able to satisfy their needs. Electoral promises gave birth to expectations which were difficult for elected politicians to satisfy, a situation which created a sense of general frustration.

In order that members of the public should be able to understand the duties of Members of Parliament better, members of the committee proposed the following course of action:

- The establishment of civic instruction and education for all citizens in all establishments for education and training;
- The popularisation of the constitution by means of organisations in civil society;
- The creation of opportunities for meetings between Members of Parliament and the public;
- The organisation of education campaigns;
- Reinforcement of the use of ICT by the National Assembly to popularise its work and to make itself accessible to the greatest number of people (a web site of the National Assembly, electronic addresses for members of Parliament....);
- The establishment of a system for giving and receiving information, notably by:
 - The use of existing media (transmission of Parliamentary debates on the national radio).
 - Better use of Parliamentary groups
 - Establishment of a radio station with in Parliament.

To put these suggestions into action the committee suggested:

- better grass-roots scrutiny of government action and cooperation among Members of Parliament in all parties;
- the permanent search for efficient information systems;
- continued promotion of a culture of tolerance in all political action.

b) *System for dialogue between the National Assembly and civil society*

This theme was examined by the second committee, concentrating on the areas listed below: inventory of the means of dialogue laid down by law; inventory of the means of dialogue engaged by civil society; use of the system of dialogue laid down by law.

- **when examining the inventory of the means of dialogue laid down by law the committee set out the formal and informal systems:**
 - formal systems: right to petition laid down in the Constitution in articles 30, 98 and 161, as well as by the rules of the National Assembly; The public nature of the plenary sittings of the National Assembly laid down by article 80 of the Constitution; The frameworks for communal, departmental or provincial cooperation laid down by laws on decentralisation.

- among the various informal systems are principally the following: The ability of the general committee of the National Assembly to hear from the component part of civil society within the examination of the draft bill; The ability of the National Assembly to establish ad hoc committees to look into topics of national interest.

— **inventory of the means of dialogue engaged by civil society:**

Although there is no rule which formally organises a system of specific dialogue between the National Assembly and civil society, participants were able to identify in the law and practice areas and tools which authorise such a dialogue:

- Women's organisations prepared and introduced into the National Assembly a dossier on the rights of women;
- Trade unions were heard in evidence by Members of Parliament during the revision of the Code on Labour law;
- A collective of organisations within civil society laid before the National Assembly report on the framework of the revision of the Code on Elections;

Generally, whenever there are meetings on particular topics, organisations from civil society are invited to give evidence.

c) **use of the system of dialogue laid down by law**

Participants of the conference deplored the weak use of these systems. They cited the example of the Burkinabe Movement for Human Rights and Persons, which had started a petition on the revision of the Code on Information, but that petition had never been completed.

d) **proposals relating to the system of dialogue between the National Assembly and organisations in civil society**

With a view to setting up a permanent dialogue between the National Assembly and organisations in civil society, the committee formulated the following proposals:

- The permanent continuation of the forum between the National Assembly and organisations of civil society;
- The creation of areas of dialogue with organisations in civil society through the intermediary of the Parliamentary network or general committees of the National Assembly;
- The establishment of open days in the National Assembly;
- The creation of a suggestions box with a view to allowing all citizens to make proposals to the national representatives;
- The use of traditional means of intercommunity dialogue;
- Improvement of the means of communication of the National Assembly.

Finally, the forum was told of the establishment on the 8th November 2003 of the Burkinabe Association of Former Members of Parliament (ABHP), which would act as the privileged interlocutor for dialogue between the National Assembly and organisations of civil society.

The participants noted with satisfaction that the forum had allowed them to get to know each other, which was an important step towards driving forward dialogue between the National Assembly and organisations in civil society.

As a conclusion, the participants in this forum noted that the new partnership between the National Assembly and organisations in civil society was useful and necessary for the consolidation of democracy. A certain number of conditions had to be met, however, if successful action was to be taken, namely:

- Strict respect for the rule of law;
- The establishment of a climate of confidence between political society and civil society by a better and mutual understanding between those involved;
- The respect for the roles, duties, tasks and powers of each of the partners.

In order to put into effect institutional mechanisms for setting up a fruitful dialogue between the National Assembly and organisations in civil society the forum participants recommended, on the one part, that civil society should be organised to play its role to the full as interface between the National Assembly and the citizen, and, on the other part, that the National Assembly should listen more to organisations in civil society in the accomplishment of its Parliamentary work.

The experiment which I have just described continues. It has not yet finished producing results. Some questions remain to be settled, since there are some disagreements about legitimacy between the Parliamentary side and leaders in civil society and associations within the community. In the National Assembly it was thought that, notwithstanding this, the experiment was worthwhile and agreement was being sought for fixing the regular timetable for meetings between elected members and representatives of civil society. The overall aim, of course, is consolidation of democracy in Burkina Faso.

Mr Anders FORSBERG (*Sweden*) *presented the following contribution, entitled "Parliamentary activities with regard to current issues affecting society":*

Confidence in the Swedish parliament — the Riksdag — as an institution has increased in recent years, admittedly not very dramatically, but nonetheless creating a welcome change of trend. There may of course be many explanations for this, but it would seem to be a not too uncommon international phenomenon in the wake of the terrorist acts we have seen in recent years. After a low of 18% (great or quite a lot confidence) in 1996 we have now climbed back to 31%. In 1988 the confidence level was 50%. It is perhaps not much to boast about, but at the same time there are studies showing that citizens in general are satisfied with democracy in Sweden (71%). And in studies ranking levels of confidence in various social institutions the Riksdag comes in ninth place - after the royal family, the universities and the courts, for instance, but before the Government, the defence forces, big business and the daily press.

It is interesting to note that levels of confidence are considerably higher in election years. During election years political campaigns are conducted, political representatives travel around meeting citizens, and the mass media focus on politicians and politics.

Generally speaking, it also seems to be the case that confidence in the Riksdag is greater when citizens have had contact with a Member of Parliament. There is also good reason to view confidence in the Riksdag in the light of how the Riksdag is seen to be handling different tasks.

From this it might be possible to draw the conclusion that confidence might increase if we created a broader interface between voters and politicians, if we can show what the Riksdag does, and if we get better in areas where voters do not think we have done enough.

Confidence in the Riksdag has proved to be strongly correlated to assessments of how the Riksdag deals with its democratic tasks. It is not independent of institutional rules of the game and institutional shortcomings in parliamentary work. The design and execution of the functions of democracy are significant factors in the confidence assessments people make.

In Sweden we have for many years carried out political surveys showing the importance attached by MPs and voters to the work of the Riksdag in different respects and the extent to which they think the Riksdag succeeds in meeting their expectations. These can show us in which areas we might improve our performance.

Given that the Riksdag has certain constitutionally determined tasks and in addition to this other tasks which are related to the Riksdag's position as the foremost democratic state body, researchers have defined seven principal tasks for the Riksdag.

- The decision-making function: making decisions that are crucial to the development of society
- The control function: scrutinizing the work of government
- The representative function: reflecting the distribution of opinions among voters
- The initiative function: taking the initiative in matters not taken up by the Government
- The opinion-moulding function: being a central arena for public debate
- The quality function: foreseeing future problems before they become acute
- Monitoring the development of the EU.

Members of the Riksdag and citizens use similar criteria to rank how well these tasks have been performed. There is for instance agreement about the two tasks the Riksdag handles best - making crucial decisions and scrutinizing the Government. There is also agreement that the Riksdag is worst at foreseeing problems of the future. It must be said, however, that in most cases members of the Riksdag are considerably more positive than ordinary citizens.

However, it is interesting to note that citizens and members make different assessments of the most important tasks for the Riksdag. Citizens consider it most important to foresee future problems before they become acute (the quality function) and to make decisions that are crucial to social development (the decision-making function) while members consider the decision-making and control functions to be the most important.

Can these studies help us in our task of developing the Riksdag's working procedures? I believe so. We have a special committee chaired by the Speaker and comprising all the leaders of the party groups that is focused on developing our working procedures. The committee has already achieved a lot, but we also have a good deal of work ahead of us. We have now reached a point where we are reporting on various studies including the one I have just referred to, and where we are initiating fresh studies. This is in order to obtain a broader and deeper knowledge of the relevant problems and the need for change.

I would now like to turn my attention to the subject mentioned in the title of this address. *Parliamentary activities with regard to current issues affecting society*. These activities can of

course be seen as being an element of all the tasks facing the Riksdag but I should like to limit myself to the quality and opinion-moulding functions. Our MPs do not consider that the Riksdag carries them out in the best way, while citizens consider that the Riksdag is worst at foreseeing future problems. So here there is room for improvement. And why not also take into account other studies showing that confidence increases with increasing contact between citizens and their political representatives?

Today it is common knowledge that much of the current debate on the problems facing us now and in the future takes place in the mass media - newspapers and TV. We also know that what the mass media choose to deal with can be a little fortuitous ~ there are many other matters that perhaps also deserve attention.

We should ensure that the general public debate finds expression in the work of the Riksdag. The Riksdag should be a national forum for debating current and long-term issues. Sometimes we tend to drown in day-to-day work and not have the energy to deal with either long-term perspectives or urgent matters that suddenly crop up.

We are currently discussing ways of better handling issues involving research and the future. The Riksdag committees have also been given the responsibility of following up and evaluating decisions and following up EU matters within their particular spheres of responsibility. Here I can say that we are at the beginning of a process for which I feel a good deal of optimism. Follow-up and evaluation provide a basis for the assessment of the future. Only when the Riksdag is included early in the decision-making process is it possible to have real influence — and this applies to matters involving EU and other international cooperation and the whole of the legislative and budgetary process.

New procedures are being developed with regard to the new requirements. We will be having more open hearings, and more research will be conducted at the Riksdag itself. Interparliamentary cooperation is becoming broader and deeper. This will all contribute to a higher level of competence in parliamentary work. We are not in the same extent as earlier only dependent on information we are given by the Government.

We also endeavour to make the work of the Riksdag more widely known by using active measures — the mass media should not be the only link between political representatives and their constituents. In this work we aim for the greatest possible transparency, openness and accessibility. All the debates in the Chamber and many hearings are broadcast by the Riksdag webcast service. Some are also broadcast on TV, but we have no control over the work of TV companies. In cooperation with public libraries we have recently opened parliamentary "infospots" at a number of locations throughout Sweden. The idea is that these should provide access to everything relating to the Riksdag and have knowledgeable staff. They are also intended to provide a meeting point for citizens and their MPs.

For it is the MPs themselves who are the most important bearers of the democratic message. Our contribution as an administration is to create high-quality conditions for MPs and parties to carry out their work. This covers practical and technological preconditions, sound information, high quality briefing materials, and institutional reforms that promote and develop this work.

Good long-term planning of the work of the Riksdag makes it possible for MPs to plan their own work and provides them with the opportunity to be in touch with their constituents. Wherever possible we keep one week a month free of plenary meetings. We also have fixed voting times, and more or less fixed times for Chamber and committee meetings.

Good planning should also allow for opportunities to raise matters of urgent current concern. We have an oral question and answer session with the Government each week. Once a month the Prime Minister himself takes these sessions, while in other weeks five government ministers attend them. The Government is able to provide information to the Chamber on various current issues, and respond to members' questions and comments. The party groups can request debates on matters of current interest and special (non-voting) debates that can be arranged at short notice. And the parties are in fact requesting more and more such debates. They are regularly broadcast on digital TV and often on the major TV channels too.

MPs may also put written questions to the Government and receive written answers. They can also initiate interpellation debates with Government ministers. Last year we had almost 1,400 written questions for the Government and 420 interpellation debates. The number has increased very dramatically. Many questions, especially written ones, concern local matters. The interpellations often deal more with questions of principle in relation to part of a policy area. This question and answer institution is a way for MPs to get issues on the agenda and to look out for various constituency interests.

The results of the studies carried out so far indicate that the public's assessment of the way the Riksdag handles its principal tasks as a whole helps explain the confidence shown in the Riksdag. It is clear that public perception of the way in which the Riksdag carries out a number of different tasks is a significant factor in relation to the degree of confidence it enjoys. In addition, the studies show that perceptions of the way the Riksdag handles certain tasks have a greater effect on public confidence than assessments regarding the performance of other tasks. The single most important criterion for public confidence in the Riksdag is its success or failure in making crucial decisions affecting society. And this constitutes our greatest challenge.

Mr Francesco POSTERARO (Italy) made the following contribution, entitled "*Parliament and Civil Society*":

Any Parliament draws its legitimacy from the community it represents. The more it enjoys the consensus of that society, the more its legislative, guidance and monitoring efforts will be effective.

Historically speaking, in the 19th century such consensus in European parliaments was negotiated by the elite and in the 20th century by political parties. The new century, following the collapse of the Berlin Wall and subsequent weakening of ideological reference points, has directly deposited responsibility for legitimising the parliamentary system with citizens.

The parliaments of the 21st century will thus be parliaments of the civil society. This is the new frontier of democratic representation, which, nevertheless, requires a great capacity for innovation in the parliamentary world in order to avert the risk of exclusion deriving, on the one hand, from the global financial circuit and, on the other, from pressure by lobbies.

It is, therefore, necessary to view communication channels between the parliament and the civil society from a more modern point of view, since these are the undeniable means by which today's politics are legitimised. It could be useful then to examine the following aspects:

- the information reaching the parliament from the civil society;
- the communication of parliamentary activity to the civil society;

— the symbolic function of parliamentary institutions and buildings.

The first aspect - and perhaps the most easily associated with tradition - regards a parliament's need to obtain certain indispensable data from the civil society in order to carry out its legislative activity.

To this end the Italian Parliament has boosted the frequency of what are known as "preliminary fact-finding activity at committee level" consisting of hearings of civil society organisations concerned with issues under discussion. These take place on a regular basis for every legislative bill, but can be done on a broader basis in the context of fact-finding inquiries.

An institution that could perhaps be reactivated is that of the direct petitioning of Parliament by citizens. The European Parliament, with its Committee on Petitions, has had quite a positive experience in this regard.

The second aspect is that in which the greatest progress has been made, owing also to the technological and computer revolution. It can be said that the goal of transparency in parliamentary sessions has, for the most part, been achieved, at least in terms of the means of communication made available. Access to these sessions in the past - apart from parliamentary proceedings - was only through the reportage of journalists, the level of which varied widely from nation to nation.

Today's dedicated Internet sites and TV channels follow parliamentary proceedings in real time. The activities of individual Parliament Members - including how they vote on major issues - can be consulted instantaneously on-line. The two Houses of the Italian Parliament have also set up information centres in Rome and periodically participate in the country's major trade fairs in the sector of public communications. Further developments can be seen in the form of peripheral information networks inter-connecting regional administrative offices or itinerant information initiatives (e.g. the German Bundestag's parliamentary van). Nevertheless, the most widespread instrument - especially in areas where computer literacy is still only partial - remains the broadcast of the principle parliamentary debates ("question time") over national television networks.

The third aspect is also associated with considerable success since citizen demand for access to the parliament is on the rise, and not so much for the customary opportunity of observing the sessions (since television now carries them live) as for a sort of physical re-appropriation of that place in which popular sovereignty is exercised. Thus particular relevance is restored to the historic parliament building in the service of national identity, for which purposes its importance goes beyond that of a museum, even though tours often tend to dwell on its artistic and architectural aspects.

In this regard, the Italian Parliament building is a regular destination for school trips and other group tours. It often hosts exhibitions featuring artistic expressions, but there are also those on great historic moments or figures, or else on themes concerning national and international life. Recently the Chamber of Deputies hosted a documentary exhibition commemorating the 40th anniversary of the death of J.F. Kennedy, which was met with great interest on the part of the public. An overall idea of visitor frequency to the Chamber can be seen in its 362,000 admissions in 2003, which represents an approximate increase of 20% over the previous year.

The Parliament provides the preferred setting for solemn ceremonies in the presence of the Head of State or annual reports by the Authorities, as well as for addresses by eminent international personages. The Italian Parliament's most significant experience in this regard was the November 2002 visit by Pope John Paul II, which was obviously broadcast live on television.

Noteworthy also is the design to create a National Museum on the History of the Italian Parliament, which will be a highly useful resource to school groups and visiting foreigners. In the same context it should be recalled that the Chamber's Library and Historic Archives were opened to the public in the late 1980s, with the Senate following suit shortly thereafter.

The Parliament's opening up toward the civil society has naturally presented new and important organisational requirements to parliamentary administrations, which, in the process of confronting them, could certainly benefit from an exchange of experience at the international level.

I would point out, in particular, the crucial nature of questions regarding the security of both parliament buildings as well as computer networks, on which a study seminar was arranged by the Chamber of Deputies in 2003 in the context of the parliamentary aspect of the G8. Other important considerations include:

- the boosting of services and offices concerned with relations with the public;
- the training of personnel in contact with citizens;
- cooperation with the parliamentary press and the media;
- the use of specialised consultants.

In conclusion, I would like to stress the political meaning underlying these initiatives, which could otherwise be simplistically interpreted as the image-building efforts of an institution in search of a role. Now that they are becoming aware that participation is no longer a question of simply casting their vote as if it were a blank check, citizens are interested in understanding parliamentary life from the inside. Thus there is an "added value" to be gained in terms of democracy from parliamentary institutions if citizens are able to perceive its importance and, once and for all, leave behind the residual mysteries of power."

Mr Aleksandar NOVAKOSKI (Macedonia) *made the following contribution, entitled "Relations between Parliament and Civil Society":*

The initiatives and the demands for the opening of the institutions of the state to the citizens and the non-governmental sector, i.e. for active participation of this sector in the decision-making processes are becoming more and more frequent and more loudly expressed. The goal of these initiatives and demands is to make a greater contribution to the development of a democratic structure of government and of the civil society. To that aim various projects for greater co-operation of the Assembly of the Republic of Macedonia with the organizations of the civil society have been initiated.

Based on the realised activities, it could be said that the Assembly of the Republic of Macedonia is open towards the non-governmental sector, not only in the acceptance of the initiatives coming from the non-governmental organizations, but also through the co-operation with them in drafting of legislation.

The Assembly of the Republic of Macedonia in the present parliamentary composition is concentrated on the adoption of laws in three areas of priority: economic development, security and fight against corruption and organised crime. Care is taken for consistent implementation of the provisions of the Ohrid Framework Agreement, as well as for the harmonisation of the legislation with that of the European Union and to the approximation to the NATO standards. Concern-

ing these issues we have a consensus among the political players in the country, since they are the foundation for stability and continuous democratic and economic development.

The Macedonian Parliament dedicates a lot of attention to the promotion of the human rights in their widest sense. The implementation of the Ohrid Framework Agreement, whose provisions are incorporated in the Constitution of the country, will provide a lasting solution for the questions concerning the rights of the ethnic minorities. We also work very intensely on the harmonisation of the national legislation with that of the European Union in the field of gender equality and providing equal opportunities for the marginalised groups, especially for the persons with special needs. These are also the areas of interest and work of a large number of non-governmental organizations.

An especially big step forward was made in the field of gender equality. Namely, the Macedonian Women's Lobby was formed with the support of the Working Group on Gender Equality, the so-called Gender Task Force of the Stability Pact. The Lobby is a forum that is dedicated to including more women in the public life, as well as to improving the situation of the women in the society. This proved to be a big success during the latest parliamentary elections held in 2002, and now the number of women parliamentarians is above the European average. This was the foundation for the establishment of the Women Parliamentarians' Club, as a regional project of the Stability Pact, which secured co-operation among the women parliamentarians from Macedonia, Bosnia and Herzegovina and Montenegro.

Another step forward was made in the field of the respect of the rights of the persons with special needs: the Assembly of the Republic of Macedonia established the Inter-Parliamentary Lobby Group that works on the promotion of the rights of the people with disabilities and their faster and more efficient incorporation in the overall life in the Republic of Macedonia. The Parliament is constantly open to and receives representatives of the non-governmental organizations and association of persons with various disabilities, who can directly express their demands and remarks concerning the adoption of the legislation in the fields of their interest.

Both initiatives are implemented in close co-operation with the non-governmental sector as an important partner, but also as a corrector of the work of the authorities. On the other hand, in these lobby groups we have successful co-operation of the parliamentarians of different political orientation, which speaks of the cohesion forces of the society and of the readiness for overcoming the political, ethnic and religious differences in the interest of the needs of the citizens of the state.

Worth mentioning is also the co-operation between the Assembly and the non-governmental sector, initiated by a large number of non-governmental organizations with the aim of overcoming the problems caused by the denomination of the Republic of Macedonia with a name different than the constitutional name.

Consequently, the campaign "Don't you FYROM me, say Macedonia" united all the political and non-political structures - i.e. the non-governmental organizations, primarily because an acceptable model of expressing the interest of the citizens was formulated. This campaign could find its place in all the organizations and structures, including the UN and the IPU and their affiliations. Namely, the Republic of Macedonia doesn't have difficulties with regard to its relations with the international community, i.e. with the international organizations where it is an active member for a decade under the reference "Former Yugoslav Republic of Macedonia". This problem is artificial and forced upon Macedonia. But the fact is that there is no alternative except to use the constitutional name of the country - the Republic of Macedonia, which was

clearly expressed through the enormous support for the campaign by the citizens and by the Macedonian Parliament.

We should also mention the formation of the Coalition of the non-governmental organization - the NGO Parliament - that works on establishing closer co-operation between the governmental and the non-governmental sector. To that aim it prepared a Platform on the relations between the Assembly of the Republic of Macedonia and the NGO Parliament. The principles of the Platform are the apolitical character of the activities, co-operation with all the non-governmental organizations, the society in general and with the media, and its main goal is the strengthening of the civil society.

This leaves space and new possibilities for greater co-operation and involvement of the citizens in the decision-making process, and with it for democratization of the relations and greater promotion of the civil society.

The Platform emphasises that the Constitution of the Republic of Macedonia and the Rules of Procedure of the Assembly give possibilities for the citizens to personally, but also through their association, i.e. through the non-governmental organizations, instigate initiatives for adoption of laws and for opening debates on various issues. In recent times we are witnessing the activities of the every growing number of various non-governmental, non-party organizations, social movements (environmentalists, peacekeepers, movements for the rights of the women and others) etc, that with their activities, proposals and initiatives influence the public opinion, and with it have a direct influence on the work and the decisions of the authorities.

The citizens' participation in the creation of public policy as an ultimate goal may be achieved through participation in public discussions on draft laws. Hence, the Assembly may determine organs, organizations or association that the submitter of the law should consult in the preparation of draft laws. That may be a good opportunity to have insight in various opinions and proposals for solution creation to the law.

At the same time, there is a possibility to put the draft law on a public debate. In that case, the law will be published in the daily newspapers and will be directly available to all citizens, which in this way have the opportunity individually or through their association to present their opinions and proposals to the law. That will give space for creation of public opinion that, to a small or to a large extent, will influence the contents of the draft law.

The aforementioned possibilities will provide active involvement and influence by the non-governmental organizations in the decision-making process of the Assembly.

The citizens, through the electronic and printed media shall be informed about the work of the Assembly and its working bodies, that is for the debates on law and other issues in competence of the Assembly. The citizens, according to the parliamentary regulations, have access to the documents and other materials, to enter the Assembly, and they may be allowed to follow sessions of the Assembly.

The envisaged activities of the Assembly and the working bodies, the proposals on the agenda and other activities, have been continuously uploaded on the Assembly web-site and are accessible to all interested parties. The Rules of Procedure, as well, provide the possibility for citizens and representatives of non-governmental organizations to attend the sessions of the Assembly, in accordance with the regulations for internal order of the Assembly.

The co-operation with the National Democratic Institute (US NGO) has been continuously developed for several years and, according to programs prepared in advance, young people (law, economy and other graduated) have the chance to work as interns and build skills in the field of

parliamentary work and the parliamentary groups. This establishes a solid knowledge fund for persons that shall have the opportunity to be engaged in the parliamentary work in the future.

In this context is the co-operation with the Faculty of Law in Skopje, as with other faculties, institutes, primary schools, high schools, which show interest to follow the work of the parliament. The co-operation has been realised with non-governmental organizations as well, which have election monitoring and other issues in their domain of interest and work.

Organised groups, pupils and other interested citizens visit the parliament, meet the MPs and follow the parliamentary work, within the frames of work and exchange of opinions and suggestions for its promotion.

The co-ordination of activities, meaning co-operation between the non-governmental sector and the Assembly, that is the staff service of the Assembly is basically realised through the Secretary General of the Parliament, and with consultation of the President of the Assembly.

This activity is made by the Public Relations Unit within the Department of the Secretary General in the Assembly, and by that this important communication and co-operation of the parliament with the citizens is professionally realised. In the Cabinet of the President there is a public relations associate as well, which is in charge of informing the public about the activities of the President and the work of the Assembly. A separate Publication Unit has been established, to publish the parliamentary bulletin and other publications for the work of the parliament and the working bodies, promoting the ways of dissemination of information to the citizens for the work of the parliament.

On that basis, the parliamentary staff service assists in the realisation of contacts of citizens with the MPs, parliamentary groups, parliamentary officials and all persons of interest for the civil sector, and in the domain of the parliamentary activity. By that, the Staff Service of the Assembly provides conditions for these activities and enables the citizens access to the necessary information of their interest, as well as other information of use for non-governmental organization related to their initiatives and proposals on activities of the Assembly."

Mr Constantin SAVA (Romania) made the following presentation, entitled "*The relations between Parliament and Civil Society*":

I. NATIONAL AND INTERNATIONAL SOCIAL- POLITICAL CONTEXT OF THE DEVELOPMENT OF THE CIVIL SOCIETY IN ROMANIA.

In the context of the continuous growth of the complexity of the modern society there is a great need for enhancing the *representative democracy* through the presence of the civil society as decisional contributing factor in the political, economic and social fields; citizens involvement in supervising, monitoring or exercising pressures over the state institutions, being frequently associated with many conditions that are said to "*make democracy working*".

Thus, the establishment of a constructive dialog among state, businesses and a better-organised and structured civil society became vital, especially in the case of the emerging European new democracies - as Romania -, facing the challenges of their transition to the market economy and their integration into the Euro-Atlantic and European structures. Neither democracy nor market economy or democratic implementation of the new legislation harmonised with the European *acquis* can be achieved without the active involvement of a strong civil society.

Beginning with the 22 of December 1989, moment that marked the collapse of the Romanian communist authoritarian regime, which have firstly programmatically annihilated and then forbidden the pluralism of ideas and the initiatives of the citizens, the strengthening of the civil society became a major objective. It's widely recognised that our country — as well as the other Central and East European countries, where communism was abolished, have seen moments of social vacuum and unrest and dismantling of state institutions, which had devastating effects but also offered us the opportunity to reshape societies and social welfare.

In consequence, over the last years, while people won the right of association and the liberty of expression, thousands of non- governmental organisations joined the mass media associations, syndicates, employers and citizens in a common effort of creating and consolidating an authentic political and civic culture, an authentic civil society, conscious of her rights and legal ways of sanctioning a poor political act.

II. MAIN FUNCTIONS OF THE ROMANIAN CIVIL SOCIETY IN THE ACTUAL SOCIAL-POLITICAL CONTEXT

As we all know, the attributions, the functions, the interests of the civil society as well as the relation between the civil society and the power differs from a country to another, in close link with its level of social and economic development.

The Romanian civil society and its components, still fragile, start to manifest their presence and to assume their role and place in the country's life, through organisational consolidation, but also by actions trying to face the challenges of consolidating the democracy, the state of law and the market economy. Taking all these into account, the Romanian civil society is called upon to fulfil some functions and to respond to some specific social necessities, among the most important are:

- To survey (monitor) the way the public power is managing the public affairs, the national patrimony, the destiny of the country. This function of surveying, requires an innovator and flexible participation of the civil society to the social and economic dialog - as a source of new solutions of the complex issues related to the transition.
- To sanction the power. The civil society shall represent a factor of pressure over the public power, able to determine it to respect its political programme, to be transparent in its actions and opened to dialogue and communication. The legal means used by the civil society in this regard are: street demonstrations, strikes, public debates on issue of great interest for the citizens, using as an efficient tool the mass - media. Certainly, the function of sanctioning the power gains its maximum visibility, at the time when citizens are all called upon to exercise their right to vote.
- The educational function. Through group activity, a process of social learning takes place, enhancing those attitudes, knowledge and skills on which democratic processes are based, making their members more effective citizens.

III. PUBLIC INSTITUTIONS AND MEANS OF PUBLIC ACTIONS CONSTITUTIONALLY CONSECRATED

1. — The improvement of the role and activities of the **public institutions** represents a constant preoccupation of the Romanian authorities in the process of enforcing the democracy, according

to the principle that the power, in all its forms (legislative, executive and legal) has to serve the people, the society and the national interest.

Taking into account all mentioned above, it is of utmost importance to stress here that in 2003, the Parliament of Romania assumed the role of initiating the law for the revision of the Constitution. This political decision laid on the necessity to harmonise the fundamental law to the new internal and external realities and to the new social trends, to adjust the mechanisms of decision and the functional relations among the state institutions, as well as *to expand the institutional and constitutional guarantees of the fundamental rights and liberties within the context of Romania's membership to NATO and in the prospective of accession to UE*. The new Romanian fundamental law was elaborated and finalized during a period of consultations, debates and negotiations among all the Romanian political parties with the active participation of the structures of the civil society and was finally submitted to the popular direct and universal vote, through National Referendum, and adopted in November 2003.

Among the specific Public Institutions constitutionally consecrated to play the role of counter-weighting and controlling/self-controlling the power, the most important are:

- The President of Romania - mediator among public authorities, society and state;
- The Parliament - which relation with the civil society will be detailed at item IV;
- The Public Ministry - representing the general interests of the society and defending the state of law but also the rights and liberties of the citizens;
- The Advocate of the People - constituting the interface among the rights of the citizens and the authority of the state - which appointment belongs to the Senate;
- The Constitutional Court- the guaranty of the supremacy of Constitution;
- The Court of Counts;
- Additionally, among the new provisions of the new Constitution it is important to mention that:
 - Art. 139¹ constitutionally consecrates for the very first time the Economic and Social Council as a consultative body of the Parliament and of the Government in the scope of establishing the legal ground for dialog with syndicates and employers in specific issues established by organic law. (Law No. 109/1997)
 - Art. 9 constitutionally consecrates the employers and the professional associations, together with syndicates, all of them developing their activities according to their statutes, in the framework of the law. These associations have the mission to contribute to the safeguarding of the rights and to the promotion of the professional, economic and social interests of their members.
- Other Romanian public institutions of partnership with the civil society are: The National Agency for Regional Development, the National Council for Environment and Sustainable development, Council of National Minorities, National Council Professional Training of Adults, etc.

2. — Among the most important means and ways of action of the citizens and of the civil society in order to promote their fundamental constitutional rights and liberties, we should mention:

- The legislative initiative which shall lie, as the case may be, with the Government, Deputies, Senators, or a to number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative. (The Constitution of Romania, Art. 74 (1))
- Referendum. The President of Romania may, after consultation with Parliament, ask the people of Romania to express, by referendum, their will on matters of national interest. (The Constitution of Romania, Art. 90 (1))
- Right of petition. Citizens/legally established organizations have the right to address the public authorities by petitions formulated only in the name of the signatories/the collective body they represent. The public authorities are bound to answer to petitions within the time limits and under the conditions established by law. (Constitution of Romania, art. 51(1), 51(2), 51(4)).
- Right of a person aggrieved by a public authority. Any person aggrieved in his/her legitimate rights or interests by a public authority, by means of an administrative act or by the failure of a public authority to solve his/her application within the lawful time limit, is entitled to the acknowledgement of his/her claimed right or legitimate interest, the annulment of the act and reparation for the damage. The State shall bear patrimony liability for any prejudice caused as a result of judicial errors. The State liability shall be assessed according to the law and shall not eliminate the liability of the magistrates having exercised their mandate in ill will or grave negligence. (Constitution of Romania, art. 52(1), 52 (3)).
- The right to attend the sittings of the Parliament. The sittings of both Chambers shall be public. (Constitution of Romania, Art. 68(1)).

IV. RELATIONS BETWEEN PARLIAMENT AND CIVIL SOCIETY

The relation between Parliament and the civil society will be firstly analysed as a *direct relation* and secondly from the perspective of its impact over the reports of the Parliament with the Government and with the other structures of the public administration through the *function of parliamentary control*.

1. —Although a member of the Parliament is independent in exercising of its mandate,¹ this is yet very straight related to a well knowledge of the realities of their constituencies, to the establishment of close contacts with different socio - professional categories, all these leading to the adoption of some really efficient measures satisfying the needs and requests, which the electors express.

The Rules of Order of the Senate and of the Chamber of Deputies create an adequate framework for a very good interaction between parliamentarians and the civil society.

In this regard, is important to firstly mention the contacts of the President of the Senate and of the members of the Standing Bureau with the representatives of the economic and social life, of the syndicates, of the students, and of the different non-governmental bodies. They are all benefiting by audiences to the decisional structures of the Senate and the memorandums, documents

¹ In the exercise of their mandate Deputies and Senators shall be in the service of the people. Any imperative mandate shall be null. (Constitution of Romania, Art. 69 a), b))

or proposals submitted by them are transmitted, in order to be discussed, to the respective specialised committees.

Secondly, the Standing Committees, according to their own standing orders, whenever the case it may be, invite to attend their sittings, the representatives of the social bodies, whose proposals are discussed and usually taken into consideration. As for example, the Standing Committees have initiated meetings with NGO's in order to elaborate specific projects of law or some pertinent amendments to the acting legislation, as it follows: the Committee for human rights have established strong dialog links with the most important non-governmental organisations involved in actions of defending human rights; the Committee for science and education have initiated consultations with the representatives of state and private schools, students and science organisations in order to elaborate the Education Law, etc.

Thirdly, taking into account the role of the Parliament as the supreme legislative authority of the state, it is important to underline that, as a result of the increasing interest of the Romanian state authorities in the development of the non-profit sector, we have taken positively measures in order to establish the ground for an operational legislative framework. In this regard, the Parliament adopted:

- Government Ordinance No. 26/2000, which refers especially to the procedure of registration of the NGO's, their management and their relations with the public administration and non-profit organisations;
- Law no. 576/2001- which stipulates that a sponsor benefits by an attractive reduction for the profit tax equalling 5% of his donation to an NGO, level which is comparable with the one established in other UE' s countries;
- Law 544/2003 - regarding the free access to the public interest information;
- Law 52/2003 - regarding the transparency of the decisional process;
- Additionally, although in Romania there is not yet in force a specific legislation settling lobby activities, the claims of different social categories interested to promote some amendments or specific legislative regulations were and are, constantly taken into account.

2. — The relations between Parliament and the civil society analysed through the perspective of the reports of the Parliament with the Government and the other bodies of the public administration, this is materialised through the parliamentary control over the respective institutions activities, as follows:

- Information of Parliament. The Government and other bodies of public administration are obliged to present the information and the documents requested by the two Chambers. At the same time, if members of the Government are requested to attend the proceedings of Parliament, their participation shall be compulsory.
- Questions, interpellations and simple motions. The Government is bound to answer the interpellations or questions addressed by the members of the Parliament. The Parliament may carry out a simple motion expressing the position on a matter of domestic or foreign policy or, as the case may be, a matter having been the subject of an interpellation.

V. THE CONTRIBUTION OF THE SERVICES OF THE SENATE TO ENSURE AND FACILITATE THE COMMUNICATION BETWEEN THE CIVIL SOCIETY AND THE AUTHORITIES

The relation Senate - civil society is carried out by:

- *The Office for Public Relations* within the structure of the General Secretariat, which main responsibilities are:
 - To ensure the link between the Senate and the citizens, their associations or their different organisations;
 - To receive the petitions and the other documents addressed to the Senate, and to submit them to the Committee for Inquiry of Abuses and Petitions, to the respective Standing Committees or to the senators and to inform petitioners on the manner their petition is solved;
 - To inform citizens with respect to the legislative process of the Senate, offering data and information concerning the institution of the Senate;
 - To intermediate and to support the access of the interested persons to the Services of the Senate, to the committees or to the senators;
 - To organise the access of the Romanian of the foreign citizens, individually or in group, to the Senate meeting hall during the debates in plenary session or to visit the building of the Senate; in collaboration with the Division for protection and guard;
 - To table regularly reports on the fulfilment of the above-mentioned activities and to ensure the set up of the current archive of the office.
- *The Press and Image Office of the Senate*, subordinated to the Standing Bureau and to the Secretary General of the Senate, which:
 - Up-dates the information available on the web-site of the Senate at rubric of the Press and Image Office, putting at disposal of the citizens and mass-media all the public information on the daily activities of the Senate, working agenda of the Standing Bureau of the Senate; the order of business of the Standing Committees and of the plenary sittings, responses to the articles published by mass-media;
 - Organises the briefings and the press conferences of the members of the Standing Bureau, Standing Committees, Parliamentary Groups, of all the members of the Senate as well of the Secretary General;
 - Is involved in the organisation of some international meetings, national symposiums and in the creation of some mass-media audio-visual materials on parliamentary subjects;
- The Division for the Computerisation of the Parliamentary Activity

Taking into account that the *Constitution of Romania guarantees the right of citizens to information, and according to the same document, the public authorities shall ensure the accurate information of the citizens regarding the public affairs*, the Parliament was one of the first public institutions implementing an IT system connected to the parliamentary activity (based on the Internet/Intranet technology) aiming at circulating information within and without the organisation and ensuring the accuracy and the transparency of information. The Internet site of the Senate, which is available at the address www.senat.ro and which is actually under a process of modernisation, will further provide:

- The direct, rapid and easy access of citizens to the political making process, to the different phases undergone by a draft law in the debates of the committees and in the plenary sessions. The drafts of law or legislative initiatives will be consulted by citizens and media, which will have at their disposal a supplementary channel of information and communication via E-mail.
- The management of the activity of Senators;
- The management of the information on the sittings of the Standing Bureau of the Senate and joint sittings of the standing Bureau of the Senate and of the Chamber of Deputies.
- The management of Questions and Interpellations;
- The management of the short-hands of the Senate Plenary Sittings;
- The management of the Petitions. Citizens will have an additional communication channel at their disposal to submit a petition and follow up the process of its solution from the very first discussions on the respective matter by the specialised Committee, to the final report on it.
- The electronic cassette of the Senator;
- Set up and management of the archives of documents in electronic format.

VI. PROSPECTS OF DEVELOPMENT OF A INTERNATIONAL CIVIL SOCIETY

Since 1989, international donors have been providing considerable funds to the non-governmental organisations in Romania, aiming to:

- Increase the capacity and credibility of the non-governmental sector;
- Enhance the role of the civil society in fields like human rights, democracy and state of law;
- Financially support of those NGO's programs of great relevance for Romania's membership to the European Union. In this regard, it worth to mention here the Programme "*The Parliament and the Civil Society*", financed by the European Initiative for Democracy and Human Rights, aimed at consolidating democracy and state of law by encouraging and facilitating the collaboration between the civil society organisations and the democratically elected state bodies.

As we all know, nowadays, the dialogue civil society - public power exceeds the national states, which transferred a part of their sovereignty to the regional level. Thus, the non-governmental organisations are at their turn to internationalise themselves at regional and global level, which probably will further impose the institutionalisation of their participation in the international state and non-state organisation.

Finally, I express my conviction that the XXI century, the century of economic and social progress but also of integration and globalisation, will conduce to a re-evaluation of the statute of the civil society, to a reconsideration of its importance and of its role, imposing its presence as a constant to be taken into account in the national and international decisional processes.

Mr Arie HAHN (Israël) said that Parliament had to keep in contact with the citizen because citizens elected Members of Parliament, and because Parliament often suffered from low esteem in public opinion.

The available means for setting up this contact included the media, web sites, official visits to Parliament and the establishment of a Parliamentary Channel ~ a Parliamentary Channel would be set up on 2nd May in Israel by the Knesset in collaboration with a private TV station.

Topical Questions occupied an important part of the Orders of the Day, as well as discussion of the conclusions of committees of inquiry or ad hoc committees. Such committees had recently dealt with the problem of violence in sport, the provision of water in Israel and the bank accounts of victims of the Holocaust.

Tuesday afternoon between 4 p.m. and 4:30 p.m. was given up to topical questions. These had to be put within one minute and had met with a real success, after a difficult start.

Mr Hans BRATTESTA (Norway) said that in Norway there was practically no limit to the availability of information for the citizen. Reports were published on the Internet site of the Chamber immediately after they were agreed and before they were debated, thus allowing citizens the possibility of making their reactions known.

Nonetheless, it seemed that these means of communication were not sufficient and that the representative system itself was put into question. The press was interested in arguments and debates and not in the results of the work itself, which went some way to explaining the indifference in public opinion.

Mr Ian HARRIS, President said that in the State of Victoria, in Australia, any association had the right to put a question to the State Assembly, which would be sent onto the relevant minister and that that was an excellent system for building a dialogue with civil society.

Mrs Helen DINGANI (Zimbabwe) said that the situation in Israel seemed to be a lot better than that in a number of developing countries.

In general, it was a lot easier to build relations with civil society through organised associations, representing for example a trade union, than with civil society, which was not organised — in other words at grassroots, which nonetheless represented the real social majority. This explained why it was difficult to attract the ordinary citizen and to get him to take part in the life of the Parliamentary institutions: the various means of communication, forums and other information centres. In practice they only affected a part of the public which was already interested and knowledgeable.

She wanted to know how the information points created in Sweden functioned.

Mr George CUBIE (United Kingdom) said that the problem of low participation in elections and the high level of abstentions was the same in developing countries as in industrialised countries.

In the United Kingdom an association known as the Hansard Society had given itself the task of educating the citizen in the ways of democracy. It organised visits to Parliament for electors, explained how this institution worked and carried out surveys of their opinions.

The Modernisation Committee of the House of Commons was very worried about the lack of knowledge among citizens of how democracy worked. For too long the House of Commons had believed that it was sufficiently understood; bit by bit, it had lost contact with the electors.

Media coverage of Parliamentary life was very rough in the United Kingdom and this undermined the credibility of Members of Parliament. In order to ensure better promotion of Parliamentary work, media consultants had been recruited who, after several months, had shown themselves to be very effective. Generally speaking, although individual Members of Parliament were often seen positively, public opinion perceived Members collectively in a much more negative way in the way in which they carried out their Parliamentary duties.

Mme Hélène PONCEAU (France) shared the disappointment which came from the split between the significant efforts undertaken by Parliamentary institutions to make themselves better known and understood and the mediocre results obtained in terms of improvement in public opinion.

The media had in these circumstances a lot to answer for. Sometimes they seemed to be motivated by a will to destroy conscientiously all the good work put in by assemblies, either by ignoring information which was made available to them or in misrepresenting it.

The efforts made by Parliamentary institutions in France had taken various forms, whether it was the establishment of a Parliamentary television channel which was broadcast continuously, and which was aimed to create a better understanding of the work of Parliament (and his audience remained unfortunately very limited) or the creation of direct links with the business world (work attachments, on the basis of exchange of employees, linking heads of businesses and Senators) and with the world of science, education or culture.

Mr Brissi Lucas GUEHI (Cote d'Ivoire) said that in his country Parliament had felt the need to open itself to society at the time of the last legislative period. For example, there had been a dialogue between the Social Affairs Committee with several trade union organisations which had brought to an end social conflict.

Information sittings had been organised which allowed the relevant minister to come and explained a particular problem.

In addition, various debates were now transmitted live, which allowed Parliament to combat the disinformation propagated by various media sources

Mrs Marie-Andrée LAJOIE (Canada) when dealing with the problems with which the Parliamentary institution was confronted, it was necessary to think about the expectations of society in respect of Parliament, because the separation of the link between the one and the other raised problems.

In Canada, there was a programme under which each year 100 teachers visited Parliament and they were able to relay their experiences to their pupils. In British Columbia an experiment piloted by university professors aimed at establishing a new institution with a new assembly elected on a proportional basis. The 170 people who worked there prepared proposals which were able to be taken up by the Legislative Assembly.

Mr Mario FARACHIO (Uruguay) said that he had been tempted on several occasions to consult citizens directly, but that that practice had seemed dangerous — it was true, on the other hand, that Parliament was not an irreproachable institution and that it was by nature fallible.

There was a tension which underlined Parliamentary activity. On the one hand Members of Parliament needed time to take decisions on matters which were becoming more and more complex. On the other hand public opinion expected that decisions should be made quickly and put into effect rapidly.

Agreeing to a law was a complicated matter which necessarily took time. Members of Parliament should be able to make their choices calmly without a sense of urgency.

Mrs I Gusti Ayu DARSINI (Indonesia) said that in Indonesia citizens could send Parliament written petitions, which were sent to the relevant standing committee. She wanted to know what the practices in other parliaments in dealing with complaints presented by citizens.

Mrs Doris MWINGA (Zambia) said that in Zambia an inquiry had been carried out on the perception of Members of Parliament by citizens. A Modernisation Committee had been established which had examined the results of this inquiry. Its work had led to the creation of information points where citizens could inform themselves on the activity and work of Parliament as well as to a wider broadcasting of debates.

Improved knowledge of the work of Parliament, nonetheless, came up against the problem of multilingualism within society and the State.

Mrs Lulu MATYOLO (South Africa) said that the South African authorities wanted the public to participate more directly in the preparation of laws in order to sharpen the civic awareness of everyone in a country where the experience of democracy was still recent. These efforts had allowed numerous debates to take place and had led to the revision of laws which had become obsolete, arising from customary traditions (for example, relating to the inheritance rights of natural children).

Access to Parliament by citizens was guaranteed by attendance at public committee hearings, which is a right (unless the Committee specifically decided to sit in private).

Dr Yogendra NARAIN (India) said that the views exchanged had betrayed a certain disappointment. They could be summarised by a double question: how had the Parliamentary institution distanced itself so far from the people from which it was nonetheless derived? Were Parliamentary debates relevant to the expectations of citizens?

The institution had to be a more proactive than ever. The citizen had to find an answer to their expectations, an interface between him and the administrative authorities: if Parliament limited itself to examining the desires of Government, civil society would play no role. This attendance was aggravated by the fact that the media frequently concentrated on how things failed to work properly. These occurrences were not representative of the real balance of the political forces and the main work of Parliament.

Mr Wolfgang ZEH (Germany) said that the debate had not touched upon a basic question, namely, what was meant by the notion of civil society. It was necessary to ask oneself whether it was really useful to try to reach out to or dialogue with the grassroots at the risk of undermining the institutional relationship between Parliament and the electors following a regular pattern of elections.

In Germany, much effort was put into opening the Bundestag to civil society — exhibitions, pamphlets, visits, television broadcasts et cetera. Nevertheless, public confidence in the institution declined each year. There was a risk involved in trying to get more direct contact with civil society: more and more effort might lead to a constant increase in the expectations of citizens.

Mr Joao D'ABREU (Portugal) said that in Portugal relations between Parliament and civil society were expressed mainly by way of the Youth Parliament (since 1990), the Parliamentary Channel (since 1997), various exhibitions and the Internet site of the Chamber.

For example, the official Journal was on the Internet, all sittings of the Chamber were recorded and broadcast on a cable channel and public debates were available on the Internet.

In addition, there was an information centre for citizens , which was open 24 hours a day.

Mr Prosper VOKOUMA (Burkina Faso) returning to the question of the definition of civil society, said that it included in Burkina Faso associations and nongovernmental organisations working in the human rights sector, media and customary or religious communities. Naturally, this definition varied between different States and societies.

Mr Anders FORSBERG (Sweden) thought that the debate had shown that parliaments had to be transparent and above reproach in their working practices. They had to call out to citizens and be a place with which citizens could identify themselves.

Mr Ian HARRIS, President *thanked Mr Prosper VOKOUMA and Mr Anders FORSBERG, as well as all those who had taken part in the debate.*