UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Association of Secretaries General of Parliaments

MINUTES OF THE SPRING SESSION

NAIROBI

8 – 11 MAY 2006

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2006

Nairobi
8 – 11 May 2006

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Hafnaoui Amrani	Algeria
Mr Juan Hector Estrada	Argentina
Mr Ehsan Ul Fattah	Bangladesh
Mr Gleb Bedritsky	Belarus
Mr Georges Brion	Belgium
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Jean Sindayigaya	Burundi
Mr Marc Rwabahungu	Burundi
Mr Marc Bosc	Canada
Mr Carlos Hoffmann Contreras	Chile
Mrs Martine Masika Katsuva	Congo (Dem Rep)
Mr Constantin Tshisuaka Kabanda	Congo (Dem Rep)
Mr Mateo Sorinas Balfego	Council of Europe
Mr Kostakis Christoforou	Cyprus
Mr Peter Kynster	Czech Republic
Mr Frantisek Jakub	Czech Republic
Mrs Halima Ahmed	Ecowas Parliament
Mr Heike Sibul	Estonia
Mrs Adanech Abiebie	Ethiopia
Mr Bedane Foto	Ethiopia
Mr Seppo Tiitinen	Finland
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Kenneth E.K. Tachie	Ghana
Mrs I. Gusti Ayu Darsini	Indonesia
Mrs Deirdre Lane	Ireland
Mr Fayez Al-Shawabkeh	Jordan
Mr Samuel Waweru Ndindiri	Kenya
Mr Patrick G. Gichohi	Kenya
Mr Won-Jong Sang	Korea (Rep of)
Mr Adnan Daher	Lebanon
Mr M. G. Maluke	Lesotho
Mr Nanborlor F. Singbeh	Liberia

Mr Ahmed Mohamed	Maldives
Mr Mamadou Santara	Mali
Mr Namsraijav Luvsanjav	Mongolia
Mr Abdeljalil Zerhouni	Morocco
Mrs Jacqueline Biesheuvel-Vermeijden	Netherlands
Mr Carlos José Smith	Panama
Mr Oscar Yabes	Philippines
Mrs Adelina Sá Carvalho	Portugal
Mr Constantin Dan Vasiliu	Romania
Mrs Georgeta Elisabeta Ionescu	Romania
Mr Petr Tckachenko	Russian Federation
Mrs Marie-Josée Boucher-Camara	Senegal
Mr Lovro Loncar	Slovenia
Mr Manuel Alba Navarro	Spain
Mrs Priyanee Wijesekera	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mr Hans P. Gerschwiler	Switzerland
Mr Abdul Razzak Al-Kutaini	Syria
Mr James Warburg	Tanzania
Mr Damian Simon Foka	Tanzania
Mr Pitoon Pumhiran	Thailand
Mr Douglas Millar	United Kingdom
Mr Michael Pownall	United Kingdom
Mr José Pedro Montero	Uruguay
Mr Santiago Gonzalez Barboni	Uruguay
Mrs Doris Katai Mwinga	Zambia
Mr Austin Zvoma	Zimbabwe

SUBSTITUTES

Ms Claressa Surtees (for Mr I. Harris)	Australia
Mr Olivier Delamarre-Deboutteville (for Mr A. Delcamp)	France
Mr Ulrich Schöler (for Dr Zeh)	Germany
Mr George Papakostas (for Mr G. Karabatzos)	Greece
Mr Ravi Kant Chopra (for Mr Y. Narain)	India
Miss Anne Medecin (for Mrs V. Viora-Puyo)	Monaco
Ms Elizabeth M. Woolcott (for Mr D McGee)	New Zealand
Mr Tomasz Glanz (for Mrs W. Fidelus-Ninkiewicz)	Poland
Mrs Lulama Matyolo-Duba (for Mr Z.A. Dingani)	South Africa
Mr Paul G. Wabwire (for Mr A. Tandekwire)	Uganda
Mrs Margarita Reyes Galvan (for Mr M. Dalgalarrondo)	Uruguay
Mr Kyrylo Tretyak (for Mr V. Zaichuk)	Ukraine

ALSO PRESENT

Mr Pedro Alberto Yaba	Angola
Mr Enrique Hidalgo	Argentina
Mr Joseph Wirnsperger	Austria
Mr Mariano Ogoutolou	Benin
Mr Peng Long Leng	Cambodia
Mr Jiri Krbec	Czech Republic
Mr Gaston Rembendambya	Gabon
Mrs Stavroula Vasilouni	Greece
Mr Hee Kwon Koo	Korea (Republic of)
Mrs Irene Chissancho	Mozambique
Mrs Aichatou Dan Nana	Niger
Mr Shahiq A. Khan	Pakistan
Mr Karamet Hussain Niazi	Pakistan
Mr José Manuel Araújo	Portugal
Mr Mihai Stanescu	Romania
Ms Adriana Badea	Romania
Mrs Cristina Dumitrescu	Romania
Ms Elizabeth Barinda	Rwanda
Mrs Samonrutai Aksornmat	Thailand
Mr Pakpoom Mingmitr	Thailand
Mr Nguyen Sy Dzung	Vietnam

APOLOGIES

Mr Diogo De Jesus	Angola
Mr Ian Harris	Australia
Mr Robert Myttenaere	Belgium
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Farag El Dorry	Egypt
Mr Yves Michel	France
Mr Alain Delcamp	France
Dr Zeh	Germany
Mr George Karabatzos	Greece
Mr Yogendra Narain	India
Mr Arie Hahn	Israel
Mr Makoto Onitsuka	Japan
Mr Yoshihiro Komazaki	Japan
Mr Yoshinori Kawamura	Japan
Mr Takeaki Ishido	Japan
Mr Claude Frieseisen	Luxembourg
Mr Benoît Reiter	Luxembourg
Mrs Valerie Viora-Puyo	Monaco
Mr Abdullah Abdul Wahab	Malaysia
Mr Carlos Manuel	Mozambique
Mr David McGee	New Zealand
Mr Hans Brattestå	Norway
Mrs Wanda Fidelus-Ninkiewicz	Poland
Mr Zingile A. Dingani	South Africa
Mr Sune Johansson	Sweden
Mrs Suvimol Phumisingharaj	Thailand
Mr Aenus Tandekwire	Uganda
Mr Valentyn Zaichuk	Ukraine
Mr Paul Hayter	United Kingdom
Mr Roger Sands	United Kingdom
Mr Marti Dalgalarrondo	Uruguay
Mr Hugo Rodriguez Filippino	Uruguay
Mr Colin Cameron	Western European Union
Mr Eike Burchard	Western European Union

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FIFTH SITTING – Thursday 11 May [am]

SIXTH SITTING – Thursday 11 May [pm]

FIRST SITTING
Monday 8 May 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.30 am

1. Opening of the Session

Mr Anders FORSBERG, President, welcomed participants to the ASGP conference within the framework of the 114th Assembly of the IPU. He thanked the staff of the IPU who had prepared for the Assembly with its usual efficiency.

He said that election to the post of Vice President of the ASGP and for an ordinary member of the Executive Committee would take place on Thursday the 11th of May at 4.30 pm; the time limit for proposing candidates would be set at 11 am on the same day.

This was *agreed* to.

2. Orders of the Day

Mr Anders FORSBERG, President, read the proposed Orders of the Day as follows:

Monday 8 May

Morning

9.30 am Meeting of the Executive Committee

10.30 am Opening session

Orders of the day of the Conference

New members

Welcome and presentation on the Parliamentary System of Kenya by Mr Samuel Waweru NDINDIRI, Clerk of the National Assembly

Afternoon

3.00 pm Information and Debate : Relations between the ASGP and the IPU
- Reforming of the IPU – Follow-up to New York session
- E-Bulletins
- EBU Eurovision Conference
- Global Center for Information

The debate will be led by Mr. Anders B. JOHNSSON, Secretary General of the IPU

Tuesday 9 May

Morning

9.00 am Meeting of the Executive Committee

10.00 am Communication from Mr Marc BOSC, Deputy Clerk of the House of Commons of Canada on "Parliamentary Codes of Ethics: Recent developments in Canada"

Communication from Mr Martin CHUNGONG on the recent activities of the IPU

Communication from Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Chilean Senate, Vice-President of the ASGP on "The functioning of the Institute of Urgency in the Chilean Parliament"

Presentation by Mr Pitoon PUMHIRAN, Secretary General of the House of Representatives of Thailand, on the organization of the Bangkok Session

Afternoon

3.00 pm Communication by Mr. Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso : «A presentation of the Strategic Development Plan of the Parliament of Burkina Faso 2004 – 2014»

Communication from Mr Won-Jong SANG, Acting Secretary General of the National Assembly of the Republic of Korea, on «The Establishment of a Digital Chamber»

Wednesday 10 May

Activities organized by the host Parliament (to be confirmed)

Thursday 11 May

Morning

9.00 am Meeting of the Executive Committee

10.00 am New members

General debate : "Office and powers of the Speaker/President"

Moderator: Mr Abdeljalil ZERHOUNI, Secretary General of the House of Representatives of Morocco

11.00 am **Deadline for nominations for the two vacant posts on the Executive Committee (Vice President and one ordinary member)**

General debate : "The role of Parliaments and parliamentarians in promoting reconciliation in society after civil strife"

Moderator: Mr Hafnaoui AMRANI, Secretary General of the Council of the Nation of Algeria

Afternoon

3.00 pm Communication from Mrs Adelina SÁ CARVALHO, Secretary General of the Assembly of the Republic of Portugal on: "Portugal and the convergence criteria: the budget for 2006 and the measures for reduction of the deficit by way of reduction of public expenditure, in the context of accuracy relating to receipts"

Communication from Mr Jean SINDAYIGAYA, Secretary General of the Senate of Burundi on "Details of the bicameral system in Burundi and the three functions of the Senate: national reconciliation, maintaining close contact with the electorate, consensual representation: political but not partisan"

Discussion of supplementary items (to be selected by the Executive Committee at the current Session)

4.30 pm **Election of a Vice President and an ordinary member of the Executive Committee**

Administrative and financial questions

Examination of the draft agenda for the next meeting (Geneva, Autumn 2006)

Closure

The Orders of the Day were *agreed* to.

3. New Members

Mr Anders FORSBERG, President, said that the secretariat had received several requests for membership which had been put before the Executive Committee and agreed to. These were:

Mr Ehsan Ul FATTAH	Secretary General of the Parliament of Bangladesh (replacing Mr Md Lutfar TALUKDER)
Mr Jean SINDAYIGAYA	Secretary General of the Senate of Burundi (This country is joining the ASGP for the first time)
Mr František JAKUB	Secretary General of the Senate of the Czech Republic (replacing Mr Pavel PELANT)
Mrs Adanech ABIEBIE	Secretary General of the House of Peoples' Representatives of Ethiopia (replacing Mr Asnake TADESSE)
Mr Tawfeeq AL-WEHAIB	Deputy Secretary General of the National Assembly of Kuwait
Mr Benoît REITER	Deputy Secretary General of the Chamber of Deputies of Luxembourg
Mrs Wanda FIDELUS-NINKIEWICZ	Secretary General of the Sejm of Poland (replacing Mr Jozef MIKOSA)
Mrs Georgeta Elisabeta IONESCU	Secretary General of the Chamber of Deputies of Romania (replacing Mr Mihai UNGHIANU)
Mr Nicolae SFÃCÃREANU	Deputy Secretary General of the Chamber of Deputies of Romania
Mr Saleh AL MALIK	Secretary General of the Shura Council of Saudi Arabia

	(This country is joining the ASGP for the first time)
Mrs NG Sheau JIUAN	Clerk of the Parliament of Singapore (replacing Mr P. O. RAM)
Mr Abdul Razzak AL-KUTAINI	Secretary General of the People's Council of the Syrian Arab Republic (replacing Mr. Rajab IBRAHIM)

The new members were *agreed* to.

4. Welcome and Presentation on the parliamentary system of Kenya by Mr Samuel Waweru NDINDIRI, Secretary General of the National Assembly of Kenya

Mr Anders FORSBERG, President, invited Mr Samuel Waweru NDINDIRI to the platform to give his presentation.

Mr Samuel Waweru NDINDIRI (Kenya) gave the following presentation:

"The President of the Association of Secretaries General of Parliaments, Mr. Anders Forsberg, The Joint Secretaries Mr. Roger Phillips and Mr. Frederic Slama, Distinguished Delegates, Ladies and Gentlemen,

It is my privilege and honour, distinguished colleagues, to welcome you to Nairobi and to the 2006 Spring Session of the ASGP.

The National Assembly of Kenya is a fairly old institution with a long, stable and consistent history dating back 100 years. It enjoys a multiparty democratic system with 210 elected constituency representatives from nine parliamentary political parties. A detailed paper on the Kenyan Parliamentary System will be made available to you.

Ladies and Gentlemen,

On the agenda we have a number of issues of mutual interest. We are here to exchange ideas, to benefit from our experiences and to build new partnerships that may help our institutions to face emerging challenges.

Allow me to wish you all fruitful deliberations during the forum. May I also ask you to feel free to visit our major attractions and not to miss the social events that may give you an opportunity to sample what we offer? We have also put together several programmes, including a trip out of Nairobi on Wednesday, which I hope will make your stay here more interesting.

Please all are Welcome to Nairobi.

THE KENYAN PARLIAMENTARY SYSTEM

Historical Background

The British colonial administration, which was in charge of the then Kenya protectorate, established a Legislative Council (LEGCO) in 1907 to advise the then Chief Minister on the running of the colony. Its Members were nominated from the administration with the Chief Minister as Speaker, on the one hand, and the settler farming community on the other.

Kenya became a ***de facto*** British colony in 1920, with the Governor representing the King. For many years, the African population which had no vote, was represented in the LEGCO by an appointee of the Governor. The first African Member was nominated in 1944.

In 1957, after the acquiring of voting rights by Africans based on wealth and education, the first eight elected Africans joined the LEGCO. This development accelerated the country's movement towards independence in 1963. The LEGCO became the first bi-cameral parliament. However, this did not last long as the Senate merged with the House of Representatives to form the National Assembly in 1966.

The country has since independence had a consistent Parliamentary System of Government, with the President both as an elected Head of State and a Member of the National Assembly representing a constituency. General elections have been regularly (every five years) conducted to renew the mandate of the Government.

Post-independence Kenya became a ***de facto*** one party state in 1967 but matters changed substantially in 1982, when parliament passed a law to make it legally so. However, after a lot of agitation, the constitution was amended in 1991 to allow for the country to revert to political pluralism. This enabled a joint opposition alliance to remove the ruling party KANU, which had been in power since independence, in the 2002 General Elections. The current Parliament is the 9th Parliament.

Following the clamour for the review of the constitution which gathered momentum in the 1980s, the Constitution of Kenya Review Act, Chapter 3A of the Laws of Kenya was enacted by Parliament in 2001 to facilitate a comprehensive review of the Constitution by the people of Kenya. The objectives of the review process were to guarantee peace, national unity and integrity of the Republic of Kenya, to establish a free and democratic system of government and to provide for the separation of power and checks and balances of the three organs of state, i.e. the executive, the legislature and the judiciary. The review also sought to promote people's participation in elections, devolution

of power, to recognise ethnic and regional diversity, and to ensure provision of basic necessities for all Kenyans, among others.

The review process which commenced in 2001 was conducted by:

(a) The Constitution of Kenya Review Commission
(b) The Constituency Constitutional Forum
(c) The National Constitutional Forum
(d) The Referendum, and
(e) The National Assembly

All the organs of review were expected to be accountable to the people of Kenya and to ensure that the review process was an all inclusive one taking care of the rights and interests of all groups (socio-economic status: race, gender, religion, age, disability, minority, etc) and the national interest.

At the conclusion of the review exercise at the National Constitutional Forum, now popularly known as "the Bomas" (after the Bomas of Kenya venue where the talks were conducted), a Referendum, as stipulated by the Review Act, was conducted on the Draft Constitution. The document was rejected by the people by 57% to 43% in a National Vote. The process had gone full circle and now the government has gone back to the drawing board to chart the review process once again.

Composition of the National Assembly

Kenya is divided into 210 constituencies, but the House has a total membership of 224 comprising 210 elected, 12 nominated Members and 2 ex-officio Members, i.e., the Attorney General and the Speaker.

The 12 Nominated Members' slots are shared between the political parties on the basis of the number of seats they hold in the National Assembly. This number is determined by the Electoral Commission of Kenya which is an independent constitutional body that supervises presidential, parliamentary and local government elections.

The Speaker is elected by the House when it first meets after the General Elections. The Speaker has no constituency and in case he is an elected Member, he has to relinquish that seat and a by-election be conducted in his constituency.

On the other hand, the Deputy Speaker is an elected Member of Parliament and does not resign his seat upon election. He may also remain an active member of his political party while the Speaker is usually expected to remain non-partisan during his/her term.

The other political leaders in the House are:

(a) The Leader of Government Business who is normally the Vice – President of the country. He/she has a deputy who is usually a senior Minister in the Cabinet.

(b) The Leader of the Official Opposition Party is the leader of a Party in Parliament with the largest number of seats in the Opposition but in any case not less than 30.

(c) The Government Chief Whip and his/her Deputy are charged with the responsibility of mobilizing Government backbenchers to support or oppose Bills and Motions the Government is interested in passing or rejecting.

(d) The Opposition Chief Whip plays the same role for the Opposition as the Government Chief Whip.

Parliamentary Parties

The distribution of Parliamentary seats in Kenya according to political parties represented in the House is as follows:-

NARC	131
KANU	68
FORD (P)	15
SAFINA	2
FORD (A)	2
SISI KWA SISI	2
SHIRIKISHO	1
LDP	1
Ex Officio	2
GRAND TOTAL	**224**

Establishment of the Parliamentary Service Commission

In 1999, the Constitution was amended to create a Parliamentary Service Commission which is composed of ten Members with the Speaker as Chairman. The Leader of Government Business and the Leader of the Official Opposition Party are Members of the Commission by virtue of their position. The seven other Members of the Commission are from the backbench with four from the Government side and three from the Opposition.

The Commission is the Government of Parliament. It hires and fires the Parliamentary Service staff, looks after the welfare of Members of Parliament, sets its own budget which should not be tampered with by any other authority

and in discharging its responsibility is not answerable to any authority. The Clerk of the National Assembly is the Chief Executive Officer of the Commission and under him there are several officers who assist him to do the work.

Committees of the House

There are basically three types of Committees in the House:-

(a) House Keeping Committees which are concerned with the internal administration of the House or look after the Members' welfare. Such committees include the House Business Committee, the Powers and Privileges Committee, and the Standing Orders (or the rules) Committee.

(b) Audit Committees are two, namely, the Public Accounts Committee and the Public Investments Committee, which follow up Government Ministries and Government owned Parastatals pursuant to the Auditor's reports.

(c) Departmental Committees are eight in total. These are Committees which oversee the operations of relevant Government departments so that they conduct inquiry on Bills by inviting the Minister in charge to explain the Bill. Interested organizations and individuals may also apply to give views to the committees during deliberations on Bills or on other policy issues. These Committees are crucial because they are the only avenues open to the public to participate in legislation directly. They also serve to assist the House save a lot of time on debating Bills as most controversial issues on Bills are normally sorted out with Ministers during Committee hearings. The Committees also discuss policy issues with the respective Minister.

(d) Investigative Committees may be set up by the House under the Standing Orders to inquire into a particular matter and report to the House-after which they are dissolved. These are commonly known as *ad hoc* Committees.

Business in the House

The House sits on Tuesday from 2.30 pm to 6.30 pm; on Wednesday from 9.00 am to 12.30 pm and from 2.30 pm to 6.30 pm; and on Thursday from 2.30 pm to 6.30 pm. Every sitting is preceded by one hour Question Time when Backbenchers put Questions to Ministers. There are two types of Questions. While an ordinary Question could take up to 10 days or more before it is answered, a Question by Private notice is answered within 48 hours from the time it is filed. The Questions are approved by the Speaker before they are forwarded to the Ministries concerned.

The Wednesday morning sitting is dedicated to debating Private Members' Motions with motions sponsored by a political party given a higher priority. The rest of the sitting days during the week are dedicated to Government Business.

Bills

The majority of the Bills are introduced into the House by the Government. A Bill must be published in the official Gazette for 14 days before its introduction into the House for First Reading, after which it is referred to the relevant Departmental Committee for discussion and consultation with the Minister in charge. This takes, by law, at least seven days.

When a Bill is read a Second Time, the Minister in charge of the Bill introduces debate on it and is not limited by time. The Seconder of the Bill and any other Member speaking thereafter is limited to 30 minutes except the Official Opposition spokesman on the Bill, such as the Minister, who has no time limit. After the Second Reading, a Bill proceeds to the Committee Stage when the whole House sits in Committee to examine it clause by clause and each clause including schedule(s) and the Title of the Bill are agreed upon by a majority vote.

At the Third Reading stage, the debate is a mere formality and normally takes a short while and once the question is put and agreed to, the Bill goes for publication as an Act of Parliament which is forwarded to the President for assent. If the President refuses to assent to a Bill, the House could only over-ride his veto by marshalling 65% of the total membership of the Assembly (by vote) to reject his veto.

Such a situation has not occurred, even though in the last ten years two Bills have been by memorandum referred back by the President. Except by leave of the House, no Bill will go through more than one stage of debate at the same sitting. Should a Private Member wish to introduce a Bill to the House, it is mandatory that he would have to seek leave from the House first by Motion, requesting authority to introduce such a Bill.

Mr. President I believe I have been comprehensive in this presentation and as I conclude, I will be pleased to clarify any issue that dear colleagues would wish to raise.

Thank you."

Mr Anders FORSBERG, President, thanked Mr Samuel Waweru NDINDIRI for his presentation and invited those present to put questions to him.

Mr Marc BOSC (Canada) asked what happened about naming a Head of the Official Opposition if no political party managed to obtain the minimum 30 Members necessary.

Mr Xavier ROQUES (France) asked what happened if the Government no longer had a majority in Parliament: was there a right to a Dissolution and, in such cases, what happened to the President of the Republic, since he was elected by Parliament?

Mr Douglas MILLAR (United Kingdom) asked whether the political changes in 2002 had had an impact on parliamentary staff and wanted to know why only three Bills had been agreed to in the previous year — as against, for example, about 40 in the United Kingdom.

Mrs Halima AHMED (Ecowas Parliament) asked how the Speaker exercised his power of control over the questions to Ministers and wondered how he was able to carry out this duty objectively.

Mr Samuel Waweru NDINDIRI (Kenya) first of all replied that in the circumstances mentioned by Mr BOSC there would be no Head of the Official Opposition, but simply opposition parties.

In the case raised by Mr ROQUES where the party in power lost its majority there would be scope for a no-confidence vote under the rules set down by the Constitution. If the Government lost that vote then the President of the Republic would be called on to arrange for a new election.

In reply to Mr MILLAR, he said that the political changes which had happened in 2002 had had no impact on the career of parliamentary staff, since the legal framework which had been established in 1999 prevented the transfer of staff members to other central departments (except for clear professional incompetence).

In 2005 seven Bills had been agreed to by Parliament. This was rather a low number and there was widespread concern about this.

As far as the method of controlling questions put by elected Members to Ministers was concerned, examination of proposed questions by the Speaker was covered by Standing Order 35 of the Chamber. The Speaker usually made a considered choice between the questions which were put forward.

Mr Ibrahim MOHAMMED IBRAHIM (Sudan) asked whether the Minister of Justice could express a personal opinion during debates, particularly where there were manifest differences between the Government and the Opposition.

Mrs Doris Katai Katebe MWINGA (Zambia) said that in Zambia, Kenya was considered as an example to follow in relation to constitutional reform. She

wanted to know what role Members of Parliament had played in the different constitutional forums and what they had been able to achieve on the issue of the referendum.

Mr Manuel ALBA NAVARRO (Spain) asked for details about the threshold required for a majority in parliamentary elections and wanted to know if there were provisions preventing "wandering" of elected Members between different political parties. He also asked why the Administrative Justice was *ex officio* a Member of Parliament.

Mrs Marie-Josée BOUCHER-CAMARA (Senegal) asked what had been the main criteria for choosing the 12 female Members of Parliament who were nominated by the President of Republic. In addition, she thought that the modest proportion of 18 women out of 224 elected Members invited further pressure on the organization to take into account specific problems relating to women, notwithstanding the principle of a gender sensitive approach.

In Senegal a collective had been established for women Members of Parliament which worked with the Association of Women Lawyers of Senegal, other women's groups and the Minister for the Family. It was responsible for all the Bills affecting women's rights.

Work had been done on the law forbidding female circumcision. A Bill was in preparation at that moment on responsibility for health expenditure on children and husbands of female civil servants as well as a draft Bill on parity for women in electoral lists and a draft law on delegation of paternal power — which reflected a real problem since a constantly growing proportion of women found themselves in the position of head of the family.

Mr Samuel Waweru NDINDIRI (Kenya) said, in response to the question put by Mr IBRAHIM, that the Minister of Justice, although a member of the Government, could not be dismissed except by a special body which had to set out the complaints against him. The Minister only sat in Parliament as a legal adviser and did not have the right to vote.

As far as the question put by Mrs MWINGA was concerned, a huge public consultation exercise had been organized and the conclusions of this had been presented to the Constitutional Forum of Kenya (Bomas), on which all Members of Parliament had sat. The final document with legal opinion and a revision by the Ministry of Justice had then been put to a referendum. The political parties in the Government had been divided on the policy to be adopted and so finally the "no" votes had won.

The Government had nonetheless not given up on its aims in relation to the Constitution and had recently established a Committee made up of eminent persons in order to prepare new recommendations.

Turning to the questions put by Mrs BOUCHER CAMARA, he acknowledged that those women who had put themselves forward for election had only gained mediocre numbers of votes. Electors — of both sexes — tended to prefer male candidates and this explained the low proportion of women Members of Parliament.

If the constitutional changes had been agreed to, a minimum proportion of women in Parliament of 30% would have been imposed.

Mr Abdeljalil ZERHOUNI (Morocco) wanted to know whether the Secretary General of the National Assembly of Kenya was elected.

Mrs Claressa SURTEES (Australia) said that Mr Ian HARRIS, former President of the Association, regretted that he was unable to attend because the Australian Parliament was dealing with the Annual Budget.

She asked for confirmation of the statement that only candidates who were members of political parties seemed to be able to offer themselves for election.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) said that there were accounts in the Dutch press of payments made to Kenyan Members of Parliament and on their Code of Conduct. She asked for details on these two points.

Mr Samuel Waweru NDINDIRI (Kenya) turning first to the question from Mr ALBA NAVARRO, he said that the absence of party discipline was a problem in Kenya. As far as the Minister of Justice was concerned, he was not elected Member of the National Assembly but only a legal adviser.

As far as the status and role of the Secretary General was concerned, the holder of the post was chosen by the Parliamentary Service Commission which defined his duties — he was not elected. Occasionally some Secretaries General stayed in their post for a long time: his predecessor had served for 15 years in that office.

Replying to Mrs SURTEES, he said that it was not possible for a candidate to take his seat as an independent Member because the Constitution demanded that someone should be sponsored by a political party — this provision had been identified as one to be removed in the draft constitutional reform.

As far as payment to Members of Parliament was concerned and their integrity, members of the National Assembly were obliged to make declarations about their property — and this was equally applicable to all holders of public office. Therefore, they had to make a declaration about inherited property, the property of their spouse and of their children who were over 24 years old in a document sent to the Speaker of the National Assembly. Parliamentary staff also were

bound by this. These papers were not made public and any requests to make them public were refused.

Mr Austin ZVOMA (Zimbabwe) wanted to know if members of the public could take part in the work of the eight departmental Committees. In addition, what sort of questions could be dealt with by Committees of Inquiry which did not relate already to the area of work of the departmental Committees? Was the President of the Republic required to explain any refusal to give his Assent to a Bill approved by Parliament?

Mrs Evelyn P PANLAQUE (Philippines) asked what position the Speaker of the National Assembly held in the ceremonial order of precedence.

Mr Constantin TSHISUAKA KABANDA (Democrat Republic of Congo) raised three questions: why were Bills published in the Official Journal; how many parliamentary staff assisted the 224 elected Members; and had the Kenyan Parliament ever been suspended since its creation, including during the period of one-party rule?

Mrs Hélène PONCEAU (France) wanted confirmation that all the elements which defined the material status of Members of Parliament (pay, transport etc) were within the power of the Parliamentary Service Commission. In the French Parliament a Commission of three Members of Parliament was specifically designated to deal with these matters — the Bureau dealt with the most important of questions relating to such matters.

Mrs Marie-Françoise PUCETTI (Gabon) wanted to know who was a member of the Bureau of the National Assembly of Kenya and what the powers were of the First Deputy Speaker.

Mrs I Gusti Ayu DARSINI (Indonesia) wanted to have details on the budgetary power of Parliament: how was the State Budget scrutinized in Kenya? In addition, how many sittings there were per year and what happened in the intervals between the sittings?

Mr Ravi Kant CHOPRA (India) said that Mr Yogendra NARAIN regretted not being able to be present that day. He wanted to know what basis the choice of the 12 nominated members was made. Could they, in addition, take part in the work of Parliament in the same way as Members who had been elected?

Mrs Aishatou Dan NANA (Niger) asked for details on the participation of illiterate Members of Parliament in the sittings of Parliament. She wanted to know what the House provided for such Members in order to engage them in the work.

Mr G. MALUKE (Lesotho) asked about the particularly low number of Bills agreed to.

Mr Samuel Waweru NDINDIRI (Kenya) dealing with the question raised by Mr ZVOMA, said that the public was able to take part in discussions in Committees. The way in which Committees of Inquiry and Standing Committees worked together could be illustrated by a concrete example: in the middle of the 1970s eight Members of Parliament had been found murdered and members of the Government were suspected of being involved. An *ad hoc* Committee was set up to examine the facts and make recommendations to the Government. On the point relating to whether the President was expected to explain the refusal to give his Assent to a Bill agreed to by Parliament, the President had to present reasons for his decision.

Turning to the question put by Mrs PANLAQUE, he said that the Speaker was the third person in precedence in the State.

In reply to Mr KABANDA he said that the Official Journal was a public document which allowed members of the public to know about the existence and content of Bills. About 400 people worked in the Kenyan Parliament which had never been suspended since the re-establishment of a multi-party system.

Dealing with Mrs PONCEAU's question he said that the Parliamentary Service Commission dealt with all administrative questions. Pay was dealt with by a different procedure which involved scrutiny by a specialized organization and the adoption of an *ad hoc* law. Disciplinary questions were a matter for the Committee on Powers and Privileges which decided on matters of possible breaches of good behaviour. The Committee would propose, where necessary, sanctions to the Plenary Assembly.

He said that the Bureau was made up of the Speaker, Deputy Speaker and three Assistants.

In reply to Mrs DARSINI, he said that the State Budget had to be presented to Parliament on the 20th of June each year. Previously, the Committee on Finance had a habit of calling the relevant minister for a general discussion on questions relating to the budget. The Assembly had 20 days to debate the Government's proposals. The Assembly could not propose an increase in expenditure but only cuts.

As far as Members nominated to Parliament were concerned, the Electoral Commission simply had to ensure that they had the same qualifications as an ordinary Member of Parliament.

In reply to Mrs NANA he said that candidates for election had to be literate and comply with a certain number of conditions. For this reason no seat in Parliament was held by an illiterate Member.

Turning finally to Mr MALUKE he admitted that the number of Bills agreed to was modest — some thinking was being done about the way of remedying this situation, for example by lengthening the sittings and increasing their number.

Mr Anders FORSBERG, President, thanked Mr Samuel Waweru NDINDIRI for his presentation and all those members present for their numerous and pertinent questions.

The sitting ended at 1 pm.

SECOND SITTING
Monday 8 May 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.15 pm

1. Information and Debate: Relations between the ASGP and the IPU

Mr Anders FORSBERG, President, congratulated Mr Anders JOHNSSON on his re-election as Secretary General of the IPU.

The ASGP had organized a seminar in New York on the subject of the Speakers' Declaration. Since then a series of promising projects had started up, emerging both from the ASGP and from the IPU.

Mr Anders JOHNSSON, Secretary General of the IPU, referred to the content of the Speakers' Declaration at the end of the New York meeting on the 7 September 2005. The Declaration concentrated on political contribution to the work of the United Nations and logistical and operational support for that work.

The Speakers had called for a strengthening of cooperation between the United Nations and national Parliaments, in particular by way of the IPU.

The Speakers wanted the IPU to assist in using the skills and competencies available within permanent and special Committees of national Parliaments. Mr Pier Ferdinando Cassini, Speaker of the Italian Chamber of Deputies and President of the IPU, had established a working group on ways of supporting the IPU. This working group had met in Geneva in January 2006 and included two former Presidents of the IPU and several serving Speakers of Parliaments.

In its Report, the working group emphasised the question of collaboration between the ASGP and the IPU.

Links with the United Nations had continued to be strengthened. The UN General Assembly wanted the IPU to deal with emerging questions such as avian flu, which required the speedy support of Parliaments.

The Speakers' Declaration also underlined the need to strengthen the contribution of Parliaments to democratic life. The United Nations contributed to the re-establishment of democratic institutions and everyone knew that Parliaments played a central role in allowing States which had recently been in a state of crisis to achieve stability. It was necessary to involve national

Parliaments in this process because nobody knew better than another Parliament on how to assist a newly re-formed Parliament.

Since the Declaration had been made the United Nations had been reformed and had established the United Nations Democracy Fund (UNDEF). This could be used to establish parliamentary institutions — as in, for example, Burundi.

The United Nations had also established a Committee for Maintaining Peace. This organization had the task of ensuring that measures to establish peace were followed up and it involved Parliaments in its work.

Changes within the United Nations had to be integrated into the process of reform within the IPU. The ASGP, by way of its President, was, of course, represented within the working group on reform of the Union.

Mr Anders FORSBERG, President, noted that until now relations with the IPU and national Parliaments had mainly been by way of their IPU delegations. Henceforth, Secretaries General would see their participation strengthened so that the Union could play a coordinating role between the United Nations and their agencies.

Mr Anders JOHNSSON, noted that he was very keen to take into account past experience: it was necessary to strengthen and develop this use of experience and not to ignore it.

The Union had asked Saatchi & Saatchi to prepare a report on its international image. This report, critical on certain points, quite properly had underlined the existence of various weaknesses and presented numerous recommendations which the Union had started to put into effect. A new brochure had been prepared as well as information leaflets on various themes. These publications were aimed at a much wider public than just those who were interested in parliamentary matters.

There was also an electronic information bulletin, and e-bulletin, which included information on the most recent activities of the Union. He asked whether the ASGP could help the Union in giving it as wide a publication as possible.

Thought was being given towards broadcasting parliamentary information. This might take the form of a joint event organized in Geneva on the 19th October 2006 with representatives of the European Broadcasting Union (EBU) and those involved in the parliamentary sphere.

The United Nations, with the assistance of the Inter-parliamentary Union, had established a International Centre for Information and Communications Technology in Parliaments. This Centre had been set up in Rome and the President of the ASGP had been invited to advise its governing board.

Mr Hafnaoui AMRANI (Algeria) underlined the essential role of the Secretary General in a Chamber and deplored the low state of relations between the various Parliamentary Secretaries General and the secretariat of the IPU.

He also warned against the risk of minimising the role of the ASGP within the IPU. On the contrary, he thought their relations should be strengthened and asked why it would not be possible to have meetings of the Executive Committee outside the main conferences when plenary sessions were held?

Mr Abdeljalil ZERHOUNI (Morocco) praised the honesty, integrity and professionalism with which Mr Anders JOHNSSON had carried out his duties. He thought it was desirable for the Union to make an early report to the ASGP on its working methods.

Mr Anders JOHNSSON, thought that relations between the Union and the ASGP had never been so close: the ASGP was putting its expertise at the disposal of the Union and communication between the President of the ASGP and the Secretary General of the Union was extremely fluid; the Union frequently asked for support from the ASGP, whether for research on particular points or for providing technical advisers.

Nevertheless, it was probably possible to do more and do it better. There were problems to do with the relationships between various Secretaries General: on the one hand, it was necessary for Parliaments to be up-to-date with the tools at their disposal; on the other hand, IPU delegations sometimes took on the role of interlocutor and handled all communications through them. It was necessary for all important information relating to the Union to go, at least in copy form, through Secretaries General.

Mrs Hélène PONCEAU (France) thought that there were other possible channels of inter-parliamentary cooperation than just those between the IPU and the ASGP. The two Chambers in the French Parliament had international relations services and they sometimes worked directly with the Union; their work was also part of the relationships within the framework of the ASGP.

2. Communication from Mr Ulrich SCHÖLER on the parliamentary dimension of the United Nations

Mr Ulrich SCHÖLER (Germany) presented the following communication on the parliamentary dimension of the United Nations:

“I would like to present the views taken by the German Bundestag on the subject at hand, as reflected in two related parliamentary decisions taken to date.

In the first of these decisions, taken in September 2004, the Bundestag advocated a stronger integration of members of national parliaments in the work of the United Nations, in accordance with the “Cardoso Commission” proposal.

However, our MPs feel that the selection of the parliaments represented and the members of parliament who represent them should be made in each case independently of the executive branch of Government and also independently of the United Nations.

It is felt that in this regard the proposal put forward by the “Cardoso Commission” does not do justice to the fundamental principles of parliamentary activity. It is felt that selecting Members of Parliament for a *global public policy committee* in the manner provided for in the report is not a democratic approach and casts doubt on the legitimacy of a body of this nature. It is felt that this kind of committee is not in keeping with the principle of parliamentary freedom from control by Executive Government nor is it in keeping with the role being sought by the IPU as a parliamentary arm of the United Nations.

This matter was pursued further in two hearings held by the Foreign Affairs Sub-committee on the United Nations, involving experts from the academic community, government, and NGOs. The subjects dealt with at the hearings were “separation-of-powers structures in the area of global governance and in the United Nations system” and “organizational options for parliamentary representation in these systems”. In June last year, the Bundestag addressed the matter once again, this time formulating its own alternative draft of a parliamentary dimension for the United Nations. In this connection our MPs came to the conclusion that an effective parliamentary support of United Nations activities needs to take place at two levels.

At the first level, parliamentary controls and participatory rights for the Bundestag will need to be expanded in a manner similar to what was proposed by the “Cardoso Commission”. This can only be achieved on the basis of regular reports to Parliament by the executive branch of Government.

At present, the Bundestag gets its information from biannual reports issued by the executive branch of Government on its cooperation with the United Nations. These reports have been published for a number of years now. Since the beginning of last year, the Bundestag has also had access to an overview of the ministerial conferences scheduled by United Nations organizations for the current year. The Executive Government issues this overview at the beginning of the year and sends it to the Foreign Affairs Committee, which deals with United Nations issues. Our parliamentarians greatly appreciate the existence of these instruments, but feel that they could be improved on.

In addition to this indirect reporting by the Executive Government, our parliamentarians would like to see a continuous direct dialogue between the Bundestag and the United Nations. At present, this kind of direct contact

between the Bundestag and the United Nations exists only in the fact that each year a delegation attends the opening of the UN General Assembly and parliamentary hearings held by the IPU. Our parliamentarians feel that, more than just desirable, closer contact with the United Nations is indispensable as it moves ahead towards reform.

The Bundestag would itself like to serve as a forum for increased information exchange. One way to do this would be for the responsible parliamentary committees to organize an annual public hearing on UN and global governance, to which high-ranking UN representatives could be invited. This would give our Members of Parliament an opportunity to obtain first-hand information on Executive Government activities at the international level.

Our parliamentarians feel that alongside this first level, aimed at improved information exchange, a second level should be established, i.e. the parliamentary dimension of the United Nations.

They focused their attention first of all on the question as to what areas this will be possible in and how it can best be done. After that, they thought about a suitable institutional form for a parliamentary forum which, for the sake of simplicity, they refer to as a “parliamentary assembly”.

In the view taken by the Bundestag, the potential range of activity of an Assembly of this kind could be quite broad. It could monitor the progress of important UN projects, make position statements on reports, and follow the work of UN bodies. It could assess current trends at the United Nations and issue recommendations on negotiations to be carried out and decisions to be made. A further task of the Assembly could be to conduct a dialogue with the Secretariat, with the various UN organizations, and with civil society, as well as to issue reports and recommendations of its own.

Our MPs quickly agreed on one point in their deliberations, and that is to be better able to establish a parliamentary dimension, it will be necessary first of all to develop a minimal concept of a Parliamentary Assembly that can then be developed further as time goes on. This body should be made up of Members of National Parliaments and should not replace but rather supplement existing UN bodies.

As a result of these deliberations our MPs came to the conclusion that an effective Parliamentary Assembly at the United Nations should be developed on the basis of the IPU.

The only alternative to this would be the creation of a completely new parliamentary institution inside or possibly even outside of the United Nations system. The arguments that would speak against pursuing this line of thinking would be the considerable amount of additional effort that would be associated with the establishment of such an institution as well as the jurisdictional conflict

that would necessarily arise between the IPU and the newly created institution. Why should we create a new international parliamentary body, when an institution which has proved its worth exists that has all the potentials needed to be able to take on the new tasks facing us?

Of course, our MPs have not overlooked the fact that integration of the IPU into the United Nations system would also bring certain problems with it.

To begin with, the two organizations have different memberships. The United Nations currently has 191 member states; the Parliaments of 141 countries are members of the IPU and the Parliamentary Assemblies of seven regional organizations are associate members. These memberships would have to be harmonized. However, this should not be viewed as an insurmountable obstacle. Membership in the United Nations is open to all "peace-loving states which accept the obligations contained in the (…) Charter and (…) are willing and able to carry out these obligations". The IPU membership, on the other hand, is composed of national groups representing their respective parliaments and these national groups are created by decision of a parliament "constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions."

Our MPs take the view that membership in a "Parliamentary Assembly" formed on the basis of the IPU would be possible, as long as the Parliaments in question have been constituted in line with constitutional rules.

However, it is felt that basing a parliamentary dimension of the United Nations on the IPU would presuppose more than just a reform process on the part of the United Nations. The view taken is that the IPU would only be able to become the parliamentary forum of the United Nations if it, too, is willing to change its current structures. The IPU's current organs would not be fully adequate to the new task, in that the Inter-Parliamentary Conference would probably be too large and too cumbersome to be able to deal effectively with the tasks of a Parliamentary Assembly and the jurisdictions of the other IPU organs are too specialized.

In its second decision, the Bundestag proposed the creation of a special "Standing Committee of the IPU" at the United Nations as a possible solution of this structural problem. The committee could be elected by the Inter-Parliamentary Conference with consideration being given to regional criteria.

This reform proposal made by the Bundestag contains the basic concept it feels is necessary for a parliamentary role at the United Nations level and which leaves room for further development in the future. It could be easily brought into alignment with the proposal put forward by the European Parliament to establish a Parliamentary Assembly within the framework of the United Nations. In accordance with the view expressed by the European Parliament in June last year, the Assembly would have an unrestricted right to information, participation,

and parliamentary control and would be authorized to adopt recommendations to the UN General Assembly.

A committee created by the IPU would give the United Nations a parliamentary dimension without the necessity for too many new organizational structures and eliminate the existing democracy deficit. Even though its members would not be elected directly, but rather from the midst of representatives of national parliaments, the Committee would constitute an important step forward on a path taking the United Nations away from being a purely inter-governmental organization and towards becoming a mixed organization.

A Committee of this kind would be the logical consequence of growing cooperation between the United Nations and the IPU. The latter could possibly lose some of its independence as a result of becoming part of the United Nations system, but it would, on the other hand, gain in importance and public recognition.

Unfortunately, it is unclear at the present time what the Bundestag's current stance is on this issue. The subject has not been addressed since the General Election last year and, as such, no position statements have been made on the decisions taken during the past legislative term. It remains to be seen whether the Bundestag will address this matter at all, and if so, what its future position will be."

Mr Anders FORSBERG, President, thanked Mr Ulrich SCHÖLER for his communication. He then invited members present to put questions to him.

Mr Douglas MILLAR (United Kingdom) asked what the IPU might do to follow up his remarks.

Mr Ulrich SCHÖLER (Germany) said that the resolution which had been adopted in the previous legislature of the Bundestag was not a constraint for the current Bundestag. Nonetheless he felt — even if the current majority had not formally re-examined this and taken it into account — that a consensus had to be able to be established about its content.

The sitting rose at 4.15 pm.

THIRD SITTING
Tuesday 9 May 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

1. Introductory Remarks

Mr Anders Forsberg, President, said that the Executive Committee had agreed guidance relating to elections to the Executive Committee which would be placed after the guidance relating to honorary membership in the Rules of the Association.

Mr Petr Tkachenko (Russia) said that the 9th May in Russia marked the commemoration of the patriotic victory against barbarism. The day reminded everyone of all those who had given up their lives to protect and liberate the homeland and preserve its freedom.

2. Communication from Mr Marc BOSC, Deputy Secretary General of the House of Commons of Canada, on Parliamentary Codes of Ethics: Recent developments in Canada

Mr Anders FORSBERG, President, invited Mr Marc BOSC to present his communication, as follows:

"**1. Parliamentary Ethics**[1]

While society expects that individuals should be as free as possible to pursue their private goals, parliamentarians are predominantly in the public eye, and their actions, values and ethical conduct send a signal as to the norms of acceptable behaviour. As a result, parliamentarians must set an example by upholding the highest standards of ethical conduct. Parliaments must therefore strike a balance between protecting private interests and ensuring that those in positions of public trust should not act in their public capacity on matters in which they have an apparent personal interest, whether it is real or only perceived.

[1] Young, M. "Conflict-of-Interest Rules for Federal Legislators". Library of Parliament, Ottawa, 2003.

The political ethics regime in Canada has changed a great deal over the last ten years. Ten years ago, conflict of interest and ethics matters were administered by the Office of the Ethics Counsellor, from within a government department. The Ethics Counsellor was a member of the Public Service[2] and reported to the Prime Minister. Government guidelines of ethical conduct for Ministers of the Crown, and Ministers of state, and regarding political fundraising, were not available to the public. What is more, these guidelines did not apply to Members of Parliament. In contrast, Parliament today has chosen to adopt clear and comprehensive rules to guide Members of Parliament and to engender and maintain trust in elected and public officials.

Until 2004, Parliament had not yet passed conflict of interest legislation to consolidate the rules on conflict of interest and codes of conduct for parliamentarians. Rather, existing provisions were to be found in the *Parliament of Canada Act*, the *Criminal Code of Canada* and in other laws, as well as in the *Rules of the Senate* and the *Standing Orders of the House of Commons*. Many of these provisions were antiquated and dealt only with specific situations. It was generally recognized that more up-to-date and relevant rules were required, both to guide parliamentarians and to assure the Canadian public that high standards of conduct applied.

On 31 March 2004, Bill C-4 received Royal Assent, and paved the way for Canada's parliamentary codes of ethics. Bill C-4 was the culmination of some 30 years of efforts from the Senate and the House of Commons and their several parliamentary committees. The resulting codes of ethics came about from no small measure of political and public pressure to solidify Parliament's position on a code of ethical standards for Members of the Senate and House of Commons.

The description of the "roots" of the current system of parliamentary ethics in Canada would require a 30-year chronology, but the current legislation was more or less ten years in the making. What follows is a historical summary of steps taken to develop a parliamentary ethics code, and a description of recent developments in the House of Commons. A brief overview of the Senate experience is presented to highlight some of the differences in the codes of ethics, which are born of the same statute but were developed independently by the two Houses of Parliament.

1.1 Origins of the Conflict of Interest Code: The Milliken-Oliver Report

In 1996, both the Senate and the House of Commons established the Special Joint Committee on a Code of Conduct. Co-Chaired by Member of Parliament Peter Milliken and Senator Donald Oliver, the Committee was directed to consult broadly, review best practices, and develop a code of conduct to guide Senators

[2] Former Assistant Deputy Registrar of Canada Howard Wilson was appointed Ethics Counsellor in 1994. The Office of the Ethics Counsellor was established within Industry Canada.

and Members of the House in reconciling their official responsibilities with their personal interests.

In 1997, after an extensive process of consideration, discussion and hearing of witness testimony, the Committee published its Second Report – commonly referred to as the Milliken-Oliver Report – which proposed a Code of Official Conduct as a strong and fair response to the need for clear rules. Dissolution intervened and no action was taken on the proposed code.

In 2002, at a time when the general issue of ethics was very much in the daily news, Prime Minister Chrétien announced an Eight-Point Plan of Action on government ethics, which called on Senators and Members of Parliament to support a code of conduct inspired by the 1997 Milliken-Oliver Report. That same year, a parliamentary ethics initiative was tabled in draft form in both chambers of Parliament.

1.2 The Eight-Point Plan of Action

The Plan of Action broadly outlined an initiative to strengthen and shore-up ethics throughout Parliament, the Cabinet and the public service. The guide for Ministers of the Crown and Ministers of State, which had existed since 1993 and outlined the guiding standards of ethical conduct, was to be made public, as were the guidelines governing ministerial fundraising for political purposes. The Government also proposed fundamental changes to the legislation governing the financing of political parties and candidates for office. These sought to establish rules and procedures to ensure that such fundraising caused no real or apparent conflicts of interest.

In addition, the Government released revised rules for ministerial dealings with crown corporations. These rules clarified the relationship between Ministers, Members of Parliament, and crown corporations when dealing with constituency matters.

At the same time, the Prime Minister tabled the first annual report of the Ethics Counsellor in Parliament on the range of his duties and activities. Furthermore, the Ethics Counsellor was made available to a parliamentary committee in order to be examined on his report.

In consultation with the opposition parties, and drawing inspiration from the Milliken-Oliver report, the Government also sought to proceed with a stand-alone code of conduct for Members of Parliament and Senators, as well as with changes to the *Lobbyists Registration Act* to enhance clarity, transparency and enforcement.

Lastly, the Government promised to introduce measures to strengthen the ability and responsibility of senior public servants to exercise propriety and due diligence in the management of public funds.

In April 2003, the Government introduced Bill C-34 in the House of Commons. The Bill, aimed at amending the *Parliament of Canada Act*, and other Acts in consequence, sought to establish the office of the Senate Ethics Officer and of the House of Commons Ethics Commissioner. These positions were to be new and unique positions in Canadian law. When acting in relation to parliamentarians and applying relevant codes of conduct, their activities would not be subject to judicial review. While founded in statute, the duties and functions of Senate Ethics Officer and House of Commons Ethics Commissioner were to be determined by their respective chambers of Parliament, and they would enjoy the privileges and immunities of Parliament and its Members when carrying out those duties and functions.

Eventually, in the spring of 2004, the legislation received Royal Assent. As a result, Parliament, now has three key documents on ethics and conflicts of interest: the *Conflict of Interest Code for Senators*, administered by the Office of the Senate Ethics Officer; the *Conflict of Interest Code for Members of the House of Commons*, and the *Conflict of Interest and Post-employment Code for Public Office Holders,* which are both administered by the Office of the Ethics Commissioner.

At roughly the same time, a House of Commons Ethics Commissioner was appointed.

1.3 The Conflict of Interest Code for Members of the House of Commons

The purposes of the Conflict of Interest Code are: to maintain and enhance public confidence and trust in the integrity of Members as well as the respect and confidence that society places in the House of Commons as an institution; to demonstrate to the public that Members are held to standards that place the public interest ahead of their private interests and to provide a transparent system by which the public may judge this to be the case; to provide for greater certainty and guidance for Members on how to reconcile their private interests with their public duties and functions; and to foster consensus among Members by establishing common standards and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.

The Code establishes a regime and provides guidance and assistance to Members of the House, while assuring the public that allegations are investigated, and breaches dealt with. It also requires confidential disclosure of the financial affairs of all parliamentarians, their spouses and dependants. In addition, there are rules on the receipt of gifts, personal benefits and sponsored travel, as well as rules regarding the improper uses of influence, insider information and furthering private interests. Finally, it calls for the Ethics Commissioner, under the direction of a parliamentary committee, to receive

submissions of disclosure, to advise on matters related to the Code of Conduct, and to investigate complaints.

The Conflict of Interest Code is based on the principle that service in Parliament is a public trust, and the House of Commons should recognize and declare the expectations of Members with respect to the ethical discharge of their duties.

1.4 The House of Commons Ethics Commissioner [3]

The Ethics Commissioner is appointed to perform the duties and functions assigned by the House of Commons regarding the conduct of its Members, and to administer any ethical principles, rules or obligations established by the Prime Minister for public office holders. Therefore, the mandate of the Ethics Commissioner is two-fold: to administer the *Conflict of Interest Code for Members of the House of Commons*, and to administer the *Conflict of Interest and Post-employment Code for Public Office Holders*, commonly known as the Prime Minister's Code. Public office holders, including Ministers of the Crown, Ministers of State and Parliamentary Secretaries, are responsible to the Prime Minister, and it is the Office of the Prime Minister that revises this Code.

The Ethics Commissioner is appointed by the Governor in Council, after consultation with the leader of every recognized party in the House of Commons, and after approval of the appointment by resolution of the House. He holds office for a term of five years and may only be removed for cause by the Governor in Council on address of the House of Commons. He may be re-appointed for one or more terms of up to five years each.

Dr. Bernard J. Shapiro, Principal and Vice-Chancellor Emeritus of McGill University became the first Ethics Commissioner of Canada on 17 May 2004, by Order in Council Appointment.

In fulfilling his mandate, the Ethics Commissioner provides confidential opinions and advice to Members of the House of Commons, and to public office holders, on any matter respecting their obligations under the Code to which they are subject. Further, he conducts inquiries on questions of compliance with either Code, as applicable. A Member who has reasonable grounds to believe that another Member has not complied with his or her obligations under the Conflict of Interest Code for Members may request that the Ethics Commissioner conduct an inquiry into the matter. In addition, the House may, by way of resolution, direct the Ethics Commissioner to conduct an inquiry to determine whether a Member has complied with his or her obligations under this Code. The Ethics Commissioner may also, on his own initiative, and on giving the Member concerned reasonable written notice, conduct an inquiry to determine whether the Member has complied with his or her obligations under this Code.

[3] Office of the Ethics Commissioner, 2006. http://www.parl.gc.ca/oec/en/

A Member of the Senate or House of Commons who has reasonable grounds to believe that a Minister of the Crown, a Minister of state or a Parliamentary Secretary has not observed the ethical principles, rules or obligations established by the Prime Minister for public holders office may, in writing, request that the Ethics Commissioner examine the matter. In discharging these duties, the Office may also undertake educational initiatives and information activities in order to inform its clients, and the public at large.

The Ethics Commissioner is also charged with administering the Public Registry for Members of Parliament and for public office holders, including Ministers of the Crown, Ministers of State and Parliamentary Secretaries. The Public Registry is a summary public record of required confidential disclosure statements.

The *Disclosure Statement* is the initial document which a Member of the House must complete and file with the Office of the Ethics Commissioner. The Member is requested to disclose his or her private interests as well as those of his or her spouse and dependent children. Members are required to submit the *Disclosure Statement* within 60 days notice of their election to the House of Commons. Once filed with the Office of the Ethics Commissioner, the *Statement* is a confidential document. Public office holders are also required to submit a *Statement*, disclosing their personal financial interests and those of their family members, to the Ethics Commissioner within 60 days after their appointment. Public office holders must declare their assets, liabilities, outside activities and declarable gifts, and must divest their controlled assets within 120 days after their appointment. This information must cover the 12-month period before assuming public office, as well as the income they are entitled to receive during the following 12 months. Both Members and public office holders must report any material change in this information to the Ethics Commissioner within 30 days.

Any Member with reasonable grounds to believe that they or a member of their family have a private interest that might be affected by a matter that is before the House of Commons or a committee on which the Member sits must, if present during consideration of the matter, disclose the general nature of the private interest at the first opportunity. If a Member becomes aware at a later date of a private interest that should have been disclosed, the Member must make the required disclosure immediately. Members may not participate in debate on or vote on a question in which they have a private interest.

Regarding inquiries, the two Conflict of Interest Codes require a threshold determination on the part of the Ethics Commissioner. Inquiries concerning private Members of Parliament are handled under the Conflict of Interest Code for Members. However, when the Ethics Commissioner begins an inquiry concerning a Minister or Parliamentary Secretary, he must determine whether the individual was acting in a ministerial capacity, or in the capacity of a Parliamentary Secretary. If so, the inquiry is dealt with under the Prime

Minister's Code. Otherwise, inquiries of Ministers and Parliamentary Secretaries are dealt with as with private Members.

When conducting an inquiry with respect to Members, the Ethics Commissioner may arrive at one of three conclusions: either that there is no contravention of the rules, a mitigated contravention of the rules, or an unmitigated contravention of the rules. A mitigated contravention implies that a Member has not complied with an obligation under the Code, but that the Member has taken all reasonable measures to prevent the non-compliance, or that the non-compliance is trivial or occurred through inadvertence or an error in judgment made in good faith.

Where the finding concludes that a Member is not in compliance with the Code, the Ethics Commissioner may recommend that sanctions be imposed. The Code is silent on the exact nature of possible sanctions, and the Ethics Commissioner does not implement or enforce any recommended sanctions. Rather, the House of Commons addresses the recommendations by debating motions to concur in or motions respecting the Ethics Commissioner's reports.

With respect to public office holders and the Prime Minister's Code, there is no requirement for the Ethics Commissioner to recommend any sanction. Where the Ethics Commissioner finds that a public office holder is not in compliance with the Code, the public office holder is subject to such appropriate measures as may be determined by the Prime Minister, including, where applicable, discharge or termination of appointment.

Reports relating to the application of *the Conflict of Interest Code for Members of the House of Commons* are provided to the Speaker of the House who in turn tables them in the House. Reports on cases with respect to the Prime Minister's *Conflict of Interest and Post-employment Code for Public Office Holders* are referred to the Prime Minister. Findings by the Ethics Commissioner are final and may not be altered.

The Ethics Commissioner is an independent Officer of Parliament and carries out his duties and functions under the general direction of any committee of the House of Commons that may be designated or established by that House for that purpose. In late 2004, separate meetings were held between the Ethics Commissioner and both the Standing Committee on Procedure and House Affairs, and the Standing Committee on Access to Information, Privacy and Ethics, to confirm how the House would manage the matter of parliamentary oversight.

The Standing Committee on Procedure and House Affairs reviews and approves the Ethics Commissioner's "Rules for the Administration of the Code" for Members, and is responsible for all matters relating to the Code, including a review of the Code itself after five years. In addition, the Committee reviews the annual reports of the Ethics Commissioner on activities in relation to Members of the House of Commons. The Standing Committee on Access to Information,

Privacy and Ethics is responsible for the operation and management of the Office of the Ethics Commissioner, as well as the annual reports of the Ethics Commissioner on activities in relation to public office holders.

2.0 Recent Experiences

The Ethics Commissioner published his first Annual Reports both for Members of the House of Commons, and for Public Office Holders on 30 June 2005. He also published *Issues and Challenges*, a document intended as a supplement to the two Annual Reports, which addresses a number of conceptual and procedural challenges that have arisen during the first year of operations of the Office of the Ethics Commissioner.

Since the Conflict of Interest Code for Members was adopted in April 2004, the Ethics Commissioner has published three Inquiry Reports on Members of the House of Commons, and one Inquiry Report on a public office holder. The full reports are public, and each includes the legislative background, relevant facts, and a comprehensive chronology of events of the inquiry.

In all cases, the Ethics Commissioner concluded that none of the Members, who were subjects of inquiry, contravened the Conflict of Interest Code. However, in one case regarding the surreptitious audio taping of a conversation between two Members, the Ethics Commissioner commented that this action was extremely inappropriate, and that the facts of this case clearly had not enhanced the public's confidence and trust in the integrity of the House of Commons and its Members.

In another case, a Member of Parliament rose in the House on a question of privilege and alleged that the Ethics Commissioner was in breach of the Conflict of Interest Code. The Member charged that the Ethics Commissioner had not followed the proper processes for conducting an inquiry. In addition, the Member complained that the Ethics Commissioner did not give the required written notice of the investigation and charges, contrary to the Code. The Speaker ruled that neither the *Parliament of Canada Act* nor the Code provided a protocol for the resolution of complaints by Members against the Ethics Commissioner in respect of the discharge of his mandate. The Speaker nevertheless felt that the allegations were troubling enough to warrant further investigation and found a *prima facie* question of privilege.

The matter was referred to the Standing Committee on Procedure and House Affairs, which found the Ethics Commissioner in contempt of the House of Commons, in addition to raising questions about competence. Under the circumstances, however, it did not recommend any sanctions or penalty.

Most recently, the Ethics Commissioner launched inquiries of Prime Minister Stephen Harper and Minister of International Trade, David Emerson to determine

whether they contravened the rules of conduct set out in the Conflict of Interest Code.

Three opposition Members of Parliament alleged that Prime Minister Harper offered an inducement to the Honourable David Emerson, a newly re-elected Liberal Member of Parliament, to join the Cabinet of the new Conservative Government. The Ethics Commissioner concluded from the preliminary inquiry that neither the Prime Minister nor the Minister of International Trade contravened any of the specific sections of the Members' Code, and found no reasons to further pursue the matter. Clearly, the rules of conduct are still new for Members, as well as for the Ethics Commissioner, and the landscape of parliamentary ethics is still being formed.

Indeed, just a few short weeks ago, the new Conservative Government introduced an Accountability Act as its first piece of legislation. The bill covers a number of areas, such as placing further limits on political donations, giving greater protection to whistleblowers in the public service and strengthening the powers of Officers of Parliament. The bill would also enshrine in legislation the provisions of the *Conflict of Interest and Post-employment Code for Public Office Holders* and combine the offices of Ethics Commissioner and Senate Ethics Officer into the new position of Conflict of Interest and Ethics Commissioner. The outcome of these proposed reforms remains to be seen.

3.0 Recent Developments in the Senate of Canada[4]

The Senate and the House of Commons share a common statute on parliamentary ethics. However, each chamber has independently developed their Conflict of Interest Codes and appointed separate officers to administer them.

Mr. Jean T. Fournier was appointed the Senate's first Ethics Officer following the adoption of a motion to that effect by the Senate on 24 February 2005. The Senate of Canada adopted the *Code of Ethics for Senators* on 18 May 2005.

The Code requires each Senator to submit to the Senate Ethics Officer an annual confidential disclosure statement listing sources of income, assets, liabilities, government contracts, financial and other interests. The Senate Ethics Officer reviews the information, advises individual Senators on possible conflicts and recommends compliance measures. A public disclosure summary is also prepared by the Office based on the information provided by each Senator. In accordance with its terms, the Code's section on disclosure came into force 120 days after the Code was adopted. In addition, the Code provided that confidential Disclosure Statements were due 120 days after the adoption of the Code. New Senators have 120 days from their date of appointment to provide Disclosure Statements to the Senate Ethics Officer.

[4] Office of the Senate Ethics Officer, 2006. http://sen.parl.gc.ca/seo-cse/

The Code allows each Senator to seek the advice of the Senate Ethics Officer on any matter respecting the Senator's obligations under the Code. While unofficial advice may be given on ordinary or routine matters, the normal practice is to provide written advice. This not only ensures clarity as to the content of the advice, it may enable a Senator to demonstrate that he or she sought and followed the advice of the Senate Ethics Officer. The opinion given is confidential and can only be released by the Senator or with his or her consent.

Under the Code, an inquiry may be conducted to determine whether a Senator has complied with his or her obligations. The Senate Ethics Officer may conduct such inquiries at the request of a Senator, the Committee established for the purposes of the Code, or on his own initiative in accordance with the procedure set out in the Code.

The Senate Ethics Officer is an independent Officer of the Senate and carries out his duties under the general direction of a committee established under the *Parliament of Canada Act* for the purposes of the Code. He is appointed for a 7 year term and may be removed for cause. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its Members when carrying out his duties and functions.

4.0 Conclusion

As can be seen, parliamentary codes of ethics have evolved in the past few years and the ethics administrative framework continues to adapt to changing political exigencies.

Still, their raison d'être remains unchanged: to engender accountability and trust in the work of Parliament, to provide independent oversight, and to clarify the expected rules of conduct. Parliamentarians, who are often very active with their communities in their private lives, can respect and appreciate clear guidelines on how to transition between public service and private affairs. Parliamentarians are given a vote of trust by constituents, but are expected to maintain the highest standards of ethical conduct. Parliament therefore exercises its due diligence in ensuring that appropriate ethical conduct guidelines exist and are seen to be adhered to."

Appendix
Chronology of Parliamentary Ethics Initiatives: 1973-2006[5]

March 12, 1996 - The House and Senate passed motions to establish a Special Joint Committee to develop a Code of Conduct.

March 20, 1997 - The Special Joint Committee on a Code of Conduct tabled its proposed Code of Official Conduct, the Milliken-Oliver Report.

[5] Young, M. "Conflict-of-Interest Rules for Federal Legislators". Library of Parliament, Ottawa, 2003.

May 23, 2002 - The Prime Minister announced that the Milliken-Oliver Report would form the basis of a Code of Conduct for Members of Parliament and Senators, to be developed in the fall.

October 23, 2002 - A draft bill to establish the position of Ethics Commissioner and a proposed Code of Conduct for Parliamentarians were tabled in Parliament.

October 1, 2003 - Bill C-34, an Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence, passed the House of Commons.

October 30, 2003 - The Standing Committee on Procedure and House Affairs presented its 25th Report to the House; it contained a proposed Conflict of Interest Code for Members of the House of Commons.

November 7, 2003 - Bill C-34 was amended by the Senate at third reading and a message sent to the House to that effect.

November 12, 2003 - Parliament was prorogued and Bill C-34 died on the *Order Paper*.

February 10, 2004 - The former Bill C-34 was reinstated as Bill C-4, pursuant to a motion adopted by the House of Commons.

February 11, 2004 - Bill C-4 was introduced in the House and referred to the Senate that same day.

March 31, 2004 - Bill C-4 was given Royal Assent.

April 29, 2004 - House of Commons adopted the *Conflict of Interest Code for Members of the House of Commons*.

April 29, 2004 - House of Commons approved the appointment of Dr. Bernard Shapiro as Ethics Commissioner.

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Mr Arie HAHN (Israel) presented the following written comments:

"To those of us who are concerned with the issue of codes of conduct or codes of ethics, Mr BOSC's communication on recent developments in the Canadian Parliament, has been extremely interesting.

Mr BOSC connects the issues of ethics, with the problem of negative perceptions and declining trust in parliaments — another issue many of us are deeply concerned about.

For the last two and a half years a Public Committee, headed by a retired Supreme Court Justice, has been working in the Knesset to prepare of code of ethics for Members of the Knesset. During its work the Committee reviewed the situation regarding ethics in many other parliaments, including that of Canada.

The Committee is preparing a document that deals with basic principles; registration of interests; all the various spheres in which ethical conduct manifests itself; the apparatus for implementing the code of conduct; the procedures for examining breaches of the code of conduct; and the sanctions imposed on those who have broken the code of conduct.

One of the options that is being considered by the Committee is the appointment of a Commissioner on Ethics — something like the Commissioner for Standards in the British House of Commons, or the Ethics Commissioner in the Canadian House of Commons and the Ethics Officer in the Canadian Senate — who will work side by side with the existing Knesset Ethics Committee.

The Public Committee will be completing its work in several months, and once the Knesset will adopt the code, we plan to have it translated into English, for the benefit of those of you who do not read Hebrew ...."

Mr Anders FORSBERG, President, thanked Mr Marc BOSC for his communication. He then invited those members present to put questions to him.

Mrs Claressa SURTEES (Australia) said that in Australia, Parliament did not have an Ethics Commissioner but that there was a Register of Members Interests which anyone could look at and check. She asked whether the press in Canada had access to the corresponding register and, if so, with what restrictions.

Mrs Doris Katai Katebe MWINGA (Zambia) asked what the basis was for the choice of the Commissioner. As far as relatives were concerned, the Code of Ethics applicable at the moment in Zambia provided that close relatives such as spouses or children were not required to make a declaration. It was a lively debate at the moment on a possible extension to such people of the obligation to declare.

Mrs Adelina SÁ CARVALHO (Portugal) said that in Portugal there was an Ethics Committee made up only of Members of Parliament and that there had been a debate on the possibility of bringing in outside people to join it.

In addition, she was struck by the fact that the relative provisions were based on a Bill put forward by the Government. This would be inconceivable in Portugal where it was considered that anything to do with the status of Members of Parliament was a matter for Parliament alone. She asked on what basis the Government had intervened in this area.

She also wanted to put two practical questions: in Canada how was the membership of Members of Parliament of an association of lawyers approached: was this registerable? In addition, if the national airline company invited Canadian Members of Parliament to visit a country which it served and with which it was planning to sign a large contract, did this invitation have to figure in the Register, which could be consulted by the public?

Mr Hafnaoui AMRANI (Algeria) said that there was no Ethics Committee in Algeria and Members of Parliament were simply required to produce a declaration of property at the start and at the end of their mandate.

He asked a series of questions: why were there different Commissioners relating to Ministers, the House of Commons and the Senate; did Members of Parliament have to make a declaration at the end of their term; what were the powers of the Commissioner and what would happen if anybody made a false declaration; if a citizen suspected misbehaviour on the part of a Member of Parliament could he choose whether to raise this with the Commissioner or the prosecuting authorities?

Mr Marc BOSC (Canada) replying first to Mrs Claressa SURTEES said that the content of declarations of Members and their close family was confidential. Because of the professional interests of certain spouses and the fact that that might sometimes involve confidential information, it had been thought better to rely on the judgement of the Commissioner whose opinion was usually accepted.

In reply to Mrs Doris Katai Katebe MWINGA, he emphasized that although the Government formally nominated the Commissioner it was nonetheless required for the Leaders of the Opposition to be consulted about the various candidates. A vote took place in the House which allowed final confirmation of the chosen candidate. Once he was appointed, the Commissioner could not be relieved of his duties except by the Members of Parliament themselves and on the basis of explicit reasons.

Turning to Mrs Adelina SÁ CARVALHO, he said that in Canada for a long time there had been a House Business Committee or a Privilege and Elections Committee which had never worked as a proper Ethics Committee. Its duty had in the main been to revise from time to time the Code of Conduct. The limitations of this system had created an image problem with the public and journalists in particular had criticised the fiction of parliamentary oversight. It was for this reason that the deliberate choice had been made to choose a non Parliamentary Commissioner.

Initiative for reform came from the Government because the Commissioner had two roles — at the same time he dealt with Ministers and Civil Servants on the one hand and Members of Parliament on the other — applying different rules and procedures in either case.

There was no formal rule against the participation of a Member of Parliament in an organization for lawyers. If such an organization had a particular interest in a contract with the Government he nonetheless had to withdraw from it and inform the Ethics Commissioner.

As far as a trip by a Member of Parliament with Air Canada was concerned, naturally this would have to be declared because it would not be paid for either by the Government or by Parliament.

In reply to Mr Hafnaoui AMRANI, he referred to the double function of the Commissioner and the provision in the Code which required the Commissioner to be informed if there was any material change in the situation of a Member of Parliament whatever it might be.

If the Commissioner thought that the Code had been broken then he made a report to the House which had to debate it. This had never happened so far — the scale of punishments which could be applied included the possibility of expulsion of a Member of Parliament.

Mr Constantin TSHISUAKA KABANDA (Democratic Republic of Congo) emphasized the importance of such a Code. In the Congo, where such a Code did not exist, the parties had agreed to a division between themselves of the official duties within Parliament.

A Code would allow the reintroduction of a certain discipline and would do much to improve the credit of the House and its Members.

Mr Ulrich SCHÖLER (Germany) referred to the situation in Germany where there had been a scandal several years previously relating to parliamentary visits and frequent-flier benefits set up by airline companies. Members of Parliament who travelled in the course of their duties had been able to collect air miles which they had then used for their private benefit. As a result of the scandal several Members of Parliament who were very prominent had been forced to resign.

Lufthansa had originally refused to return the air miles to the parliamentary administration because they had been personally allocated to the holder of the card and not to the institution. It was necessary to force it to do so which allowed air miles to be used for various official delegation visits.

Mrs Stavroula VASSILOUNI (Greece) said that there was no Ethics Code as such in the Greek Parliament but that there was a collection of rules — some of them in the constitution — which regulated the behaviour of Members of Parliament. Under these rules they had to make an annual declaration of their personal property and that of their close family and once elected, they had to give up any other line of work (lawyer, doctor etc).

She asked whether electoral costs and expenditure had been limited in Canada and by what means they were controlled.

Mrs I Gusti Ayu DARSINI (Indonesia) asked about the disciplinary sanctions which might be taken against Members of Parliament who broke the Code and what political parties might do about inappropriate behaviour on the part of one of their members.

Mr Douglas MILLAR (United Kingdom) wondered what judgement should be made about the system in Canada. For example, he wondered whether there was a risk that parties would use the Code to embarrass their opponents and get political advantage. In the United Kingdom the House of Commons was sovereign when dealing with the behaviour of its Members — apart from cases where the criminal law was broken. He asked whether the Canadian courts would take notice of the Code and apply it directly.

In the United Kingdom, the Committee on Standards and Privileges sometimes had complained about the lack of cooperation on the part of Members of the House judged guilty as a result of its inquiries. He asked whether similar difficulties had been met in Canada.

Mr Mamadou SANTARA (Mali) said that there was no system of ethics in Mali and that there had been some resultant difficulties: for example, there were no

rules against “political nomadism” — in other words changing political affiliation after an election.

He asked for details about the relationship between the Ethics Commissioner, who was nominated by the Government, and the Parliamentary Committee which applied to the Ethics Code, which was, of course, a parliamentary organization.

In addition, did a Member of Parliament who had been accused have the opportunity to defend himself — how was the principle of right of reply respected? Did a Member of Parliament have the possibility of appeal against a punishment imposed on him?

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) said that in the Netherlands there were three Registers: a Register of Members’ Interests, where they had to indicate all their outside interests and income which they obtained; a Register of foreign visits on the basis of invitation by a third party; a Register of gifts received in the case where the value was over €50. These three Registers were open to the public and made accessible on the Internet. She asked were similar arrangements in place in Canada?

She thought the publication of such information on the Internet was the best possible way of obtaining scrutiny and control.

Mr Marc BOSC (Canada) replying first to Mr Ulrich SCHÖLER, said that the Canadian airlines had also, for many years, refused to turn over their air miles to the institution. If such air miles were used then they should in principle be declared to the tax authorities as a benefit in kind. In addition, any scrutiny seemed impossible since such points might be transferable to a third-party.

Turning to Mrs Stavroula VASSILOUNI, he said that electoral expenses in Canada were subject to statutory provisions which placed a strict ceiling on gifts and expenses. Individual gifts were limited to $1,000 per person. The parties were financed in proportion to the number of votes received on the basis of $1.75 per vote.

In reply to Mrs DARSINI, he said that the absence of any explicit mention of punishment in the Code meant that the Commissioner had to propose sanctions in relation to the gravity of the offence. As far as political parties were concerned, they usually waited to the end of the inquiry before they decided unless the facts alleged seemed absolutely clear and particularly serious.

In response to Mr Douglas MILLAR, he agreed that there was a risk that the Code might be misused. The legal advisers in Parliament nonetheless thought that the Code was a sufficiently solid basis for protecting the Commissioner.

In reply to Mr SANTARA, he said that the relationship between the Commission and the Parliamentary Committee was rather strained at the moment, since the

former doubted the technical competence of the latter. A Member of Parliament who was accused could explain himself in the House but it was the House which decided the punishment and that decision was without any appeal.

Turning finally to the remarks of Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, he said that in Canada the Register of trips was public. On the other hand, the Register of gifts was not made public and such gifts were limited to those over $200.

Mr Anders FORSBERG, President, thanked Mr Marc BOSC for his communication as well as all those members present who had put their many useful questions.

3. Communication from Mr Martin CHUNGONG on the recent activities of the IPU

Mr Anders FORSBERG, President, invited Mr CHUNGONG to speak.

Mr Martin CHUNGONG, Director of the Division for the Promotion of Democracy in the IPU, congratulated Mr Anders FORSBERG on his recent election as head of the ASGP.

The Inter-Parliamentary Union had an integrated approach to promoting democracy: democracy was not a single product but was made up of elements which contributed towards a process. This approach was divided into four areas: strengthening the capacity of Parliaments — particularly in the developing world and in the emerging democracies — to allow them to carry out their duties better: promotion of human rights, promotion of participation of women in political life and in the parliamentary process and the creation of a community of knowledge of Parliament and democracy.

In 2005, the IPU had been particularly active in its support to Parliaments. Eight country projects had been implemented in Afghanistan, Algeria, Equatorial Guinea, Iraq (to a lesser extent), Nigeria, Pakistan, Uruguay and Vietnam. These programmes were aimed at training parliamentary staff, creating a base of expertise in services for Parliament, explaining working practices in Parliament etc.

The project in Nigeria had been the most ambitious yet in terms of money spent (€8.6 million over 17 months) as well as activities. Important assistance had been given to various ASGP members such as Zambia, the Gambia and Kenya.

The IPU had contributed to the re-establishment of democracy in Iraq. But the lack of security for international experts had been a major obstacle to maintaining a permanent presence in Iraq.

In Afghanistan, the IPU had been working towards the re-establishment of a Parliament since 2003. Parliament had met for the first time for 30 years on the 19 December 2005. A project team had been set up in Kabul, which had benefited from the support of Jordan, Japan and Malaysia. A conference had recently been organized on the relationship between the Executive and the Legislative on behalf of the High Assembly and the Government hoped that the same would be done for the Lower Chamber in June 2006.

In February 2006, a team had gone to Burundi to prepare for a support project for strengthening Parliament after several years of crisis in that country.

A team had been sent to Congo in April 2006 to evaluate possibilities for assistance, which had been joined by Mr Frederick Slama, Joint Secretary of the ASGP. A report on this visit was being prepared.

In Latin America, a team would be sent in the near future to Ecuador.

In addition, the Speaker of the interim Parliament of Somalia had spoken yesterday before the IPU. In the course of the next few months, Somalia would certainly receive a great deal of attention from the IPU.

The activities were complemented by more regional or more global activities. For example, there had been an initiative in favour of sustainable development and conservation with the Institute for Training and Research of the United Nations. In November 2005, a seminar had been organized for Arab Parliaments on the topic of water management. In Cameroon, a seminar would take place in June 2006 on the protection of the environment.

The IPU was being asked more and more often to give guidance in the area of conflict management, such as in Burundi, Rwanda, Afghanistan or Iraq. It was felt that there was a need to rationalize its activities. With the assistance of UNDP, a project had been started on identifying the main lines of intervention, which had ended in a conference of large donors, which had recently taken place in Brussels.

A manual on the role of Parliaments had been written on the problem of national reconciliation. In November 2005, a seminar on this topic aimed at African countries had taken place in Burundi and a similar seminar would be held in Latin America before the end of 2006.

The IPU thought it was also necessary to strengthen the capacity of Parliaments to understand the problems relating to human rights. Training programmes had been organized for Members of Parliament, Chairmen of Parliamentary Committees in charge of human rights (Geneva, May 2005). Consideration was being given on support for similar work in relation to protection of minorities.

Promotion of women's rights had involved efforts to support their participation in elections and their genuine involvement, once they were elected, in the legislative process. A project was being carried out in Bahrain and in Kuwait on developing women candidates for elections.

A new area for action by the IPU was protection of the rights of the child. A seminar had been organized on this topic in Vietnam in February 2006.

The IPU was also contributing to developing knowledge in the parliamentary area and several summary publications had been produced at the end of last year about electoral matters.

In 1994, pioneering work had been published on good practice relating to free and transparent elections. Ten years later it was necessary to make an assessment of what had happened in the intervening years. An updated version of its publication had been published in March 2006.

The most important work carried out in the last 12 months was the collective preparation of *Parliament and democracy in the twenty-first century: A guide to good practice*, which had been officially launched the previous day. This had been prepared by a team of Members of Parliament, parliamentary staff and journalists. The work covered all the key functions of a Parliament: legislation, scrutiny and representation and described the various working practices under these different headings throughout the world.

Parliament had played an important role internationally in ensuring a more democratic form of decision-making. It was fortunate that the United Nations agencies (UNDP, UNICEF etc) wanted to work with the IPU in order to establish ways to strengthen democracy. In addition, many of the Southern Hemisphere Parliaments had started to support the IPU in its technical assistance programmes alongside traditional partners from the northern hemisphere Parliaments.

A worrying trend had come to light recently relating to organizations or external people without any knowledge of the parliamentary area, who were putting themselves forward as advisers. Private enterprises were submitting proposals to the European Union or the United Nations, which were then obliged to look for necessary technical skills within the Union or Parliaments. This development had to be opposed so that assistance to Parliaments remained in the hands of public institutions, which were specialist and competent and not motivated by financial interest.

Mrs Mari SANDSTRÖM said that she had only recently joined the secretariat of the IPU having worked in the United Nations High Commission for Refugees (HCR) and the Office of the United Nations Commissioner for Human Rights.

Because of the continued rise in the number of activities and programmes undertaken by the IPU, it was now necessary to find other methods of finance than members' subscriptions.

The IPU was able to receive support from various backers: governments, charities, private sector. It was necessary to create a "kernel" of operators who are able to finance particular programmes as well as support the IPU main office, which was a necessary part of underwriting all of the IPU's programmes.

Mr Anders FORSBERG, President, was impressed by the continued growth in the area of activity of he IPU and said that the ASGP was ready to bring its support and expertise to bear.

In fact, it was becoming more and more frequent that international consultants were making offers to Parliaments. The ASGP and the IPU should be a progressive force in this area and links between the two organizations should be strengthened.

Mr Manuel ALBA NAVARRO (Spain) was surprised to learn that the IPU was engaged in new areas such as that of scrutiny of the security services or rights of the child. Other international institutions were also interested in these questions. He asked why the IPU wanted to go into these new areas of interest rather than concentrate on its traditional areas.

Mr Bedane FOTO (Ethiopia) thanked the IPU for the assistance which it had given to many young Parliaments. In Ethiopia, the process of consolidation of democratic institutions was still continuing and assistance from the IPU would be much needed.

Mr Martin CHUNGONG replying firstly to Mr Bedane FOTO, confirmed that the IPU was ready to give support to any Parliament which wanted it, in so far as it was able. In the 1990s, the IPU had intervened in Ethiopia to provide computerisation programmes for the parliamentary administration and to train staff. The IPU would return to give further help with pleasure, if its assistance was required.

In reply to Mr Manuel ALBA NAVARRO, he said that the IPU thought that Parliaments had an important role to play in different areas such as scrutiny of security services or sustainable development. The IPU was only trying to develop parliamentary capacity in this area, along with other specialist actors or organizations, so that Parliaments could play their role to the full. At the start of the 1990s, the IPU was working on improvement of parliamentary procedures; the time had now arrived to use such procedures to involve Parliaments better in various areas.

In reply to Mr Anders FORSBERG, he described his idea of strengthening the exchange of information in the area of inter-parliamentary technical cooperation.

Referring to the Glossary of Parliamentary Terms, prepared by the IPU with the assistance of a member of staff of the Australian Parliament, he said that it was necessary to clarify a certain number of basic concepts, the meaning of which was often misunderstood by the public.

It was also agreed that it was opportune to modernise the ASGP website, particularly from the point of view of strengthening links with the IPU site.

Mr Anders FORSBERG, President, emphasized the need to strengthen the already excellent cooperation between the IPU and the ASGP and said that he was very happy that former members of the Association continued to bring their expertise to bear to the benefit of the IPU, such as Sir Michael Davies or Mr Pierre Hontebeyrie.

4. Communication from Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Chilean Senate, on the functioning of the Institute of Urgency in the Chilean Parliament

Mr Anders Forsberg, President, invited Mr Carlos HOFFMANN CONTRERAS to present his communication, as follows:

"Dear Colleagues:

I believe this distinguished audience will find it interesting to hear about the basic aspects of an institution that originated in Chile to fulfill a functional and topical requirement: to dynamize the legislative process.

But first, and in order to illustrate the subject, allow me to briefly present its historical context. Towards the end of the XIX century Chile underwent a dramatic change in its type of government, from a presidential regime with authoritarian features to a so called "parliamentarian" one, that actually could be defined as assembly or convention driven. This regime was characterized by the fact that the centre of power resided in Parliament rather than in the Executive, which became subordinated to the former. This brought about the waning of the figure of the President of the Republic as supreme institution of the State, as well as his loss of any capacity to effectively intervene before Parliament in the direction of government affairs. Historians have designated this period as "the Parliamentary Republic".

Renowned jurists and historians, such as Prof. Alejandro Silva Bascuñan, consider that this historical context "convinced large sectors of public opinion that Congress delayed the process of lawmaking, and that, in order to avoid this, a way needed to be found that allowed to accelerate the passing of laws whenever national interest required it".

Evidently, it is neither convenient to adopt legislation under excessive pressure, bringing about its lacking in solid socio-judicial foundations, nor to indefinitely delay legal solutions to collective problems by not addressing them in a timely manner and with effective political will.

The protracted delay in the lawmaking process was, in fact, the main feature of that period, and brought about an institutional crisis that resulted in the drafting of a new Constitution in 1925.

To remedy the above deficiency the Constitution of 1925 introduced into the Chilean judicial system an institution called the POWER OF URGENCY. Originally this authority meant that the President of the Republic was empowered to submit, to any one of the Chambers of Parliament, a bill designated as urgent, and that the respective Chamber had to deliver a pronouncement within a peremptory term, which was originally set at thirty days.

The present Constitution of the Republic of Chile (1980), maintains both the authority and the time limit, while establishing that the President of the Republic may invoke before either Chamber, and regarding one or all stages, the urgency of a given bill of law. The concept of "stage" refers to each one of the stages of the bill in Parliament up to the passing into law by the National Congress, as well as to the observations made by the Head of State. Furthermore, the regulation regarding the marking of urgency is included in the Rules of the National Congress, as we shall detail below.

The exclusive powers granted to the Head of State to declare the urgency of any legislative initiative are in harmony with the unification of the executive and administrative functions entrusted to the President of the Republic by the Constitution. According to the vision of the constituents of 1980 this unity could be weakened if the petition of urgency originated in Parliament instead of in the person holding the highest responsibility of government, in whom the direction of the State is centred.

The President of the Republic may declare the urgent nature of a bill in the corresponding Message — the name of the document by which a bill of law is presented to Congress — or by official communication addressed to the President of the Chamber that received it. Any bill, regardless of content or nature, may be declared urgent, including projects involving constitutional reform.

According to the Constitution presently in force there are degrees of urgency, and the choice of degree resides with the President of the Republic. However, this matter has not been a constant in Chilean law as, according to the previous Constitution (1925), the power to declare the degree of the urgency resided in Parliament, as the constituents considered it inherent to legislative autonomy.

The section of the Rules of the National Congress in which this institution is contemplated establishes that urgency can be: a) simple, b) highest, or c) for immediate discussion. When a bill is declared of “simple urgency” its discussion and voting in any Chamber must be concluded within thirty days; if declared of “highest urgency” within ten days; and if declared “for immediate discussion” within three days.

To synthesize, both the authority to declare the urgency and the choice of the degree of urgency reside with the President of the Republic. It should be added that since the constituents did not place limits on the use of this power on the part of the President, he could request it simultaneously for any number of bills and therefore, theoretically speaking, it would be possible for a Chamber to be required to deal with several bills with the same constitutional time limit. This strengthens the power of the President to impose his legislative policies and, in fact, could allow him to control the schedule of functioning of Parliament.

With this in mind and to conclude this exposition, we believe it fitting to add some considerations to this institute, enshrined in the Chilean Constitution. Historians and jurists observed that the abuse in resorting to urgency combined with the scope of the legal matters in which the President has exclusive initiative (quite extensive in Chile) could result in diminishing Parliament’s essence, namely its co-legislative potential which, furthermore, is its reason to exist.

In practical terms, the experience of Chilean legislatures during the last 16 years – from the reopening of Parliament in 1990 to this day – bears witness to the fact that the capacity to forge political agreement and understanding between representatives of the Executive and Members of Parliament, both from the majority and from the opposition, has enabled a rational use of this power by the President, to the point of his withdrawing the declaration of urgency when the time limits hinder an adequate negotiation, and reinstating it when circumstances are deemed adequate for the approval of a given bill of law. This capacity to conduct a dialogue has made it possible to preserve the value of the institute of urgency without detracting from it, which would generate a considerable unbalance of power that might hinder a healthy and consolidated parliamentary institutionality. “

Mr Anders FORSBERG, President, thanked Mr Carlos HOFFMANN CONTRERAS for his communication and invited questions from members present.

Mr Anders FORSBERG, President, asked what would happen if Parliament did not have the same judgment as the President of the Republic about the degree of urgency of a Bill.

Mr Carlos HOFFMANN CONTRERAS (Chile) replied that under the system set down by the Constitution of 1925, the degree of urgency was effectively a matter for Parliament to judge.

The current Constitution, which had been prepared by a military Government, was particularly presidential. Therefore, the President decided and Parliament was bound by his decision. In case of disagreement, Parliament could only give way, even though it could let it be known that it was unhappy with the time limits imposed on it.

Mrs Georgeta Elisabeta IONESCU (Romania) asked what percentage of Bills were debated under the urgent procedure. Were drafts normally examined by the relevant Standing Committee, by a special Committee or just sent directly to the Chamber for debate and agreement? Did the use of the urgent procedure not reduce parliamentary debate to being of peripheral importance, indeed being purely symbolic?

Mr Michael POWNALL (United Kingdom) said that the British Parliament had long experience of urgent procedures. These had mainly been used for agreeing to Bills to assist in the struggle against terrorism. Nonetheless, there were no fixed time limits or schedules specifically applicable to such Bills.

He asked how the "ping-pong" between the two Chambers was arranged in circumstances where a Bill was affected by the urgent procedure.

Mr Hafnaoui AMRANI (Algeria) referring to the hypothesis of the withdrawal of a Bill because it was not agreed, asked whether there was a minimum time period before which a Bill could be presented for parliamentary approval.

Mr Xavier ROQUES (France) referring to the situation in France said that the Constitution of the Fifth Republic allowed the Government to decide the Orders of the Day of Parliament.

This provision originally seemed to be a strong weapon in the hands of the Executive. In practice, the Opposition was in no way prevented from delaying the examination of a Bill by putting down hundreds, indeed thousands of amendments... since no rule existed to end parliamentary debate within a set time — with the exception of the Finance Bill, which the National Assembly had to examine within 40 days of its First Reading and the Senate within 20 days.

This had meant that another constitutional provision had been used in a different way from its initial purpose — namely the provision which allowed the Government to make the vote on a Bill: in this case, the Bill was considered as agreed to, unless the motion of censure was moved and agreed to. This procedure in particular forced the majority to support the Government.

From the middle of the 1980s, this procedure had started to be used for an entirely different purpose, namely to combat *filibustering* and to get agreement on Bills within time limits which were compatible for the rest of the Government's schedule. This had led to the paradoxical situation where the multiplication of

amendments had led no less to a basic loss of power by Parliament, since the Bill would be agreed to without a vote.

Mr Manuel ALBA NAVARRO (Spain) said that in Spain it was for the Government to seek to use the urgent procedure, with Parliament itself judging the consequences of whether it was suitable to give in to this request. The Government also had the ability to legislate by decree, although in such cases Congress had to meet within 30 days to agree or disagree with the measures taken.

Mr Ravi Kant CHOPRA (India) said that certain Parliaments were known to lengthen the course of legislative debate. Such Parliaments were also able on occasion to find the necessary agreement to agree to Bills in very short time limits, if the urgency of the situation demanded it.

Mr Jose Pedro MONTERO (Uruguay) referring to the three levels of urgency which existed in Chile, wanted to know what happened if the Chamber did not observe the time limits within which it had to decide: was the Bill agreed to or disagreed to?

Mr Carlos HOFFMANN CONTRERAS (Chile) said that about 90% of Bills were examined within the framework of urgent procedure.

The Rules fixed the time limits within which each Committee had to decide within the urgent procedure. In case of simple urgency, the time limits were 10 days for the first Committee, 10 for the second and 10 for the debate and vote in plenary session. Such timed limits were naturally shortened if the degree of urgency was higher.

In reply to Mr Hafnaoui AMRANI, he said that the President of the Republic had a time limit of one year for presenting a Bill again which had been rejected by the Senate, unless urgency was declared once again in respect of that Bill.

In response finally to Mr José Pedro MONTERO, he said that the matter would probably be sent to the Constitutional Court but that there was no precedent.

Mr Anders FORSBERG, President, thanked Mr HOFFMANN CONTRERAS for his communication, as well as all those members present who had put their many useful questions.

5. Presentation by Mr Pitoon PUMHIRAN, Secretary General of the House of Representatives of Thailand on the Organization of the Bangkok session

Mr Anders FORSBERG, President, invited Mr Pitoon PUMHIRAN to speak about the organization of the Bangkok session.

(See the following powerpoint presentation)

The sitting rose at 1.10 pm.

Presentation
by Mr.Pitoon Pumhiran
Secretary General of the House of
Representatives of the Kingdom of Thailand
on the organization of the session in Bangkok
(Spring 2007)

Welcome to Bangkok in Spring 2007

- Thailand is honored to be the host of the 116th Assembly of the IPU and the ASGP during 29 April to 4 May 2007, which would be the summer season in the country.

Thailand : Land of the Free

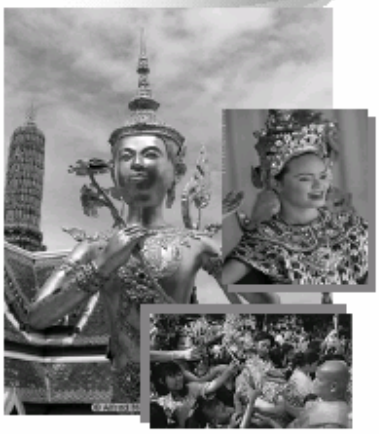
- Thailand is situated in the heart of the Southeast Asia.
- Thailand borders the Lao People's Democratic Republic and the Union of Myanmar to the North, the Kingdom of Cambodia and the Gulf of Thailand to the East, the Union of Myanmar and the Indian Ocean to the West, and Malaysia to the South.

Land of Smiles

- In addition to exotic cuisine and splendid scenery, Thailand is widely known for the warm hospitality of its people who make Thailand the "Land of Smiles".

City of Angels

- Bangkok is the capital city, known as City of Angels.
- 90 % of the population is Buddhism, while the other 10% are Muslim, Christian, Hindu and others.



The longest-reigning King in the world

- The present King of Thailand is His Majesty King Bhumibol Adulyadej (King Rama IX) of the Chakri Dynasty.
- This year, a series of grand celebrations are being held to mark the auspicious occasion of the Diamond Jubilee or the Sixtieth Anniversary Celebration of His Majesty the King's Accession to the Throne.

Climate

- Thailand is a warm and rather humid tropical country with monsoonal climate.
- In April and May, the average temperature is 28 to 38 degree celsius.

Population / Language

- The population in Thailand is approximately 63 million, of which around 6 million live in Bangkok.
- The national and official language is Thai while English is widely spoken and understood.

Entering to the country

- For entering to the country, the delegations must possess valid passports or accepted travel documents and appropriate visas.
- There would be arrangements to welcome the delegates at the airport and to assist for issuing visas.

Health / Medical Facilities

- Bangkok has numerous clinics and hospitals catering to a variety of needs.
- Major public and private hospitals are equipped with the latest medical technology and internationally qualified specialists. Almost all pharmaceutical products are widely available.

Suvarnabhoomi International Airport

- Suvarnabhoomi International Airport is a major airline hub for Southeast Asia, serving more than 80 of the world's major airlines, including Thai Airways International.

The Queen Sirikit National Convention Center

- The Conferences will be held at the QSNCC.
- With special lakeside setting in the heart of the fastest growing business and financial zone of Bangkok, QSNCC has easy access to the finest hotels in the city.

Hotel Accommodations

- A number of the revered hotels will be provided for the Delegations.
- Transportation from the airport to the officially selected hotels for the Conference and to the QSNCC would be arranged for the Delegations as well.
- During the period of official conference, transportation is also available from the hotels t the QNSCC and vice versa.

FOURTH SITTING
Tuesday 9 May 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.15 pm

1. Communication from Mr Prosper VOKOUMA, Secretary General of the National Assembly of Burkina Faso "A presentation of the Strategic Development Plan of the Parliament of Burkina Faso 2004–2014

Mr Anders FORSBERG, President, invited Mr Prosper VOKOUMA to give his presentation, as follows:

"STRATEGIC DEVELOPMENT PLAN OF PARLIAMENT OF BURKINA FASO 2004–2014

The Parliament of Burkina Faso, with the financial and technical support of the UNDP, worked out a strategic plan of development over ten years (SDPP 2004–2014).

The SDPP establishes six strategic objectives, namely:

1) strengthened capacity in the legislative functions,
2) more effective scrutiny of governmental action,
3) improved dialogue between Members of Parliament and the public,
4) promotion of a parliamentary culture supporting peace, tolerance, and constructive debate,
5) support of the parliamentary administration, and
6) taking into account of similar activities of the National Assembly.

As far as implementation is concerned, the SDPP is separated into five Priority Action plans (PAP), each lasting two years, of which the first, PAP 2004–2005, was carried out successfully.

In the second PAP (2006–2007), each of the six strategic objectives will lead to a series of specific activities, with a particular emphasis on objective n3, (improvement of the dialogue with the public), and objective n5, (support of the

parliamentary administration) in order to better support the work of Members of Parliament.

SECTION I

1. ANALYSIS OF THE SITUATION

A. Context and justification

1. Between independence in 1960 and the introduction of multi-party democracy since 1992, the political life of Burkina Faso was marked by considerable instability. Short periods of democratic and quasi-democratic Government were intermingled with emergency Governments which put an end to the mandate of Parliament.

2. The Constitution of 1991, approved in a referendum by the citizens of Burkina Faso, marked the beginning of the longest period of stable constitutional government in the history of the country.

3. The Constitution of 1991 provides for a semi-presidential system in which the constitutional responsibilities of Parliament are to vote on legislation, to authorise taxation, to scrutinize governmental action, to approve and scrutinize the budget of the State. In the context of these constitutional responsibilities, the legitimacy of Parliament derives from its direct election by the citizens, thus creating a fourth function: that of representation of the public.

4. To implement its long-term commitment to development, the National Assembly of Burkina Faso, with the support of the UNDP, engaged in an ambitious programme of strategic development over ten years, the SDPP 2004–2014. The SDPP is divided into five priority action plans (PAP) lasting two years, of which the first covered the years 2004–2005. The current project relates to PAP 2006–2007.

5. The SDPP and PAP have four principal objectives:

a) To improve the system of administration and to modernize Parliament.

b) To improve the capacity of Parliament to fulfil its legislative and scrutiny functions.

c) To improve the capacity of Parliament to carry out its responsibilities for representation by communication and effective dialogue with the public.

d) To help Parliament by mobilising all internal and external resources necessary to its development including the political good-will of its leaders to improve its institutional, technical and administrative capacity.

6. The support of the UNDP for the National Assembly reflects the total emphasis placed by UNDP on support for countries wishing to establish institutional means for improving governance. It is generally recognised that the social objective of the reduction of poverty cannot be achieved except within a democratic framework. Thus, the Millennium Summit of September 2000, which laid down ambitious development objectives as quantifiable reference marks in the fight against poverty, resolved "to function collectively for more inclusive political processes, allowing the true participation of all the citizens in all our countries".

B. Parliamentary development

7. In 2003 and 2004, the National Assembly carried out an ambitious programme of research, evaluation, and dialogue preliminary to the development of a programme of long-term institutional development. This included a basic study of the public profile of the National Assembly and the relationship between the National Assembly and civil society in 2003, and a meeting of serving and retired members of Parliament on 7 and 8 November 2003.

8. The research indicated that whereas the overall assessment of Members of Parliament among the public is not positive, there were several encouraging factors which could form the basis of a dialogue and improvement of the image of Parliament. The first among these factors was the commitment of the President of the National Assembly to address these challenges, the commitment of the chiefs of the various political groups and the administration to work together on an action plan, and the commitment of the UNDP and other development partners to support the National Assembly with this task.

9. These ambitions for parliamentary development are reflected in the organizational objectives of the third legislature of the Fourth Republic (2002–2007):

- to promote parliamentary democracy for better contributing to the establishment of a true democratic culture in the country;
- to reinforce the sovereignty of Parliament, in accordance with its constitutional duties for legislating and scrutiny of governmental action;
- to protect the public reputation, the duties and responsibilities of Members of Parliament;
- to include parliamentary diplomacy within the framework of support for bilateral and multilateral parliamentary co-operation;
- to improve the contribution of the National Assembly to the process of regional and African community construction;
- to engage the parliamentary administration in the search of excellence in producing a better legislative product.

10. In order to satisfy the aims of Parliament, a team of consultants, with the support of UNDP, was given the task of developing a strategic plan including the following elements:

- an assessment of the strengths and weaknesses of the National Assembly.

- identifying core strategic activities over a ten year period as well as the resources necessary to carry out these objectives.

- a strategy for the use of resources of technical and financial partners.

- a mechanism for follow-up and evaluation.

- identification of priority activities to form the basis of a priority action plan (PAP) over two years (2004–2005).

C. Strategic Development Plan for Parliament (SDPP) 2004–2014

11. On the basis of wide consultations with the principal actors within Parliament, other national institutions, and civil society, an assessment of the strengths and weaknesses of Parliament was developed. This assessment identified the following principal challenges:

• In the field of legislation, the weakness of the parliamentary groups and Members of Parliament in drafting legislation and lack of opportunity for proposing amendments to legislation, in particular given the lack of technical support and the short time for parliamentary discussion of proposed legislation. Unsatisfactory participation of parliamentary opposition in the daily work of Parliament. Insufficient participation of Parliament in the development, implementation and the evaluation of programmes of national development in accordance with the Constitution (101.2)

• The insufficient use of the means for scrutiny available to Parliament, lack of public appreciation of the work and results of parliamentary scrutiny committees and boards of inquiry. Need for closer cooperation with the Court of Auditors.

• There were substantial efforts by the National Assembly to improve its public communications. Nevertheless, the public remains largely ignorant of the constitutional duties of the National Assembly. The mechanisms for dialogue with the two sides of industry (including the media, civil society, and the general public) remain unsatisfactory, whereas not all the members of the Executive are entirely dedicated to the development of a strengthened Parliament able to discharge its constitutional responsibilities to the full.

• While the parliamentary administration is considerably stronger than at the beginning of the Fourth Republic, there remain several challenges including:

the need for coordination of the various parliamentary services, the unclear status of Parliamentary civil servants, the need for more information from the principal services of the Assembly, the lack of offices for Members of Parliament and the general insufficiency of the parliamentary buildings.

• The number of women elected with the National Assembly has increased noticeably since independence, and is now comparable with many Parliaments of developed countries. Nevertheless, women continue to be under-represented at Parliament, in the parliamentary service, and in the political life of the nation as a whole.

12. In response to the challenges identified above, six strategic top priorities were established, around which a 10-year development programme would be organized.

These are:

Strategic objective 1:	The National Assembly is able to legislate efficiently
Strategic objective 2:	The quality of scrutiny of governmental action by the National Assembly is improved
Strategic objective 3:	Relations between elected officials and the public which they represent are strengthened
Strategic objective 4:	A parliamentary culture supporting peace, tolerance and constructive debate is established
Strategic objective 5:	The capacity of the parliamentary administration is strengthened in order to increase its effectiveness
Strategic objective 6:	Gender is taken into account by the National Assembly.

13. Each strategic objective was split into sub-objectives and for each one a programme was conceived in order to achieve the goals during the SDPP 2004–2014.

14. The sub-objectives for each objective are set out below:

1. The National Assembly is able to legislate efficiently

1.1 Members of Parliament, the Government and the public are conscious of the role and the constitutional responsibilities of the National Assembly.

1.2 The general committees of the National Assembly are able to carry out efficiently their examination of Government and other bills and amendments.

1.3 The Committee of Supply and the Budget is properly equipped to allow it to fulfil all its legislative functions and scrutinize the budget.

1.4 Each parliamentary group has the opportunity to examine legislation and to propose amendments.

1.5 A legislative programming system is established in order to ensure an effective use of time, staff and physical resources of Parliament.

1.6 The legislative documentation system allows immediate access to legislative materials coming from Burkina Faso and elsewhere.

1.7 To produce an annual legislative report.

1.8 Different political interests are suitably represented in Parliament in its internal structures and decision-making processes.

1.9 The Members of Parliament understand the international commitments of Burkina Faso, as well as the role of Parliament in the ratification, application and follow-up of international treaties. Parliament receives sufficient technical support allowing thorough examination of legislation.

1.10 Possible revision of the Constitution and the Rules of the National Assembly to support its legislative function.

1.11 The National Assembly is equipped with a new building containing the offices and the modern infrastructure necessary to allow it to carry out its constitutional responsibilities efficiently.

2. The quality of scrutiny of governmental action by the National Assembly is improved.

2.1 Experienced Members of Parliament who are knowledgeable about general questions of governance and development are able to identify the strengths and weaknesses of governmental action within a framework of good governance adapted for Burkina Faso.

2.2 To encourage the use of the public and civil society for scrutiny of governmental action.

2.3 To improve and encourage the supply of information by the Executive to the National Assembly.

2.4 To publish Committee Reports, Committee Reports of investigations, etc as a general principle and non-publication of whole or part of these reports the exception rather than the rule.

3. Relations between elected officials and the public which they represent are strengthened.

3.1 The process of public consultation is encouraged, exchanges with civil society are supported and targeted open days are organized.

3.2 The parliamentary public information services are strengthened in order to be more active in the diffusion of information to the public and the media.

3.3 An independent Parliamentary radio station is created over time.

3.4 To establish a programme for the production of radio broadcasts in the national official languages.

3.5 To institute a programme of production of written publications, including the basic texts of Parliament and periodicals.

3.6 A system is instituted to formalise the links between local councillors and national elected officials.

4. A parliamentary culture supporting peace, tolerance and constructive debate is established.

4.1 An effective code of ethics for Members of Parliament which includes a mechanism of scrutiny is adopted.

4.2 Continuation of the development of the participation of Burkina Faso Members of Parliament with the international parliamentary networks in order to allow the exchange of information on questions of interest.

5. The capacity of the parliamentary administration is strengthened in order to increase its effectiveness.

5.1 Parliamentary services (procedural, administrative and management) which are impartial, fully efficient and effective, are established in order to better serve Parliament and the public through the establishment of a coherent strategy of human resources.

5.2 A transparent, impartial, effective and efficient mechanism is established to ensure the availability of specialized engineering departments and expertise to assist Members of Parliament in the performance of their duties.

5.3 To improve the effectiveness of the management of the National Assembly by founding rigorous systems of scrutiny of accounts.

6. Gender is taken into account by the National Assembly.

6.1 The male and female Members of Parliament are advised to set aside political differences in order to support an effective participation of women in the life of the National Assembly and the political life of Burkina Faso.

6.2 The National Assembly takes into account the question of gender in exercising legislative scrutiny responsibilities.

D. The Priority Action plan (PAP)

15. The completion of the decennial SDPP is conceived in five bi-annual stages. The activities to be led in each bi-annual programme of the priority actions (PAP) will be determined by Parliament every two years, starting from the SDPP 2004–2014.

16. The SDPP must be regularly evaluated and adjusted in order to ensure the continued relevance of its contents with the long-term needs for development of the National Assembly, while remaining within the objectives of the SDPP. The first revaluation of the SDPP is scheduled for 2006.

17. PAP 2004–2005 was developed at the same time as the SDPP. It concentrates on areas of immediate priority with the possibility for action in the short and medium term.

18. PAP 2006–2007 is built on the achievements of PAP 2004–2005. It contains activities which were programmed in PAP 2004–2005 but could not be completed for various reasons, of the activities in PAP 2004–2005 which were begun in 2005 and were scheduled to continue in PAP 2006–2007, and of the activities of the SDPP 2004–2014 which had not been part of PAP 2004–2005.

19. Prodoc, PAPAP 2006–2007 (Project of support for implementation of the Priority Action Plan 2006–2007), is the framework of support of the UNDP to PAP 2006–2007, and is composed of the activities contained in PAP 2006–2007 that the UNDP is starting to support in whole or in part, whether by itself or in collaboration with other organizations.

2. PAPAP STRATEGY 2006–2007

20. The support of the UNDP for the National Assembly was considered within the Framework of Inter-Country Co-operation (FIC) 2001–2005, and is an integral part of the strategic objective for democratic Governance. The UNDP began its association with the National Assembly in 2002 with a series of short-term activities such as workshops on the principal global and regional priorities of development such as NEPAD, 0MO, and human rights. This was transformed in 2003 into longer term programmes, such as support for dialogue with civil society, and in 2004 with preliminary work for the SDPP, a process described in item 17 of Prodoc.

21. PAPAP 2006–2007 is built on the success of the SDPP and specifically of PAP and PAPAP 2004–2005. Notwithstanding a short period of time in which it was active (from August to December 2005), and the interruption of much of its activities during October and November because of the presidential elections, the completion rate is 92%, with 22 of the 24 projects finished or in progress at the end of the year. The activities were well received within Parliament, by the PTF, and civil society including the media.

22. During 2005, the activities financed by PAPAP supported five of the six strategic objectives (see item 18); only strategic objective five, the strengthening of parliamentary administration, was not included. While the National Assembly committed itself to carry out many activities of reform in PAP 2004–2005, the rate of completion of these non-PAPAP activities was relatively small because of the lack of resources. Consequently, the National Assembly proposed a particular emphasis in PAPAP 2006–2007 on strengthening the parliamentary administration.

23. PAPAP 2006–2007 covers each of the six strategic objectives of the SDPP. The range of the principal activities is broad. The completion of the whole range of the activities suggested will require the use of the resources not only controlled by UNDP but also of other development partners, including the bilateral and multilateral partners with country programmes in Burkina Faso, and the institutions total specializing in parliamentary development (such as the UIP, APF, etc). An important challenge will be the coordination of the development aid with the National Assembly by the coordinated structures established by the SDPP, in order to avoid duplication.

Section II:
RESULTS OF THE PROJECT

Effects as stated within the Framework:

- The powers of the guarantor institutions of the four components of good governance are strengthened in respect of human rights
- A strengthened, effective and transparent civil service
- The involvement of civil society in public life is consolidated
- The promotion and protection of human rights are strengthened
- Decentralisation and the participation of the citizens in local administration are strengthened
- The culture of equity, social justice and the social dialogue is strengthened

Indicator of effect of the results and the resources of the programmes, including the basic activities and the target.

- The institutional, technical and operational powers of the legislature and executive are strengthened
- The Strategic Plan of Development of Parliament (SDPP 2004–2014) is operational

Control line of the CFP: 2.2 Development of Parliament

Partnership Strategy: The partnership strategy forms part of a broader strategy of dialogue and coordination of the international partners of development in Burkina Faso. The UNDP is the facilitator of the group of bilateral and multilateral partners involved in a dialogue aimed at strengthening good governance in Burkina Faso (the partners include Germany, the World Bank, Belgium, Canada, Denmark, France, the United States, the European Union, and Sweden). These partners were consulted during the UNDP development programmes for strengthening good governance in Burkina Faso 2006–2010, and those and other partners took part intensively in the development of PAP and PAPAP 2006–2007. Consultations are also in hand with partners on mechanisms to ensure the coordination of resources devoted to good governance, including support within the SDPP 2004–2014.

Title and number of the project: Project of support of the UNDP to the priority action plan (PAPAP 2006–2007)

Strategic objective 1: The National Assembly is able to legislate efficiently

The objective of the SDPP 2004–2014 in the field of legislation is to improve the capacity of the National Assembly to legislate efficiently in two principal ways:

To ensure a better understanding of the constitutional role of Parliament in the field of legislation, using activities adapted to Parliament, the staff of Parliament, and a larger audience.

To improve the technical capabilities of Parliament to carry out its legislative responsibilities by a series of activities for training, study, and analysis. Particular stress is laid on support for COMFIB in its responsibilities for analysis and scrutiny of the budget.

Expected results	Target results	Indicative activities	Contributions
1.1. The National Assembly is able to legislate efficiently	1.1. Members of Parliament, Government and the public are conscious of the role and the constitutional responsibilities of the National Assembly	1.1 1. To ensure a training scheme for newly elected Members of the National Assembly after each general election as well as for those Members of Parliament who are elected in the course of the Parliament. That training must equip the elected officials with the capacity necessary to assume their constitutional responsibilities. (Continuation PAPAP 2004–2005) *Planning of this activity started in 2005. In 2006 the preparation of the training will be finished, and it training scheme will be tested with Members of Parliament and others. The materials will be reproduced while waiting for the new Members of Parliament in 2007.*	**2006 - DGTTF** Testing of training materials developed in 2005. 1.050.000 FCFA = $US 1.950 Reformulation of training materials after testing. Consultants X 3 = 1.500.000 FCFA = $2.800 Copy and publication of 150 guides = 750.000 FCFA, i.e. $1.400 **Total = $6.150**
		1.1.2. To produce a written document appropriate to the audience (Members of Parliament, members of the Government, press, students) describing the constitutional responsibilities of Parliament and Members of Parliament, including power to make laws. (Continuation PAPAP 2004–2005) *Printing and publication of the document in 2005.*	**2006 TRAC** Printing and publication of the document (1000) = 2 500 000 FCFA, i.e. $4.600 **Total = $4 600**

Expected results	Target results	Indicative activities	Contributions
		1.1 3. To produce a broadcast on the constitutional role of Parliament and Members of Parliament in the official and national languages on national, private and community radio stations as well is on the Parliamentary radio station once it established. (PAP 2004–2005). *Work started on this project but financial support is required to produce the broadcast and in particular to allow it to be heard throughout the country.*	**2006 TRAC** Production of a 30 minute broadcast in four languages = 3.000.000 FCFA = $US 5.500 Distribution = 2.500.000 FCFA = $US 4.650 **Total = 10.200 $US**
		1.1.4. To publish, in the form of booklet, the constitution of Burkina Faso and a summary of the rules of Parliament in the national and official languages *This activity was delayed pending revision of the rules of the National Assembly. Its completion requires support for printing the document (PAP 2004–2005).*	**2006 TRAC** Production and printing (2000 copies) = 3 500 000 FCFA, i.e. $US 6.500 **Total = $US 6 500**
		1.1.5. A document describing the process for the proposal of legislation by members of the public is published and distributed to the public, in the official and the main languages (PAP 2004–2005).	**2007** Consultant study = 862 500 FCFA = $US 1 600 Printing 1000 copies X 4 = 5 000 000 FCFA = $US 9250 **TOTAL = $US 10 850**

Expected results	Target results	Indicative activities	Contributions
	1.2. The general committees of the National Assembly are able to carry out efficiently their examination of government and other bills and amendments	1.2 4. The National Assembly draws up an annual budget for the committees by holding account of the needs planned as well as an allowance for unforeseen work. (PAP 2004–2005). *During 2005 the Committees prepared schemes of work and budgets for the activities envisaged. Because of budgetary constraints only limited expenditure was possible.*	**2006 – 2007** **PM - YEAR**
		1.2.5. Funds allocated at each committee in order to allow it to meet annually outside Ouagadougou, with the possibility of public participation. (SDPP 2004–2014)	**2007** Pilot Project - 3 Committees- 2 days of Meetings: travel, food, lodging, media cover = 3 x 13 000 000 FCFA **TOTAL = 39 000 000 FCFA i.e. $US 72 200**

Expected results	Target results	Indicative activities	Contributions
		1.2 8. The general committees are given a budgetary head to cover expenditure related to experts invited to contribute written and oral advice on private Members bills (SDPP 2004–2014).	**2006 – 2007** **PM - YEAR**
	1.3. The Committee of Supply and the Budget is properly equipped to allow it to fulfil all its legislative functions and scrutinize the budget.	1.3.1. An annual training scheme on the analysis of the budgetary documents for the benefit of the Members of the Committee of Supply and the Budget and staff. (Continuation PAPAP 2004–2005) T*he person in charge of the NEX programme will discuss the scope of the training scheme for 2006 and 2007 with the Chairman of the Committee of Supply and the Budget.*	**2006 – 2007** **2006:** 1 training consultant (revision and completion module) = 862 500 FCFA = $US 1600 Documentation (111 Members of Parliament + 19 staff = 130) = 780 000 FCFA = $US 1.450 Costs (PM YEAR) **Total = $US 3 050** **2007:** 1 training consultant (revision and execution module) = 862 500 FCFA = $US 1.600 Documentation (111 Members of Parliament + 19 staff = 130) = 780 000 FCFA = $US 1.450 Costs (PM YEAR) **Total = $US 3 050**

Expected results	Target results	Indicative activities	Contributions
		1.3 4. The Government presents, during first quarter of each year, a document describing its general budgetary plans for the following year to the Committee of Supply and the Budget. On the basis of this document, the Committee organizes dialogues with the public and those interested in budgetary matters. Before the end of the second quarter, a report accompanied by recommendations to the Government is published. (SDPP 2004–2014)	**2006** **(See also 1.3.5)** Consultation on and study of possible ways to increase the participation of Parliament and the public in the budgetary process: 1 725 000 FCFA = $US 3.200 Workshop: 1 500 000 FCFA = $US 2 800 **TOTAL = $US 6 000**
		1.3.5. The Chairman of the Committee of Supply and the Budget and a multi-party delegation of Members of Parliament go on study trips in order to evaluate the possibilities of widening public participation in the development of the budget. (Continuation PAPAP 2004–2005) *This was done in 2005. The Committee will organize a workshop in 2006, involving representatives of civil society, in which the results of its study visit will be discussed and an action plan will be developed.*	See 1.3.4.

Expected results	Target results	Indicative activities	Contributions
		1.3 6. The process of adoption of the law of payment is reorganized in coordination with the Court of Auditors in order to make sure that the Committee of Supply and the Budget has sufficient time, information and technical support to examine the accounts of the previous year. (Continuation PAPAP 2004–2005) *The report of the consultants, written in 2005, is studied by the Committee of Supply and the Budget. If changes with the payment of Parliament are required, the Committee proposes a plan of completion for these changes with Parliament.*	**PM YEAR**
	1.4 Each parliamentary group has the opportunity to examine legislation and to propose amendments.	1.4.5. Training on development of the law organized for the members and the staff of the parliamentary groups and the general committees of the National Parliament. (Continuation PAPAP 2004 2005) *The impact of this activity is evaluated on the basis of the number of bills proposed by Members of Parliament up to the end of 2006.*	**PM YEAR**

Expected results	Target results	Indicative activities	Contributions
	1.6 The legislative documentation system allows immediate access to legislative materials coming from Burkina Faso and elsewhere.	1.6 2. The contents of the library and the files are catalogued by using a basic system of online data (PAP 2004–2005). *Training is required for an employee who was recently recruited and who will carry out this project. Moreover, the basic software should be bought with a training package included. Lastly, there is still the task of cataloguing the contents of the library and the files.*	**2006** Study of the best system to catalogue the files: 862 500 FCFA = $US 1.600 Purchase of software including training and support for two years: $US 20 000 **Total = $US 21 600** **2007** Cataloguing files Approximate cost: 5 000 000 FCFA = $US 9.250 **Total = $US 9 250**

Expected results	Target results	Indicative activities	Contributions
		1.6 8. Staff of the resource centre are trained to provide Members of Parliament and legislative staff with essential technical aid for legislative research. (PAP 2004–2005) *A programme of training courses with parliamentary research libraries in French-speaking countries to be established during 2006/2007.*	**2006** 2 one month exchanges for 2 library/documentation staff, in French-speaking countries: Travel = $US 10 000 Costs = 3.000 x 2 = $US 6 000 **Total = $US 16 000** **2007** 2 one month exchanges for 2 library/documentation staff, in French-speaking countries: Travel = $10 000 Costs = $US 3 000 x 2 = $US 6000 **Total = $US 16 000**

Expected results	Target results	Indicative activities	Contributions
1. The National Assembly is able to legislate efficiently	1.7. To produce an annual legislative report	1.7 1. With the technical support of an experienced lawyer, an editorial board including representatives of the various parliamentary groups is set up. 1.7.2. A report including a summary of all the legislative activities of the National Assembly, as well as expert comment on the principal legislative matters dealt with by Parliament during the past year, is produced. (Continuation PAPAP 2004–2005) *The annual legislative review is produced in 2006 and 2007. At the end of 2007, evaluation of the effectiveness of this project and its viability for inclusion in PAP 2008–2009.*	**2006 -** National Consulting **DGTTF** (2) = 3 450 000 FCFA = $US 6 400 Expert (1) = $US 7 500 Travelling expenses and *per diem* = $US 7 700 publication = 1 500 000 FCFA = $US 2 800 **TOTAL = $US 24 400** **2007 - DGTTF** Consultants (4) = 6 900 000 FCFA = $US 12 800 publication. = 1 500 000 FCFA = $US 2 800 **TOTAL = $15 600**
	1.9 Members of Parliament understand the international commitments of Burkina Faso, as well as the role of Parliament in the ratification, application and follow-up of international treaties.	1.9.1 To establish a training scheme on the role of Parliament in the ratification, application and scrutiny of international treaties, supported by an experienced lawyer, in collaboration with the national Parliament, (Continuation PAPAP 2004–2005). A workshop with national experts was held in 2005, and in 2006 a further workshop will be held with an international expert in the role of Parliaments in the development of major national programmes and international agreements relating to social and economic policy.	**2006** **I**nternational Consultant = $US 5 000 Travel and per diem = $US 5 900 Documentation (111 Members of Parliament, 19 staff) 650 000 FCFA = $US 1200 costs = 1 965 000 FCFA = $US 3640 **TOTAL = $US 15 740**
		1.9.2 To work out an annual summary of the agreements and international treaties ratified by the National Assembly. This should be built in to the annual legislative review.	

Expected results	Target results	Indicative activities	Contributions
	1.10. Parliament receives sufficient technical support for thorough examination of legislation	1.10.1. Training scheme for technical staff, but open to Members of Parliament, to allow staff to carry out comparative research on laws in other jurisdictions using the Internet, to produce impartial analyses and legislative reports, and to support Members of Parliament in drafting bills. (Continuation PAPAP 2004–2005) *A first workshop was held on this subject in 2005. In 2006 and 2007, a consultant will examine the needs and the capacity of the parliamentary staff in this field, and will propose a training scheme including, where necessary, training courses and other educational activities, training in other countries for key technical parliamentary staff.*	**2006** Assessment of the need for staff to establish improved research for Members of Parliament: Consultant = 862 500 FCFA = $US 1 600 Workshop with the staff of parliamentary groups: Training consultant 862 500 = $US 1 600 Documentation and expenses of organization = 500 000 FCFA = $US 925 **TOTAL = $US 4 125** **2007** 2 exchanges abroad of one month for 2 committee assistants in a French-speaking country Travel = $US 10 000 Costs = $US 3 000 X 2 = $US 6000 **Total = 16 000 $US**

Expected results	Target results	Indicative activities	Contributions
	1.11 Possible revision of the Constitution and the Rules of the National Assembly to support its legislative function. *Suggested amendment*: *1.11. Examination of the legislative procedures in Burkina Faso and elsewhere, with necessary changes to the law and procedure of the National Assembly to improve its legislative function.*	1.11.1 To undertake a study comparing the legislative procedures of Burkina Faso and those of the other countries, including established democracies and countries in transition towards democracy and to identify best practices for improving legislative work in Burkina Faso. (Continuation PAPAP 2004–2005) *In PAP 2004–2005 this activity was put back to 2006. The description of the results target 1.11 should be changed to reflect more exactly the objectives.*	**2006** Consultant - researcher = 1115 000 FCFA = $US 2 150 Workshop = 1 500 000 FCFA = $US 2 800 **TOTAL =$US 4 950**
TOTAL RESOURCES - RESULT 1 2006 **TOTAL RESOURCES - RESULT 1 2007**			**$US 123 315** **$US 142 950**

Strategic objective 2:

The quality of scrutiny of governmental action by the National Assembly is improved.

Effective scrutiny by Parliament of government activities is essential for the good running of a democratic system. By careful examination of the results of the programmes and policies of government, Parliament can ensure that public funds are properly used, and that the principal direction of government policy is based on public need. Parliament has a variety of tools at its disposal in order to carry out its responsibilities for scrutiny, including oral and written questions, the formal questioning of ministers, formal inquiries, and information gathering.

In PAP 2006–2007, stress is laid on the use of external resources to support scrutiny, in particular by Committees. Moreover, action taken in 2006–2007 emphasises the importance of integrating Parliament in the development, approval, and evaluation of programmes of national importance, in the manner envisaged in the Constitution of Burkina Faso.

Strategic objective 2: The quality of scrutiny of governmental action by the National Assembly is improved.

Expected results	Target results	Indicative activities	Contributions
2 The quality of scrutiny of governmental action by the National Assembly is improved.	2.1. Experienced Members of Parliament who are knowledgeable about general questions of governance and development are able to identify the strengths and weaknesses of governmental action within a framework of good governance adapted for Burkina Faso.	2.1.1. Information seminars for Members of Parliament and the parliamentary staff are organized on questions of national importance such as CSLP, NEPAD, the African Machinery for Peer-group Evaluation, OMD, the strategies for combating corruption, etc. These seminars also involve representatives of the government and civil society in order to ensure a diversity of points of view. (Continuation PAPAP 2004–2005) *This activity began in 2005 and is an opportunity to discuss important national programmes. The Bureau of the Assembly will agree an annual programme of information seminars at the beginning of 2006 and 2007.*	**2006** 2 parliamentary workshops on questions of national importance 6 923 000 FCFA x 2 = 13 846 000 FCFA = $US 25 640 TOTAL = $US 25 640 **2007** 2 parliamentary workshops about questions of national importance 6 923 000 x 2 = 13 546 000 FCFA = $US 25 640 **TOTAL = $US 25 640**

Expected results	Target results	Indicative activities	Contributions
		2.1.2. A formal parliamentary contribution to all governmental strategies of national importance such as CSLP, before implementation and at the moment of the examination and the amendment of the programmes, pursuant to article 101 para. 2 of the Constitution. *International workshop to compare experiments in various countries of parliamentary participation in national strategies such as CSLP. Consultations between the Government, Parliament, and civil society for an agreement on suitable procedures to ensure the suitable participation of Parliament and public in the development, adoption, and evaluation of strategies of national importance.*	**2006** 2 international experts (1 of the PNUD-NY) Honorarium international expert. x 1 = $US 5 000 Travel and *per diem* = $US 5 900 x 2 = $US 11 800 Honorarium 4 national experts = 2 300 000 =$US 4 250 Costs, international workshop = 37 179 000 FCFA = $US 68 850 **TOTAL = $US 89 900**

Expected results	Target results	Indicative activities	Contributions
	2.2. To encourage public and civil society contribution for scrutiny of governmental action.	2.2.1. To create for each parliamentary committee a regularly updated heading on the Parliament Website, describing current work of the Committee and inviting the public to contribute on-line and in writing. (PAP 2004–2005).	
		2.2.2. Each Committee establishes an annual plan of work on its activities of scrutiny, by selecting in a consensual way the questions to submit to a specific examination. *See 1.2.4.*	
		2.2.3. Regular visits, on the basis of the annual plan of work, by the parliamentary committees where that necessary, and budgeted for within the framework of the annual planning process. (SDPP 2004–2014) *See 1.2.4.*	
		2.2.5. Publication, by each Committee, of an annual report on its activities, including a strategy of communication to support a broad publication of the work of the Committee. (SDPP 2004–2014) *See 1.2.4.*	**2006** National consultant - drafting of the 5 reports and communication strategies 4312 500 FCFA = 8 000 $US **TOTAL = 8 000 $US**

Expected results	Target results	Indicative activities	Contributions
			2007 National consultant - drafting the 5 reports and communication strategies 4 312 500 FCFA = $US 8 000 **TOTAL =$US 8 000**
		2.2.6. Production of regular radio programmes on the work of each Committee, under the direction of the Chairman of the Committee, with technical support of committee experts and in coordination with the Parliament communication service. (PAP 2004–2005)	**2007** One radio programme produced and broadcast quarterly by each Committee: 4 X 5 X 820 000 FCFA = 16 400 000 FCFA = US 30 350 **TOTAL = $US 30 350**
	2.3. To improve and encourage the supply of information by the Executive to the National Assembly.	2.3.1. To reach an agreement with the Executive so that each ministry prepares an annual report on its activities to be submitted to the National Assembly, which the minister will present to the relevant Committee. The minister will prepare answers to the questions of the Members of the Committee. To manage an agreement with the Executive on the format and the timing of submission by the Government of the reports to the National Assembly. (SDPP 2004–2014)	**2006** Consultations and study on the possibilities of strengthening the exchange of information between the relevant Committees and ministries. National consultant: 1 115 000 FCFA = $US 2 150 Workshop = 1 500 000 FCFA = $US 2 800 TOTAL = $US 4 950
TOTAL RESOURCES - RESULT 2 2006 **TOTAL RESOURCES - RESULT 2 2007**			**$US 130 010** **$US 63 990**

Strategic objective 3:

Relations between elected officials and the public which they represent are strengthened.

The participation of the public in the political life of Burkina Faso is guaranteed in the Constitution. Parliament is the principal means by which the views of the public are directly represented. A strengthened capacity for dialogue and representation is a principal priority for the third legislature of the Fourth Republic.

During 2006–2007, PAP will support a thorough examination by Parliament of the results of research and other work concluded in 2005 on the questions of representation of the public, with the aim of putting into effect new and improved methods for encouraging public participation.

The strengthening of the representative capacity of Parliament also involves strengthening its relationship with interlocutors. In 2005 the first meeting between local councillors and Members of Parliament was held and was a great success; from 2006–2007 this event will be organized annually.

Strategic objective 3: Relations between the elected officials and the public are strengthened.

Expected results	Target results	Indicative activities	Contributions
3. Relations between elected officials and the public are strengthened.	3.1. The processes of public consultation are improved, regular use of public hearings, exchanges with civil society and organization of targeted open days.	3.1.1. To organize an international seminar and study trips on the various forms of parliamentary consultations. (Continuation PAPAP 2004–2005) *Study visit was carried out in 2005 to Niger, however the international seminar was not carried out.*	**2006** International expert - participation and good governance honorarium: $US 5 000 Travel and *per diem* = $US 5 900 2 national experts participation = 1115 000 FCFA =$US 2 150 Costs of the workshop = 2 500 000 FCFA = $US 4 650 **TOTAL = $US 17 700**
		3.1.2. To organize round tables between civil society and Members of Parliament on the question. (PAP 2004–2005) *The international seminar suggested in activity* *3.1. 1., like the report on the Niger visit, will be the starting point for this process of discussion.*	**2007** Documentation (study for discussion prepared within the framework of activity 3.1.1) = 1 115 000 FCFA = $US 2 150 Costs - round tables 6 923 000 FCFA = $US12 800 2 national consultants: organizer, rapporteur, drafting of the final report = 1 725 000 FCFA = $US 3 200 **TOTAL = $US 18 150**

Expected results	Target results	Indicative activities	Contributions
	3.2. The parliamentary public information service is strengthened in order to be more active in the publication of information to the public and the media.	3.23. To develop the capacity of parliamentary correspondents so that they understand properly the role of Parliament and Members of Parliament by organizing regular workshops with journalists and Members of Parliament on questions such as: - How to improve the image and the impact of Parliament, - To increase the exchange of information between the media and Parliament. Establishment of a code of conduct which could govern the relations between the parliamentary press and Parliament. (Continuation PAPAP 2004–2005) Activities for PAP 2006–2007 will include support for the revitalisation of the parliamentary press association, including a financial contribution to organize regular workshops as under consideration in 3.2.3.	**2006:** 3 expert workshops of under area Fees: $US 7 500 *Per diem* / travel: $US 5 700 Costs of organization: 1 500 000 FCFA x 3, ie 4 500 000 FCFA = $US 8 350 **TOTAL = $US 21 550** **2007:** 3 Sub Regional Expert workshops Fees: $US 7 500 *Per diem* / travel: $US 5 700 Costs of organization: 1 500 000 FCFA x 3 = 4 500 000 FCFA = $US 8 350 **TOTAL = $US 21 550**
		3.2.4. To organize programmes of "coaching" the press, in collaboration with an association of the parliamentary press in a democratically established country. (Continuation PAPAP 2004–2005) *A programme of short term "coaching" was organized in 2005. A longer-term project will be organized in 2006–2007, including a programme of exchange between the Members of Parliament in Burkina Faso and democratically established countries.*	2006: press coaching programmes Total = 9 279 827 FCFA = $US 17 200 **TOTAL = $US 17 200** 2007: press coaching programmes II Total = 9 279 827 FCF = $US 17 200 **TOTAL = $US 17 200**

Expected results	Target results	Indicative activities	Contributions
	3.3. An independent parliamentary radio station is set up over time.	3.3.1. To carry out a further study into a dedicated radio station which will examine the various alternatives offered by assessing the costs and effectiveness of the options in relation to the necessary independence of the radio station. (Continuation PAPAP 2004–2005) *Based on the results of the 2005 study, the equipment necessary is obtained and the staff is recruited to allow the setting up of the radio service before the end of 2007 (see SDPP 3.3.2. – 3.3.5)*	**2007** (indicative only, according to the results of the study being led during 2005 under the heading of 3.3.1) Equipment for local radio broadcasts = $US 44 000 **TOTAL = $US 44 000**
	3.6. A system is instituted to formalise the links between the local and national government.	3.6.2. The National Assembly institutes an annual meeting with the local councillors in order to share experience and concerns. (Continuation and PAPAP 2004–2005) *After the success of this activity in 2005, meetings will be organized in 2006 and 2007. A Steering Committee, including representatives of the National Assembly and municipalities of Burkina Faso, will choose a suitable principal topic for each conference.*	**2006:** Annual meeting between local councillors and Members of Parliament. 37 231 723 FCFA = $US 68 950 **TOTAL = $US 68 950 2007:** **2007:** Annual meeting between local councillors and Members of Parliament. 37 231 723 FCFA = $US 68 950 **TOTAL = $US 68 950**
TOTAL RESOURCES - RESULT 3 2006 **TOTAL RESOURCES - RESULT 3 2007**			**$US 107 700** **$US 169 850**

Strategic objective 4:

A parliamentary culture supporting peace, tolerance and constructive debate is established.

In spite of a history of sudden ruptures with democracy, since 1991 Burkina Faso has conscientiously embarked on a process of constructive dialogue within democratic structures. No institution is more important for the success of this process than the National Assembly. Parliament showed its engagement towards long-term democratic development with the preparation and implementation of SDPP 2004–2014.

During 2004–2005, Parliament began the development of a parliamentary code of ethics. This was a response to the public desire for greater transparency in the operation of Parliament which was noticed during the basic study of public perceptions of Parliament and Members of Parliament carried out in 2003. In PAP 2006–2007 the preliminary work will be thorough with the aim of establishing a code of ethics before the end of PAP.

Democratic discussion does not only take place in the frontiers of a country, but is more and more international via international institutions and parliamentary networks. The National Assembly of Burkina Faso has taken a leadership role in several international parliamentary forums. During PAP 2006–2007, the National Assembly will encourage further international dialogue, in particular between Parliaments of the region.

Strategic objective 4: A parliamentary culture supporting peace, tolerance and constructive debate is established.

Expected results	Target results	Indicative activities	Contributions
4. A parliamentary culture supporting peace, tolerance and constructive debate is established	4.1. A code of ethics for Members of Parliament which includes a mechanism of scrutiny and effective responsibility is adopted	4.1.1 To carry out a comparative study of certain codes of ethics in Parliaments and to use the results to work out a code of ethics specific to Burkina Faso Members of Parliament (Continuation PAPAP 2004–2005) *A parliamentary special sub-committee will be established to present recommendations concerning a parliamentary code of ethics. It should include the representation of the various political tendencies, and, as far as possible, a representation of outside experts on anticorruption. During 2006 the Committee will visit a country with a strong code of parliamentary ethics. With the support of national and international experts, the committee will work out a proposal for a code of ethics including a code of ethics (4.1.2. – 4.1.5)*	**2006** International Consultant Fees = 10 000 $US Travel and *per diem* = 8 600 $US 2 National Consultants = 2 300 000 FCFA = 4 250 $US Dialogues - Dialogue - Public Consultations = 13 991 250 FCFA = 25 900 $US **TOTAL = 48 750 $US**
		4.1.2. Visit by a multi-party delegation to African Parliaments which have adopted a code of ethics. (PAP 2004–2005)	**2006** Travel to 3 African countries with codes of parliamentary ethics 5 people x $US 9 000 = $US 45 000 TOTAL = $US 45 000

Expected results	Target results	Indicative activities	Contributions
		4.1.3. To provide technical support to Parliament for drafting the code of ethics. (PAP 2004–2005)	**2007** 2 national consultants = 1 115 000 FCFA = $US 2 125 **TOTAL = $US 2 125**
		4.1.4. To organize meetings of orientation for Members of Parliament once the code of ethics will have been adopted. (PAP 2004–2005)	**2007** 2 national consultants = 575 000 FCFA = $US 1 050 2 planning meetings = 3 000 000 FCFA = $US 5 550 **TOTAL = $US 6 600**
		4.1.5. To adopt a strategy of communication for the media, civil society and public. (PAP 2004–2005)	**2007** Editing, reproduction, publication (radio, TV, in the 4 languages) 5 330 000 FCFA = $US 9 850 **TOTAL = $US 9 850**
	4.2. Continuing to develop the participation of Burkina Faso Members of Parliament in international parliamentary networks in order to allow exchange of information on questions of interest.	4.2.1. In collaboration with parliamentary organizations (for example IPU and AFP) and the African regional Parliaments, to encourage Members of Parliament to talk about questions of interest such as participation of women in policy, the legislative process, the review of governmental policies, the role of the Opposition, the representative function of Members of Parliament, etc. (PAP 2004–2005) T*he international seminars suggested in activities 2.1.2 and 4.1.1 are examples of this kind of activity.*	See 2.1.2, 4.1.1

Expected results	Target results	Indicative activities	Contributions
		4.2.2. To develop regional and international networks to encourage exchanges on parliamentary questions and development (PAP 2004–2005)	See 2.1.2, 4.1.1
		4.2.3. To intensify the participation of Members of Parliament in seminars and international parliamentary workshops on questions of interest (AIDS, corruption, debt, etc.)	PM (UNDP - YEAR - Other PTFs)
TOTAL RESOURCES - RESULT 4 2006 **TOTAL RESOURCES - RESULT 4 2007**			**$US 93 750** **$US 18 575**

Strategic objective 5:

The capacity of the parliamentary administration is strengthened in order to increase its effectiveness

A strong parliamentary administration and adapted infrastructures and equipment are the essential foundations of a strong Parliament. Since the creation of the Fourth Republic, the parliamentary administrative staff has been strengthened, and considerable improvements were made to the physical structure of the National Assembly. Nevertheless, the number of staff remains insufficient to provide effective technical support to Members of Parliament in their work, and the buildings are unsatisfactory for the effective scrutiny of the parliamentary tasks in several ways.

A certain number of activities to allow the strengthening of the parliamentary administration were included in PAP 2004–2005. These measurements included confirmation of the legal status of the parliamentary administration, a training plan for the National Assembly, as well as increased support of staff of parliamentary groups. Financial assistance with these activities was not provided in PAPAP 2004–2005, and consequently the completion of some aspects of PAP for this strategic objective was not possible.

For PAP 2006–2007, stress will be laid on the strategic re-examination of the technical needs of staff of the National Assembly, on supporting the improvement of the infrastructure of the parliamentary network in the principal Parliament building, and on planning the strengthening of the parliamentary documentation system.

Strategic objective 5: The capacity of the parliamentary administration is strengthened in order to increase its effectiveness

Expected results	Target results	Indicative activities	Contributions
5. The capacity of the parliamentary administration is strengthened in order to increase its effectiveness.	5.1. Impartial, fully efficient and effective parliamentary services (procedural, administrative and management) are established in order to better serve Parliament and the public by the installation of a coherent strategy for human resources.	5.1.3. To define operational responsibilities by setting up rules for operation and a clear division of the responsibilities between the procedural/legislative and administrative support in conformity with the statute for the parliamentary public office (PAP 2004–2005)	**See 5.1.6**
		5.1.6. To re-examine the requirements in human resources taking account of the new structure and to write descriptions of functions for all posts by specifying the required qualifications, the level of expertise, etc. (PAP 2004–2005) *This important activity, with 5.1.3., would draw benefit from a partnership with a parliamentary administration in a French-speaking country with a confirmed democracy.*	**2007** International consultant = $US 20 000 Travel and DSA = $US 9 500 **TOTAL = $US 29 500**
		5.1.8. To re-examine in order to improve the mechanism for preparation of the budget of Parliament (PAP 2005–2005) *Coordination with activities 5.1.3., 5.1.6 and 5.3.4.*	**2007** International consultant = $US 20 000 Travel and DSA =$US 9 500 **TOTAL = $US 29 500**

Expected results	Target results	Indicative activities	Contributions
		5.1.10. To identify additional requirements both for equipment and networking in order to allow installation and extension of an internal electronic communication network (Intranet) and of a functional Website. (APP 2004–2005) 5.1.11. To proceed gradually with the purchase and installation of the equipment necessary to operate an Intranet network by identifying the services to be equipped as a priority. *The wiring of a great part of Parliament was carried out in 2004 and 2005 by the financing of the APF. However two buildings still require wiring and connection to the network.*	**2006** Study of the remaining needs for setting up a network throughout Parliament and of the means of satisfying these needs (wiring or wifi) International consultant = 862 500 FCFA = $US 1 600 Purchase and installation for equipment necessary to the operation of the network (indicative) = $US 43 600 **TOTAL = $US 47 900**
		5.1.13. To develop a training scheme in data processing using the Internet to acquire information and to research for the parliamentary committees and the Secretariat-general. (PAP 2004–2005) *See 1.10.1.*	**See 1.10.1**

Expected results	Target results	Indicative activities	Contributions
	5.2. A transparent, impartial, effective and efficient mechanism is established to ensure the availability of specialized engineering departments and expertise to assist Members of Parliament in the performance of their duties.	5.2.1. To carry out an evaluation of the system of parliamentary documentation and to make recommendations in order to facilitate research (PAP 2004–2005) *This would be a suitable activity for a partnership between the National Assembly of Burkina Faso and the Parliament of another French-speaking country with an established democratic system.*	**To harmonize activities 1.6.2.** **2007** International consultant Fees - $US 5 000 Travel and *per diem*: $US 6 800 National consultant 862 500 FCFA = $US 1 600 **TOTAL = $US 8 400**
		5.2.2. To set up a system of indexing and electronic cataloguing and to train the staff in consequence (PAP 2004–2005) *See 1.6.2 and 1.6.8.*	**See 1.6.2 and 1.6.8.**
		5.2.7. To develop capacity within the parliamentary administration in order to be able to offer in an effective way the following services: translation/interpretation, recording, transcription, drafting of reports, filing, etc. (SDPP 2005–2014) *This would be a suitable activity for a partnership between the National Assembly of Burkina Faso and the Parliament of another French-speaking country with an established democratic system.*	**2007** International consultant = $US 20 000 Travel and DSA = $US 9 500 Workshop = 1 500 000 FCFA = $US 2 800 **TOTAL = $US 32 300**

Expected results	Target results	Indicative activities	Contributions
	5.3. To improve the effectiveness of the management of the National Assembly by founding rigorous systems for scrutiny of accounts.	5.3.3. To make sure that all the development projects of Parliament are integrated in the system of financial management of Parliament (PAP 2004–2005)	**PM YEAR**
		5.3.4. To increase the capacity of the Committee of Supply and the Budget. The Committee could use external expertise (PAP 2004–2005)	**See 5.1.8.**
TOTAL RESOURCES - RESULT 5 2006 **TOTAL RESOURCES - RESULT 5 2007**			**$US 93 750** **$US 18 575**

Strategic objective 6:

Gender is taken into account by the National Assembly

Although the representation of women in the National Assembly is roughly comparable to representation in Parliaments in other developing countries as well as in developed countries, it is still the case that women are underrepresented in Parliament, in the parliamentary administration, and indeed in the political life of Burkina Faso generally. The low level of representation of women can have a negative impact on policy, because social development depends on a broad understanding of development needs which is sensitive to gender questions.

During 2004–2005, the National Assembly established a "gender Caucus", which represents a formal commitment to address gender questions within Parliament and the intention to examine further the capacity of Parliament to deal with gender and development questions. The "gender caucus" engaged in a planning process to establish a scheme of detailed annual work of activities.

During 2006–2007 PAP will consider a range of activities to support the work of the Committee on Gender and to stress the overarching importance of policy analysis which is sensitive to gender and development questions. The activities supported by the Project of Support for PAP (PAPAP) 2006–2007 will also include staff training to allow technical support to Members of Parliament in the analysis of the impact on gender questions of legislation and government action, as well as continued training targeted at Members of Parliament and the staff of the National Assembly on gender questions.

Specific objective 6: Gender is taken into account by the National Assembly.

Expected results	Target results	Indicative activities	Contributions
6. Gender is taken into account by the National Assembly.	6.1 Male and female Members of Parliament should cooperate outside party boundaries in order to support effective participation of women in the life of the National Assembly and the political life of Burkina Faso.	6.1.3. The "gender Caucus" undertakes research with the support of the parliamentary staff and experts in civil society, including necessary study visits, in order to work out an action plan for the equitable involvement of men and women in the work of the National Assembly. (Continuation PAPAP 2004–2005) *The "gender Caucus" will work narrowly with the experts of civil society to develop an action plan for the two activities 6.1.3 and 6.1.5.*	2006 Study visit - Gender caucus - Travel = 5 x $US 5 000 = $US 25 000 Drafting action plan - National consultant = 1 150 000 FCFA = $US 2 150 Workshop = 1 500 000 FCFA = $US 2 800 **TOTAL = $US 29 950**
		6.1.4. The "gender Caucus" carries out dialogues with the political parties, women's organizations, civil society, and the Executive on the advantages of establishing a quota system for parliamentary elections. (Continuation PAPAP 2004–2005) *The gender caucus will prepare and submit a report to Parliament on the advantages and disadvantages of a quota system for Parliamentary elections, with recommendations for possible action.*	**2006** Workshop = 6 923 000 FCFA = $US 12 800 **TOTAL = $US 12 800**

Expected results	Target results	Indicative activities	Contributions
		6.1.5. The "gender Caucus" prepares an annual plan of activities to support a greater involvement of the women in development and good governance in Burkina Faso. (Continuation PAPAP 2004–2005) *See 6.1.3.*	**2007** Implementation of the annual plan of activities (indicative contribution based on the results of activity 6.1.3) 25 000 000 FCFA = $US 46 300 **TOTAL = $US 46 300**
	6.2. The National Assembly takes into account gender in exercising legislative and scrutiny responsibilities.	6.2.1 The legislative staff is trained to carry out analyses gender on legislation. (SDPP 2004–2014)	**2006** 2 national consultants = 1 728 000 FCFA = $US 3 200 Costs= 1 560 000 FCFA = $US 2 900 **TOTAL = $US 6 100**
		6.2.2. A study is undertaken annually on the gender impact of the budget, by the staff of the Committee of Supply and the Budget within the framework of the budgetary process. (Continuation PAPAP 2004–2005) *A team containing representatives of civil society, selected by the Committee, as well as staff of Parliament will be responsible for undertaking the study and preparing its results.*	**2006** Study on the gender impact of the budget/2 consultants: 1 728 000 FCFA = $US 3 200 Workshop: 1 500 000 FCFA = $US 2 780 **TOTAL = $US 5 980** **2007** Study on the gender impact of the budget 2 national consultants 1 728 000 FCFA = $US 3

			200 Workshop 1 500 000 FCFA = $US 2 780 **TOTAL = $US 5 980**
TOTAL RESOURCES - RESULT 6 2006 **TOTAL RESOURCES - RESULT 6 2007**			**$US 54 830** **$US 52 280**

7. COORDINATION, IMPLEMENTATION AND EVALUATION SDPPI PAP 2006–2007/PAPAP 2006–2007

The success of PAP 2004–2005 was achieved in spite of important constraints including a narrow window of time to carry out activities due to delays in the completion of the Project of Support for PAP (PAPAP 2004–2005). The success of the project reflects the engagement of the National Assembly, as well as the financial and technical support of the UNDP through PAPAP. PAP 2006–2007 was prepared towards the end of 2005 to allow the continuation into 2006 of activities started in 2005.

Effective completion of PAP 2006–2007, and the development of synergies with other development activities of Parliament, will depend on increased resources being assigned to the completion of the project. This will allow a greater participation within Parliament in the planning and scrutiny of the SDPP, PAP, and PAPAP programmes.

During 2006–2007, efforts will be redoubled to increase the participation of technical and financial partners in the process of parliamentary development. It is important that technical and process-related barriers do not block the development of a broader network of international partners supporting the crucial role of Parliament in the development of a balanced democratic system in Burkina Faso.

In addition to collaboration with current partners in Burkina Faso, PAP 2006–2007 relies on partnership with other Parliaments, in particular from French-speaking countries. Several activities suggested during 2006–2007 envisage the participation of international experts of other Parliaments in training for the National Assembly of Burkina Faso, or exchanges allowing Members of Parliament and the staff of the National Assembly to learn best practice in other Parliaments."

Mr Anders FORSBERG, President, thanked Mr Prosper VOKOUMA for his communication and invited members present to put questions to him.

Mr Xavier ROQUES (France) wanted to know about the expected changes in parliamentary administration and the needs that he thought were most pressing within that — in particular, relating to scrutiny activity.

Mr Mamadou SANTARA (Mali) thought that the communication was an important contribution to the development of a Parliament and wanted to know what place it had in the framework of the Decennial Plan.

He also wanted to know more about the recruitment of potential backers, whether bilateral or multilateral.

Mr Hafnaoui AMRANI (Algeria) thought that the Plan was the basis for serious thought. He wanted to know whether the Government or Parliament was the originator of this initiative and, if the latter, whether an *ad hoc* Committee had been set up.

He wanted to know whether a quantitative assessment of the first two years of the programme could be prepared.

Mr Prosper VOKOUMA (Burkina Faso) said that the status of parliamentary staff had been reviewed from the beginning of the Programme, during the period 2004–2005. From now on, the staff had a clear status based only on Parliament and had better conditions than the rest of the civil service.

Starting from 2004, an annual training programme had been decided. The strategic partner for this was the Ecole Nationale d'Administration et de Magistrature (ENAM) of Burkina Faso. All levels of staff now benefited, during the period between sittings, from training arranged by ENAM.

As far as support for the legislative service was concerned, the staff of Committees and parliamentary groups had been strengthened.

In response to the question from Mr Mamadou SANTARA, he said that the communication was certainly part of the Strategic Plan for Development, within Objective 3. On the other hand, Parliament had no other projects than those featured in the strategic objectives for development over the 10-year period. Co-operation with the National Assembly in France, UNDP and the International IDEA was within this framework.

The initiative for the Strategic Plan arose in Parliament, although the dialogue was immediately started with Government. A Pilot Committee, presided over by the Speaker of the National Assembly and including the five Chairmen of the parliamentary groups, the five Chairmen of the Standing Committees and the Secretary General, managed the whole programme. A Working Group, including all the Chairmen of Committees, the Secretary General, two Director Generals and a project leader, managed the operation and daily running of the programme.

Mr Marc BOSC (Canada) referring to Strategic Objective 1, asked what was meant by legislating "efficiently" — efficiency was often a priority objective of the Government and not of Parliament in general and of the opposition in particular.

Mr Prosper VOKOUMA (Burkina Faso) admitted that the interests of the Government and the Opposition were, by their very nature, contradictory. He said that the aim was simply to get rid of procedural devices which excessively slowed down the course of debate on legislation.

Mr Jean SINDAYIGAYA (Burundi) said that a similar experiment in international cooperation was in course in Burundi. He wanted to know the cost of the Strategic Development Plan over a 10-year period and the outturn for bringing about the objectives of the programme over the period 2004–2005. In addition, in financing this Plan, he asked about the respective parts played by UNDP, bilateral aid and direct support.

Mr Prosper VOKOUMA (Burkina Faso) said that the cost of the programme was truly enormous, the original estimate bordering on 3 billion francs CFA.

As far as the PAP 2004–2005 was concerned, over 92% of the objectives had been achieved according to an evaluation undertaken by an external auditor: the status of staff had been settled, the Rules of the Assembly had been revised, all the precincts of the Assembly were now cabled, there was an Internet room open to everyone which had 25 computers and was running successfully etc.

Mr Georges BRION (Belgium) wanted to know how the international experts and consultants had been recruited.

Mr Prosper VOKOUMA (Burkina Faso) said that the experts mainly came from the parliamentary world, being either Members of Parliament or members of staff.

Mr Marc RWABAHUNGU (Burundi) drew attention to the time required for getting hold of the international experts and on the difficulties involved in identifying backers, which from time to time created uncertainties in carrying out the programme.

Mr Prosper VOKOUMA (Burkina Faso) thought that only strong political will, coming from the Speaker himself, could ensure the success of such a programme.

Mr Anders FORSBERG, President, thanked Mr Prosper VOKOUMA for his communication as well as all those members present who had put questions to him.

2. Communication from Mr Won-Jong SANG, Acting Secretary General of the National Assembly of the Republic of Korea, on the Establishment of a Digital Chamber

Mr Anders FORSBERG, President, invited Mr Won-Jong SANG to present his communication, as follows:

“

I. Introduction

Keeping abreast with the age of informatization, the Republic of Korea, a leading IT country, applied cutting-edge information technologies to the National Assembly and transformed it into a ‘Digital National Assembly’, thereby creating a complete ubiquitous environment and dramatically revamping the legislative support systems.

The basis for the ‘Digital National Assembly’ has been laid by continuously making into a database all the laws enacted by the National Assembly; all the data on the legislative histories of bills, budget, and accounts; the content of pending bills; and also the minutes of all the meetings taking place in the National Assembly. Afterwards, the ‘Electronic Data Network’ has been established to enable high-speed electronic transfer

of large files between the legislature and the executive, and the plenary and committees.

In September 2005, the Korean National Assembly set up a 'digital chamber', the first of its kind in the world, which is the central pillar of the Digital National Assembly and since then has conducted meetings electronically including deliberating agenda and casting votes. By digitalizing the chamber, the proceedings have become more efficient and the members of parliament can now conveniently access diverse and accurate information regarding the agenda and focus more on the agenda itself and its deliberation. Furthermore, the 'Internet Broadcasting System' is set up to broadcast meetings live through the Internet and therefore to better serve people's right to know.

Such an IT-based digital system not only facilitates legislative activities of MPs but also allows MPs, government offices, and the public to swiftly and accurately exchange and utilize diverse and ample information required for legislation at anytime, anywhere. The system, therefore, is expected to enable the timely introduction of national policies and also to enhance political participation of the public.

II. Digital Systems Installed in the Chamber

1. Multimedia Infrastructure

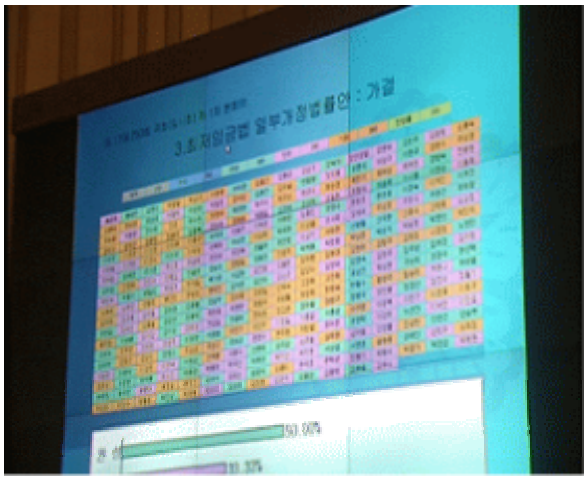
- Two large electronic screens with a diagonal measurement of 210 inches each are mounted in the front of the chamber to create a multimedia plenary chamber. The digital screens are designed to display streaming video clips when MPs take the floor or address the cabinet members and also to present slides. The electronic screens are installed in a way so that they can be controlled from the LCD monitor and the controlling device at the podium.

- Since the introduction of the digital screens, it has become quite common for MPs to use visual aids and slides when they make statements or direct questions to cabinet members. All in all, thanks to the electronic boards, MPs are able to carry out their legislative duties more effectively using vivid and graphic materials. Along with these functions, the boards are also expected to be used for video conferencing between MPs and ministers in the near future.

< Overview of the Digital Chamber >

< Images Displayed on the Electronic Screen >

< Podium >



< Vote Results Displayed on the Board >

2. Enhanced Efficiency through E-Meeting Infrastructures

(1) Electronic Ballot System

- Inside the chamber, electronic systems for both open and secret ballots are established to ensure the accuracy and promptness of the votes and to preserve and utilize the results for various purposes.

- As for open ballots where the names of the MPs are made public, votes can be cast either through the touch-screen on their individual monitor or by pressing buttons on the right hand side of their desk for a stable backup. Besides, there are additional sub-systems to support the main ballot system such as the central control system that helps to manage the entire ballot process from the beginning

to end and to display of results. Other aiding functions include visualizing the outcome in many different ways using graphics and statistical techniques, incorporating the results into a database, and distributing information to the public in real-time through the Internet.

- As for secret ballots, a kiosk touch screen system is installed to reduce time by 2-3 times compared to the existing ballot system. The system is designed and the equipment is selected in an objective and impartial manner so as to avoid any controversies over anonymity and double voting.

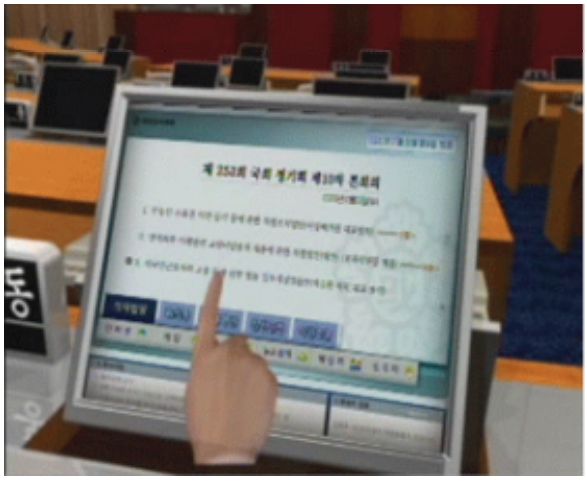
< Secret Ballot Device Inside Kiosk>

(2) Paperless Chamber

- To create a digital chamber, each seat in the plenary hall is equipped with a 'Server Based Computing (SBC)' terminal and the entire meeting process is systematically computerized. There is also a system set up to monitor data pertaining to the proceedings.

- The SBC terminals are equipped with an e-book system that allows users to turn pages by touching the screens, go directly to the table of contents, enlarge or reduce pages, view single or double pages, and search documents using keywords. Not only that, the terminals come with all the functions found in personal computers such as the Internet, e-mail, messenger, word processing and saving, thus providing greater access to meeting materials and creating a paperless chamber which also helps to cut back cost and preserve environment.

< Speaker's Seat >



< SBC Terminal >

< Open Ballot System >

< MP's Seat >

(3) Complete Systematization of Proceedings

- Based on the order of business, the entire process of proceedings including introducing bills, voting, speaking, and inquiring are all integrated into a single system to provide customized information to users. Thanks to the system, the Speaker, MPs, and the staffs can gain materials relevant to their roles and the results of meetings are automatically collected into a database and managed there.

- This system is based on the 'Server Based Computing' technology. Given that there are multiple participants in each sitting, the SBC technology helps to control individual PCs from the center so that all the MPs can remain engaged throughout the meeting.

- There is also a system that monitors and manages changes in the proceedings.

Through an interactive network established between the Speaker and the MPs, or between staffs, the system helps to move the meetings forward and to respond flexibly to the changes that occur during the proceedings.

< Menu Screen on MP's Terminal >

(4) Proceedings Monitoring System

- This system offers information needed to effectively conduct meetings. For instance, a built-in sensor in each seat monitors in real-time the attendance of MPs and shows whether or not quorums are met. The system also helps MPs to call for assistance from staffs and to sign up to take the floor.

2. Electronic Data Network between the Legislature and the Executive

- The 'Electronic Data Network' is established to allow users to exchange files electronically between the plenary and the standing committees and between the parliament and pertinent government ministries.

- The high-speed network enables MPs to electronically send and receive documents that are produced in each legislative phase; introducing a bill, referring to the relevant standing committee, deliberating, reporting to the plenary, deciding in the plenary, and finally, transferring the bill to the government.

- By opting for the 'Electronic Data Interchange (EDI)' method, the 'Electronic Data Network' allows simultaneous transfer of sizable files on agenda. The system drastically enhanced accuracy and promptness in handling documents thereby contributing to higher efficiency and lower cost.

3. Improved Public Information Service

The 'Vote Info Sharing System' offers detailed information on the voting results of bills while the 'Bill Tracking System' allows the general public to track any bills under consideration. Both systems have notably improved public information services.

(1) Vote Info Sharing System

- This system consolidates into a database the results of votes along with the content of bills. And the data compiled is made available to the public in real-time through the Internet. The data can be searched in various ways either by entering the names of MPs, the title of bills or dates. And the collected data can be utilized to analyze votes in conjunction with the basic personal information of MPs such as their constituency, age, and educational background.

(2) Bill Tracking System

- The 'Bill Tracking System' shows real-time via the Internet where a particular bill is at in the legislative process. By simply logging onto the Internet, people can check which stage a bill has reached in a multi-phased legislative process; from the introduction of a bill, first reading at the plenary, deliberation by the relevant standing committee, consideration of legality and wording by the Legislative and Judiciary Committee, reporting back to the plenary, and to voting.

- With the system in place, the sponsor, the government, interest groups, and the general public can check the status of a bill in the legislative process in real-time.

(3) Internet Broadcasting System

- By broadcasting plenary and committee proceedings live through the Internet, the 'Internet Broadcasting System' strengthens the accountability of MPs in fulfilling their responsibilities and satisfies the public's right to know.

- The 'Internet Broadcasting System' broadcasts live or offer VOD services on all plenary and committee meetings.

- By securing around 20 channels, the system ensures that all meetings that may overlap in schedule are broadcast simultaneously on-line. The system has also automated filming, editing, and image adjusting functions that were previously performed manually.

- As for the VOD services, the videos are classified according to MPs, agenda, and sittings so that they can be searched easily. The videos can also be downloaded at the request of the persons filmed in the videos.

- The 'Internet Broadcasting System' offers the general public easy access to legislative activities through the Internet and therefore allows them an opportunity to evaluate the performances of the legislators and engage more proactively in the politics which in turn enhances the accountability of MPs and serves the public's right to know.

III. Conclusions

The 'Digital Chamber' of the Korean National Assembly aims to go beyond creating a mere paperless meeting room or improving the efficiency of meetings through a sophisticated electronic voting system. Its ultimate goal is to usher in an era of 'Ubiquitous Politics' where the public can stay attuned to politics whenever, wherever they are.

Through digitalization, the Korean National Assembly has turned the proceedings effective and lively while enabling omni-directional monitoring and interactive communications. However, the endeavours of the Korean National Assembly do not end here. Building upon these achievements, it aspires to extend the laudable features of the 'digital chamber' beyond its confined walls to each and every meeting held in the parliament and even to local councils. In so doing, the Korean National Assembly aims to invite greater public participation so that, at the end of the day, it can position itself as a genuinely open and attentive legislature and contribute to further advancing democracy."

Mr Anders FORSBERG, President, thanked Mr Won-Jong SANG for his communication and invited members present to put questions to him.

Mrs Doris Katai Katebe MWINGA (Zambia) thought that many Members of Parliament remained attached to paper and wanted to know how it had been possible to convert the Korean Members to a "paperless Parliament".

In addition, how had the Members of Parliament in practice used the visual supports at their disposal (slide shows etc) in the course of debates?

Miss Claressa SURTEES (Australia) wanted to know more about the preparatory stages in advance of this great technological leap forward. In addition, as far as broadcasting debates on the Internet was concerned, had there been any assessment of the success of this exercise (number of consultations, downloading etc)?

Mr Mihai STANESCU (Romania) wondered about the methods of maintaining security of the system. In Romania the information network of the Chamber had been attacked by hackers on several occasions. In addition, how did one ensure that Members of Parliament remained on their seats — this being necessary to register their presence during a vote?

Mr Won-Jong SANG (Korea) said that the Korean Members of Parliament were not opposed to this change, in particular because his predecessor as Secretary General of the Chamber, at the start of the project, had formerly been a member of staff of Samsung and was a former Minister for Information and Technology. An *ad hoc* Committee had been established, made up of Members of Parliament, which had taken pains to overcome reluctance and obtain the support of Members of Parliament.

In the course of debates, Members of Parliament could not stay on their seat if they wanted to put a question and had to go to the Tribune: it was then that they could make use of additional visual supports to reinforce their contributions.

Turning to the question put by Mrs Claressa SURTEES, he said that the decision to digitise the Hemicycle had been put in effect in two months, taking into account sitting times (with, in addition, two months for preparation). The system had become operational in September 2005.

As far as broadcasting on the Internet was concerned, he said that sittings were recorded and automatically broadcast on the Web. A consumer survey had been run for users, although unfortunately the results had not yet become known.

As far as security of the information network was concerned, very efficient software firewalls had been installed and, in case of breakdown, a substitute system automatically came into play.

For the older Members of Parliament, necessarily the most reluctant to embrace this technological change, work had been done in the course of the preparatory phase on means of overcoming their problems. The system which had been established was very user-friendly and in particular made strong use of a touchscreen. In addition, assistants were permanently at the disposal of Members of Parliament to give help where it was needed.

Mr Xavier ROQUES (France) said he admired the Korean experiment. He doubted whether it could be transposed to France with the Hemicycle of the National Assembly and its pictures dating from the end of the 18th century and the start of the 19th century. In such circumstances, the intrusion of computer screens would present an aesthetic problem.

The French National Assembly had the reverse problem of too much communication, since Members of Parliament were sometimes tempted to engage in telephone conversations during the public sittings in the plenary. It had become necessary to install special systems to break up mobile phone communications.

Mr Petr TKACHENKO (Russian Federation) asked for an estimate of the cost of all the operation. Were the resulting expenses an integral part of the budget itself and had there been a tender for the scheme before the contract had been let?

As far as what Mr Xavier ROQUES had said, he said that in the Upper House of the Russian Federation the use of mobile telephones had been forbidden during sittings.

Mrs I Gusti Ayu DARSINI (Indonesia) asked what the total time had been for establishment of the "digital chamber" in particular relating to staff training.

Mr Won-Jong SANG (Korea) said that the total cost of the system had been about $34 million. The system had been financed by a leasing agreement and the choice of the contractor had been at the end of an open and transparent tender process.

He confirmed that in Korea the use of mobile telephones was also prohibited within the Chamber.

In response to the question of Mrs DARSINI, he said that two months of preparation had been required with two months for installation and two months for testing system — 6 months in all.

As far as security of the system was concerned, he said that the terminals which the Members of Parliament had access to were not computers but simple terminals linked to and controlled by a central server with dual security.

Mr Marc BOSC (Canada) emphasizing the rapidity of technological obsolescence, asked about the estimate for modernization or replacing of the equipment. He wondered, on the basis of what Mr STANESCU had said, about the problem of Members who moved around the Chamber and who therefore were no longer in contact with the device placed under their seat. He asked about the length of time of the "window" during which Members of Parliament could vote. What happened if Members of Parliament were not in the Hemicycle?

Mr Manuel ALBA NAVARRO (Spain) thought that it was always possible to install digital equipment in a building, even an old one, and that the matter was basically one of political will.

He put a series of questions: were all records of decisions kept digitally; could Members of Parliament still move motions on the basis of paper; could a Member of Parliament have access to his personal computer from his information station; and could Members of Parliament bring their own computers into sittings and use them?

Mr Won-Jong SANG (Korea) answering Mr Marc BOSC first, said that the Chamber was very aware of problems linked to the speed of technological obsolescence but he thought that taking into account the inbuilt conservatism of Parliaments that there would be no basic changes to bring into effect in the short term.

Whenever a Bill was put to the vote, the devices under the seats of Members allowed the Speaker to know whether a quorum was present or not.

In response to the questions from Mr Manuel ALBA NAVARRO, he said that the information system allowed immediate publication of all documents. In order to strengthen public interest in parliamentary debates, these were broadcast.

Members of Parliament who suffered from physical handicap (for example, those who were blind) could use specially adapted equipment. Naturally, it remained possible to use paper for contributions but these contributions would be circulated digitally.

Mr Anders FORSBERG, President, thanked Mr Won-Jong SANG for his communication as well as all those members who had put questions to him.

The sitting rose at 5.15 pm.

FIFTH SITTING
Thursday 11 May 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

1. New Members

Mr Anders FORSBERG, President, said that the secretariat had received several requests for membership which had been put to the Executive Committee and agreed to. These were:

Mr Marc RWABAHUNGU	Secretary General of the National Assembly of Burundi
Mr Bedane FOTO	Secretary General of the House of Federation of Ethiopia (replacing Mr Samual ALEMAYEHU)
Mr Won-Jong SANG	Acting Secretary General of the National Assembly of the Republic of Korea (replacing Mr Suek NAMGOONG)
Mr Ahmed MOHAMED	Secretary General of the People's Majlis of the Maldives (This country was joining the ASGP for the first time)
Mr Damian Simon FOKA	Secretary General of the National Assembly of the United Republic of Tanzania (replacing Mr Kipenka Msemembo MUSSA)

The new members were *agreed* to.

2. General Debate on the Office and Powers of the Speaker/President

Mr Anders FORSBERG, President, invited Mr Abdeljalil ZERHOUNI, Secretary General of the House of Representatives of Morocco, to open the debate.

Mr Abdeljalil ZERHOUNI spoke as follows:

"**1. Context**

The Moroccan Parliament is bicameral. It consists of the House of Representatives elected by direct suffrage for a 5 year legislative term and the House of Councillors (Senate) elected by indirect suffrage for a mandate of 9 years with one-third renewable every 3 years.

The first parliament was set up in 1963 in the first years of independence and following the adoption of the first Constitution of the country in 1962.

Although it was bicameral at first, the Moroccan parliament consisted only of one House from 1970 to 1997, with one-third of deputies elected by indirect suffrage.

The Constitution has been amended on different occasions. The last amendment goes back to 1996. The rules of procedure and the organic law determine the composition, the role, the prerogatives and the functioning of each House.

Members of the House of Representatives are elected for a five year term by direct universal suffrage. It should be noted that today for the 2002–2007 legislature, the House of Representatives includes 35 women deputies out of 325 members.

Members of the House of Representatives may come from parliamentary groups. The number of deputies required to form the basis of a group according to the rules of procedure shall be 20 or more members.

The House of Representatives sits for two sessions a year: the autumn session and the spring session. The duration of each session cannot be less than 3 months. The House of Representatives may also convene in an extraordinary session during the recess period. His Majesty the King makes a speech at the opening of each legislative year, on the second Friday of October of each year.

The Board, the governing body of the House, is directed by the Speaker who is elected by secret ballot at the beginning and the middle of the legislative term. The other members of the board are elected for one year, on the basis of the principal of proportional representation of parliamentary groups.

The Presidents of the groups meet on the initiative of the Speaker in a Council of Presidents which also includes the Deputy Speakers, the Chairmen of the Standing Committees as well as a representative of the Government. The Council of Presidents discusses the agenda, the work of the committees and delivers its decision concerning the agenda of the House.

There are six standing committees in the House of Representatives. Each committee deals with specific sectors of activities: (Interior, Decentralization and Infrastructures - Finance and Economic Development - Productive Sectors - Social Sectors - Justice, Legislation and Human Rights - Foreign Affairs and National Defence and Islamic Affairs).

2. Function and Powers of the Speaker

The Constitution, the rules of procedure and the organic law of the House of Representatives define and specify the function and the powers of the Speaker.

No fewer than six articles of the Constitution refer to the function and the role of the speaker of the House of Representatives.

In the rules of procedure, many articles refer to the same functions and powers.

Thus the relation of the Speaker of the House of Representatives to the monarchical institution, its relation with the Government, the second House (Senate), the Constitutional Council and the legal Institution are well defined. His function and prerogatives as regards the management and functioning of the bodies of the House, the legislative field, the field of the control of government and parliamentary diplomacy field are also well defined.

Article 37, title III of the Constitution which deals with Parliament lays down that «The President of the House of Representatives shall first be elected at the beginning of parliamentary term, then during the April session of the third year thereof for the remaining period».

Articles 12 to 15 of the rules of procedure specify the mode of this election.

Without seeking to present the competencies and the powers of the speaker of the House of Representatives in an exhaustive way, we can point out his principal prerogatives while distinguishing between those functions and powers which cannot be delegated, in which the Speaker cannot be substituted for or represented and those functions and powers which can be delegated and in which the Speaker can be substituted for by a Vice-Speaker, a delegation of Members of Parliament... etc.

The rules of procedure are very clear on this subject: article 15 lays down that in case of vacancy for a particular reason of the Speaker's post until the election of a new Speaker one of the Vice-Speakers, according to the order of precedence, shall carry out all his duties, except for those laid down in the Constitution in Articles 21, 35, 71, 79 and 81.

Specific competencies of the speaker (not able to be delegated or carried out by a substitute)

- The Speaker of House of Representatives is a member of the Regency Council which assumes during the King’s minority the powers and constitutional rights of the crown, with the exception of those pertaining to the revision of the constitution. (Article 21 of the Constitution).

It should be noted that the Speaker of the House of Representatives, just as the president of the House of Councillors, sits in the Regency Council ex-officio. It is the same for the Chief Justice of the Supreme Court and the President of the Rabat and Sala Ulama

Council (of scholars). The ten other dignitaries of the Regency Council are appointed by the King's *intuitu personae*.

- The King consults the Speaker of the House of Representatives before declaring the state of emergency «should the integrity of the national territory ever be under threat or should any event interrupt the course of action of the constitutional institutions, the King shall after consulting with the President of the House of Representatives, the President of the House of Councillors, the Chair of the Constitutional Council, and addressing the nation, have the right to declare a state of emergency by Royal Decree» (Article 35 of the Constitution).

- The King consults the Speaker of the House of Representatives before dissolution of either House or both: «After consulting with the Presidents of both Houses and the Chair of the Constitutional Council, and after addressing the nation, the King may decree the dissolution of either House or both» (Article 71 of the Constitution).

- The Speaker of the House of Representatives appoints 3 members of the constitutional Council after consultation of the groups just as the President of the second House also does. His Majesty the King appoints the six other members of the Constitutional Council (Article 79 of the constitution).

- The Speaker of the House of Representatives may refer laws to the Constitutional Council before their promulgation, the same as his Majesty the King, the Prime minister and the President of the second House (Article 81 of the Constitution).

Competencies of the Speaker which can be delegated

- Competencies as regards the functioning of the House of Representatives and its bodies:

The Speaker convenes and chairs the meeting of the House, whether the plenary, the board or the Presidents Council's meetings.

Contacts and foreign relations of the House are carried out via the Speaker.

The correspondence of the House with the Government are addressed by the Speaker to the Prime Minister (Article 11, 19 and 50 of the rules of procedure).

- The Speaker transmits the rules of procedure at the moment of their adoption or amendment by the House to the Constitutional Council which comes to a conclusion about their conformity with the constitution.

- The Speaker may convene the Standing Committees to meet during the sessions or in the recess (Article 36 of the rule of procedure).

- The Speaker receives at the beginning of the first session of each legislative year the list of each group which includes the name and signature of its members and bearing the name of its president and its chosen name.

The group lists are communicated to the Speaker 48 hours before the opening of the meeting reserved for the announcement of the groups.

The Speaker of the House announces the constitution of the groups and makes public their chosen names and the names of their leaders who speak on their behalf. These lists along with the names of deputies who are not members of any group are published in the Official Bulletin by the Speaker. (Article 25 of the rule of procedure).

The Speaker of the House must be informed of any modification in the constitution of a group under the signature:

a. of the interested representatives in case of resignation.
b. of the president of the group in case of dismissal.
c. of the president of the group and the interested representative in case of adherence or a political alliance.

All these modifications are published in the Official Bulletin and in the Internal Bulletin of the House (Article 27 of the rules of procedure).

Conclusion:

Clearly for the purposes of this presentation I have only been able to set out the main powers of the President.

It is obvious, as you all know, that the President of the Assembly has wide powers and prerogatives at the pinnacle of the State and these are often clearly laid down. Nonetheless, we all know that the personality of the President, his experience and education — especially his political experience and education — but also the political context within the Assembly and more generally the political context of the country and the context of the time are strongly influential in the exercise of these prerogatives."

Mrs Lulama MATYOLO-DUBE (South Africa) presented the following contribution:

"From as far back as 17th century the Office of the Speaker has had its role and powers clearly defined. This started with the initial revolt of the people who revolted against the Kings demanding a say before taxation. From that unfortunate incident the role of the Speaker crystallised as the spokesperson of "the people" against the King.

The Office of the President of the Upper House is a latter development. As it stands now it cannot be easily traced back to the original Speaker's Office. However, through convention — from practice — it assumed the powers of the Office of the Speaker. The slight difference in the two offices is observed in countries where the President of the Senate immediately acts as President in his absence. This is a remnant of the origins

of the Upper House and the fact that originally its members were nominated / appointed by the King to represent the interests of the Lords. It should, however, be noted that these have since evolved to be more or less the same. In this short expose I will deal with only 4 of these. In this paper the word Speaker will be used for both the Speaker, the Chairperson of the National Council of President of the Senate.

1. Speaker as the spokesperson of the House

Speaker's Office is the embodiment of the power of the House. The Speaker is entrusted with the responsibility of articulating the position of the House. In doing so she is expected to be as non-partisan as is humanly possible. She must articulate the agreed position of the House. If there is no consensus she has to state the position and register the minority view.

In this capacity a lot of respect attaches to the Office of the Speaker. For instance, the Speaker's ruling on procedural matters is not challenged in the House. Members are free to approach her in chambers. When this happens and she deems it necessary she either reports to the House or revisits and changes her ruling after consultations with both Procedure and the Law Office.

2. The Speaker as the custodian of ethics and dignity of the House

Before the Committee on Ethics was established or when that committee cannot meet for some parliamentary reasons the Speaker is empowered to deal with issues of ethics. For instance, when a committee is being sponsored financially the Speaker is expected, in the absence of the Committee on Ethics, to evaluate the offer and make a ruling as to whether that sponsorship should be accepted or not. Her major consideration is whether a financial relationship between that sponsor does not have the potential of embarrassing parliament later on.

In maintaining the dignity of the House the Speaker has the power to deal with whoever brings the House into disrepute. If it is somebody violating the dignity of the House, the Speaker can actually have the person chucked out of the House through the help of the Sergeant-at-Arms or the Usher of the Black Rod.

3. The Speaker and the Chairperson as Treasury of Parliament

With the introduction of the Public Finance Management Act the Speaker and the Chairperson of the National Council of Provinces (NCOP) perform the functions of National Treasury with respect to Parliament. This is as a result of observance of separation of powers. Parliament cannot be subjected to a government department, to ensure that its Constitutional position and function of oversight over government is not compromised by being dependent on a government department for its budget and control thereof. In pursuit of this principle of independence of Parliament, South Africa established a Parliamentary Oversight Authority. Part of the responsibility of this body – which is co-chaired by the Speaker and the Chairperson – is to scrutinize the report of the Auditor-General on the financial management of Parliament.

4. The Speaker and the Chairperson of the NCOP as Strategic Political Managers of Parliament

An idea was born and accepted the Parliament RSA should not be reactive in dealing with issues both internally and internationally. This is in the spirit of transforming the institution to ensure it is relevant to the expectations of the current electorate and international community. This office has therefore been tasked with the responsibility of leading Parliament RSA in its transformation endeavours."

Mrs Adelina SÁ CARVALHO (Portugal) presented the following contribution:

"The President of the Assembly of the Republic of Portugal has a number of functions that are established in the Rules of Procedure of the Assembly of the Republic and the Organic Law of the Assembly of the Republic, but has also other functions that are not clearly laid down and are part of the generic functions of representation, either national or international.

Therefore, in order to better understand the functions and the resources available to the President of the Assembly of the Republic, the following areas should be considered:

1. Status
2. Election and term of office
3. Substitution
4. Responsibilities in relation to the proceedings of the Assembly of the Republic
5. Responsibilities in relation to Members of Parliament
6. Responsibilities in relation to other bodies that exercise sovereign power
7. Presidency of other internal bodies of the Assembly of the Republic
8. Responsibilities in relation to the administration of the Parliament
9. National and international representation
10. Cabinet of the President

1. Status

The President of the Assembly of the Republic represents the Parliament, co-ordinates its proceedings and exercises authority over all its staff. On the other hand, as the second leading figure in the hierarchy of the Portuguese State, the President of the Assembly of the Republic substitutes the President of the Republic when he is absent or unable to perform his functions.

2. Election and term of office

The President is elected in the second plenary sitting of the Parliament after the elections. In the first plenary sitting the mandates of all the Members of Parliament are checked and in the second plenary sitting the President of the Assembly of the

Republic is elected by an absolute majority of all the Members in full exercise of their office. Traditionally, in Portugal there is only one candidate to the office of President, designated by the parliamentary group of the party with the highest number of votes in the elections and usually elected by a vast majority of Members of Parliament.

As regards the term of office, the President is elected for the period of the legislature, which lasts for four years, except in case of dissolution of the Parliament.

3. Substitution

The President is substituted by the Vice-Presidents. In Portugal, the Parliament has four Vice-Presidents, elected by the four major parties that hold seats therein. The Vice-Presidents chair the plenary sittings on a rotating basis when the President is absent or temporary unable to perform his functions.

The Vice-Presidents not only substitute the President, but also advise the President on the performance of his functions and represent the Parliament at his request.

4. Responsibilities in relation to the proceedings of the Assembly of the Republic

As regards the proceedings of the Assembly of the Republic, and to highlight the most relevant responsibilities, the President represents the Parliament, schedules and chairs plenary sittings, establishes the order of business once the Conference of Parliamentary Group Representatives is consulted, admits legislative initiatives and petitions, submits them to the competent parliamentary committees, promotes the formation of international parliamentary delegations, stimulates the work of parliamentary friendship groups, oversees staff in the Assembly's service and ensures that the Rules of Procedure and the Assembly's decisions are complied with.

These responsibilities are the core of the President's activity; the functions of representation are not specifically laid down and have a special importance in the international area.

5. Responsibilities in relation to Members of Parliament

Regarding the Members of Parliament, the President has the responsibility to rule on justifications presented by Members who fail to attend plenary sittings, to rule on requests for substitution and to follow up motions and requests that Members submit to the Government.

6. Responsibilities in relation to other bodies that exercise sovereign power

In his capacity as representative of the Parliament, the President establishes relations with the other bodies that exercise sovereign power, in particular the President of the Republic and the Government. In this context, the President has the responsibility to send the texts approved for enactment and the international treaties approved to the President of the Republic (in Portugal, the President of the Republic can politically veto the texts approved by the Parliament).

In his relation with the Government, the President has the responsibility to notify the President of the Republic and the Prime Minister of the results of votes on motions of confidence or no confidence and, by agreement with the Government, to schedule plenary sittings at which members of the Government elucidate the Members of Parliament regarding their activity. The Government is represented at the Assembly of the Republic by the Minister of Parliamentary Affairs.

7. Presidency of other internal bodies of the Assembly of the Republic

In addition to representing the Assembly of the Republic and chairing plenary sittings, the President chairs and coordinates the work of two internal bodies of the Parliament:

a) The Conference of Parliamentary Group Representatives, wherein the order of business of plenary sittings is set and the main decisions for the operation of the Parliament are taken – the Government, represented by the Minister of Parliamentary Affairs, also participates in this Conference;

b) The Conference of Parliamentary Committee Chairmen, which was recently established and is aimed at coordinating the committees' work in order to prevent the overlapping of matters or initiatives, and drawing up an annual report on the degree to which laws are being executed.

8. Responsibilities in relation to the administration of the Parliament

Regarding the aforementioned responsibilities, the President is the supreme body of the Parliament's administration and has the responsibility, among others, to authorise expenditure, after consulting the Board of the Assembly of the Republic.

These responsibilities can be delegated to the Board of the Assembly of the Republic — which is composed of a representative of each Parliamentary Group, the Secretary-General and a representative of parliamentary staff — and, in particular, to the Secretary-General, who actually coordinates the services and presents most of the proposals for expenditure, recruitment of staff and others related to parliamentary administration.

9. National and international representation

As referred above, the President represents the Parliament in every situation, either in Portugal or abroad, and is responsible for heading all the delegations of the Assembly of the Republic to which he himself belongs.

The international activity of the President of the Portuguese Parliament is similar to the activity of almost every other President and includes the participation in multilateral conferences taking place in the European context and in the Parliaments of the Portuguese-Speaking Countries, bilateral visits abroad organized with other Parliaments, and the reception of foreign entities at the Assembly of the Republic, such as Heads of State, Presidents of Parliaments and Prime-Ministers.

These functions, most of them not yet regulated, absorb a significant part of the agenda of the President of the Assembly of the Republic of Portugal.

10. Cabinet of the President

In order to perform all these activities and duly fulfil his responsibilities, the President of the Assembly of the Republic has a Cabinet that can be composed of one head of cabinet, four advisers, three assistants and six secretaries. This maximum number of advisers, assistants and secretaries has not been reached in recent times.

The Cabinet staff, given the political nature of the appointment, terminates the service at the end of the term of office of the President or at any time upon his decision."

Mrs Georgeta Elisabeta IONESCU (Romania) presented the following contribution:

"Let me begin by informing you that the Standing Orders of the Romanian Chamber of Deputies has been recently modified and published in the Official Journal, on 14 January 2006. The changes are made to clarify certain ambiguous aspects from the former Rules. There can also be identified some changes in the section related to the election of the President of the Chamber and the Standing Bureau.

After the legal setting up of the Chamber of Deputies, the new president of the Chamber of Deputies is elected, and then all the members of the Standing Bureau of the Chamber.

In conformity with the Standing Orders of the Chamber of Deputies, the president of the Chamber is also the president of the Standing Bureau, which also includes 4 vice-presidents, 4 secretaries and 4 quaestors .

The Standing Bureau is set up after the negotiations among the leaders of the parliamentary groups, by respecting the political configuration of the Chamber, such as it results from the setting up of the Parliamentary Groups.

In article 20 a new paragraph was introduced, which it stipulates that the position as President of the Chamber of Deputies ceases upon the resignation, dismissal or loss of the capacity as Deputies.

In compliance with Article 21 of the Standing Orders, the president of the Chamber of Deputies is elected for the Chamber's term of office, by secret ballot, with voting ballot, using ballot papers that must state the full names of all candidates' Parliamentary Groups. Each parliamentary group may make a single proposal only. The candidate who won the vote of the majority of the Deputies is declared President-elect of the Chamber of Deputies.

There is also the possibility in which, after two rounds, none of the candidates has the vote of the majority of the Deputies. In that case new voting rounds are organized, following which president of the Chamber of Deputies shall be declared the candidate who gets the majority of votes of the present deputies, if the quorum stipulated under art. 67 under the Constitution of Romania, republished, has been met.

The election of the vice-presidents, of the secretaries and of the quaestors who make up the Standing Bureau is done at the proposal of the Parliamentary Groups.

Excepting the President of the Chamber, all other members of the Standing Bureau (the vice-presidents, secretaries and quaestors) are elected at the beginning of each ordinary session of the Chamber of Deputies.

In compliance with article 25 of the Standing Orders, the mandate of the President or any member of the Standing Bureau may be dismissed before the expiry of their term office, based on the votes of a majority of Deputies or at the proposal of the Parliamentary Group which has nominated him. The ballot is secret and is expressed using ballot papers for the President and balls for the election the other members of the Standing Bureau.

The president, whose dismissal has been requested, may not chair the meeting of the Standing Bureau or the plenary sitting in which the dismissal is being debated. If the proposal is approved by the plenum of the Chamber, the election of a new president will be organized.

All issues are discussed during the Standing Bureau's sessions and decisions are taken by the Standing Bureau, following the vote of its member. For the transparency of the discussions, the debates in the Standing Bureau are recorded in official reports or in shorthand reports and published on the Chamber's website. The deputies may consult the shorthand reports or may get a copy of them, except for the ones declared as confidential by the Standing Bureau, which may only be consulted.

The Standing Bureau may be convened at the request of the President of the Chamber of Deputies or at the request of minimum 4 of its members.

Article 33 of the Standing Orders of the Chamber of Deputies stipulates the powers and the duties of the president of the Chamber of Deputies, which are the following:

a. to convene the Deputies in ordinary or extraordinary sessions;
b. to chair the plenary sittings of the Chamber of Deputies, with the mandatory assistance of 2 Secretaries, and to ensure that order is being maintained during the debates, and that the provisions of the present Standing Orders are being complied with;
c. to give the floor, to moderate the debate, synthesize the issues under debate, establish the voting order, state the matters put to the agenda and announce the result of votes;
d. to chair the meetings of the Standing Bureau;
e. to notify the Constitutional Court under the terms stipulated in art. 144 letter a) and b) ,c) in the Constitution of Romania, republished;
f. to ensure that draft laws adopted or rejected by the Chamber of Deputies are immediately referred to the Senate, for debate, or, as the case may be, that the voted laws are referred to the President of Romania, for promulgation, within the lawful time limits;
g. to represent the Chamber of Deputies in the internal and foreign relations
h. to present annual reports, in the plenary, on the way in which the President's funds have been used;
i. to perform any other duties stipulated the present Standing Orders, as well as the assignments established by the plenum of Chamber of Deputies.

In several cases, the duties of the President (article 34) are carried out by the four vice-presidents, by rotation, at his request or in case of his unavailability, as well as other tasks given by the Standing Bureau.

Concerning the immunity, there are no paragraphs in the Standing Orders especially for the President of the Chamber of Deputies. It is stipulated that the Deputies enjoy parliamentary immunity from the issuing date of the proving certificate of election, under the condition of validation (Article 180). No Deputy can be remanded, arrested, searched or sent for penal or contraventional trial without the prior approval of the Chamber of Deputies and his hearing (Article 182). It is to the President that these requests for remand, arrest, search or regarding the possibility of being sent for penal or contraventional trial are addressed. When he solicits the approval of the Chamber of Deputies in this matter, the minister of justice must specify and motivate for which from the measures provided for in Constitution's art. 69.

The President of the Chamber has the duty to inform the Deputies of the request, in a public sitting, after which he sends it, at once, to the Committee for legal matters, discipline and immunities for examination, which committee will establish by its report whether there are or there are not solid reasons to approve the request. The decision

of the Committee is to be adopted by the vote of the majority of the Committee's members within 30 days from the intimation. The ballot is secret.

The request together with the Committee's report, will be submitted to the parliamentary group to which the respective deputy belongs. The group expresses its point of view regarding the request in a written report, within 30 days from the date of the intimation of the group.

In the case of the Deputies who do not belong to any parliamentary group, they may submit to the Standing Bureau their point of view with regard to the request.

The Committee's report, together with the report of the parliamentary group is forwarded to the Standing Bureau and is submitted to the Chamber of Deputies for debate and approval. The Chamber of Deputies pronounces its opinion separately on each measure the approval of which is requested by the minister of justice, according to art. 69 in the Constitution.

As my final remark, I would like to point out the great interest the Romanian Chamber of Deputies is showing in exchanging difference experience with the other IPU member countries, in its way of improving the parliamentary and administrative system."

Mr Constantin Dan VASILIU (Romania) presented the following contribution:

"There is no doubt that the function of Chamber President is the most important, difficult and complex function in a Parliament.

Given the historical development of the parliamentary life in Romania, I will start by making a short reference to the Constitution of 1866 — marking the beginning of the modern period of parliamentary regime in my country — and to mention the followings most important differences comparing to the legal provisions in force today:

- The internal structures of the Chambers were not constituted on the basis of the political configuration of the Assemblies resulted from elections, provision introduced by the 1991 Constitution, as a measure of protection of the political minority.[6]
- The President was elected at the same time with the other members of the Standing Bureau, only for the period of a session and not for the period of a mandate as in the present.

At present, in Romania, the function of the President of the Senate is regulated by two documents: the Constitution of Romania, republished (2003) and the Standing Orders of the Senate (2005).

[6]The Constitution of Romania of 1991 was changed and completed by the Law on the Revision of the Constitution of Romania 429/2003, approved by National Referendum (Oct.2003)

1. The election of the President of the Senate

According to the Constitution and to the Standing Orders of the Senate, at present, the President is elected for the term of office of the Chamber, by secret ballot, with vote bulletins, on which are listed, in the decreasing order of the size of the parliamentary groups, the names and the surnames of all candidates proposed by the leaders of the parliamentary groups. Each parliamentary group is allowed to submit only one proposal it should be mentioned that, according to the Art. 16 paragraph 3 of the Constitution of Romania republished, the political membership of the members of the Standing Bureau shall reflect the political configuration of the respective Chamber as resulted following the elections.

According to the Standing Orders of the Senate, Art. 24, the candidate who receives, at the first scrutiny, the vote of the majority of Senators is declared the elected President of the Senate.

In case that none of the candidates receives the necessary number of the votes, a second tour of scrutiny is organized, with the participation of the first two candidates obtaining the greatest number of votes or, if the case be, of the candidate who got the first place and of all candidates situated on the second place at equal number of votes.

Following the second ballot, if the candidate on the first place didn't obtained the vote of the Senator's majority, new ballot tours are carried out according to the system already stated. The candidate receiving the vote of the majority of Senators is declared President of the Senate.

2. The prerogatives of the President of the Senate

The prerogatives of the President are stated by the Standing Orders of the Senate. In carrying out of his duties the President is supported by the others members of the Standing Bureau: 4 Vice-presidents, 4 Secretaries and 4 Questeurs.

It is important to underline here that the President of the Senate — who is at the same time the President of the Standing Bureau and the only member of this structure elected for the entire period of the mandate — is responsible not only for the efficiency of the legislative activity but he also detains some distinct attributions individualizing him as a representative of the senators.

Thus, according to the Standing Orders of the Senate, art 39, the President has the following duties (prerogatives):

a. to convene the Senate in ordinary and extraordinary sessions;
b. to preside the proceedings of the Senate and to ensure the complying with the timetable and the agenda;
c. to give the floor, to moderate the debates, to synthesize the issues under debate, to establish the vote order, to explain the vote significance and to announce the result of the vote;

d. to ensure the maintenance of order during debates and the observance of the Constitution and of the Standing Orders;
e. to convene and to preside the Standing Bureau sittings;
f. to represent the Senate in its relationship with the President of Romania, the Chamber of Deputies, the Government, the Constitutional Court, and with other authorities and national or international institutions;
g. to notify the Constitutional Court in accordance with the stipulations of Art. 146, a), b), c) of the Constitution of Romania, republished;
h. to dispose of the President Fund, according to the law and in the limits of budgetary provisions;
i. to approve the discount of expenses of the official delegations abroad;
j. to approve indemnities for the persons employed as part-time staff and the discount of expenses for the persons invited to the Senate according to the law;
k. to annually present to the Standing Bureau the reports on the use of the President's Fund;
l. to carry out any other duties according to the law, to the present regulations or decided by the Senate.

As mentioned under item 2 e), given the President's role in his double capacity as the President of both the Senate and of the Standing Bureau, it is important to mention here some of the attributions of the Standing Bureau which I consider relevant for the subject in discussion. According to the Standing Orders of the Senate, the Standing Bureau has the following duties:

- to prepare and to ensure the conduct in good conditions of the proceedings of the Senate;
- to propose and to put on the agenda of the Senate the approval and/or the modification of the Standing Orders;
- to approve the Regulations of the Standing Committees;
- to receive the bills or legislative proposals and to decide upon:
    - notifying the respective Standing Committees in order to draw up reports in case the Senate is competent to debate and to adopt the bill as the first notified Chamber, or in case the Senate is notified by the Chamber of Deputies;
    - transmitting them to the Chamber of Deputies, in the case the Chamber of Deputies is competent to debate and adopt them as the first notified Chamber, or following a decision of the Senate Plenary Sitting and with the approval of the Committee on Legal Affairs, Appointments, Discipline, Immunities and Validations;

- to order the distribution of bills, legislative proposals and of the reports of the Standing Committees to all Senators, as well as their publishing on the website of the Senate;
- to draw up the draft agenda and the program of the Senate sittings, following consultations with the leaders of the Parliamentary Groups, and with the Representative of the Government responsible for the relation with the Parliament and to order their publishing on the Senate website;

- to decide, following consultations with the leaders of the Parliamentary Groups, the total duration and the distribution of the floor takings during the political debates, as well the total duration and distribution of the floor takings during political declarations;
- to submit to the Senate's approval the number and the names of the senators members of the delegations to international parliamentary organizations, based on the decisions negotiated by representatives of the Parliamentary Groups;
- to submit to the Senate's approval its draft budget and the closing accounting of the budgetary exercise, to perform the internal financial accounting control, through the questeurs, and to take the appropriate measures related to these matters;
- to submit to the Senate's approval the structure of its services;
- to propose to the Senate the appointment or the revocation of the Secretary General and of the Deputy Secretary General;
- to approve the list of positions and the Regulations on Organization and Functioning of the Services of the Senate;
- to control the activity of the Services of the Senate;
- to approve the regulations regarding the security and the access in the Senate building;
- to adopt decisions which are compulsory for Senators and for the technical staff.

Beyond all mentioned above duties, having a neutral character from the political point of view, the President of the Senate (and of the Chamber of Deputies) fulfils some constitutional or legal competencies, having this time a political connotation.

As for example:

- The President of Romania may dissolve Parliament, following consultations with the *Presidents of both Chambers* and with the leaders of the parliamentary groups, if no vote of confidence has been obtained to form a government within 60 days after the first request was made, and only after rejection of at least two requests for investiture.
- According to art.98 of the Constitution of Romania, republished, the *President of the Senate* ensures the interim of the presidential office.
- The President of the Senate may .....the Constitutional Court
- *The Presidents of the Chambers* are invited together with the representatives of the parliamentary groups at the consultations that the President of Romania may organize in exercising his mediation function (art 80 paragraph 2, The Constitution of Romania, republished).

In the same context of the attributions of the President of the Senate which are established by other legal provisions than the Standing Orders of the Chambers, I mention here art. 103, paragraph 3, of the Law on the organization and the functioning of the Court of Accounts stipulating that its members are taking the oath in the front of the Presidents of the Chambers.

Finally I would like to underline that as far as the ceasing of the mandate of President of the Senate the same rule as for the other member of the Standing Bureau is applied. Thus, according to the Standing Orders of the Senate, art. 29, the term of office of President of the Senate, Vice-President, Secretary or Quaestor, ceases before the expiration of the mandate, following the lost of the Senator's mandate, according to Art. 70, par. (2), the Constitution of Romania, republished, or to their resignation or revocation in accordance with the Standing Orders. The proposal on revocation is submitted in writing, under the signature of the initiators, once in a session, and it is submitted to the Plenary sitting."

Mr Valentyn ZAICHUK (Ukraine) presented the following contribution:

"Powers of the Chairman of the Verkhovna Rada of Ukraine are defined by the Constitution of Ukraine and parliamentary Rules. According to Article 88 of the Constitution of Ukraine "the Verkhovna Rada of Ukraine elects from among its members the Chairman,... the First Deputy Chairman and Deputy Chairman ...and recalls them".

The Chairman of the Verkhovna Rada of Ukraine:

1) presides at meetings;
2) organizes the preparation of issues for consideration at the parliamentary meetings;
3) signs acts adopted by the Verkhovna Rada of Ukraine;
4) represents the Parliament in relations with other bodies of state power of Ukraine and with the bodies of power of other states;
5) organizes the work of the staff of the Verkhovna Rada.

The second part of Article 88 of the Constitution of Ukraine stipulates the basic powers of the Chairman, which are further specified by the Rules of the Parliament.

Particularly, item 1 of the mentioned Article determines the powers of the Chairman to direct parliamentary sessions where he or she is obliged to ensure observance of the norms of the Rules providing that regulations and work schedule are in place.

In compliance with the Rules of the Verkhovna Rada of Ukraine the Chairman opens, closes, directs the work of sessions without prejudice and suspend them; submits draft laws, resolutions, and other regulations of the Verkhovna Rada for consideration; declares their full names, statutory wording and initiators of the submission; informs MPs about documents addressed to the Verkhovna Rada. At sessions he or she reads out lists of MPs registered to speak; gives the floor to present a report (joint report), make a statement and names next speaker; put the issue to the vote, declares its results. The Chairman should provide equal opportunities for MPs to participate in the debate of items and use all appropriate measures to maintain order at the session of the Verkhovna Rada.

Item 2 of the second part of Article 88 of the Constitution of Ukraine determines the powers of the Chairman as regards the preparation of issues for consideration at the

meetings. It defines the powers of the Speaker to organize the elaboration of the annual and future plans on draft law proceedings, convene and preside over consultations with the Chairmen of the Committees, representatives of the deputies groups and factions, Coordination council to agree MPs' positions as for the plan of work of the Verkhovna Rada of Ukraine, draft agendas, schedule of plenary sittings, issues on the submission of draft laws for consideration of the Committees, deputies groups and factions, for scientific, legal and other expertise on the state of readiness of draft laws for consideration in the plenary.

Quite important is the power of the Chairman, defined by item 3, to sign the acts adopted by the Parliament, since this procedure confirms compliance of the acts with the decisions taken by the Verkhovna Rada. This power is supplemented with the authority provided for in the Rules to issue resolutions on the publication of the acts among from those, which need no signing by the President.

The first part of Article 94 of the Constitution of Ukraine contains the provision that sets out the need of signing the law by the Chairman of the Verkhovna Rada and its immediate submission to the President. In terms of the constitutional practice the adoption of the draft law by the Parliament finishes only the consideration of the concrete legal act, which is signed by the Speaker. Though it does not finish the legal procedure since to become legally binding the draft must be signed by the President and there should be resolution on its publication.

According to the Rules of the Verkhovna Rada of Ukraine the texts of laws adopted by the Ukrainian parliament are finalized in the Administration of the Verkhovna Rada and are signed by the Speaker within 5 days. After that the laws (together with the resolutions on bringing them into force) are submitted for signing to the President.

The powers of the Speaker as regards the representation of the Ukrainian parliament in relations with other bodies of state power of Ukraine and with the bodies of power of other states stipulated by item 4 of Article 88 of the Constitution of Ukraine testify to the quite high rank of the Speaker in the hierarchy of senior officials of the state and his or her important role in political life of the country. The Chairman of the Verkhovna Rada maintains interaction of the Parliament with the President, executive branch, judiciary, the Verkhovna Rada of the Autonomous Republic of Crimea, local self-governing bodies and NGOs.

The Speaker proposes to the Parliament for election or appointment candidacies of public officials in accordance with the Constitution of Ukraine, laws of Ukraine and Rules of the Verkhovna Rada.

In conformity with the item 5 of Article 88 of the Constitution of Ukraine the Speaker organizes the work of the staff of the Parliament. The Chairman determines the numerical composition of structural organs of the Administration within the limits of expenditures, ensures compliance of the staff with the schedule of work and controls its activities, makes submission to the Verkhovna Rada on nomination and dismissal of the Secretary General and submissions to the Secretary General on nomination and

dismissal of Deputies of Secretary General, approves Regulations on the Administration of the Verkhovna Rada of Ukraine, document control, issues instructions to the Secretary General and employees of the Administration.

Apart from the constitutionally established powers, the Chairman of the Verkhovna Rada of Ukraine exercises duties as the leader of the Parliament related to the normal functioning of the Parliament as one of the highest bodies of state power. In accordance with the Rules of the Parliament the Speaker organizes preparation of the budget of the Verkhovna Rada and submits it to the Parliament for consideration, manages funds allocated to the Parliament from the state budget, gives instructions on the use of premises of the Verkhovna Rada; submits to the Parliament detailed written report on the expenses for the previous year and on their compliance with the cost sheet of the expenses. At least once a year the Speaker submits report to the Verkhovna Rada on his activities, organization of work of the Parliament and its bodies, legal framework, oversees the fulfillment of official duties by the First Vice Speaker, Vice Speaker and Chairmen of the parliamentary committees.

Privileges and immunities in the Parliament

National deputies are guaranteed parliamentary immunities. National deputies are not legally liable for the results of voting or for statements made in Parliament and its bodies, with the exception of liability for insult and defamation. National deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine (Article 80 of the Constitution of Ukraine, item 5 of Article 10 of the Law of Ukraine "On the status of the people' deputy of Ukraine")."

Mr Xavier ROQUES (France) said that the powers of the Speaker of the National Assembly in France were very similar to those of the Speaker of the House of Representatives in Morocco. The Speaker of the National Assembly was elected for the length of the Parliament, which gave him a particular legitimacy in comparison with all the other types of parliamentary authorities (Deputy Speakers, members of the bureau, Chairmen of Committees), who were re-elected each year — even if often this re-election was purely formal.

The Speaker was consulted if the Chamber was dissolved, and if the urgent procedures provided for in article 16 of the Constitution were put into application, he could refer the matter to the Constitutional Council and nominate part of the membership.

The Speaker also played an important role in representing Parliament, as much within the country as internationally. It was thus very often the case that official representatives of foreign States (Heads of State, Prime Ministers, Speakers etc) travelling through Paris would come to meet him. It might even be regarded as an obligation — with the Ministry of Foreign Affairs frequently asking for guests to be received at the Assembly.

This representational function was also to be seen internally: all legal procedures carried out in respect of the National Assembly were done in the name of its

representative, that is the Speaker. On the other hand, if the National Assembly started legal action, in theory the Speaker brought the matter before the judge — even if, in practice, it was often the quaestors who were the originators of the action.

The Speaker had important police powers, internally — sanctions against Members of Parliament, regulation of traffic within the Assembly — and externally. No police or military authority could enter the Assembly without his permission — a protection which naturally enough operated within the precincts of the historic building but which had been extended to all its buildings, even if only rented. On the other hand, the Speaker could require the intervention of the armed forces or the police — a general was attached to the Speaker of the National Assembly to ensure a link with the Ministry of Defence.

The Speaker nominated people to many bodies, of varying importance.

The Speaker presided over sittings (alternately with Deputy Speakers), the Conference of Chairmen (which met every week and fixed the Orders of the Day for the Chamber) and the Bureau. He received various communications, internal papers (resignations of Members of Parliament, requests for lifting parliamentary immunity, candidacies for committees, etc), he summoned the committees for their initial meetings, etc.

The quaestors were a French particularity. The quaestors were responsible for managing the budget and administration of the Assembly. This frequently caused delicate problems in the relations between the Speaker and the quaestors, for example in security matters: although the Speaker decided the rules relating to security, the quaestors nonetheless were the authorities which carried out the rules (issuing passes, tickets for sittings, etc).

Mrs Hélène PONCEAU (France) said that the Speaker of the Senate had powers which were comparable to those of his colleague in the National Assembly. In addition, the Speaker of the Senate could be called to be interim President of the Republic. Otherwise, the Speaker of the Senate was not the only one to be elected for three years, after each senatorial election: the six Deputy Speakers, the three quaestors and the 12 secretary members of the Bureau were also elected for a similar term. In the daily exercise of their respective duties the working relationship between the Speaker and the quaestors was on a rather different basis, more equal, in the Senate than in the National Assembly.

Mr Hafnaoui AMRANI (Algeria) thought that the Algerian Parliament and the Moroccan Parliament had many characteristics in common. In Algeria as in France, the Speaker of the Council of the Nation could be required to be interim President of the Republic in cases of inability to carry out duties, death or resignation of the President pending an election.

He wanted to know whether the two Chambers might be able to meet jointly. If so, who summoned such a session, the Speaker of the House of Representatives or that of the

House of Councillors, and who presided? In addition, who transmitted bills which had been agreed to by Parliament to the Prime Minister?

Mr Michael POWNALL (United Kingdom) said that in the United Kingdom the House of Lords was soon going to elect its own Speaker for the first time in six hundred years. Until then, the Lord Chancellor had been the head of the judiciary, playing a secondary role as Speaker of the institution.

The Government had reformed the role of the Lord Chancellor, taking away from him the duties of Speaker and inviting the House to administer itself henceforth. The new Speaker would preside over sittings, would advise the House and would have several supplementary powers in comparison with his predecessor, in particular in relation to urgent questions, representation of the House internally and externally and explaining the role of the House to the wider public.

Candidates for the office had to be nominated three weeks in advance of the vote on all the candidates which would have only one round and which would be a secret ballot.

There had been debate about the amount of pay for the Speaker. It had been decided to fix it at the level of pay obtained by the holder of a ministerial office. It had also been decided that although the Speaker would wear robes, he would no longer have a wig.

Mr Mamadou SANTARA (Mali) said that he had found many similarities between Morocco and the situation in Mali. Nonetheless, there were some differences, in particular relating to the Speaker's own powers which could not be delegated. In Mali, it was necessary to note the duty of external representation of the institution or the right to take legal proceedings in the name of the institution, which had a legal personality.

The Speaker of the National Assembly of Mali also had an extensive power of nomination — for example, three members of the Constitutional Court or a member of the Superior Council on Communication. He also summoned the High Court of Justice for its initial meeting in the course of which it had to select its own Chairman — a strategic power to the extent that the constitution of the Court allows it to start its activities, namely to pursue, where necessary, elected Members whose behaviour is doubtful.

He asked Mr Abdeljalil ZERHOUNI what the reasons were for changing the Speaker of the Chamber in the middle of the legislative period and whether the involvement of the parliamentary institution in selection of members of organizations outside Parliament did not have the effect of reinforcing their democratic legitimacy.

Mrs Adelina SÁ CARVALHO (Portugal) asked Mr Abdeljalil ZERHOUNI if there was a hierarchy of the Deputy Speakers in the House of Representatives.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) said that the present Speaker of the Second House had been elected in 2002 during the first session of the Chamber. He had been elected for the length of the Parliament, namely four years, by secret ballot.

The Speaker represented the Chamber within the country and abroad, and could be represented in the course of his duties by the first Deputy Speaker. The Speaker was also consulted by the Head of State, Queen Beatrix, when a new government was being formed.

He had various duties: he summoned the sittings, organized debates, determined the orderliness of amendments and requests for the establishment of Inquiry Committees. He presided over official sittings, was responsible for good order within the Chamber, he organized the visit of speakers, called them to speak and stopped them from speaking, etc.

She asked Mr Abdeljalil ZERHOUNI what the powers were of the Bureau and the Council of Chairmen and whether the Speaker of the House could speak during legislative debates — this was possible, for example, in the Netherlands, although the Speaker had to leave the Speaker's chair.

Mr Abdeljalil ZERHOUNI (Morocco) praised the wide-ranging debate on the question of functions and powers of the Speaker of a Parliamentary Assembly.

Turning first to Mr Xavier ROQUES, he confirmed that the Speaker of the House of Representatives was also empowered to take legal proceedings in its name — in the same way as he represented the Assembly abroad.

In reply to Mr Hafnaoui AMRANI, he said that joint meetings of the two Houses were not provided for in their rules, except for the opening sitting of each legislative session. In those cases, the sitting of the two Houses jointly was presided over by His Majesty the King.

As far as legislative procedure was concerned, Bills were examined by the House of Representatives, then sent to the House of Councillors, then sent to the Prime Minister. It was possible for a Second Reading to take place in the House of Representatives, if the House of Councillors wanted to amend the Bill.

In reply to the questions from Mr Mamadou SANTARA, he said that Morocco was a constitutional monarchy and that the basic power of nominating appointments belonged to the Moroccan sovereign.

The question of the mandate of the Speaker, which was interrupted in the middle of the legislative period, was the subject of debate. Some requests had been made to amend the Constitution and allow election of a Speaker for the entire period of the Parliament. The term limit of a year for membership of the Bureau also sometimes raised practical difficulties.

In response to Mrs Adelina SÁ CARVALHO, he said that there was a hierarchy of the eight Deputy Speakers, which was designed to reflect the political balance.

Turning to Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, he said that the Bureau had the responsibility for management and functioning of the House whereas the Conference of Chairmen essentially met to decide the Orders of the Day for the work in the plenary session.

The Speaker could give his opinion in the course of debates on legislation, although he remained in his place when he did so.

Mr Marc BOSC (Canada) asked for details about the nature of the "consultations" carried out by the King.

Mrs Doris Katai Katebe MWINGA (Zambia) asked what happened in relation to the exercise of the powers of the Speaker which could not be delegated in cases where he was unavailable.

Mrs Lulama MATYOLO-DUBE (South Africa) asked Mr Michael POWNALL for details on the powers of the new Speaker of the House of Lords. Mr Mamadou SANTARA had referred to the submission of a case before the High Court by the Speaker: was this principle compatible with the true separation of powers?

In South Africa, although many rules had been borrowed from Westminster, new developments had come about. Thus a new law relating to parliamentary immunity gave the Speaker the responsibility for ensuring the protection of elected Members and the buildings: he was able to engage whatever police resources were necessary to ensure their safety.

The Speaker was, in addition, the spokesman of the Assembly: he represented the institution and it was he who took legal proceedings, spoke on the name of the House and not as a party member, and was the guardian of the dignity of the House and parliamentary propriety — these questions formerly being given to specialised offices.

The Speakers of the Houses were also the Treasurers of Parliament, applying the principle of separation of powers. Parliament sent accounts to a parliamentary scrutiny authority where reports of the accounting officers were presented and discussed.

Mr Karamet Husain NIAZI (Pakistan) said that the system in Pakistan to a great extent followed the British model. Nonetheless, there was a specific matter which probably had no equivalent elsewhere in the world: the Speaker could insist that a Member of Parliament should take part in a debate, even if he was detained in the course of investigations and not convicted by the Court.

In addition, the Speaker of the National Assembly could summon a session at the request of at least a quarter of the members of the Assembly. He presided over the

joint meetings of the two Houses of Parliament. He acts as President of the country in the absence of President, and Chairman, Senate. He remained in office after dissolution of the National Assembly until his successor was sworn in and took up his duties. He declared the Leader of the Opposition.

Mr Nanborlor F. SINGBEH (Liberia) said that the system in Liberia had been bicameral since 1947 and article 8 of the Constitution (as amended in 1956) laid down that the legislative function was given to the two separate assemblies, the House of Representatives and the Senate.

The Senate was presided over by the Vice President of the Republic, in which task he was assisted by the pro tempore Speaker of the Senate, who was elected by his colleagues. The Speaker of the House was also elected by his peers.

Mr Ravi Kant CHOPRA (India) wondered about the consultation with the Speaker of the House of Representatives in Morocco in cases of urgency. In India a state of emergency was decreed by the President after discussions with the members of the Government, with the agreement of Parliament being required within a month (on the basis of a resolution voted for by the two Houses).

Mr Abdeljalil ZERHOUNI (Morocco) in reply to the questions from Mr Marc BOSC and Mr Ravi Kant CHOPRA, said that the expression "the King consulted" meant that an opinion was given to the King by the Speaker of the House — in other words this meant a decision.

Mr Mamadou SANTARA (Mali) replying to Mrs Lulama MATYOLO-DUBE, said that the current constitution of Mali (agreed in 1992) included a section entitled "on judicial powers" — and not, as before, "on judicial authority": the difference might seem negligible but in fact marked a desire to establish a clear separation between the other powers under the Constitution and judicial independence.

The Supreme Court was at the head of the judicial system which was divided into an administrative section, a judicial section and a public accounts section. The High Court of Justice was established under the Constitution and was made up of nine elected Members who were chosen by their peers and they alone had the power to judge the President of the Republic in cases of high treason as well as any ministers guilty of failings in the exercise of their public duties.

3. Administrative Questions: election of a Vice President and an ordinary member of the Executive Committee

Mr Anders FORSBERG, President, said that the Joint Secretaries had only received one nomination as candidate for the post of Vice President of the Association, namely that of Mr Hafnaoui AMRANI (Algeria) and only one nomination for the post of ordinary member of the Executive Committee, namely that of Mr Xavier ROQUES (France).

On the basis that no vote was necessary he declared that Mr Hafnaoui AMRANI and Mr Xavier ROQUES were elected as Vice President and an ordinary member of the Executive Committee of the Association, respectively.

4. General debate: the role of Parliaments and parliamentarians in promoting reconciliation in society after civil strife

Mr Anders FORSBERG, President, invited Mr Hafnaoui AMRANI to start the debate.

Mr Hafnaoui AMRANI (Algeria) presented the following communication on: The role of Parliaments and parliamentarians in promoting reconciliation in society after civil strife — the Algerian experience:

"Algeria had lived through a difficult period which had lasted over a decade with many victims (over one hundred and fifty thousand deaths, thousands of orphans, and damage to the Algerian economy estimated at one billion dollars). The country had successfully survived this testing time thanks to the patriotism and the sacrifice of the army, the public, the security forces, and those patriots who, patiently and with determination, had been able to organize national resistance.

The state had put in effect various legal mechanisms in order to encourage those who had revolted against it to give up violence and to express their political will within a democratic framework.

The concept of national reconciliation was not new in Algeria.

There had been serious attempts from 1995 to reason with those who had taken up arms against the State and society in general.

These had had only partial success but nevertheless they had been important because several terrorists had accepted the lenient gesture made by the authorities and had surrendered. This gradual approach which had relieved much tension had been followed up by a law on bringing about civil harmony in July 1999. In addition, the Charter on National Reconciliation granted freedom from criminal process to members of the armed groups who gave up the armed struggle.

This had reduced the terrible plague of terrorism and had improved the underlying situation but definitely had not eliminated terrorism.

The Charter for Peace and National Reconciliation, the goal of which was to put an end to this national tragedy, had been approved by referendum on 29 September 2005 and had come into force in February 2006.

There had been a great deal of discussion and speculation about this Charter, in particular about its capacity to lead to concrete results and the debate had continued,

because of the emotions which it had provoked, even after the President of Republic had promulgated the Charter.

As one might expect, the Charter had its fierce opponents among those who had been victims of the events as well as proponents, some of whom had also been victims.

A number of questions had been raised on behalf of civil society generally, those in political life and those carrying out legal functions.

Between the disinterested support of some and sharp criticism of others opinions had varied and people had followed their own political views, either according to their party loyalty or their private convictions.

Some lawyers thought that it would not be possible to have reconciliation without having a duty towards the truth.

Human Rights NGOs had declared that the process ran the risk of legalising immunity for crimes against humanity and of depriving victims and their families of their right to justice, the truth and reparation and that it might undermine future prospects, in particularly in the area of human rights.

The Algerian Parliament had actively taken part in this long journey from the Law on Clemency of 1995 to the Charter for Peace and National Reconciliation passed by the Law on Civil Concorde (1999).

The Algerian Parliament had played its part each time important questions for the Nation had arisen.

Several months before the referendum of 29 September 2005, those Members of Parliament who were aware that Algerian society had been weakened and deeply wounded by a decade of devastation and desolation showed leadership and a sense of direction and proportion in the way in which they travelled throughout the various towns in the country to explain to their constituents the contents of the Charter, its meaning and expected goals.

They did this both as Members of Parliament and as citizens who were fully engaged in the renewal process of society, convinced as they were of the solid foundation of the course which they were defending. They were not without feeling, of course, and put the interests of the country before all other considerations, knowing that this was the only possible way forward in the present situation and that it represented an opportunity without parallel to ensure the health of the nation.

The Charter for Peace and National Reconciliation received a massive vote in favour in the referendum of 29 September 2005 and a law was promulgated when Parliament was not sitting with a view to its being presented and agreed to by the two Houses of Parliament at the start of the spring session, that is to say March 2006.

Immediately after its agreement, the greater part of the Members of Parliament were engaged in meetings and round tables with the aim of explaining the objects of the Charter and to give reasons for the proposal of this law by the President of the Republic, namely:

1) putting into effect the provisions of the Charter for Peace and National Reconciliation was an expression of the sovereign will of the Algerian people.

2) putting into effect the determination of the Algerian people to complete the policy on peace and national reconciliation was indispensable for the stability and development of the Nation.

At present, i.e. barely 2 months after agreement of the law on reconciliation, Members of Parliament regularly went to their electoral districts:

1) organizing meetings with local authorities in charge of implementation of the Charter for Peace and National Reconciliation; and

2) chairing public education meetings to explain the situation across the country, the reasons for setting up the Charter for Peace and National Reconciliation as well as the provisions in the law, the area of application and the expected procedures which might be summarized as follows:

The peace and well being of citizens required reconciliation.

Countering certain groups which recommended violence as a means of controlling society, using Islam to lead them to give up violence and work in total openness and to support ideas and values based on democracy.

Some perceived the charter more as a diktat than a contribution to national reconciliation because it contained nothing about essential concepts such as crimes against humanity and human rights and avoided mentioning State responsibility for many aspects of the tragedy.

Admittedly, the Charter allowed the authors of crimes involving torture and disappearances to benefit.

However, it did this in a spirit of appeasement of hearts and minds, knowing that it was more urgent to rebuild the country, tortured by years of terror, and to draw a line under such things by putting into effect all the provisions, in order to prevent any repetition of such evils, since the tragedy would not end simply with laying down weapons, if the economic and social war continued.

The adopted Charter could help to absorb the bitterness and pain of victims and to teach them to live in peace together.

Nonetheless, the provisions aimed at excluding from the benefit of amnesty “those judged to be guilty of or being accomplices in or the instigators of collective massacres, rapes or use of explosives in public places” and those preventing repeat offenders from profiting from measures of leniency should not be ignored; neither should those preventing any involvement in political activity in any shape or form of those who had used religion to contribute to the national tragedy.

The Charter aimed to look after the social, psychological and material interests of victims to help them to heal their wounds, to forget their misfortune and to turn towards the future towards happier circumstances.

In addition, the legislators created further protection by laying down that “no one, in Algeria or abroad, was entitled to use the impact of the national tragedy to attack the institutions of the Algerian Republic, to weaken the State, to harm the standing of all the officials who have served it with dignity, or to tarnish the image of Algeria internationally”.

In this way citizens must live through this painful moment and not indulge in theoretical debates which would by no means serve the higher interests of the State.

At the risk of displeasing the victims and their families and of running up against the principles of certain international human rights organizations, Algeria had chosen the way which appeared to it to be the best adapted for an exit from the lasting crisis, to make it possible for reconciliation to be re-inforced.

This step was drawn from the traditions of the Algerian people based on its religion of tolerance and forgiveness.

Admittedly, it was not something which could from one day to the next heal the wounds undergone by the victims.

Its critics claimed that there was no national debate on the causes of this terrible tragedy and on the means of overcoming it.

However, such a debate in the current circumstances and where the wounds were still fresh and stability not yet achieved certainly would have lasted a long time and delayed the restarting of the economy and the establishment of a secure situation. The country could not, in the current state of affairs, allow new political and social tensions.

If it were necessary to launch a series of trials, there would be thousands of them and with the procedure of the prosecutions, defence and appeals, several years would be necessary to lead to final judgement.

Admittedly, that appeared more logical in formal terms, but it was not reasonable to launch the country down that route at the cost of delaying its recovery. It was obvious that such a scenario would focus the attention of the whole country and even attract interest beyond our borders from where people might not be satisfied only to observe.

Admittedly, forgiveness required the recognition of fault and freedom to forgive or refuse forgiveness, and reconciliation was normally preceded by a judgement. But the situation did not make it possible to take such a step, which was considered impractical by the State authorities.

It was thus preferred, in the higher national interest, to turn the page and address true problems which were those of development, employment and other known social problems — a reasoned, intelligent exit from the situation, which carried out a perfect compromise between the State and its wayward children — to some extent a family reconciliation.

In spite of all the criticism, the Charter on national reconciliation was a major asset in the current stage of national development.

In Algeria, the appalling demolition of the nation, the hell lived through by the people, were fed by years of basic populism and injustice. Terrorism and violence hardly had any difficulty with taking root, nourished as much by a radical Islamism as by the absence of political freedoms, social misery and the absence of future prospects for a young generation aspiring to modernity and to taking part in the country's future.

The Algerians who sacrificed themselves for the rescue of their country had to be able to forgive in order to allow peace and progress, the more so as the authors of crimes and other morally culpable actions would in truth never be free, because they would remain captives of their conscience.

National reconciliation was the means which ensured transition towards another situation in which victims of both blind terrorism and the mistakes made by certain government officials in the particular context of this period and which could not be denied and the authors of these acts would have to rebuild together a life based on cohabitation, which was the only way of mending a society torn by fratricidal strife.

Some elements of the defence and security forces of the Republic, at one time or another, in the heat of action, in the face of the high threshold of violence from devastating terrorist action, had been shaken, had lost their clarity of vision and allowed their feelings of revulsion and their sometimes legitimate anger to take precedence over the necessary legality which should have been a characteristic of their actions as representatives of law and order.

National reconciliation had to contribute towards pacifying the relations between people who up to then had been in conflict and which had paralysed society — the after-effects would be difficult to erase and those in charge of the country were very conscious of this.

After this initial phase of explanation of the introduction of the Charter of National Reconciliation which was only in its early stage (2 months), the Algerian Parliament

would follow closely its implementation and would use all legal means which enabled them to scrutinize and criticize any failure to take the process forward by way of:

- written and oral questions to the relevant Ministers: Justice, Interior, Defence;

- scrutiny committees which would inform themselves at grass roots level of the impact of reconciliation and to evaluate its implementation periodically;

- possible boards of inquiry if necessary and even interpellation of the Government.

It should be noted that barely 2 months after implementation of the Charter of National Reconciliation Members of Parliament were asked by citizens to denounce more than 5200 falsely claimed victims of the national tragedy who were discovered as having made claims to allowances with the complicity of local government officials.

Finally, introduction of the Charter for Peace and National Reconciliation initiated by the President of the Republic, which had been voted for massively by plebiscite (a participation rate of 79.76% — 97.38% Yes and 2.62% No) and voted for by Parliament, was a process which would take time and in which Parliament had an important role in educating, scrutinizing and monitoring implementation with a view to identifying any failures in implementation while remaining in touch with the public and making proposals to solve problems where necessary, because reconciliation was not an event but a long process as delicate as it was complex."

Mrs Lulama MATYOLO-DUBE (South Africa) presented the following contribution:

"According to social scientists civil strife is some form of a social disease and I propose to premise my contribution on this notion. Like any disease any treatment can only be prescribed after a correct diagnosis of the cause of the symptoms presented by the patient. This in turn leads on a thorough investigation of the cause.

My starting point, Mr Chairperson, is that parliaments need first to understand the causes of conflicts in their countries and regions before they can decide what role to play as this will differ from country to country depending on what the cause of the conflict or civil strife was.

A renowned African scholar, (Mkandawire, 199:3), stated, "the historical construction of our nation states their ethnic mixture and their agrarian structures literary condemn us either to democratic rule or to ethnic violence and military rule. It is obvious that democratisation cannot be imposed externally, since it entails not just a set of political access mechanisms, but also the full political participation by the people, the idea of citizenship. The major challenge in many conflict-ridden societies is to create a more inclusive political system."

A classical example to cite her would be South Africa. South Africans had been divided into ethnic groups by the then Apartheid Regime at the time of Democracy in 1994. During the drafting of the Constitution this reality was acknowledged and faced as such.

The Constitutional organization of the country is such that the two Houses of Parliament have each a clear Constitutional mandate. Summarised, the National Assembly runs the country, expands South Africa's international relations and takes care of the security of the country. The other House, the National Council of Provinces, is focussing on internal political stability of the country. It looks after provincial interest at national level and provides a forum for public consideration of issues. This platform is available to all provinces who all have equal votes in the House for all provincial (linguistic, cultural, economic, etc) to be raised thus providing a mechanism for dealing with any possible ethnic differences in the parliamentary context. This is to keep tabs on any disillusionment by any grouping and address it immediately.

Secondly, parliaments generally need to debate the notion of democracy to ensure as close a common understanding of what the term means as is humanly possible. There seems to be as many interpretations of the term as are geographical areas, interests, and in some cases it is linked to the economic interests of some powerful countries.

Thirdly, parliaments generally and countries specifically should have a common understanding of the notion of each country's own democratic right to determine who is going to rule it. Failure to do this results in prolonged violence and chaos after civil strife. This is caused by the fact that the civil strife was created in the first instance by force and stopped by an even bigger force. The defeated party is not convinced that it was defeated fairly and will continue the fight.

Further, parliaments should exercise effective oversight over the use of the countries armies to ensure that they are used for the purpose for which they were constituted, i.e. the defence of the country.

In fact I would like to challenge the existence of ARMIES as against the Defence Forces. The Defence Force is meant, in South Africa, to defend the constitution of South Africa and as such although the President of South Africa is the Commander in Chief, he has to get the support of Parliament in deploying the Defence Force. He has to convince Parliament of the need to deploy the forces showing the constitutional interest or international obligation which must be endorsed by the Constitution (Section 210). In this way whoever becomes President of South Africa knows he / she cannot deploy the forces except in the interests of the Constitution. This assumes Parliament's political will to effectively oversee executive action.

Further, in order for the Constitutional provisions to live beyond the paper on which they are written, the people need to be assisted at a psychological level to deal with the effects of the civil strife so that they can fully put the strife behind them and have faith in the future. A number of countries prefer to "get justice" by charging people who were responsible for atrocities. Retribution may work but it does not help the individual to deal with his own trauma hence the trend is a truth and reconciliation mechanism first then "justice" in the case of those guilty who do not want to take the option of truth and reconciliation mechanism.

A number of countries have outlawed the benefits of civil strife e.g. “black diamonds”. The question remains how much political will is there from parliaments to actually oversee implementation of those laws. If there is no market for benefits of civil strife the strife itself will not be worth the effort and the human sacrifice.

Neighbouring Parliaments would endeavour not to support any of the factions militarily thus forcing both sides to seek workable solutions to their problems. Regional Parliaments could make this part of the obligations of member states in the interests of regional stability.

Parliamentarians need to walk the talk of peace. An example of this in South Africa is a soccer match that was played by Inkatha Freedom Party (IFP) and the ruling African National Congress (ANC) who had been archrivals. This indicated to the followers that war was truly over. After this the two parties held joint rallied addressing their followers on the truce. Thereafter the level of violence was significantly reduced.

After civil strife a country is usually also economically embarrassed. Conscious efforts should be made by parliamentarians to attract aid and investment in order to both assist the poverty stricken to survive and also to provide an attractive alternative to civil strife – individual economic development. Although economic activity does not soothe the hurt, it does provide an alternative activity to focus on and thereby redirect the angry energies towards something positive.

In conclusion, it is my submission that there is no set formula for facilitating reconciliation. Efforts should start by determining the cause of the civil strife, address that within the Constitution first, then with relevant legislation. Thereafter the psyche of the people affected by the civil strife needs to be realigned to peace both with programmes and the parliamentarians themselves taking a lead in demonstrating that war is over and people must concentrate on redevelopment of their county and reconstructing their devastated lives.”

Mr Abdeljalil ZERHOUNI (Morocco) presented the following contribution:

“**National Reconciliation: the experience of Morocco**

The history of independent Morocco had been marked by a difficult period during the establishment of the institutions of the State with contests for power between the various parties and between the parties and monarchy — multi-party politics being a constant in the country.

Morocco gained its independence in 1956 without a war of independence but at the end of a national struggle undertaken by the national movement in liaison with the Monarchy. And the 50 years which followed had not been easy. The Monarchy, His Majesty Hassan II especially, successor of His Majesty Mohamed V, had had to face very difficult periods including two failed coups d’etat and attempted murders and had to control with firmness to settle the government and the institutions of the country.

Since 1990, with His Late Majesty Hassan II, Morocco had started to establish itself as a State with the rule of law, democratic and modern, using as points of reference its civilised and cultural values, the principles of human rights and basic freedoms as recognised internationally. It is this that has made certain political commentators note that Morocco took its origin in peaceful circumstances relative to those in most Arab or African countries.

Thus, once the reforms had been put in place, institutions were established to support respect for Human Rights and to bring about reconciliation between Moroccans and their past.

– *Centre for documents, education and information on human rights*
It was set up with the assistance of the Office of the High Commission of the United Nations for Human Rights and of the United Nations Development Programme. The centre educated people about human rights and basic freedoms, as well as collecting, producing and publishing documents relative to this subject.

– *Divane Al Madhalim*
An institution charged with promoting intermediation between citizens and public organizations. It is a kind of Moroccan ombudsman, the task of which is to ensure that public authorities observe the rules of equity, equality and primacy of the law. This institution, which was aimed at reconciling differences between citizens and public organizations through extrajudicial means, has a principal role of examining complaints by those who thought themselves damaged by decisions or administrative acts regarded as illegal or unfair.

– *Advisory Council on Human Rights (CCDH):*
Since its creation in 1990, the CCDH had played a crucial part in the promotion of human rights in Morocco, the fight against all forms of illegality and tampering with the files of political prisoners and those relating to forced disappearances. Reorganized in 2001, the CCDH examined, in addition to the questions which were sent to it by the Government, cases of violations of human rights, the harmonization of national legislation with International Conventions, encouragement of development of human rights and development of international co-operation in this field.

On recommendations of the CCDH, an arbitration board had been created to regulate the cases of forced disappearances and arbitrary arrests. This authority had examined 5,227 requests for compensation, and up to February 2003, had made over 4,000 final decisions, allocating to victims or their dependants, more than 100 million dirhams (approximately 10 million dollars).

– *Justice and Reconciliation Authority (or National Commission on Truth, Equity and Reconciliation)*
The Justice and Reconciliation Authority (IER) was established officially by His Majesty King Mohamed VI on 7 February 2004. In the speech made on this occasion, the

Sovereign referred to the Authority as a historical event and entrusted important responsibilities to it by defining it as a commission on truth and justice.

The IER was made up of a President and 16 members of various parties, half coming from the CCDH, all united around the same objectives of protection and promotion of human rights. It decided itself its rules, which were approved by Dahir (royal decree) on 10 April 2004 and were published in the official Bulletin of the Kingdom 12 April 2004. In these rules, the IER defined and listed the tasks which it had been given, the crimes which were within its mandate to examine and its working methods.

The IER had 23 months to examine one 43 year period, which was the reference period covered by its mandate and which extended from the beginning of independence in 1956 to the date of approval by H.M. the King of the creation of the Independent Arbitration Authority in 1999. Its methods of action included investigation, research, evaluation, arbitration and the presentation of recommendations and proposals for reforms. The investigations related to serious violations of human rights which were of a systematic and/or massive nature, having taken place during the above mentioned period and which included forced disappearance, arbitrary detention, torture, sexual violence, infringement of the right to life, in particular resulting from the disproportionate use of force, and forced exile.

The IER proceeded to make a total evaluation of the process of dealing with the subject of forced disappearances and arbitrary detention, and undertook research and dialogue with the authorities, victims, their families or their representatives and the non-governmental organizations concerned. It thus worked towards establishing the truth about serious violations of human rights, by means of investigations, of the collection of witness statements, public hearings with victims broadcast on television and of hearings in camera with witnesses and former persons in authority, examination of official files and data acquisition from all available sources. The IER thus was able to establish the nature, gravity and the context of the violations, in the light of the principles and standards of international law on human rights, to examine cases in which there had been forced disappearances and to recommend procedures for payment or closure of cases of disappeared persons whose death was proven, to contribute to the clarification of certain historical events involving violations of human rights and to determine the responsibility of State organizations and, in particular cases, unofficial actors in the violations which were examined.

As regards reparation, the IER examined and ruled on the requests received on behalf of victims of serious violations of human rights or their dependants. In addition to decisions on compensation, it also presented recommendations as regards medical and psychological rehabilitation, of social rehabilitation, resolution of problems of a legal, administrative or professional nature which remained for certain victims, as well as cases of expropriation. On the basis of its report that certain areas and communities were considered to have suffered collectively, in a direct or indirect way, the after-effects of the political violence and the violations which followed, the IER put a particular emphasis on reparation for communities. It thus recommended the adoption and the support of programmes of socio-economic and cultural development in favour of

several cities and areas, and recommended the reconversion of the old illegal detention centres.

Finally, the IER prepared a report, comprising the results and the conclusions of its investigations and analyses relating to crimes and their surrounding circumstances, as well as recommendations for reforms which would allow the lessons to be learnt, to guarantee the non-repetition of such violations, to erase their after-effects, to restore and reinforce confidence in State institutions and respect for the law and human rights.

As a result, the IER drew up and made public a full report now published in several languages and placed at the disposal of all (cf web site: http.//www.ier.ma). This report was based on 4 large subject areas:

– *Establishment of the truth and determination of responsibility*

The chapter deals with the following:

- Cases involving people who were supposed to have disappeared;
- Arbitrary detention;
- Torture and ill treatment;
- Infringements of the right to life because of excessive and disproportionate use of the police force.

– *Repair of damages and justice for victims*

In this connection, the IER gave a total assessment of its actions:

- Dossiers submitted: 16,861 files.
- Files which were the subject of positive decisions:

Decisions taken	**Number of files**	**%**
- Financial compensation	6385	38
- Financial compensation and reparation for other damages	1895	11
- Recommendation only	1499	9
TOTAL	**9779**	**58**

- Classification of the remaining files:

Decisions taken	**Number of files**	**%**
- Not competence and partial examination	66	0.4
- Classification	18	0.1

- Rejection	854	5.1
- Decision of omission	150	0.9
- Inadmissibility	927	5.5
- Non competence	4877	28.9
- Incomplete files	190	1.1
TOTAL	**6892**	**42**

– *Reconciliation*

These involve identifying the process and the basis of reconciliation as well as the fundamental preconditions to the reconciliation.

– *Recommendations*

In order to guarantee the non-repetition of serious violations of human rights and to consolidate the process of reform in which the country was engaged, the IER published a series of recommendations relating in particular to constitutional reforms, the setting in effect of a national strategy relating to exclusion and the monitoring of recommendations. It recommended:

- Consolidation of the constitutional guarantees of human rights;
- Adoption and putting in effect of an integrated national strategy relating to exclusion;
- The IER considered that consolidation of the rule of law required reforms in the security, justice, legislation and penal policy;
- Mechanisms for monitoring."

Mr Petr TKACHENKO (Russian Federation) presented the following contribution:

"First of all, I would like to express my gratitude to the leaders of the Association for the opportunity to participate in the discussion on such topical and complex theme. Consent and social stability are conditions necessary for a normal life activity and sustainable development of any community both on the national and international scales.

The very fact the question discussed has been raised at such a broad forum testifies to our common recognition of the role and relevance of the true institutions of democracy and popular representation. The Russian experience of the last 15 years fully confirms such stance.

With the collapse of the Soviet Union a crisis of the civil society emerged. Frankly speaking, it was a difficult time — we lived through a deepest transformation of the entire socio-political order, a change of the state legal and socio-economic system of Russia. It was no surprise that the first ten years were rich in crisis situations that

really threatened the integrity of the country and its political and socio-economic stability.

It is difficult to overestimate the role of the parliamentary institutions in overcoming those critical moments of our history. In federative Russia, along with the Federal Assembly those include the bodies of legislative (representative) authority of the 89 constituent subjects of the Russian Federation, which made their full-fledged contribution to the development of their regions.

At the same time, let me as a representative of the Council of Federation to put the emphasis precisely on its role. Under the Russian Constitution, the Council of Federation — the upper chamber of the national parliament — occupies a special place in the system of state authority bodies of the Russian Federation.

1. The Council of Federation is a major guarantor and mechanism to ensure stability of the whole system of the federal state authority and the consistency and continuity in the pursuit of the national policies. This role is determined by the status of the upper chamber, according to which it is not subject to dissolution or simultaneous overall re-elections, as well as the chamber's power to made decisions on calling elections of the President of the Russian Federation and to impeach the head of state.

2. The focus of the work of the Council of Federation as "the chamber of the Russian regions" is not only the expression and defence of the positions of the constituent subjects of the Russian Federation, but also the consolidation of the regional federal interests in order to strengthen the Russian statehood. That fact enables the chamber to be a system-creating element in shaping both the parliamentary system in Russia and the civil society in general. This said, its inter-relations with the regions are based not on administrative methods, but on common understanding of the goals of development of the state and the society.

That is why an association of the regional parliaments was created at the Council of Federation and named "the Council of Law-Makers". An opportunity appeared thanks to that council's work to elaborate and implement consolidated positions of the regions in the federal legislation.

3. Finally, the Council of Federation occupies a special place in the central authority structure. Within the parliament it serves as a restraining element that ensures a balanced and high-quality decision-making by the Federal Assembly chambers in the realm of their shared competence. In particular, the Council of Federation is the last instance on the path the draft laws have to pass in the Federal Assembly and, thus, it bears responsibility for the quality of the federal legislation.

A traditional feature of the upper chamber of the Russian parliament is that it is not engaged in politics. The non-existence of political parties' factions in the Council of Federation enables it to concentrate its attention on the realization of the state and nation-wide priorities and goals.

The issue of ensuring the human and civil rights are central among them. That is the reason the Council of Federation believes that the main goal of its activities is to make the adopted laws facilitate to the full the implementation and promotion of those rights in all walks of life of Russian society.

In that connection the Council of Federation has taken a commitment to produce annual reports “On the State of Legislation in the Russian Federation”, the major meaning of which is to evaluate the quality of laws passed throughout each year. This said, the further promotion and guarantee of the human and civil rights is the main criterion of their quality.

The Council of Federation also pays much attention to the state of the civil society in other directions as well. To those ends the Council of Federation harbours, in particular, the Joint Commission on ethnic and religion denomination policy, and the Council on non-governmental and commercial organizations will be created soon. We consider such public bodies extremely useful for open discussions on the emerging problems and for preparation of proposals to timely resolve them. We employ the same approaches within the frameworks of the Inter-Parliamentary Assembly of the member countries of the Commonwealth of Independent States too.

By today, thanks to the efforts of the Council of Federation as well, we have managed to overcome in general the systemic crisis. Political stability, sustainable economic growth, decreases in poverty and stratification of the society, launching of socially-oriented national projects and strengthening of Russia’s moral authority in the international arena — these are just some of the features of the present-day state of the country.

One could hear recently many speculations on a curtailment of freedoms in Russia and even a departure from the democratic principles. Under no circumstances Russia is going to depart from realization of the most important principle of our state-building, which is the inadmissibility of lowering the already reached level of democratic development of the society.

All public opinion polls in Russia itself show that the absolute majority of the population supports the chosen political course and, moreover, insists on its consistent pursuit. A consolidation of the society and the authority institutions and a real implementation of the constitutional principle of the unity of the system of state authority bodies are obvious. The political position of the Council of Federation is that exactly those results evidently testify to the positive contents of the democratic reforms.

It is only through summarizing the whole diversity of experiences accumulated in many countries that we can draw a complex and multicoloured, yet precisely due to that realistic picture of the contemporary world, doing that in order to strictly commeasure our next steps with the peoples’ genuine needs and hopes.

In conclusion let me thank you for your attention and for the opportunity to render our vision of the situation in Russia.”

Mr Valentyn ZAICHUK (Ukraine) presented the following contribution:

"With all variety of views of modern political scientists regarding deciduous processes of social and political development of a country through establishment of democracy all over the world, the majority of them will not object that its most noticeable expression is a parliamentary component since it precisely reflects the spectre of political sentiments of society being the active guide of the people's expression of will.

Considering both transience and ambiguity of these processes, accompanied by crises, parliaments standing in the center of events become their catalysts and the "last resort" to direct a boisterous stream of public protest into legitimate resolution of social crisis.

This was exactly the role the Verkhovna Rada of Ukraine played in November-December 2004 during the "Orange Revolution".

It is worth noting that the Parliament of Ukraine was the active participant in resolving the election crisis standing firmly for peaceful and fair settlement of the conflict that arose between the people, enraged with the flagrant falsifications, and the power during the presidential campaign. It was also able to complete the legislative preparation of the constitutional reform that had been a stumbling stone for a long time in the political life of the country.

In this connection there is a need to briefly present the basic reasons and stages of the constitutional (or either political) reform that found the way out on the very peak of the revolutionary events in Ukraine.

Analyzing evolutionary processes in particular in the post-soviet space is confirming that in the transition period any steps towards modernization and progress contribute to the destruction of authoritarian tendencies. Such process shifts the balance between informal (which appear as a political throw-back for the developed democracies) and formal (which prevail in the West) institutions to the advantage of the latter.

In the historical dimension, short but eventful experience of Ukraine affirms both the above-mentioned inference and evident incompleteness of the assertion of formal institutions. Therefore, enhancing of the political system of Ukrainian society is fairly related to the political reform. This topic was first seriously talked about after the presidential elections in 1999. Though, there was no clear vision for the further development. Nevertheless, different political forces agreed upon one major point – the basic idea of the constitutional reform was to switch to the parliamentary-presidential system. This way or another this idea managed to muster support with the representatives of different political parties during the parliamentary elections in 2002.

On 26 December 2002, the Verkhovna Rada of Ukraine on the basis of the proportional representation of the parliamentary forces established an Ad Hoc Special Commission on Elaboration of Draft Laws related to Amendments to the Constitution of Ukraine.

At the same time awareness for the need of the political reform found favor among Ukrainian society let alone political elite. The interest in the notion of the "super-presidential power" and "heavy hand" slowly dwindled. In 2002-2003 nearly 50% of the

population supported such an idea. In another half a year 80% of the respondents were supportive of redistribution of powers to the advantage of the Parliament.

The new electoral law adopted on 25 March 2004, which envisages proportional system and strict lists as well as fixed electoral bar of 3% made the implementation of the political reform a step closer. This was though a decisive but just a step on the hard way towards the political reform. On 8 April 2004 as a result of the nominal voting the Verkhovna Rada did not approve the draft law on amendments to the Constitution (294 votes “for” of 300 needed).

Thus, the issue of moving along the way to the political reform entered a new stage of the development. There appeared proposals as for the continuation of the Constitutional process on the basis of other draft laws that were positively appraised by the Constitutional Court of Ukraine and by the experts of the Venice Commission.

The results of the mentioned voting corroborated time and again that Ukraine overcame another stage on building up democratic foundations of the parliamentarism. Currently, the parliamentarism in Ukraine is getting more mature acquiring features of self-sufficiency inherent for every country with civil society.

It is worthy of notice that we have maintained continued feedback with PACE as regards events in Ukraine. The presidential elections closely connected with the political reform were approaching. Yet the election campaign came to the forefront from among the most topical events in the country.

As 31 October 2004 — the first round of the election of the President of Ukraine — drew nearer the tension in society was growing. Firstly because of the numerous violations of the constitutional provisions for fair, transparent and democratic elections.

The events in the Parliament adequately reflected what was going on among people. In the moment of the most deteriorated situation after the run-off elections on 21 October 2004 when people took to the streets protesting against systematic breaches of the Constitution, current laws and one of the fundamental rights to free expression of will, the Verkhovna Rada adopted the famous Resolution on the political crisis in the country. The Parliament declared invalid the outcomes of the run-off elections and expressed a no-confidence vote to the Central Electoral Commission due to its inappropriate execution of duties stipulated in the Constitution and the laws of Ukraine.

Apart from this the Parliament found necessary to investigate the violations of the electoral legislation, to improve voting proceedings and to specify the mechanisms of judicial control.

Furthermore, the Verkhovna Rada was one of the stabilizing factors when the activities of the Government were blocked. It was acknowledged by the international mediators who assisted in settling political crisis as well as by the leading national political scientists. Finally the idea of the political reform came to the surface again when the situation seemed to develop into the stalemate. By the compromise decision of the participants of the negotiation process the Verkhovna Rada returned to consider this issue again. On 8 December 2004 the Parliament approved by 402 votes (of 450) the Law of Ukraine “On Amendments to the Constitution”. According to the law the parliamentary-presidential form of ruling will enter into force from 1 January 2006. This

almost unanimous decision by the people's deputies resulted in the abatement of tension paving the way for a final resolution of the conflict.

The adopted law provides for the extension of the rights and authority of the Parliament in its relations with the Government:

- the Parliament under the submission of the President of Ukraine appoints to office the Prime Minister and under the submission of the latter approves the composition of the Government;
- accountability of the Government to the Verkhovna Rada;
- the Parliament is authorized to dismiss the Cabinet of Ministers.

Under the new system the extended authority of the President is to disband the Parliament before the end of its term.

In conclusion, the advantages of the political reform are speed-up of the democratization of society, consolidation and structuring of political forces, advancement of interoperability between the Parliament and the Government. In a nutshell the law implements more effective form of state ruling and strengthening of parliamentary role.

There are some provisions in the new law, which need improving because of the urgency the law was adopted with. However, the main thing is that Ukraine has entered a new stage in the development of democratic institutions peacefully. The country managed to resolve the political crisis in a non-violent manner, which can be done by far not all countries, even the most developed democracies.

The Ukrainian Parliament played a positive symbolic role during those events and fully lived up to the statement that only representative body can reflect the will of the people in democratic society the best way possible.

Given the achievements of the "Orange Revolution" that constitutes a single whole with the final stage of the political reform one can say that the Ukrainian people together with its Parliament have written one of the most notable pages in the history of the XXI century. This has been another confirmation of irrevocability of democratic future of the human civilization."

Mr Carlos HOFFMANN CONTRERAS (Chile) thought that the subject of national reconciliation and the role which Parliaments could play in that process had constituted one of the main challenges of the past decade and would certainly remain a question of essential importance.

The re-establishment of democratic institutions, of Justice and the rule of law after a period of crisis was a complex process for all the actors in society and political life. At the end of the 1980s several Latin American countries had put systems into place which had been imitated on other continents.

In Chile, a committee had been set up with the objective of establishing the historical truth and to make proposals for recompensing victims. The Chilean "Truth and Reconciliation" Committee, made up of members with unimpeachable moral authority

and which had been similar to organizations in various countries (Argentina, Salvador, Bolivia etc) had established the facts, identified victims, supported their moral right to recompense and made concrete proposals to the public authorities aimed at forging social and political reconciliation.

In this process the role of Members of Parliament seemed important. The proposed recompense in effect assumed that the law would be agreed setting down financial payments, the potential beneficiaries and the definition of the state of being a victim: this was the only way of avoiding abuses, misunderstandings or further appeals. The serious approach of those involved in the legislative work, in the context of extreme political sensitivity — which also had significant financial repercussions — had been an essential element in dealing with this matter adequately.

Mrs Lulama MATYOLO-DUBE (South Africa) thought that the basic question arose from ethnic conflict, which could be dealt with. Such conflict came about as result of tensions within contemporary African society and the main issue was how to build political systems which involved everyone and excluded nobody.

Mr Mateo SORINAS BALFEGO (Council of Europe) said that Europe had not been exempt from crises in the course of the last 10 years which, if they had not been as serious as those in Africa, had nonetheless been able to compromise the political stability of a number of states. This was the case in Albania, in the former Yugoslav Republic, in Moldavia, in Georgia and in the Ukraine.

In these situations, the chief task assigned to the Council of Europe was to contribute to the re-establishment of confidence between parties, which was often damaged through the political crisis. To this end, a delegation of the Council including representatives of the five political groups of the Parliamentary Assembly went to the area affected to talk to the authorities and the political interests.

This experience had been extremely positive and the presence of Members of Parliament from different countries allowed the local actors to regard the questions causing the conflict with greater balance. In some cases, several visits had been necessary, either to Strasbourg or to set up Round Tables in the areas affected. Co-operation had also been established with other international Parliamentary assemblies.

Mr Prosper VOKOUMA (Burkina Faso) thought that the question of the role of Parliaments and Members of Parliament in national reconciliation had a special importance and complexity and thought that the report should be presented on this subject by the Association.

Mr Anders FORSBERG, President, supported the idea of preparing a detailed report on this matter.

Mr Marc RWABAHUNGU (Burundi) said that the Greater Lakes region had had a difficult history. In a work which he had published “At the heart of the national crises in Rwanda and Burundi: the struggle for resources” (L’Harmattan, 2004), he set out the

evidence for the cause of tensions arising from contradictions between the agrarian system and demographic pressures.

The vast economic interests involved meant that possible solutions had to be looked at within an international framework: close links between various countries had created a system of communications. Apart from establishing inter-community peace, good governance and education seem to be basic values, which were aimed at preventing later generations from being prisoners of the received ideas of their parents.

Mrs Halima AHMED (ECOWAS) underlined the importance of the current problem to the ECOWAS. ECOWAS had provided forces to maintain peace in Liberia, Sierra Leone and Guinea-Bissau.

ECOWAS was made up of 15 member states and its Parliament was still young since it had only been established five years before. Its role was important in conflict resolution, even though peacekeeping was not part of its basic tasks.

Mr Constantin TSHISUAKA KABANDA (Democratic Republic of Congo) said that the Democratic Republic had only recently emerged from several years of war which had resulted in nearly 4 million deaths. The Parliament which had been established had tried to resolve the questions which had been at the origin of the war — as a result, laws had been agreed on nationality, amnesties and integration of soldiers. The Constitution, which had been agreed by referendum, should allow unity to be restored to the country.

Parliament had established a Committee for Restitution, with the aim of returning goods which had been stolen. Over 1,575 cases had been referred to it and in 312 of these cases, goods had been restored to their legitimate owner (the State or private persons). As far as the law on amnesty was concerned, this attempted to re-establish everybody's rights and obtained reciprocal pardons.

Mr Hafnaoui AMRANI (Algeria) noted that the origin of troubles were different in different countries: terrorism, inter-ethnic tensions or social protest. In Algeria, radical Islamists had found fertile soil for the many dissatisfactions felt by the people — injustice, poverty, economic crisis.

Reconciliation was a long road, which was not covered with flowers. It was to be hoped that countries which traversed these difficult situations would nonetheless find it.

Mrs Adelina SÁ CARVALHO (Portugal) said that in East Timor, the first country to be born in the 21st century, there had been many important difficulties. The situation at present did not allow the Secretary General of the National Parliament of East Timor to be present at that session of the Association.

She asked the President if he would invite, in the name of the Association, the Secretary General of Parliament, Mr Adelino JESUS, to take part in the session in

Geneva and to inform the members of the Association, on that occasion, of the situation in Timor and its impact on Parliament, in the context of elections in 2006.

Mr Anders FORSBERG, President, for his own part agreed that the Secretary General should be invited to the next session in Geneva.

He thanked Mr Samuel Waweru NDINDIRI for the hospitality and warm welcome which Kenya had given to the members of the Association. The visits, which had been organized the previous day, had been very informative.

The sitting ended at 1.45 pm.

SIXTH SITTING
Thursday 11 May 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.10 pm

1. Communication from Mrs Adelina SÁ CARVALHO, Secretary General of the Assembly of the Republic of Portugal on Portugal and the convergence criteria: the budget for 2006 and the measures for reduction of the deficit by way of reduction of public expenditure, in the context of accuracy relating to receipts

Mr Anders FORSBERG, President, invited Mrs Adeline SÁ CARVALHO to present her communication.

Mrs Adelina SÁ CARVALHO spoke as follows:

"Portugal joined the European Communities 20 years ago. Since then the evolution of the Community has signified new challenges for my country, which had just emerged from an authoritarian regime, without free elections, that lasted for almost 50 years from 1926 to 1974.

The challenges of development and of keeping abreast with the evolution of international politics caused the Portuguese economy rapidly to adapt to the demands of the European economy.

The successive accessions of other Member-States to the European Union, in particular the major enlargement in 2004, meant that from being a major beneficiary of Community funds Portugal became a contributor to the Community budget, within a perspective of solidarity between the peoples of the Union.

So, from 1999 onwards, with the implementation of the single currency (the Euro) and the definition of convergence criteria aimed at stabilising the economy in the Euro Zone, it became essential to fulfil these convergence criteria in particular as regards the budget deficit.

The principal guidelines of the Stability and Growth Pact (SGP) of the Euro Zone, giving more emphasis to the long term sustainability of the public debt and encouraging Member-States to improve the quality of their public finances and direct spending and investments towards those that contribute to greater potential growth and more jobs, are observed in the core documents of Portugal's economic policy.

As the SGP establishes a ceiling of 3% of GDP for the deficit and 60% of GDP for the debt, Member-States' budgets are forced to seek an equilibrium, as non-fulfilment can give rise to an excessive deficit procedure, EDP. Whenever the deficit exceeds 3% and the country does not set in motion any *intentionally* compensatory measure in the period of ten months, the Commission may itself action that sanctionative mechanism.

Without prejudice of these limits being debatable, it seems inarguable that the aim of the SGP is, albeit with some short-term flexibility, to discipline in the medium and long term the levels of deficit and the debt, democratically guaranteeing Member States full autonomy in their manner of achieving it, that is, without interfering directly in the ceilings of the expense components.

As we all know, budgets are proposed by government and voted annually in our parliaments. However, given a number of conditioning factors, many government drafts are already in my country conditioned by fulfilment of the European Union rules, so that the Portuguese Government has successively submitted draft budgets to ensure said fulfilment.

Portugal's draft law on the 2006 Budget which the Government presented in Parliament was no exception. In addition to defining the budgetary, financial and tax policies, it sought to fulfil the target of maintaining the deficit of the actual budget at figures very close to 3% or to ensure the demonstration of its sustained reduction.

In fact, from 2002 onwards when the PSD-CDS/PP coalition government was headed by Dr. Durão Barroso, currently the President of the European Commission, budgetary consolidation became a key objective. The deficit was reduced through the application of measures designed to halt the growth in public spending and also of extraordinary measures that gave rise to some controversy concerning the true dimension of the deficit.

As the deficit came to 6% of GDP in 2005, the 4.7% target for 2006 — without resorting to extraordinary revenue — is the major objective of this Budget.

Together with the Budget and as a result of the new Law on Budgetary Framework, the Government submitted a strategic document: the 2005-2009 Stability and Growth Programme, which governs the country's economic and financial policies for the period of the current legislature.

This Programme points to strong restrictions on public spending, hand in hand with an effort to increase revenue, in particular by combating tax evasion.

Considering the 2 documents just mentioned, the State Budget and the 2005-2009 Stability and Growth Programme, we can set out the main budget consolidation measures taken by the Government:

1. Restructuring Public Administration

2. Restraints on social security and health co-payment expenditure
3. Budgetary control of regional and local administrations
4. Simplifying and moralising the tax system, improving the efficiency of the tax administration and combating tax evasion.

1. Restructuring Public Administration

In this area the main measures recently adopted and in place are the restructuring of central administration by rationalising and strongly reducing the structures, eliminating organizations with parallel competencies and simplifying administrative procedures.

Also, reorganizing the education, health services, justice and local administration networks will optimise resources by closing down health units and some schools to ensure more rational management. Other measures taken in this regard include reform of prison establishments, namely their privatisation, and the judicial territorial map.

Reviewing the Public Administration's careers and remunerations and evaluating its performance will also ensure a correct assessment of its needs.

Finally, certain measures are being taken, such as freezing automatic progression mechanisms, imposing restrictive measures on staff recruitment, and freezing complementary remunerations.

2. Restraints on social security and health co-payment expenditure

On this point certain measures are being taken, such as a plan to combat social security fraud and tax evasion, the definition of a ceiling on pensions and establishing a new formula for calculating pensions. Furthermore, the retirement age in the Civil Service will rise from 60 to 65, over a period of 10 years.

On the other hand the principle of convergence between the general social protection system and civil servants' health subsystems has been established, extinguishing some exceptions to these regimes operating in the Armed Forces, the Judiciary and the security forces, as well as a change in the policy on the co-payment of medicaments.

3. Budgetary control of regional and local administrations

In this field the finance laws of the autonomous regions and the budgetary discipline laws of local administration, heavily dependent on bank loans, are currently being reviewed, hand in hand with the creation of the figure of a financial controller in each ministry who will directly monitor the administration in each sector.

4. Simplifying and moralising the tax system, improving the efficiency of the tax administration and combating tax evasion

As our tax system is extremely complex, the new measures have been designed to simplify it, helping to achieve greater efficiency, something that is already having repercussions on the greater capacity to combat tax evasion.

Within this scope, some measures in particular will be mentioned: these include the publication of the list of people with outstanding tax or social security debts and also the requirement for all restaurants and bars to issue invoices.

The aim of these measures is not only to achieve greater efficiency in Portugal's public administration at all levels but also to create objective conditions to achieve greater convergence with our European partners and a greater participation in the globalisation process.

The Portuguese Parliament approved the draft Budget and this will naturally impose said limitation on public spending on Portugal through implementation of the measures mentioned above.

As far as revenue is concerned and as already mentioned, combating tax evasion and fraud, particularly on income tax, will produce its results. In fact, quite recently the Portuguese Social Security announced an increase in the collection of revenue due to a stricter programme designed to apply the laws in force.

This is the information I would like to share with you, giving you the portrait of a country that fulfils its international obligations and is preparing for the new challenges of a globalized economy, rationalising public administration and reducing its weight on public spending.

It is important to point out that my country is experiencing a particularly interesting political time: as a result of the recent electoral framework, we now have four election-free years ahead of us, both in terms of parliamentary, local and presidential elections.

This, together with the fact that there is a single-party majority in Parliament belonging to the Socialist Party (who have 121 MPs out of a total of 230), will tend to create conditions for an extremely exacting policy to be conducted in a context of political stability, without which it would certainly be harder to implement measures that are structuring and for that very reason likely to occasion controversy and resistance.

The two documents I mentioned, the State Budget and the 2005-2009 Stability and Growth Programme provide the legal background for the measures that Portugal has been applying recently and that Parliament also has the duty to fulfil and enforce.

The political assessment of these objectives in parliamentary terms has also been made, both in the commissions and in the plenary debates, in particular with the Prime Minister and the Government. The results are widely broadcast to the nation through the media, the aim being, to quote the Prime Minister of Portugal in his debate on the 2006 State Budget in Parliament, "for the country to start once and for all to confront

the problem of the disequilibrium in public accounts with seriousness, persistence and determination."

Mr Anders FORSBERG, President, thanked Mrs Adelina SÁ CARVALHO for her communication and invited questions from members.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked what impact the new budgetary policy had on the budget and resources of the Portuguese Parliament.

Mrs Claressa SURTEES (Australia) asked whether the reform had changed the way in which Parliament examined the budget.

Mrs I. Gusti Aya DARSINI (Indonesia) wanted to know what proportion of the state budget went to Parliament and to educational expenditure and how the state budget was controlled in Portugal.

Mrs Adelina SÁ CARVALHO (Portugal) noted that the Portuguese Parliament was independent in settling its budget, although it recognised the need to set a good example for other public institutions within the prevailing economic circumstances of the country and to take account of public opinion.

In response to Mrs Claressa SURTEES, she said that the new framework had led to a revision in the way in which Parliament examined and controlled the state budget. The Committee on Finance now wanted to be given a daily account of public expenditure — even if this meant that the information was not given within the time limits required by Parliament and met with resistance from the Executive and, in particular, the Finance Ministry.

In reply to Mrs I. Gusti Aya DARSINI, she said that Parliament received 0.001% of the state budget. As far as control of the budget was concerned, Portugal had a Court of Accounts which controlled how the ministries and territorial authorities managed their budgets.

Mr Anders FORSBERG, President, thanked Mrs Adelina SÁ CARVALHO for her communication, as well as those members who had contributed to the debate.

2. Communication from Mr Jean SINDAYIGAYA, Secretary General of the Senate of Burundi on details of the bicameral system in Burundi and the three functions of the Senate: national reconciliation, maintaining close contact with the electorate, consensual representation: political but not partisan

Mr Anders FORSBERG, President, invited Mr Jean SINDAYAGAYA to present his communication.

Mr Jean SINDAYAGAYA spoke as follows:

"I. INTRODUCTION: POLITICAL AND ECONOMIC CONTEXT

Burundi is a small landlocked and mountainous country in Central Africa bordered on the west by the Democratic Republic of Congo, on the North by Rwanda and on the east by Tanzania. It has 6.7 million inhabitants and an area of 27,834 square kilometres. The average density of the population is estimated at 239 inhabitants per square kilometre. It is thus one of the most populous countries of Africa.

Since independence in 1962, Burundi has seen cyclic inter-ethnic violence, the last in October 1993 with the assassination of the first democratically elected President: Melchior Ndadaye.

This assassination was the beginning of the long bloody civil war, from which Burundi could emerge only by negotiation and the signature of cease-fire agreements between the various belligerents. The most important agreement was that concluded between the then Government and CNDD-FDD, in November 2003. This overall agreement of cease-fire was a decisive step towards an effective return of peace and security in the whole country.

The progressive return of peace and security allowed political partners in Burundi to engage speedily with the democratic process which had abruptly stopped in 1993. The promulgation of the post-transition Constitution on 18 March 2005, was another decisive stage which made it possible to put an end to the transitional period by opening the way to the marathon electoral process which saw six elections in six months.

The communal elections took place on 3 June 2005. They were followed by Parliamentary elections on 4 July 2005 and then by the senatorial elections of 29 July 2005. This process ended in the election of the President of the Republic on 19 August 2005, by the National Assembly and the Senate assembled in congress.

All these elections were mainly won by the CNDD-FDD party. A bicameral Parliament was set up in accordance with article 147 of the Constitution. A National Parliament made up of 118 deputies and a Senate including 49 senators is now ready for work. Parliament is based on a popular mandate and consequently has the means to achieve its constitutional goals.

The establishment of legitimate democratic institutions constitutes a decisive stage in the restoration of peace and the introduction of the rule of law, the design and putting into effect of development programmes intended to rehabilitate the people of Burundi in their aspiration for economic and political prosperity.

Nevertheless, many important challenges remain. The country is in a difficult economic situation. More than ten years of civil war, increasingly sterile and limited land, unforeseeable climatic changes, are some of the causes of a devastating famine which has badly shaken areas of the country.

All the economic indicators are today in the red:

- the GNP per capita is less than $100, in fact much lower than the average of sub-Saharan Africa ($490);

- the rate of adult illiteracy is 52%;

- the rate of infection by AIDS is increasing quickly and already affects 9.4% of the urban population of the country and 2.5% of its rural population;

- the life expectancy at birth which was 51 years in 1990 was 48 years in 2003.

All these challenges cannot be overcome without a good basis in democracy and good democratic governance.

II. BRIEF HISTORICAL VIEW OF DEMOCRACY IN BURUNDI

From independence, proclaimed on 1 July 1962, to the signing of the Agreement of Arusha on 28 August 2000, Burundi knew only one very short period of a bicameral system, i.e. the system in which Parliament is composed of two Chambers, the National Assembly and the Senate.

II.1. THE MONARCHICAL CONSTITUTION

The Constitution of the Kingdom of Burundi, promulgated by the King Mwambutsa IV on 16 October 1962, allowed for the creation of a Senate since it indicated that "the legislative power is exerted collectively by the King, the National Assembly and the Senate" (Article 24), but it did not impose it: it was restricted to envisage the possibility of it — article 50 provided that "the Senate could be created on the initiative of the legislative power" (in fact, the King and the National Assembly).

The Senate was thus actually created only the day following the parliamentary elections of May 1965, the 12 senators then being elected or co-opted.

But on 8 July 1966, the new King, Ntare V, suspended the Constitution... This finished the bicameral experiment, which in fact lasted only a few months, until the reappearance of the Senate by the Agreement of Arusha.

II.2. THE AGREEMENT OF ARUSHA (28 AUGUST 2000)

The Agreement of Arusha called the long conflict in our country "a basically political conflict with extremely important ethnic dimensions" and "conflict rising from a political class struggle to gain power and to keep it" and set out suggested solutions to avoid a repeat of a similar set of affairs, among which appeared the promulgation "of a new Constitution inspired by the realities of life in Burundi..., a new organization of the institutions of the State so that they are capable of integrating with each other and reassuring all elements of Burundi society".

It is in this context and with this point of view that the Senate of Burundi was created: it is at the same time a means of reconciliation and controls the process of reconciliation.

III. THE COMPOSITION OF THE SENATE: INCLUSION AND PARITY

If the National Assembly is elected by the direct vote of all, the Senate is elected by the indirect vote of all. Its composition, in fact, is made up by the four following methods:

i. Each of the 17 provinces elects two senators, Hutu and Tutsi, by different polls. The principle of double parity applies here: parity between the two principal ethnic groups, whatever their respective proportions, and parity between the provinces, whatever the differences of the size of the populations in the various provinces.

ii. The vote for all is not direct but indirect: the senatorial electoral college is not the whole of the citizens of Burundi with the voting rights, but the members of the communal councils of each province. The senators are thus officials elected by elected officials, and they at the same time represent, through this system, the whole of the population and the local communities.

iii. Beside the elected senators, the Senate also includes the former presidents of the Republic, who are full members for life of the Senate. That those persons having occupied the highest burdens of the State are thus members of the Senate corresponds well to its double role of integration and wisdom.

iv. Finally the Senate includes three co-opted members representing the batwa group so that the ethnic representation of the nation of Burundi is complete.

All these elements turn the Senate into an assembly ensuring the representation of the diverse population and the territories, a political but not partisan assembly, an assembly of regulation and moderation at the service of national reconciliation.

IV. FUNCTIONS OF THE SENATE: TO LEGISLATE, CONTROL AND ACT AS GUARANTOR OF RECONCILIATION

IV.1. THE SENATE AS LEGISLATIVE ASSEMBLY

The Senate as legislative assembly takes part as a matter of course in the preparation of the law, and must in particular, before they become law, approve amendments to the Constitution (majority of two thirds), organic bills and electoral bills. It can propose amendments and deposit private bills for examination by the National Assembly.

IV.2. THE SENATE, GUARANTOR OF RECONCILIATION

But its major function does not lie in its participation in the preparation of the law: it lies in the function of monitoring and control which are entrusted to it and which make it the guarantor of the process of reconciliation.

It is thus generally responsible for scrutiny of the implementation of the Agreement of Arusha, and in particular of the scrutiny of the application of the constitutional provisions requiring representation or balance in the composition of any parts of the public service or of defence and security bodies.

It is pursuant to this general duty also but also of that of representation of local communities which imposes on it a duty to scrutinize and, if necessary, to make recommendations to make sure that no area or no group is excluded from the benefit of the public services; that it must approve the bills concerning the scope and powers of the provinces, the communes and the hills; that it must finally ensure that the communal councils generally reflect the ethnic diversity of their electorate.

It is in this important role of vigilant guardian of reconciliation and Assembly of Elders that it advises the President of the Republic and the President of the National Assembly on any question, in particular of a legislative nature.

IV.3. THE REGULATING SENATE, GUARANTEEING RECONCILIATION

It is in application finally of this role of regulator and guarantor of equilibrium that the Senate exercises power to approve nominations to the most important offices of the State.

The Senate alone has thus the power to approve nominations to the following offices: — Chiefs of the Bodies of Defence and Security; — Governors of Provinces; — Ambassadors; the Ombudsman; — Members of the Higher Council of the Magistracy; — Members of the Supreme Court; — Members of the Constitutional Court; — the Attorney General of the Republic and Magistrates of the General Parquet of the Republic; — the President of the Court of Appeal and the President of the Administrative Court; — the Attorney General to the Court of Appeal; — Presidents of the Courts of Bankruptcy, the Commercial Court and the Labour Court; — Public Prosecutors and — Members of the Independent National Electoral Commission.

In conclusion, the Senate of Burundi presents very marked special characteristics, strongly differentiating it from the National Assembly. Its mode of election, its composition, its functions make it a legislative assembly with a political but not partisan character, a representative assembly of the public and territories, a regulating assembly with a special guardian role, in short an assembly rooted in the nature of Burundi life and deeply in touch with the strongest aspirations of the public: national reconciliation, institutional and political stabilization, moderation in the exercise of power, in the service of peace and balanced development."

Mr Anders FORSBERG, President, thanked Mr Jean SINDAYIGAYA for his communication and invited members present to put questions to him.

Mr Bedane FOTO (Ethiopia) asked how protection was ensured for ethnic minorities in the Senate. In addition, how did the two Chambers of Parliament in Burundi exercise mutual control?

Mr Georges BRION (Belgium) asked whether the new Senate had already had occasion to carry out in practice its role as guarantor of reconciliation, particularly in the realm of public services and communal councils.

Mr Prosper Vokouma (Burkina Faso) asked what the total number of senators was, taking into account former Heads of State, representatives of the Batwa ethnic group and the procedure for co-opting women.

Mr Jean Sindayigaya (Burundi) said that the Senate in Burundi was inclusive and no component factor of the nation was overlooked. The Batwa ethnic group therefore had a right to three seats — the community itself being responsible for the means of designating its three representatives.

Women had the right to have 30% of the representation in the Senate; if the number of women elected was insufficient, then supplementary senators were co-opted in order to reach the proper proportion. Each party with over 5% of the vote had therefore a "right" to two co-opted women senators.

The roll of 49 senators was made up as follows: 34 senators elected by province (that is, 17 elected for each of the two provinces); three representatives of the Batwa community; four former Heads of State; and eight co-opted women.

In response to the question from Mr Georges BRION, he said that senators were elected by communal councils. As far as the civil service was concerned, nominations to the highest ranks were vetted in order to ensure a balance between tribes.

Mr Anders FORSBERG, President, thanked Mr Jean SINDAYIGAYA for his communication as well as those members present who had put questions to him.

3. Draft Agenda for the next meeting (Geneva, Autumn 2006)

Mr Anders FORSBERG, President, read the draft Orders of the Day for the next session in Geneva (16-18 October) which had been approved by the Executive Committee:

1. Communication by Mr. Seppo TIITINEN, Secretary General of the Parliament of Finland:
   «Celebrating the Centenary of the Finnish Parliament»

2. Intervention of the President of the Inter-Parliamentary Union

3. Possible subjects for general debate:

- **Organizing Parliamentary Reform (Moderator: Mr Marc BOSC, Canada)**

- **Parliamentary Scrutiny of the Defence and Secret Services (Moderator: Mr Hans BRATTESTÅ, Norway – to be confirmed)**

- **Parliamentary Relations with the Media (Moderator: Mr Xavier ROQUES, France)**

- **Managing Relations between the two Chambers of Parliament (Moderator: Mr Manuel ALBA NAVARRO, Spain)**

4. Discussion of supplementary items (to be selected by the Executive Committee at the Autumn Session)

5. Election

6. Administrative and financial questions

7. New subjects for discussion and draft agenda for the next meeting in Bangkok (Spring 2007)

The Orders of the Day were *agreed* to.

Mr Anders FORSBERG, President, said that he had been informed that additional communications had been put forward: Mrs Halima AHMED (ECOWAS) on Restructuring the ECOWAS Parliament; Mr Ibrahim MOHAMMED IBRAHIM (Sudan) on Parliamentary modalities to accommodate post-war politics — the case of Sudan.

4. Closure of the Session

Mr Anders FORSBERG, President, thanked the interpreters, the staff in charge of organising the conference and members of the Executive Committee.

He also thanked Mrs Lynda YOUNG, secretary, who was leaving the joint secretariat of the Association after nine years of excellent service.

Mr Anders FORSBERG thanked Mrs Helene PONCEAU for her contribution to the work of the Association. Her devotion had been a major support to the life and influence of the ASGP. Her ideas, comments and contributions had revealed a constant strength of purpose, originality and ambition on behalf of the Association.

He hoped that Mrs Helene PONCEAU would continue to make her experience available to the Association as well as bringing one more French point of view to bear in the parliamentary world.

The sitting rose at 5.10 pm.