MINUTES OF THE SPRING SESSION

SANTIAGO, CHILE

7 - 11 APRIL 2003

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS
Minutes of the Spring Session 2003

Santiago
7 - 11 April 2003

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Hafnaoui Amrani	Algeria
Mr Valenti Marti Castanyer	Andorra
Mr Ian Harris	Australia
Mr Kazi Rakibuddin Ahmad	Bangladesh
Mr Dmitry Shilo	Belarus
Mr Robert Myttenaere	Belgium
Mr Georges Brion	Belgium
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Eutopio Lima Da Cruz	Cape Verde
Mr Carlos Hoffmann Contreras	Chile
Mr Carlos Loyola Opazo	Chile
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Asnake Tadesse	Ethiopia
Mrs Mary Chapman	Fiji
Mr Jouri Vainio	Finland
Mr Jean-Claude Becane	France
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Dirk Brouer	Germany
Mr Kenneth E K Tachie	Ghana
Mr Mohamed Salifou Toure	Guinea
Mr Arteveld Pierre Jerome	Haiti
Mr Helgi Bernodusson	Iceland
Mrs Siti Nurhajati Daud	Indonesia
Mr Arie Hahn	Israel
Mr Guiseppe Troccoli	Italy
Dr Mohamad Al-Masalha	Jordan
Mr Zaid Zuraikat	Jordan
Mr Amuel Waweru Ndindiri	Kenya
Mr Mamadou Santara	Mali
Mr Namsraijav Luvsanjav	Mongolia
Mr Mohamed Idrissi Kaitouni	Morocco
Mr Moses Ndjarakana	Namibia
Mrs Panuleni Shimutwikeni	Namibia
Mr Bas Nieuwenhuizen	Netherlands

Mrs Jacqueline Bisheuvel-Vermeijden	Netherlands
Mr Ibrahim Salim	Nigeria
Mr Hans Brattesta	Norway
Mr Vladimir Aksyonov	Parliamentary Assembly of the Union of Belarus and the Russian Federation
Mr Mahmood Salim Mahmood	Pakistan
Mr Adam Witalec	Poland
Mr Constantin Sava	Romania
Mr Cristian Ionescu	Romania
Mr Petr Tkachenko	Russian Federation
Mr Alexanda Lotorev	Russian Federation
Mr Anicet Habarurema	Rwanda
Dr Fetuao Toia Alama	Samoa
Mr Francisco Silva	Sao Tomé e Principe
Mrs Jozica Veliscek	Slovenia
Mrs Piedad Garcia-Escudero	Spain
Mr Manuel Cavero	Spain
Mr Priyanee Wijesekera	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mrs Mariangela Walliman-Bornaticeo	Switzerland
Mr Kipenko Msemembo Mussa	Tanzania
Mr James John Warburg	Tanzania
Mr Paul Hayter	United Kingdom
Mr George Cubie	United Kingdom
Mr Mario Farachio	Uruguay
Mr Horacio Catalurda	Uruguay
Mrs Doris Katai Katebe Mwinga	Zambia

SUBSTITUTES

Mr Jose Antonio (for Mr Diogo De Jesus)	Angola
Mr Chistopher Paterson (for Mr B C Wright)	Australia
Mr Marc Bosc(for Mr W Corbett)	Canada
Mr Sten Ramstedt (for Mr J Priestman)	European Parliament
Mme Corrinne Luquiens (for Mr J L Pezant)	France
Mr Bertrand De Cordovez (for Mr J C Becane)	France
Mr Everhard Voss (for Dr Wolfgang Zeh)	Germany
Mrs Stavroula Vassilouni (for Mr T Tzortzopoulos)	Greece
Shri Satish Kumur (for Dr Y Narain)	India
Shri John Joseph (for Mr G C Malhotra)	India
Ms Cait Hayes (for Mr K Coughlan)	Ireland
Dr Jei-Poong Moon (for Mr Yong Sik Kang)	Korea (Republic of)
Mr Jorge Valdes Aguilera (for Mr Adalberto Campuzano)	Mexico
Mrs J Biesheuvel-Vermeijden (for Mr W De Beaufort)	Netherlands
Ms Ipi Cross (for Mr D G McGee)	New Zealand
Mr Wojcjech Kulisiewicz (for Mr K Czeszjeko-Sochacki)	Poland
Mr Lopes Andre (for Mrs Isabel Corte-Real)	Portugal
Mr Tran Ngoc Duong (for Mr Bui Ngoc Thanh)	Vietnam

OBSERVERS

Mr Jiri Krbec	Czech Republic
Mrs Marie Valerie Agostini	Italy
Mr Limame Ould Teguedi	Mauritania
Mr Paulo Mupengue	Mozambique
Mr Surya Kiron Gurung	Nepal
Mr Aminu Umar	Nigeria
Mr Andrzej Januszewski	Poland
Mrs Cristina Dumitrescu	Romania
Mrs Madalina Mihalache	Romania
Mr Jovan Pejkovski	The FYR of Macedonia
Mr Ignatius Kasirye	Uganda
Mr Ivan Sakhan	Ukraine
Mrs Jacqy Sharpe	United Kingdom

APOLOGIES

Mr Diogo De Jesus	Angola
Mr Bernard Wright	Australia
Mr William Corbett	Canada
Mr Julian Priestley	European Parliament
Mr Seppo Tiitinen	Finland
Mr Jean Louis Pezant	France
Dr Wolfgang Zeh	Germany
Mr PanayiotisTzortzopoulos	Greece
Dr Yogendra Narain	India
Mr G C Malhotra	India
Mr Kieran Coughlan	Ireland
Mr Yong Sik Kang	Korea (Republic of)
Mr Adalberto Campuzano	Mexico
Mr Willem De Beaufort	Netherlands
Mr D G McGee	New Zealand
Mr Krzysztof Czeszejko-Sochacki	Poland
Mrs Isabel Corte-Real	Portugal
Mrs Adelina Sa Carvalho	Portugal
Mr Edmund G Bleau	Suriname
Mr Chinda Chareonpun	Thailand
Mr Pitoon Pumhiran	Thailand
Mrs Suvimol Phumisingharaj	Thailand
Mr Montree Rupsuwan	Thailand
Mr Aleksanda Novakoski	The FYR of Macedonia
Mr Bui NgocThanh	Vietnam
Mr Colin Cameron	Western European Union

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SIXTH SITTING – Friday 11 April [am]

FIRST SITTING,
Monday 7 April 2003 (Afternoon)

Mr Ian HARRIS, Vice-President, in the Chair

The sitting was opened at 2.30 pm

1. Opening of the Meeting

Mr Ian HARRIS, Vice-President,

Mr Ian HARRIS, Vice-President, welcomed participants to the conference, the success of which was to be assured thanks to the work of the Chilean Parliament. He reminded members that as a result of the new Rules adopted at the Marrakech conference in March 2002, elections could only take place at the spring sessions. Since the resignation of Mrs Adelina SA CARVALHO, the Association had been working without an elected President. It had been led up till the end of the Geneva meeting in September 2002 by Mr Mohammed Rachid IDRISSI KAITOUNI, the senior Vice-President, whose mandate ended at the end of that meeting. As a result elections would have to take place both for a new President and also for other officers of the Association. It had been decided at Geneva that the election for the post of President would take place as soon as possible in Santiago. For that reason it would be scheduled for the following day, Tuesday. The deadline for the nomination of candidates for that post was fixed at Tuesday 8 April at 11.00 am. Other elections would take place on Thursday according to custom. As far as they were concerned, the deadline for nominations was fixed at Thursday 10 April at 11.00 am. The Executive Committee proposed to divide the election on Thursday into two sections. The first election would be for Vice-Presidents and the second for other members of the Executive Committee. This would allow a simpler procedure for voting since members of the Association would at the same time be able to be successively candidates for Vice-President and as an ordinary member of the Executive Committee.

This was *agreed* to.

The Vice-President also referred to a suggestion that the Rules should be amended to allow elections at both of the usual meetings in order to avoid this effective grouping of elections. This point would be on the orders of the day for the Friday meeting.

Finally, the Vice-President drew members' attention to the document on Working Practices of the Association whice had been prepared by the Joint Secretaries. This had been amended as a result of the changes to the Rules and had been distributed.

2. Orders of the Day

The Vice-President said that the Orders of the Day had been distributed, as follows:

Monday 7 April

Afternoon Session

1.30 pm Meeting of the Executive Committee.

2.30 pm Orders of the day of the Conference

New members

Presentation by Mr Carlos Hoffmann Contreras, Secretary General of the Senate and Mr Carlos Loyola, Secretary General of the Chamber of Deputies (Chile) on the Parliamentary System in Chile

Communication from Mr Arie Hahn, Secretary General of the Knesset (Israel) on Good Governance towards Sustainable Development : The Knesset Commission for Future Generations

Tuesday 8 April

Morning Session

9.00 am Meeting of the Executive Committee

10.00 am Debate on the Management Role of the Secretary General

First round table. Moderator : Mr Xavier Roques, Secretary General of the Questure of the National Assembly of France. Subject : Parliament's independence of the executive in relation to internal management (budget, finance and procurement ; personnel management, recruitment of staff, status of staff, control of premises etc.)

11.00 am Deadline for nominations for the vacant post of President of ASGP

Second round table : Moderator : Mr Carlos Hoffmann Contreras, Secretary General of the Senate of Chile. Subject : The Authority of the Secretary General in relation to the Presidency / President (preparation and execution of decisions ; Commitment of funds, capacity in tendering procedures, etc.)

Afternoon Session

3.00 pm General debate (cont)
Third round table : Moderator : Mr Anders Forsberg, Secretary General of the Swedish Riksdagen. Subject : The role of the Secretary General in control of the compliance with the Constitution and Rules of Procedure (powers of the Secretary General in this matter ; the role of the Secretary General in proposing reforms)

5.00 pm Election to the vacant post of President of the ASGP

Wednesday 9 April

Visit to Chilean parliament in Valparaiso hosted by the Secretary General of the Senate and the Secretary General of the Chamber of Deputies

Thursday 10 April

Morning Session

9.00 am Meeting of the Executive Committee.

10.00 am Communication from Mr Everhard Voss (Bundestag, Germany), on Parliamentary Diplomacy

Presentation by Mr Martin Chungong (IPU), on recent activities of the IPU.

11.00 am Deadline for nominations for vacant posts on the Executive Committee

Final report of Mr Ian Harris, Clerk of the House of Representatives (Australia), on Promoting the Work of Parliament

Afternoon Session

3.00 pm Communication from Mr Hans Brattestå, Secretary General of the Storting (Norway), on Parliamentary scrutiny of the secret services ; the Norwegian experience

After 4.00 pm Elections to vacant posts on the Executive Committee

Friday 11 April

Morning Session

9.00 am Meeting of the Executive Committee.

Communication from Mrs Emma Lirio-Reyes, Secretary General of the Senate (Philippines), on Legislation : keepers of the legislative mill“

Communication from Mr Everhard Voss (Bundestag, Germany), on Interparliamentary Cooperation

Discussion of supplementary items (to be selected by the Executive Committee in Santiago)

New members.

Administrative and financial questions.

Examination of the draft agenda for the next meeting (Geneva, autumn 2003).

Closure.

Mr Ian HARRIS, Vice-President, encouraged members to think about future subjects for communications and for debate in the next meeting at Geneva. Those members who wished to do so should contact the Joint Secretaries as soon as may be to tell them of their ideas for subjects.

3. New Members

The Vice-President then read the list of candidates for membership of the Association:

Dr Gilberto VACA GARCIA	Secretary General of the National Congress of Ecuador (replacing Mr Frabrizio BRITO MORAN)
Mr Jean-Louis PEZANT	Secretary General of the National Assembly of the Republic of France (replacing Mr Pierre HONTEBEYRIE)
Mr Wolfgang ZEH	Director of the German Bundestag (Replacing Dr Peter EICKENBOOM)
Mr Jorge Valdés AGUILERA	Secretary General of the Senate of Mexico (replacing Mr Adalberto CAMPUZANO)
Dr Fetuao Toia ALAMA	Clerk of the Legislative Assembly of Samoa (This country was joining the ASGP for the first time)
Mr Fernando DORADO FRIAS	Deputy Secretary General of the Senate of Spain (replacing Mr Manuel CAVERO GOMEZ who had become Secretary General)
Mr Montree RUPSUWAN	Secretary General of the Senate of Thailand (replacing Mr Chamnong SUAMPRACAM)
Mrs Suvimol PHUMISINGHARAJ	Deputy Secretary General of the Senate of Thailand (replacing Mr Phicheth KITISIN)
Mr Aleksanda NOVAKOSKI	Secretary General of the Republic of Macedonia (replacing Mrs Karolina OGNJANOVIC CUKALIEVA)

Mr Roger SANDS	Clerk of the House of Commons of the United Kingdom (replacing Sir William MCKAY)
Mrs Doris Katai Katebe MWINGA	Clerk of the National Assembly of Zambia (replacing Mr Mwelwa CHIBESAKUNDA)

The Vice-President said that he thought there were no problems arising from the names on the list and accordingly asked the members of the Association to approve it.

The list of new members was *agreed* to.

4. Presentation by Mr Carlos LOYOLA, Secretary General of the Chamber of Deputies and Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Senate, on the Parliamentary System in Chile

Mr Ian HARRIS, Vice-President, called Mr Carlos LOYOLA, Secretary General of the Chamber of Deputies and Mr Carlos HOFFMAN CONTRERAS, Secretary General of the Senate, to give their presentation on the Parliamentary system in Chile.

Mr Carlos LOYOLA, Secretary General of the Chamber of Deputies, spoke as follows:

"My fellow Secretaries General,

It is an honour for me to welcome you to Chile for the second time. Twelve years ago I had the privilege of addressing this assembly to describe how our bicameral system works. This time the Secretary General of the Senate is in charge of that task and it falls to me to explain the more specific aspects of the Chamber of Deputies.

The Chamber of Deputies is comprised of 120 members who are elected by popular vote, every four years, in 60 electoral districts throughout the country.

Their most important powers are to legislate, to oversee the acts of the government and to impeach certain authorities. Currently this Chamber is studying the possibility of modifying the constitution to strengthen its powers.

As a general rule, our legislative system allows both chambers to initiate bills. Only in the lower Chamber legislation on taxes, recruitment, and financial or budgetary matters can be initiated. On the other hand, only the Senate deals with governmental pardons and amnesties.

Historically 70% of legal initiatives have originated in the Chamber of Deputies and, of these, 90 per cent have been initiated by the President of the Republic, who plays an important role in the legislative process.

I think that the legislative mechanism in our country is quite simple. It has been often criticised for being slow, but we all know that delays in legislative action are due most of the time to the lack of political agreement, the complexity of certain matters, and even the timeliness of certain legislation, and not to the number of steps involved in the process itself.

The legislative work of the plenary is organised on an 11 month schedule. The ordinary sessions are held three times per week, three weeks per month. In addition, special sessions are often convened to address matters of general interest.

The permanent committees normally meet on Tuesdays and Wednesdays in the afternoon, and occasionally on Mondays and Thursdays.

One of the most relevant aspects of our current structure and procedure is the possibility of convening Investigative Committees. These committees, although they exist in many countries, are very controversial in Chile. In the first place, such entities are not specifically authorised in our Constitution or by the organic law of the National Congress. They are only governed by the general regulations of the Chamber, which raises the controversial problem that ministers, public officials, or even private individuals may be called to appear before such a committees. Another controversy arises concerning the value of the reports and statements issued by such committees, as there are no sanctions for not disclosing information or even for issuing statements containing false information.

Serious doubts have also emerged as to their efficacy. In spite of lengthy study and debate, many of these committees have failed to clear up the facts surrounding the matters they have investigated.

There are other topics that are not always analysed in our meetings. I am referring to the modernisation of parliaments and the role of functionaries in such a process.

For the past few years, together with the political authorities, we have made a great effort both to improve significantly the efficiency of our personnel and to expedite our procedures by incorporating new technology and bringing the activities of the national congress closer to the people who are, after all, the only ones able to judge truly how we are doing.

I have served this institution for many years now and the experience I have gained allows me to speak of the diverse aspects of modernisation that we have seen: of the personnel, and the resources that we depend on.

I want to emphasise the continuity of our officials as one of the top priorities of our organisation. Our system reflects the particular historical circumstances related to the way our administration was structured. I do not mean to ignore the other types of organizational models used in your respective countries, but rather to highlight the continuity of officials because, in our case, it has been a tool that has allowed us to merge the old and the new, tradition and modernity, all in the pursuit of an ideal of efficiency and quality of service to which all aspire.

The new century that we are now just entering presents new challenges and dizzying changes. Every day brings new advances in information technology, communication and the endless areas related to the globalised world we live in. But, along with all this, a number of negatives issues have appeared, such as instability, the questioning of our institutions, and a relativism that erodes the basis of our culture.

In light of all this, defending the stability of our officials may seem anachronistic. Only our democratic tradition and the deeply rooted feeling of a stable administrative organisation can explain this paradoxical situation that dates back to the early days of our independence.

In the past twelve years, following the return of democracy to Chile, the task of reorganising the work of both congressional chambers has fallen to our officials. In the case of the Chamber of Deputies, we have had to revise the entire body of our internal norms, establish new legislative and oversight mechanisms, and introduce guidelines for our new legislators oriented to the full exercise of their rights and the completion of their duties. It has been an arduous time, through which we have come to recognise the strengths and weaknesses of the elected representatives

of the people and establish the bases upon which reciprocal trust and respect is built between the functionaries and the members of Parliament.

In these few years we have achieved significant advances. We have recognised the need to establish professional and job security for officials by establishing internal norms that regulate all personnel matters. Likewise, we have incorporated a professional code of ethics that establishes guidelines of behaviour and inculcates values needed to face this market-dominated world and the moral relativism that damages public administration, probity and even democracy itself.

The trust that the authorities place in us is reflected in the responsibilities thus delegated that transcend the normal duties of being a official. We are in charge of recruiting our own personnel, of evaluating and training them, and of providing support when they retire.

Modernisation is an important issue for emerging nations. Chile finds itself on the path to achieving this goal. This country has implemented great innovations in the fields of technology, communications, and of the general structure of the administration.

The National Congress has been involved in this process. We have incorporated new elements designed to measure the efficiency of our institution. I am not referring to evaluating the performance of the elected representatives themselves. This is done continuously through the ballot box, a method that, as a democrat, I believe is a more suitable way to assess the efficiency of their parliamentary work. I am referring to the activities of the Congress itself seen as an organisation in which it is possible to identify situations and propose indicators that can determine the efficacy of our work independent of the political work wish is carried out in Parliament.

From a different perspective, but still related to modernisation, I would like to highlight certain initiatives that are of particular interest.

Our country is no stranger to the crisis of representation seen throughout the world. I do not have time to mention all of the causes that have generated this crisis. They are varied and widespread and each has its own nuances. However, it is feasible to identify one that is well-known to you all: the lack of belief that the electorate has in the ability of their representatives to solve their problems. This eventually results in a pessimism that seems to haunt every citizen and is reflected in the questioning of political authorities, their decisions and their capacity to solve the real problems of the people.

In our case, these problems are expressed in a variety of situations. The low ratings given in opinion surveys to the National Congress and its members have become even worse due to a hostile climate, where we can observe that, far from being a constructive criticism, there is a tendency to dismiss things out of hand, to manipulate the facts or simply to make assertions based on pure speculation.

Since the reopening of the National Congress in 1990, we have been trying to reverse this situation. The Chamber of Deputies, in particular, has focused its energy on reaching out to the people through the mass media. In this context, our own TV station was launched eight years ago. It started with just a few broadcasting hours. Today it has become a tool that puts our signal into thousands of Chilean homes for almost eighteen hours a day. It is a public broadcasting whose mission is independently to inform the people about Congressional activities and to broadcast a variety of cultural programmes.

Many projects have been carried out in an effort to reach out to the citizens. We have seen both success and failure. Among the more successful and long-lasting projects has been the organization of a specialised office to handle requests and inquiries of citizens. This office

provides all available information on the activities of the Chamber and the work of Members of Parliament.

We have also tried to reach young people in the academic world by presenting awards for excellence in research related to parliamentary work.

A number of activities have been organized to find out citizens' opinions on everyday problems. The results of these studies have been submitted to legislative committees, whose members have benefited by developing a greater awareness of the opinions and needs of different sectors of the society and their views about certain bills or issues of national interest.

My fellow Secretaries General, I have tried to summarise in a few words the most relevant aspects of the work done at the Chamber of Deputies of Chile as well as the main modernisation initiatives presented in the last 12 years. I hope I have given you a clearer idea of its functions and a true picture of our experience that - I am sure -- may find similarities in the experience of some of your own chambers.

In closing please allow me the following digression. The staff of Congresses and Parliaments must never forget that we belong to institutions of the highest importance in the lives of our nations, whose permanent interests we must fervently safeguard, given the paramount meaning that they have had and will continue to have in the democratic development of our countries.

Congresses are the bastions that protect the rights and the autonomy of the people. This is more than enough reason for us to duly take care of them, since we humans have not been able to create an alternative to carry out such a task.

That is why, when faced with the dire predictions that congresses will become obsolete and disappear, I state at this solemn occasion that this will only be possible if democracy itself turns out to be unnecessary."

Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Senate, spoke as follows:

"According to Article No. 2 of Law No. 18.918 of the Organic Constitution of the National Congress, the position of the Secretary of the Senate is the main administrative authority of the Senate. He is the head of the service of the Senate. And he is in charge of the administration of personnel, and the different organs of the Senate.

This charge is the exclusive trust of the Chamber. He is elected and can be removed by a vote of two thirds of the Senate members in a secret ballot.

The different attributions and duties of the Secretary are stated in the diverse provisions of the above Rules. An example of these are:

- This person is in charge of the respective sworn declarations that each Senator makes when he takes up his duties (Regulation Art. 6)

- He is in charge of a special book listing all the respective Constitutional Permits that should be solicited by each Senator to leave his country for more than 30 day as well as to solicit a permit to return to his country.

In our law, there is an institution known as Parliamentary Committees, which is made up of organs which are intermediaries between the Table of the Senate and the institutions for the transaction of common business.

This person or the Senators of each Political Party constitute the Parliamentary Committee. At the same time, Parliamentary Committee must designate a maximum of two representatives which will take action for him jointly or individually.

Generally, the meetings of the Committees take place on Tuesdays of every week before the Ordinary Session in the afternoon.

The President of the Senate presides over these meetings and he acts as the Secretary of the institutions (Regulation art. 11and the next Regulations).

- In certain cases, he can also initially preside over a Session, only to open a session and proceed to the election of the Senate(Regulation Art. 24).

- Also, in exceptional cases, he can announce on behalf of one of the Senators that a session cannot proceed to the lack of quorum (Regulation Art. 86).

- The Secretary of the Senate, or his representative, must be present at each of these sessions that conduct the Corporation, sitting in the “Testera” at the right hand of the President of the Senate.

- Discussion of any topic appointed has to be started with the enunciation of the correspondent matters and the way in which it was processed within the Senate. Preparation of this is the duty corresponds of the Secretary of the Senate.

- Thus, at the beginning of each discussion, the Secretary must inform those present about the dispositions or proposals that require a special quorum for its approval, as well as the agreements that the Parliamentary Committees have adopted about different matters.

- He can also request to speak in a session, each time it is needed, with the approval of the President

- It is his duty to record the names of those present who had requested to speak during the session

- When voting for any topic or Law project, the secretary will receive the votes and scrutinise the results, under the authority of the President, and report the results of the ballot.

- When the Chamber of Deputes moves a constitutional motion under article 48 Number 2 of the Political Constitution, the secretary inform the senate about the matters that have being proposed.

- Finally, it is important to mention that the secretary has the duty to extend the acts of the sessions, and make sure that every member of the senate will be informed on time

about the next meetings, as well as authorize the documents and communications that the president should sign.

Many other attributions and duties of the secretary could be mentioned here, but I believe, it is necessary to underline that his main and most important legislative is that of being a trusted agent of the Senate in every instance where the Senate acts as constitutional institution."

Mr Ian HARRIS, Vice-President, thanked the Secretaries General for their presentations and invited members to ask questions.

Mr Xavier ROQUES (France) thanked the two speakers for their interesting presentations. He said that 30 years before he had prepared a university essay on the same subject. Asking about the parliamentary television channel in Chile, he referred to the fact that in France there was a similar system in operation. The parliamentary channel did not attract a very large audience since it merely consisted of broadcasts or publications of parliamentary work, round tables between members of parliament or with journalists. He asked that the Chilean television parliamentary channel did to attract viewers. What was the content of their broadcasts?

Mr Carlos LOYOLA said that programming was one of the problems at the start. First of all, the sittings were broadcast in plenary as well as in committee and that was interesting for people. For example, during the debate on the draft bill on divorce, and also on the International Court of Justice, the audiences were quite large. During the day the parliamentary channel broadcast cultural programmes. The Parliament collaborated with the Executive on planning programmes. In short, although there was not a very large audience, sometimes on particular occasions there was quite a lot of interest.

Mr Kazi Rakibuddin AHMAD (Bangladesh) asked for some further details relating to Mr HOFFMANN's presentation. When he referred to the principal functions of the Parliament, such as adoption of bills and examining the possibility of the imposition of martial law, he asked what was the precise role of Parliament in the latter case.

Mr Carlos HOFFMANN CONTRERAS said that when Parliament was not in session, the President of the Republic could, by himself, impose martial law in cases of great urgency. But nonetheless a declaration of a state of siege could not be made without the approval of the Legislative power and when there was internal trouble. When it was not sitting, Parliament had to decide within 10 days on the proposal of the President of the Republic. If there was no decision the proposal was considered as approved.

Mr Ibrahim SALIM (Nigeria) asked what happened when a draft bill was agreed to. When it was sent to the President of the Republic for agreement, did he have a right of veto and, if this was used, could it be overridden? As far as former Presidents of the Republic were concerned, had it happened that there would be several at the same time within the Senate?

Mr Carlos HOFFMANN CONTRERAS said that the rule under which former Presidents of the Republic became senators for life was written into the Constitution of 1980 which dated from the military regime. In such cases it was necessary to have carried out the mandate for at least 6 years. The first President installed after the return to democracy in the course of the Interim Regime had only carried out his duties for 4 years. The second was a member for life. The current President was only the third after the return to democracy.

Mr Carlos LOYOLA said that the President of the Republic, when he exercised his right of veto on texts adopted by Parliament, could either propose to reject the text or additions or exclusions from the agreed to version. He had 30 days to formulate his observations. These had to have some relationship with the draft bill.

Mr Ibrahim SALIM (Nigeria) asked how the two Chambers used their power to bypass the Presidential veto.

Mr Carlos LOYOLA said that the result of the veto depended on its content. To change a law you had to have the agreement of both Chambers. In case of disagreement between them the bill was not agreed to.

Mr Mohammad AL-MASALHA (Jordan) asked who, in case of disagreement, had the last word - one of the Chambers or a joint structure of them both?

Mr Carlos HOFFMANN CONTRERAS said that in general a draft bill was first of all examined by the Chamber of Deputies and then by the Senate, and if that was the case there would be a shuttle between the two. If there was no agreement after the third reading (that is to say one first reading in the Chamber of Deputies, one in the Senate and one again in the lower Chamber (NDLR)), a joint commission would be put in place. This published a report at the end of its work and this could constitute the basis of an agreement which might be adopted by each of the Chambers.

Mr George CUBIE (United Kingdom) referred to the remarks of Mr HOFFMANN CONTRERAS who had spoken of the possibility that the President of the Republic would set time limits of 3, 10 or 30 days as a result of an urgent situation. He asked how that worked. He particularly asked what would happen if one of the two Chambers was reluctant. Furthermore, could deputies individually propose subjects for general debate apart from draft bills.

Mr Carlos HOFFMANN CONTRERAS said that in the former Constitution of 1925, Congress would decide on the time period relating to the urgency which had been announced by the President of the Republic. Now it was for the President of the Republic to decide on the time periods to be set. As far as this was concerned there was a great reluctance on the part of the Chambers. For that reason, this instrument was employed only as a last resort. Furthermore, Congress usually asked for more time. Often the circumstances ended before the subject had finished its examination by Congress. When that happened usually the urgent procedure was cancelled with the agreement of the President of the Republic and the draft was discussed again.

On the second question, apart from matters which were exclusively within the power of the President and notably budgetary questions, any deputy or senator could put forward a draft bill at the end of each sitting. A period was given up to various questions in the course of which any subjects might be discussed.The time allowed was the function of the importance of each political group, but in fact time was rarely limited at least in the Senate.

Mr Jean-Claude BÉCANE (France) referred to the nomination of 8 senators. He asked who nominated them. He noted that the mandate of the senators of 8 years was double those of deputies. He asked whether this was a controversial matter. Finally, who financed the parliamentary television channels.

Mr Carlos HOFFMANN CONTRERAS replied that the parliamentary television channels were financed by the Assemblies themselves. Previously, the Chambers had prepared costly publications which rarely were read by the public. Television was a new tool which was meeting with a certain success. As far as nominated senators were concerned, these related to former Presidents of the Republic who had carried out their mandate for less than 6 years, a former President of the Court of Accounts, a former Commander in Chief of the Armed Forces, a former President of the Council of State, a former University Rector and a former Minister of State. All had carried out their previous duties for at least 2 years. There was very broad consensus to bring this practice to an end and a draft bill would soon be put forward to abolish this when the current mandates came to an end

Mr Everhard VOSS (Germany) referred to the connection between the Chilean Parliament and universities and prizes for work done in connection with parliamentary matters. He thought that was a very good idea as a way of familiarising students with legislative work. He asked how teachers and students had reacted to this initiative.

Mr Carlos LOYOLA said that the Chilean Parliament had deployed a great deal of effort to bring the Assembly closer to its citizens and to youth. For this reason, it was possible for young people to take part in a competition where people previously chosen would carry out useful research in Parliament for 6 months. Parliament would pay for the work and all the costs associated with the research. It gave a monthly salary to those taking part in order to cover their expenses. It was a public competition which attracted a great deal of people. Also Parliament had created a Youth Parliament. This brought together secondary school pupils and the young people elected their parliament just as the real one was elected. This organisation had already met 8 times. It was hoped that this initiative would be more effective and that the resolutions adopted would be furthermore taken into account by Parliament. Co-operation with university professors was a tradition in Chile. Sometimes governments required expert points of view and this was obtained during examination, for example, of draft bills.

Mr Paul HAYTER (United Kingdom) referring to the basis of the mandate of the Chilean senators, some being elected and some being nominated, said that in the House of Lords a proposal had been made for a similar system but this had been rejected by the government because it had been considered that if some members of the House were nominated they would have secondary status to those who were elected. He asked whether that was the case in Chile?

Mr Carlos HOFFMANN CONTRERAS said that this was an entirely political question and that he was not able to answer in any great depth since the parliamentary personnel was politically neutral. Nonetheless, the university staff, the great lawyers, were brilliant people each one of whom played a certain role. Nonetheless, it was also possible to defend the idea that the Senate should be made up entirely of elected members.

Mme Hélène PONCEAU (France) mentioned that Chilean senators were elected by universal direct suffrage. She asked how their constituencies were made up, notably in relation to those of the deputies. As far as the officials of Congress were concerned, she asked for more details about the staff. She asked whether there were links towards other departments within government or whether their entire careers would run in the service of Congress.

Mr Carlos LOYOLA said that the 120 deputies were elected by majority vote in 60

constituencies, i.e. 2 members per constituency. As far as the staff was concerned they were recruited by local competition following very strict rules. The political authority decided on the competition but it was organised by the administration. Whenever deputies had any connection with such matters, they had always recruited the candidate who had passed out at the head of his group. There were 13 constituencies for the election of senators. Each one elected 2 senators. Six constituencies were divided into two and each of these half constituencies elected 2 senators. The staff of the Senate was recruited under the same criteria as those of the Chamber of Deputies. The competition was held in secret. During the career certain posts, particularly those at the most important level, required a vote in the Chamber. In that case a special quorum was required. For example, in the Senate, appointment of the most important officials required at least 31 votes and this meant that there had to be agreement between the parties and prevented the majority from taking the decision unilaterally.

Mr Ian HARRIS, Vice-President, said that Mr Carlos HOFFMANN CONTRERAS had indicated that the President of the Senate presided over National Congress. He asked who, in that case, carried out the duties of the Secretary General.

Mr Carlos HOFFMANN CONTRERAS said that in that case it would be the Secretary General of the Senate.

Mr Mahmood Salim MAHMOOD (Pakistan) said that the Parliament in his country included two Chambers. The Upper Chamber represented the provinces and was made up of unelected members. When Parliament met in Congress it was the Speaker of the Lower Chamber who presided. Elected members had a greater political weight than the others.

Mr Carlos HOFFMANN CONTRERAS replied that in Chile there was no substantial difference between elected and non-elected members.

Mr Priyanee WIJESEKERA (Sri Lanka) asked what other means of communication Parliament used apart from television and the Internet.

Mr Carlos LOYOLA said that the Chamber of Deputies had a special department among its staff for its television channel.

Mr Carlos HOFFMANN CONTRERAS said that the Senate television channel had used an outside organisation for managing its channel.

Mrs Piedad GARCIA-ESCUDERO (Spain) thanked the speakers, as well as Mme Helene PONCEAU for her question relating to the traditions of the officials. She asked whether the staff of the Chilean Parliament was made up exclusively of career officials or, if not, what was the percentage of career officials as opposed to others. Furthermore, how many staff did Parliament have in total.

Mr Carlos HOFFMANN CONTRERAS said that for 48 senators there were 302 officials. However, the staff complement was not full. There were also secretaries, information staff, auxillary staff, editors and restaurant staff.

Mr Carlos LOYOLA said that for 120 deputies there were 380 officials and they were the same sort of staff as in the Senate.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) referred to the fact that each Chamber has its own television channel. She asked how the television channel could offer independent information. Was there a raised cost associated with having a separate channel. How did the Chambers cover the costs? What was the real audience for the channels and were these audiences increasing? Further, she asked for better details about the functioning and content of the Internet site of the Chilean Parliament.

Mr Carlos LOYOLA said that the real audience size was difficult to establish but he noted that the television channels were broadcast throughout the entire country. When important subjects were being dealt with it was thought that the audience was around 1.5 to 2 million viewers. The website had existed since 1990. It was a very full site on which the Library of Congress was easily accessible.

Mr Arteveld PIERRE JEROME (Haiti) referred to the question of controlling the actions of government and the criticised institution of commissions of inquiry. How did the Chilean Parliament in reality carry out these control functions?

Mr Carlos LOYOLA said that apart from voting on laws, the role of Parliament was to control the activity of the government, particularly in the way in which it required information. It was possible to create committees of inquiry. These committees published a report which was then examined by the Chamber and which might even be taken into account by courts. Important officials could even be charged according to a joint procedure used by both Chambers.

Mrs Marie-Francoise PUCETTI (Gabon) asked for further information on the ethics code to which members of the Chilean Parliament had to subscribe.

Mr Carlos LOYOLA said that the code had been in force for 6 years. It fixed the rules for the conduct of officials and governed their behaviour. The code in particular set down the obligation to declare inherited wealth.

Mrs Marie Valerie AGOSTINI (Italy) thought that new technology was changing the working practices of the Assembly and also its relations with the public and electors She asked whether debates and draft bills were published by Parliament. She also wanted to know whether this service was carried out internally or whether external providers were relied on

Mr Carlos LOYOLA said that in 1990 the Congress of Chile had wanted to modernise its methods of communication. It had received assistance on that occasion from Italy. Debates were published on the Internet as were also draft bills, reports and so forth. The work was not carried out by external operators but by internal parliamentary officials.

Mr Carlos HOFFMANN CONTRERAS added that the system that had been put into place, thanks to assistance from Italy, was managed directly by Chileans themselves. Each stage of a draft bill could be examined by way of the Internet.

Mr Ian HARRIS, Vice-President, thought that the experience of Australia demonstrated that Chile was in the forefront of the use of the Internet for parliamentary purposes.

Mr Moses NDJARAKANA (Namibia) asked what support was provided by the parliamentary service to parliamentary groups. He also asked whether an impeachment procedure was

provided for by the Constitution and who could be the subject of such a procedure.

Mr Carlos LOYOLA said that those persons who could be impeached were the President of the Republic, ministers, magistrates, generals, intendents and governors. The procedure was started by a written accusation signed by between 10 and 20 deputies. After that, the committee composed of 5 members chosen by lot presented a report to the Chamber which then made a decision. If the Chamber of Deputies decided to pursue the matter the file was sent to the Senate which was the final place of decision.

Mr Ian HARRIS, Vice-President, thanked the two speakers for their presentations and their replies to questions.

He then called Mr Arie HAHN of Israel to present his communication on the Knessnet Commission for Future Generations.

5. Communication from Mr Arie HAHN, Secretary General of the Knesset of Israel on Good Governance towards Sustainable Development: the Knesset Commission for Future Generations

Mr Ian HARRIS, Vice-President, called Mr Arie HAHN, Secretary General of the Knesset of Israel on Good Governance towards Sustainable Development: the Knesset Commission for Future Generations

Mr Arie HAHN presented his communication as follows:

"The Talmud, the main book of Jewish oral law, tells us the story of Choni the Encircler, an ancient Jewish sage. We read that:

Choni the Encircler once met an old man planting a carob tree. He asked the old man how long it would take the tree to bear fruit. The old man answered that it would take seventy years. When Choni asked the old man whether he expected to live another seventy years so that he would be able to eat the fruit, the old man answered as follows: "Just as I found the world with trees that my forefathers had planted, so I will plant carob trees for my sons."

We believe that our children's rights are as important as ours. Our mission is to translate this Jewish principle into action today.

Only a few months ago, in the great city of Johannesburg, South Africa, the leaders of the world had their say.

The entire family of nations, consisting of 181 countries, in the greatest world-summit ever held by the United Nations, reaffirmed their clear commitment to take action to develop our planet in a sustainable manner. They stressed the wide-ranging areas covered by these commitments, including: economic development, social development and environmental protection - at local, national, regional and global levels.

A similar commitment was made by the parliaments in a declaration passed at the IPU meeting at the Johannesburg world summit.

Since the primary commitment was made ten years ago - at the world summit held in Rio de Janeiro in 1992, we must ask the question - how come so little progress has been made in the past ten years?

State leaders and parliamentarians debated this issue throughout the preliminary meetings of the summit - in the U.N. plenum and at the side-events. One of the conclusions that were reached was that there is a basic need to establish institutions and frameworks to promote sustainable development.

Much knowledge has been collected and stored in the past ten years regarding how to carry out development in a sustainable manner: the main problems and issues have been pointed out and mapped -however, national decision making is not yet being conducted with a profound and genuine concern for sustainable development.

In this spirit I am glad to inform you that nearly two years ago the Knesset, the Israeli parliament, made a unique break-through by establishing a new institution within it, called The Commission for Future Generations.

The Commission was established within the framework of an amendment to the Knesset Law, the statute regulating the inner proceedings of Israel's parliament. According to the amendment, enacted in March 2001, the Commission's main task is to assure that the country's primary and secondary legislation takes into account the needs and rights of future generations. (See Annex)

I am also proud to inform you, that the Council of Europe Parliamentary Assembly has also taken upon itself to establish a similar institution within it, as well as in the different parliaments in Europe. This blessed initiative was taken by the Committee on the Environment, Agriculture and Local and Regional Affairs. The Commissioner was invited by the Committee to present it with his work in a parliamentary environment. The vice-chair of the committee, Mr. Wolfgang Behrendt from Germany, stated that it is necessary to establish such an institution, in order to guarantee a truly efficient monitoring over the implementations of the decisions of the Johannesburg Summit on the long term. It was stressed that this position should have monitoring powers and independence as well as reporting duties- similar to those of the Israeli Commission.

The Commission's work is based on a holistic vision that considers the future impact of the legislative process. It recognizes the ability and the right of individuals and society to create their own future by orienting themselves toward a certain path and taking the necessary actions to reach the goal.

The Commissioner's tasks are to present the Knesset with information and opinions on issues that are of special concern to future generations, including environ-mental quality, natural resources, science, development, education, health, economy, demography, planning and

building, quality of life, technology and law, as well as any other issue that the Constitution, Law and Justice Committee considers to have considerable influence on future generations.

Specifically, the Commissioner is authorized to review the agenda of parliamentary committees, to review drafts of bills, and, when relevant, to:

Quality of Life and Environment

A bill regarding Restoration of the Environment – promoting sustainable development as a national environmental policy to be set up by the Government, while the relevant ministries create a plan for implementing the policy.

A bill regarding the Mediterranean Coast – regulating the development, management and preservation of the area on both sides of the water line, taking intro consideration its unique environmental and natural value to the public in the present and future generations.

Water – The Commissioner has taken upon himself the task of promoting the parliamentary supervision over government policy for handling the water problem faced by Israel. This policy is based on the conclusions of a Parliamentary Enquiry Committee that was set up in order to examine the government's faults in handling the water issue.

Pollution of the sea from inland sources – The Commissioner is examining methods of upgrading the enforcement of the existing law.

Trade and Environment

The Commissioner has examined the environmental impact of implementing the Free-Trade Agreements within the Mediterranean-European partnership and has recommended calling upon the European Union to conduct an assessment. He also seeks to create legislation restricting the government from entering into such agreements before assessing influences on sustainability.

Planning and Building

The Commissioner has proposed reforming the procedures for National Planning and Construction. This recognizes the immense potential influence of that area on the landscape and environment for many generations to come.

Health

Fluoridation of drinking water – the Commissioner initiated a discussion in the parliament's health committee on the issue of adding fluoride to drinking water. This follows the Government regulation that made fluoridation of drinking water mandatory. The Commissioner emphasized the lack of a comprehensive discussion on the issue prior to the Committee's approval of the regulation and introduced the committee to the latest international researches in the area that refer to possible dangerous long-term effects of fluoride on the human body.

Science and Technology

The Commissioner supported the establishment of a National Council for Civil Research and Development that will advise the Government regarding the recommended national policy and strategy that takes future trends into account.

Economy

The Commissioner served as a member of a steering committee that set up a new mandatory Pension Law. This followed a deficit crisis in the pension funds that was a result of incorrect evaluations of future trends and from faults in the management and financial handling of the funds.

Transportation

The Commissioner supported a governmental initiative to transform the institutional structure of the National Train system to a governmental corporation. The Commissioner viewed the insufficient development of train system in the past few years. Taking in account the sever long-term implications of the massive growth of private vehicles, such as loss of human lives out of air pollution and road accidents and traffic jams – he called upon the Economy Committee to take the institutional path that would enable a rapid development of the train as a self-sufficient corporation that will recruit its own capital for development.

A different, but no less important, aspect of the Commissioner's role is to create public awareness of the future dimension and its significance. This starts with the level of parliamentarians, through public policy-makers to citizens.

It should be pointed out that such an institution serves as a permanent address for parliamentarians in all their parliamentary work and decision making. Here they can find the latest information and recommendations regarding what is considered sustainable and also receive advice regarding how to act in accordance with the principles of sustainable development.

This unique institution in the Israeli parliament might serve as a model for other countries. Taking this path would help assure that parliaments throughout the world incorporate the principle of Sustainable Development into their legislative processes. It would also contribute to raising awareness in the international community and encouraging international public policy makers to follow a similar path.

A joint initiative to create commissions for future generations in parliaments around the globe may be the world's finest hour - by promoting the understanding that harmonization and the uniting of forces could create a critical mass that will drive the entire world community to forge a healthy, living, beautiful and loving world for all our children.

I believe that every parliament should have representatives who not only represent those who voted for them but who also serve as advocates for future generations, and have the

responsibility to represent their positions in order to prevent irreparable damage to the future environment, economy and society.

The moment one definitely commits oneself Existence transforms.

All manner of unforeseen incidents move in accordance with the ultimate intention.

Whatever you can do - or dream - you can begin it.

Boldness has genius - grace - power and magic in it. Begin it now.

GOETHE

ANNEX
UNOFFICIAL TRANSLATION - 4.4.2001

Appendix no. 2927a/MK

Knesset Law (Amendment no. 14), 2001

This bill was debated in the Knesset for the first reading on 21 November 2000, and was passed to the Constitution, Law and Justice Committee.

The bill is being presented - together with qualifications - for second and third readings on 12 March 2001.

Initiators: MK's Yosef Lapid, Victor Brailovsky, Eliezer Sandberg, Yehudit Naot, Avraham Poraz, Yosef Paritzky

Knesset Law (Amendment no. 14), 5761-2001

Addition to Section 8

1. The following will be added to Knesset Law 1994[1], following clause 29:

Section 8: Knesset Commissioner for Future Generations

Definition

30. In this Section, "particular relevance for future generations" refers to an issue which may have significant consequences for future generations, in the realms of the environment, natural resources, science, development, education, health, the economy, demography, planning and construction, quality of life, technology, justice and any matter which has been determined by the Knesset Constitution, Law and Justice Committee to have significant consequences for future generations.

Knesset Commissioner for Future Generations

31. The Knesset will have a Commissioner which will present it with data and assessments of issues which have particular relevance for future generations. He will be called the Knesset Commissioner for Future Generations.

[1] Legal Code, 5754-1994, p.140; 5761-2001, p.114.

The role of the Knesset Commissioner for Future Generations

32. The Knesset Commissioner for Future Generations:
i) Will give his assessment of bills debated in the Knesset which he considers to have particular relevance for future Generations;
ii) Will give his assessment of secondary legislation brought for authorization of one of the Knesset Committees, or for consultation with one of the Knesset committees, which he considers to have special relevance for future generations;
iii) Will present reports to the Knesset from time to time, at his discretion, with recommendations on issues with particular relevance for future generations;
iv) Will advise MK's on issues with particular relevance for future generations;
v) Will present to the Knesset, once a year, a report on his activities in accordance with this law.

Independence

33. In the performance of his duties, the Knesset Commissioner for Future Generations will be guided purely by professional considerations.

The status of the Knesset Commissioner for Future Generations

34. a) The Knesset Secretariat will pass to the Knesset all bills tables in the Knesset.
b) The Knesset Committees will pass to the Knesset Commissioner for Future Generations all secondary legislation tabled for their approval or for consultation with them, excluding only those matters defined by law as confidential.
c) The Knesset Commissioner for Future Generations will notify the Knesset Speaker periodically about laws and bills which he considers to have particular relevance to future generations; the Knesset Speaker will inform the chairmen of the Knesset committees responsible for the areas covered by the laws or bills.
d) The Knesset Commissioner for Future Generations will notify the Knesset Committees regarding secondary legislation passed to him in accordance with sub paragraph (b) in which he finds particular relevance for future generations.
e) Knesset committee chairmen will invite the Knesset Commissioner for Future Generations to debates on bills or secondary legislation which he has declared to have particular relevance for future generations in accordance with sub paragraphs (c) and (d). The Committee chairmen will coordinate the timing of the debate with the Commissioner, allowing reasonable time - at his discretion and in accordance with the issue - for the collection of data and the preparation of an evaluation.
f) Once the Commissioner has given his evaluation regarding a bill, a summary of this evaluation will be

brought before the Knesset plenum as follows:

1) If the evaluation was given prior to the first reading of the bill - in the explanatory notes to the bill;

2) If the evaluation was given after the first reading -in the appendix to the proposal by the Committee presented to the Knesset Plenum for the second and third readings.

g) The Commissioner is permitted to participate in any debate of any Knesset Committee, at his discretion; If the debate is secret by law, the Commissioner will participate on the authorization of the Committee Chairman.

h) A report in accordance with clause 32 (3) will be presented to the Committee responsible for the area of that issue, the Committee will discuss it and may present its conclusions and recommendations to the Knesset.

i) An annual report in accordance with clause 32 (5) will be presented to the Knesset Speaker and tabled in the Knesset; the Knesset will hold a debate on it.

Acquisition of Information

35. a) The Knesset Commissioner for Future Generations may request from any organization or body being investigated as listed in clause 9 (1) - (6) of the State Comptroller Law, 1958 -5718 (consolidated text)[2], any information, document or report (hereafter - information) in the possession of that body and which is required by the Commissioner for the implementation of his tasks; the aforesaid body will give the Commissioner the requested information.

b) If a Minister - whose Ministry is responsible for the area which includes the organization or body under investigation - considers that passing over the information in accordance with the instructions of sub clause (a) may put at risk the security of the State, the foreign relations of the State, or public safety, he is permitted to give instructions not to hand over that information; however if part of that information may be revealed without risk that part would be handed over to the Commissioner as aforementioned.

c) Information in accordance with this clause will not be handed over if this is forbidden by any law.

d) The instructions in this clause do not prejudice the obligation to transfer information to the Knesset and to its Committees in accordance with Basic Law: the Government[3], and in accordance with Basic Law: the Knesset.[4]

[2] Legal Code, 5718, p.92.
[3] Legal Code, 5752, p.214
[4] Legal Code, 5718, p.69.

Appointment of appointed the Knesset Commissioner for Future Generations

36. The Knesset Comrnissioner for Future Generations will be by the Knesset Speaker, with the authorization of the Knesset House Committee from among the candidates recommended by the Public Committee appointed in accordance with the instructions of Clause 38, in accordance with the procedure determined by this Law.

Qualifications

37. Any Israeli citizen and resident who fulfills the following criteria may serve as the Knesset Commissioner for Future Generations:

1. holds an academic degree in one of the areas listed in Clause 30;
2. has at least five years' professional experience in one of the areas listed in Clause 30;
3. over the two years previous to the presentation of his candidacy was not active in political life and was not a member of any political party; for this purpose, anyone who did not pay party dues and did not participate in the activities of any party institution will not be considered as a member of a party;
4. has not been convicted of any charge which, by its essence, severity or circumstances, would make him unfit to serve as the Knesset Commissioner for Future Generations.

38. a) The Knesset Speaker will appoint a Public Committee which will examine the qualifications and suitability of candidates for the position of Knesset Commissioner for Future Generations and will recommend two or more of them to the Knesset, noting the number of committee members who supported the candidacy of each of them; the Committee may include its comments regarding each candidate; the names of the candidates recommended by the Committee will be published in "Reshumot".

b) The Public Committee will have six members to be composed as follows:

1) Three members of the Knesset: The Chairman of the Knesset House Committee, who will serve as the Chairman of the Public Committee, The Chairman of the Knesset Science and Technology Committee, and the Chairman of the Knesset State Control Committee;

2) Three faculty members from institutions of higher education, experts in various fields from among those listed in Clause 30, to be selected by the Knesset House Committee; for this purpose, "an institution of higher education" is an

institution recognized or having received a permit in accordance with the Council on Higher Education Law, 1958.[5]

The work of the Public Committee

39. The Public Committee will determine the procedure for the presentation of candidates for the position of Knesset Commissioner for Future Generations as well as the procedures for the work of the committee and for examining candidates, with the stipulation that the decision to recommend a candidate to the Knesset Speaker for the position of Knesset Commissioner for Future Generations is passed by a majority of at least four members.

The timing of the Election

40. a) The appointment of the Knesset Commissioner for Future Generations will be made, if at all possible, not earlier than ninety days and not later that thirty days from the completion of the term in office of the serving Knesset Commissioner for Future Generations; if the position of the Commissioner is vacated before the end of his period in office, the appointment must be made within forty-five days from the day the position falls vacant.

b) An announcement of the appointment of the Knesset Commissioner for Future Generations will be published in "Reshumot".

Term of office for five

41. The Knesset Commissioner for Future Generations will serve

years from the day of his appointment; and the Knesset Speaker has the right to appoint him for a further term of office.

Restrictions on Activity

42. During the period following his term in office and during the following year, the Knesset Commissioner for Future Generations will not be active in political life or be a member of any political party; for this purpose, anyone who did not pay party dues and did not participate in the activities of any party institution will not be considered as a member of a party.

Budget Generations

43. The budget for the Knesset Commissioner for Future

will be established in a separate budgetary clause within the Knesset budget.

Conditions of employment and staff

44. a) The Knesset House Committee will institute instructions regarding appropriate conditions of employment for the Knesset Commissioner for Future Generations and regarding a team of professional and administrative staff to be placed at his disposal.

[5] Legal Code, 5718, p.191.

b) The Knesset Commissioner for Future Generations is permitted to get help from Knesset employees for the discharge of his duties, as needed.

Completion of term in office

45. The term of office of the Knesset Commissioner for Future Generations will end:

1) at the end of the term of office;
2) with his death or resignation
3) with his removal from office.

Removal from Office

46. a) The Knesset speaker may, with the agreement of the Knesset House Committee, remove the Knesset Commissioner for Future Generations from office on one of the following conditions:

1) he has committed an act inappropriate to his position;
2) he has become permanently unable to fulfill his duties;
3) he has been convicted of an offence, which by its essence, severity or circumstances, make him unfit to serve in the position of Knesset Commissioner for Future Generations.

b) The Knesset Speaker will not remove the Knesset Commissioner for Future Generations from office until the Commissioner has been given the opportunity to present his case to the Knesset Speaker and to the Knesset House Committee.

Suspension

47. a) The Knesset speaker, at the suggestion of the Knesset House Committee accepted by a majority of its members, will suspend the Knesset Commissioner for Future Generations if there are criminal processes against him as stated in Clause 46 (a) 3) until the end of the processes.

b) The House Committee will not propose, nor will the Knesset Speaker authorize a suspension, until the Knesset Commissioner for Future Generations has been given the opportunity to present his claims to them.

Temporary substitute

48. a) The Knesset Speaker will appoint a temporary substitute for the Knesset Commissioner for Future Generations from among the staff as aforementioned in Clause 44 a).

b) If the position of the Knesset Commissioner for Future Generations has fallen vacant, and until a new Commissioner takes office, while the commissioner is out of the country, has been suspended or is temporarily unable to fulfill his duties, his substitute will fulfill his duties and use the authority given to him by this clause.

The First Appointment	2.	The Knesset Commissioner for Future Generations will first be appointed within six months from the day this law is enacted.

Explanations

With any legislative act there is the risk of unforeseen consequences, that is, although the legislator intends to achieve a certain objective, in tact there is some other consequence, possibly negative, which was not taken into account.

It is sometimes difficult to calculate the consequences of a particular legislative act in a few years time, and even more difficult to assess its effect over the next generation or two. This is particularly truc in a dynamic society like ours, where fast technological developments accelerate change.

Furthermore, politicians sometimes tend to seek solutions to current problems of concern to their voters, in the hope that in the long run things will work out, and in any event will become the problem of another government or another Knesset.

On this background, the need arises to appoint an ombudsman to represent the as yet unborn generations before the legislative authorities, a "Commissioner of Future Generations". He would be given the opportunity to examine any legislative act and to appear before the relevant Knesset Committee whenever there arises any suspicion of prejudice against future generations. This might be through ground or air pollution, harm to pension funds, the implications of genetic engineering or the consequences of a technological development.

A current example, even though unrelated to the legislative process, is the problem of the Millennium Bug, which might have been prevented if it had been examined years ago in relation to the future."

(Annex ends)

Mr Ian Harris, Vice-President, thanked Mr HAHN for his presentation.

Mr Anders FORSBERG (Sweden) said that just before he had left Stockholm to go to the current conference, the Swedish deputies had been discussing means of setting out a better vision for the long term future. He said that he would report back to his Parliament about the content of this communication. He asked whether this mission was the task of each Israeli MP or whether there was a special group.

Mr Arie HAHN replied that it did not in fact deal with a particular parliamentary committee but more of an autonomous organisation as was clear from the annexed document. The person in charge of the organisation was a judge who had extensive powers and responsibilities.

Mr Anders FORSBERG (Sweden) said that in Scandinavia, parliamentary committees would occupy themselves with such a question. He said that the question was whether it was more suitable to integrate these responsibilities within existing committees or whether a new structure should be established.

Mr Arie HAHN said that although experience was fairly limited, he thought that the system described was working rather well.

Mr Mohammad AL-MASALHA (Jordan) said that he had listened to the presentation with great interest. He said that he was an ardent defender of the environment, a subject over which the government had great responsibility. He asked whether the group was a collection of experts which advised the government or parliament. He emphasised how much the question of the management of water resources could not be thought of only as being within one territory, but had to be dealt with in co-operation with neighbouring countries.

Mr Arie HAHN said that the group had a budget for expert assistance but he emphasised that the difficult economic background of Israel at the moment prevented the budgets from being increased and in fact prevented subjects from being examined in the depth that he would have liked.

Mrs Marie Valerie AGOSTINA (Italy) thought that the Israeli experiment could be useful for other parliaments. She asked what the consequences were of a negative opinion published by the group on the future of a draft bill. Furthermore, could the group decide to examine any draft bill that it wanted.

Mr Arie HAHN said that the group had no right of veto. Nonetheless, its opinion was never ignored. There was always room for compromise after negotiations and indeed that was the practice.

Mr Prosper VOKOUMA (Burkina Faso) asked about the composition of that organisation. He asked where its work was placed in the legislative process. Were its opinions binding on committees? What was the basis of its powers in terms of an unelected organisation over a sovereign assembly?

Mr Arie HAHN said that the commissioner had been nominated after the agreement of the law on this subject. The president of the group recruited experts according to procedures set down for parliamentary tenders. He was assisted by a sub-committee. The organisation could not bind others. It was a consultative one. Nonetheless, its opinion was always taken into account. It was made up of 5 or 6 members of the Knesset. All of the above though was still at the experimental stage because the procedure had only been in existence for 2 years.

Mr Ian HARRIS, Vice-President, said that in Australia members of parliament had also created a similar organisation. He asked what the origin was of the initiative in Israel.

Mr Arie HAHN said that Mr Joseph Lapid, who was now Minister of Justice, had had the idea in Israel before anyone else. In fact, he had had to fight for many years before bringing it about. He was a very well known man in the country. He had been the editor in chief of the important daily newspaper 'Maariv' but had not been elected to parliament until he had reached 70 years of age. His party won 15 seats at the last general election.

Mr Ibrahim SALIM (Nigeria) asked how the Prime Minister and his ministers put into practice its advice if the role of the organisation was purely consultative.

Mr Arie HAHN said that since the present Minister of Justice had put forward the initiative everybody behaved with some care. When the responsible minister put forward an idea this

resulted in a debate and could lead towards a compromise.

Mr Anicet HABARUREMA (Rwanda) noted that this organisation scrutinised parliament and examined the environmental impact of new bills. He asked what its effect was on the execution of laws by government. Also he asked to what extent the organisation was able to operate independently and whether there was a contradiction in this.

Mr Arie HAHN said that although, of course, the Assembly decided finally on any particular question, the essential thing to remember was the opinion of the group was greatly respected. He thought it was best to convince rather than to force people to follow a particular line.

Mrs Doris Katai Katebe MWINGA (Zambia) thought this was a wonderful subject. She nonetheless had a difficulty in understanding why the choices were made to establish an independent organisation rather than a classic parliamentary committee. She wondered if this example was to be followed in other subject areas, for example in dealing with women or health.

Mr Arie HAHN said that the group could intervene in any subject which might have an impact on future generations.

Mr Samuel Waweru NDINDIRI (Kenya) asked whether the older generations were not hostile to this innovation.

Mr Arie HAHN said that it went without saying that the older generations thought that what they had accomplished had been well done, but they had to get used to new ways.

Mr Ian HARRIS, Vice-President, thanked Mr Arie HAHN for his communication, as well as the interpreters who had done great work in particularly difficult conditions that day.

6. Concluding Remarks

Ian HARRIS, Vice-President, thanked participants at this first sitting of the conference and reminded members that the session would start again the following day, Tuesday, at 10.00 am.

The sitting ended at 6.00 pm.

SECOND SITTING
Tuesday 8 April 2003 (Morning)

Mr Ian HARRIS, Vice-President, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Ian HARRIS, Vice-President, welcomed members to the second plenary sitting.

2. New Members

Mr Ian HARRIS, Vice-President, said that further applications for membership of the Association had been received, as follows:

Mr Mohamed Salifou TOURÉ	Secretary General of the National Assembly of Guinea (replacing Mr Boubacar KASSOURY BANGOURA)
Dr Arteveld PIERRE JEROME	Secretary General of the Chamber of Deputies of Haiti (replacing Mr Madelain FILS-AIMÉ)
Mr Helgi BERNODUSSON	Deputy Secretary General of the Althingi of Iceland
Mr Mahmood Salim MAHMOOD	Secretary General of the National Assembly of Pakistan (replacing Mr Mohammed Rafique HAIDER)

Mr Ian HARRIS, Vice-President, said that none of the applicants posed any difficulty.

The applications were *agreed* to.

3. Opening of the General Debate

A. First Round Table: The Autonomy of Parliament in relation to Internal Management

Mr Ian HARRIS, Vice-President, invited Mr Xavier ROQUES, Secretary General of the Questure of the National Assembly of France, to make his presentation.

Mr Xavier ROQUES made his presentation as follows:

"The autonomy of parliamentary assemblies comes from the concept of the separation of powers which appeared in the 17th Century with Locke, which was developed in the following century by Montesquieu in his work on the spirit of the laws. This theory set down that each source power - executive, legislative, judicial - was confined to distinct organisations, the independence of which must be as great as possible in order to achieve a balance of power: "So that one may not abuse power, it must arise from the natural force of things that power stops power." The Declaration of the Rights of Man and the Citizen of 1789 laid down that no true constitution could exist without a separation of powers.

In the Constitution of 1958, the separation of powers figured among the principles which must govern the balance of public powers. The fundamental idea of the constituent parts was to restore a strong Executive because its position in the 3rd and 4th Republics had been a source of instability. This objective would bring about a rationalised parliamentarism and at the same time a reaffirmation of the autonomy of parliamentary assemblies.

It flows from the application of this principle of the separation of powers that a parliament requires considerable means, particularly financial, human and technical, to carry out to the full its duties and to function independently of the Executive.

Assemblies have long enjoyed a multi-faceted autonomy. It was very early on admitted that they should be able to organise themselves as they wished, that they should have control of their own budget and be served by staff under the Assembly's control. This situation did not rely upon any basic text and was accompanied by a broad jurisdictional immunity. In 1899, a decision of the Council of State confirmed that each of the two Chambers had absolute autonomy.

It might seem that the 5th Republic in setting up the rationalised parliamentarism might have limited the autonomy of the parliamentary assemblies. Moreover, it is a paradox that the law of 1958 which affirmed parliamentary autonomy should be an Executive Order even though it had legislative effect. But it seemed in fact that the Executive Order of 17 November 1958 merely codified what was a long tradition (police powers and to a great extent budgetary powers) or to anticipate an evolution which seemed to be unavoidable (the possibility of legal recourse).

I will deal in turn with the autonomy of assemblies in their internal organisation, financial autonomy, the autonomy relating to property and public contracts, the autonomy relating to staff, the autonomy relating to police and then end with the autonomy in respect of justice.

AUTONOMY IN INTERNAL ORGANISATION

In 1789, the Assemblies had adopted rules fixing the working practices of Parliament. They had complete freedom to prepare such rules without control, particularly by the Executive, except in the case of certain authoritarian political regimes. The internal rule was applicable only on the fact that it had been adopted by the Assembly concerned. Since 1958, rules of the Assembly were submitted to a constitutional check instigated by Article 61 of the Constitution. With that proviso, internal organisation is the exclusive responsibility of the Assemblies.

The Bureau of the National Assembly, which is an organisation composed of the President, 6 Vice-Presidents, 12 Secretaries and 3 Questeurs, has the dual role of organising the

parliamentary work and the administrative organisation. It determines through internal rules the management and functioning of services, as well as the status, the regime for retirement and social security of staff, nominates Secretaries General and the different members of staff and decides on the retirement of officials. It also acts as a final resort in case of disagreement between the administration and staff of the Assembly. The President is responsible for overseeing the internal and external security of the Assembly.

The 3 Questeurs, of whom one traditionally belongs to the Opposition, are responsible for financial and budgetary management. No expenditure may be engaged without their prior agreement. The President and the Secretary General of the Assembly and of the Presidency direct the legislative services and the Questeurs and the Secretary General of the Questure direct the administrative services.

FINANCIAL AUTONOMY OF THE NATIONAL ASSEMBLY

The notion of financial autonomy is linked with the budgetary procedure, whether the preparation of the budget, its execution or its control. The 5th Republic reaffirmed this autonomy. The Executive Order of 17 November 1958 lays down in Article 7 that each parliamentary assembly enjoys financial autonomy.

The Order has also seemed to have placed it under restraint. The same Article lays down that the credits necessary for the functioning of the parliamentary assemblies are the result of proposals prepared by the Questeurs in each assembly and decided by a joint committee composed of Questeurs of the two assemblies. Although reaffirming the prior principles of autonomy, the budgetary procedure is thus limited and the joint commission is presided over by a person outside Parliament who is a magistrate of the Cour des Comptes (which is a financial jurisdiction responsible for checking the accounts of public organisations). However, such a committee was, under the 3rd and 4th Republics, composed exclusively of members of parliament. In addition, the two Assemblies now had to decide their budgetary credits in common, whereas before they were independent of one another. Nonetheless, if what is laid down may be interpreted as a limitation on the autonomy, the autonomy itself if confirmed.

The preparation of the budget is always carried out in each assembly by the Secretary General of the Questure under the authority of the Questeurs. The proposals relating to the amount of the financial requirement claimed by each Assembly in the general budget of the State, are presented to the joint committee composed of the Questeurs of the two Assemblies which have deliberative votes under the presidency of the President of the Chamber of the Cour des comptes, assisted by two magistrates of that Court, who report upon the requests but who do not have the right to vote. These 3 magistrates do not represent the Court, do not receive instructions and are not responsible to it for their mandate. In practical terms, the two Assemblies continue to decide their budgets quite freely, all the while taking into account the political background of the economic and financial imperatives of the State. A large increase in the budget of the Assembly would be badly viewed in a period of financial hardship.

Although the committee is joint between the two Assemblies, the traditional principle of autonomy of each Assembly as against the other has never in fact been in doubt. The Executive Order lays down that the credits decided by the joint committee should be written into the draft Finance Bill without any way in which the Minister of Finance could contest them and to this Bill is annexed an explanatory report written by the joint committee and published each year.

When the amount of the subvention requested from the State is included in the Finance Bill and that has been voted on, the credits are placed at the disposal of the Assembly concerned all at once from the start of the budgetary process. The Assembly uses these credits freely and as far as the centre of administration is concerned, payment is carried out by a responsible person in the Treasury on the signature of the Controller of Expenditure engaged as and when they are required. According to the Rules of the National Assembly, the direction under budget heads of the expenditure and the resources is decided by the Questeurs who authorise the expenditure and the rules applicable to those responsible are fixed by internal rules determined by the Bureau.

The Treasurer makes the payments on the account of the National Assembly. As an official he is responsible to the Questeurs for the funds which are entrusted to him and he allocates the funds freely as long as there is no reason to appeal against his decision and he prepares an account at the end of each budgetary period. The Assemblies in effect deal with their funds as they wish and remain free to conserve existing reserves which may have come about through under-use of funds at the end of the budgetary period without returning them to the Treasury This allows them to set up a reserve that enables them to finance expenses above and beyond the annual subvention.

The way in which the accounts are checked also guarantees the autonomy of the Assembly. The accounts are not sent to the Cour des Comptes but to a special commission which is responsible for checking the accounts according to the budget and the Rules of the Assembly. Composed of 15 deputies and elected each year in proportion to the party groupings, it gives a receipt to the Questeurs for their management. If it refuses to give this receipt which has never happened, it must report the matter to the Assembly.

In order to allow it to complete its task, the Questeurs send the committee each year a private report on the use of the funds. Furthermore, the committee sends the Questeurs a questionnaire and hears them account for their management. Finally, the members of the committee have a power of checking on individual expenses at any time. The committee publishes an annual report which in the last 4 years has included an annex on a particular subject which is different each year.

Its role is therefore very close to that of a commission of accounts since it audits the Questeurs and the Treasurer and similar to the Cours des Comptes because it publishes an annual report. The television channel known as the parliamentary channel created by a law of 1999, and entirely financed by an annual subvention by the National Assembly, is also overseen by that committee.

AUTONOMY IN RELATION TO PROPERTY AND PUBLIC CONTRACTS

Parliamentary assemblies have two types of real property.

Certain property which is the property of the State is given to them by an Executive Order of the 17 November 1958. This relates to the Palais Bourbon for the National Assembly, to the Palais du Luxembourg for the Senate and of premises referred to as the Congress in the Chateau of Versailles. The Assemblies may not use this property for other purposes but otherwise have the freedom of use and upkeep.

Other property not within the previous group is freely managed by the Assemblies and arises from direct purchase, as with acquisitions as with private property by way of a notary, and this shelters them from the pressure from the property services part of the Economic and Finance Ministry.

As far as public contracts are concerned, the Council of State in a decision of 1999 declared itself able to investigate these contracts. Nonetheless setting down the contracts which were the subject of dispute were not ruled by the code relating to public contracts except in the absence of particular rules laid down by the competent authorities of the National Assembly. This encouraged the Assemblies to adopt their own rules relating to contracts which in fact they did in 2001. This was an example, the first for decades, of the law-making power of Assemblies and their autonomy in management separate from the traditional areas of action (budgets and staff).

This law-making power has certain limits, in particular arising from European Community law, but a decision of 1998 the European Court of Justice considered that a legislative organisation was included in the notion of State in the sense of Community directives relating to public works contracts. It had added that a Member State could not argue on the basis of its own juridical organisation that it was justified in not observing obligations set down by the Directive.

Furthermore, in the particular rules which it had adopted, the Bureau did not wish to attack the fundamental principles of law relating to public contracts and the provisions of that set of rules were finally limited to the strict necessity of preserving the independence of the Assemblies and taking into account of particular cases linked to their internal organisation. The first Article of the decision of the Bureau of the National Assembly laid down that contracts of the National Assembly are governed by the provisions applicable to public contracts of the State, with the reserve of what was laid down by the current provisions completed by the decisions of the Questeurs. Article 2 laid down important derogations in the code: the collegiate nature of the legal personality responsible for contracts - the Questeurs - and the absence of agreement or control of authorities external to the National Assembly. The committee for contract tenders had a limited role at the opening and at the end for establishing the content of candidacies and offers received by the National Assembly. The committee does not give an opinion for the attention of the person responsible for the contract except in the case where the code lays down the presence of particular qualified people. In this case the committee does give an opinion sent to the College of Questeurs on the candidates and on the tenders. The diminishment of the role of the committee is explained by the desire to avoid a risk of conflict between the Questeurs who are a political authority and the committee which is only made up of staff of the Assembly concerned. In addition, it is set down that in the case where candidates may be heard according to the code of public contracts, those may be heard either by the commission for public tenders or by the College of Questeurs.

The decision of the Council of State has put once again into question the jurisdictional immunity which was traditional for parliamentary assemblies for all their public contracts. As a result it is questionable whether this jurisdictional immunity, which was not limited in the law except for certain precise cases, has not been put into doubt in other areas.

As a result the status of acts carried out by the political and administrative authorities of the Assemblies is at present unclear as far as jurisdictional control is concerned. For this reason, quite recently a Judge has decided that he had the jurisdiction over a dispute between the Senate and certain of its neighbours relating to changes carried out by that Assembly on its

buildings, on the basis that the changes had taken place without planning permission.

AUTONOMY RELATING TO STAFF

Traditionally the Bureau of each Assembly decides on the status of the personnel of that Assembly. Until 1958, the status of the staff of the Assemblies was entirely outside the law.

The Executive Order of 17 November 1958 confirmed that the status and the regime relating to the retirement of officers of the Assembly were decided by the Bureau of the Assembly concerned and adds that administrative law applied in relation to all disputes of an individual nature which concerned them, which was a new departure in comparison with the previous situation which excluded any judicial intervention.

The Finance Law of 1963 also lays down that officers of the Assembly have the status of state officials which guarantees their right of tenure. The Law of 13 July 1983 relating to the rights and duties of state officials lays down that it relates to all civil officials "with the exception of officials of the Parliamentary Assemblies and magistrates". This same Law completes the Executive Order of 1958 by indicating that the general principles of law relating to the civil service - and it still remains unknown what these principles are - apply to them.

The result of these different laws is that Assemblies have their own power to fix the status of their officers within the framework of the principles of the constitutional nature of the civil service. These laws also lay down that the staff of the National Assembly are exclusively recruited by way of competition in all categories and according to conditions set down by the Assembly concerned.

This provision also forbids the permanent collaboration with any member of staff coming from a separate department outside the Assembly. State officials or magistrates may not be placed at the disposal of the Assembly. The existing posts of the Assembly may only be filled by a member of staff of that Assembly, recruited by competition and who was exclusively employed in that Assembly.

Nonetheless, parliamentary officials may be placed at the disposal of foreign parliaments, European institutions, international organisations, legal organisations (Constitutional Council, Council of State, Cours des Comptes, for example) and independent administrative authorities (Committee on the Operations of the Stock Exchange, High Council on Audiovisual Media, Committee on Information Technology and Freedom etc.). They may be seconded to those organisations and also to public companies or enterprises and to local organisations.

Decisions on the creation of posts are a matter for the Bureau of the Assembly and decisions on the competition and the number of posts available are a matter for decision by the Questeurs. In such a decision, the Questeurs will set out the conditions of the competition, the necessary qualifications for candidates, age conditions, indeed professional experience and so forth, as well as the membership of the interviewing panel. This always includes a majority of members who are outside the administration of the Assembly (university teachers, magistrates, high government civil servants, indeed people in civil society, professionals from various disciplines), but the Chairmanship is always taken either by one of the Secretaries General or by a high official of the Assembly designated by him. One of the tasks of the personnel department is to set up such panels and to make proposals for this to the Questeurs; and so there are competitions to recruit administrators, secretaries, officials, drivers, photographers,

electricians, cooks, etc.

As far as directing a member of staff to a particular post is concerned, this is done for legislative services by a decision of the President taken on the advice of the Secretary General of the Assembly, and for administrative services, by a decision of the Questeurs on the advice of the Secretary General of the Questure, and as far as the passage of a member of staff from one of these services to another, by a decision of the President and the Questeurs on the advice jointly of the two Secretaries General. What is important is that the advice is given by the Secretaries General. The political authority could not by itself take any decision relating to work to be done by a member of staff. It can only accept or refuse a proposition made by the relevant Secretary General.

Other rules contribute to reinforce the autonomy of Assemblies. The pay given to staff is fixed by Questeurs in accordance with decisions taken by the Bureau or by themselves and the President, and promotions depend on a decision by the Bureau or Questeurs or the President and Questeurs according to the category.

It is to be emphasised that this autonomy only concerns officials employed by the National Assembly and not members of staff employed by the deputies themselves as assistants. Such posts are governed by private law and are within limits decided by that area of law, a matter of free recruitment and dismissal by the employing member of parliament. As far as social protection is concerned, independence is also traditional.

The founding laws of the regimes for social protection of the National Assembly are very old. The first of them, relating to retirement, dates from 1807. From the start parliamentary assemblies have wished that their officers should have the benefit of a system of protection which was at that time not obligatory and which they decided to manage themselves.

The Council of State in a decision of 1957 recognised that the regime of social protection of the National Assembly was independent and managed in a specific manner, in the abence of all external control in its functioning.

The Executive Order of 1958 gave this a legislative basis in setting out the principle that each Assembly enjoys financial autonomy. The expenses of the social protection are a part of their credits, and also laid down that the regimes of retirement for officers of the services of the National Assembly were determined by the Bureau of the particular Assembly. Furthermore, a Law of 13 July 1983 lays down that parliamentary officials are affiliated to a special regime of social protection.

This regime is determined by the rules relating to the Department of Retirement and Social Security of the personnel department of the National Assembly and adopted by the Bureau. It is financed by subscription and by a subvention paid by the Assembly from revenues arising from excess payments in earlier years. It is submitted for verification only to the committee on checking accounts and has no exterior checks whatsoever. Although common law does affect this area, particularly under the influence of the establishment of the Sésam-vitale card which allows electronic payment of health expenses, it nonetheless keeps its independence of decisional management.

AUTONOMY RELATING TO POLICE POWERS

In 1789, following an attempt to intimidate the Assembly, the Assembly demanded, and obtained, the right to police itself, an indispensable condition for allowing its deliberations to be free. Furthermore, a law of 22 July 1879 confers on the President of each Assembly the right to require the army to guard the Assembly over which he presides.

In theory this power is without limit, a fact which was deplored in the debate in 1879, the Executive underlining that the President of an Assembly could disorganise the army through exagerrated and unexpected demands, each one being able to ask "for a regiment, a brigade, an army".

The Executive Order of 17 November 1958 adds to this historical continuity. "The Presidents of the parliamentary assemblies are responsible for overseeing the internal an external security of the Assemblies over which they preside. They may to this end, require the assistance of the army and any other authorities whose help they judge necessary. This request may be addressed directly to all officers and officials who are obliged to obey immediately under punishment laid down by law for a refusal." This right of requisition over armed forces may be delegated to the Questeurs.

Even if this right has lost its sense of urgency it nonetheless is an important element as far as parliamentary assemblies are concerned; it limits the principle under which the armies are placed under the sole command of the President of the Republic.

According to the rules of the Assembly, the President decides on the amount of military force which is necessary for him and these forces are placed under his orders.

The general who is the military commander of the Palais Bourbon is nominated by a decision of the President of the National Assembly and acts under his authority and has command over members of the Republican Guard. He decides and puts into effect all security measures around the Palais Bourbon and its annexes and establishes a permanent contact with the services of the Prefecture of Police.

Finally, civil staff of the National Assembly are responsible for surveillance of the access to the Palais Bourbon and other buildings in its vicinity. In practical terms this means that no search by police and no enquiry can take place within the precincts of the Assembly and that no police force and no usher may enter without the agreement of the President.

THE INDEPENDENCE OF THE ASSEMBLY OF THE SYSTEM OF JUSTICE

For a long time, the jurisdictional immunity was based on the revolutionary principles of the separation of powers and the supremacy of the Legislative power. Acts of the parliamentary assemblies therefore escaped, in principle. all legal control.

Nonetheless, this immunity goes against the principle of equity and judges have occasionally extended their jurisdiction, in relation to public contracts for example. The principle remains nonetheless that parliamentary actions can not be the subject of court action. Until the 5th Republic, decisions taken by the Assemblies relating to their staff were unable to be examined by an administrative judge or even by a criminal judge.

The Executive Order of 1958 maintained the principle of jurisdictional immunity while making two exceptions. It provides firstly that the State is responsible for damage of all nature caused by the services of the parliamentary assemblies and the actions for which they are responsible may be examined by the competent courts" and secondly, the administrative courts may take cognisance of all disputes of an individual nature concerning their officials as a way of ending what was more and more considered a denial of justice. It was in fact difficult to accept that staff could not have legal recourse in relation to decisions which affected them.

The law of 13 July 1983 lays down that the administrative courts were competent in matters of dispute between individuals which concerned officers and staff of the Assembly in so far as general principles of right and fundamental guarantees were concerned which were recognised in relation to all civil and military officials by the Constitution.

The decision of the Council of State of 5 March 1999 contradicts the Executive Order and sets up a new question mark over the jurisdictional immunity of parliamentary assemblies. Extending all the matters relating to public contracts to the jurisdiction of the courts is perhaps justifiable since the current society regards any special treatment as an abuse, even though the involvement of the judiciary in the functioning of the Assemblies is not desirable

Therefore there is some uncertainty regarding the extent of this jurisdictional control. It is difficult to determine or priori those acts which would go within the field of control exercised by the judicial judge. It is interesting to note that the law of 12 April 2000 relating to the right of citizens and their relations with public administrative bodies lays down that recorded actions of the parliamentary assemblies are not considered as administrative documents in the sense that that particular law means.

In addition, the Council of State, in a decision of 1987, recognised that the Assembly had the right to act as its own court. This sets up the problem of whether the National Assembly has the right to represent itself. Several courts have decided in this direction. The general instruction of the Bureau includes the capacity of the Assembly to act when it lays down that the decision to engage in court action is taken by the President with the proviso that the Treasurer may himself, after authorisation by the Questeurs, take any court action necessary to recover debts of any kind. According to its own rules, the Bureau has jurisdiction over contracts between the administration of the Assembly and other persons outside the Assembly. The Questeurs are authorised to engage in judicial hearings in the name of the President of the Assembly.

In conclusion, the weight of tradition has been succeeded by the provisions of the Executive Order of 1958. Despite the changes which have taken place after that date, the autonomy of parliamentary assemblies has not disappeared. Quite the contrary, as one might have supposed a priori. Such autonomy has even been made more precise. In this respect there is quite a considerable continuity from the 3rd to the 5th Republic. The parliamentary assemblies are part of the State but the State is not monolithic. It is made up of three powers, executive, legislative and judicial and makes up a trinity which is a complex formulation though classical in the Christian religion. In some ways this is reassuring since legal theory cannot be more complex than theology."

Mr Ian HARRIS, Vice-President, thanked Mr Xavier ROQUES, Secretary General of the Questure of the National Assembly of France,

Mr Kazi Rakibuddin AHMAD (Bangladesh) thanked Mr Xavier ROQUES for his presentation. He asked whether notwithstanding the fact that the budget of the National Assembly was made according to its own rules, the Cours des Comptes checked its means of execution.

Mr Xavier ROQUES said that this was not the case. Independence was complete even in terms of control of expenditure. The Assembly notified the Ministry of Finances how much was required in a budget. The Ministry had to write that into the budget of the State and to make over the required amount. The same was the case for the Senate. Each Chamber had an internal budgetary audit structure.

Shri Shatish KUMUR (Rajya Sabha, India) referring to the upper Chamber of the Indian Parliament, said that the Secretary General was a civil servant of high rank who had a lot of experience within the administration of parliament. He was the Speaker's deputy. The Speaker had to respect the rules. The Secretary General could make suggestions. He was keeper of acts of the Chamber and was able to give assistance to the Speaker of the Chamber where needed. In India, there was a multi-party political system. Often the President of the Chamber needed his Secretary General to decide thorny questions relating to the rules. There were three independent powers. The role of the Secretary General had been defined even before Independence. The Secretary General had to decide on the admissibility of bills or other texts and on objections to them. He had to discuss that with the President of the Chamber, particularly in relation to precedence and internal jurisprudence. This was carried out in the interests of the good working of Parliament and the Assembly. The Secretary General had a double role. He was Secretary of the Assembly and assured good internal management. He had to recruit personnel. He prepared the budget of the Chamber. This was not debated in plenary session. If the Minister of Finance objected there would be a discussion between the two authorities and differences settled. The Secretary General had also a role in assuring the proper functioning of parliamentary committees.

Mr Ian HARRIS, Vice-President, reminded participants that one of the differences with the debates as opposed to communications was that those intervening should not limit themselves to just asking questions of the principal speaker but should also present their own contributions. This had just been done by the speaker who had intervened and he thanked him.

Mr Arie HAHN (Israel) said that the Knesset ensured that its budget was granted by the Minister of Finance according to the separation of powers. The Sectary General and the Financial Controller prepared a draft budget, having attached the requirements of all the services. After approval by the Speaker of the Knesset, the draft budget was sent to the competent committee. It was at that stage that the final proposition was established and approved and then included in the general budget of the State which was then adopted by the Assembly. The Knesset was the only master of its acts. Financial control was carried out by the Comptroller General of the House who was an authority independent of government and who reported only to the Secretary General. Public contracts were also managed internally as were recruitment and deployment of officials. The President of the Chamber was responsible for parliamentary officials. Such officials were employed under the law relating to the civil service which was applied separately in their case.

Mr Everhard VOSS (Germany) referred to the rules relating to internal security within the National Assembly of France as had been mentioned by Mr Xavier ROQUES, and in particular the ability of the President of the Assembly to acquire armed force and other necessary force to

maintain public order. He asked about past experience in applying this right.

Mr Xavier ROQUES said that this practice went back to the French Revolution. The crowds in those times had got used to entering the precincts of the legislative building. They even brandished the heads which had been struck off of certain elected representatives; this had of course traumatised the members. After the Revolution under the 3rd Republic, it had also been necessary to face up to insurrection, for example in the commune of Paris and the riots of 1879, during which the public powers had not been able to control order. It was from that time that the system had been established. Happily, since then the situation had been more stable and there had been no need to have recourse to this power. The National Assembly nonetheless had a detachment, commanded by a general, who was chosen by the President of the Assembly and who was the military governor of the Palace. It included various troops who had general duties within the organisation. Nonetheless, when there was a risk of any demonstration, the general contacted the external authorities in order to ensure that the demonstrators were kept at a proper distance.

Mr Mamadou SANTARA (Mali) asked whether the financial autonomy of the National Assembly implied the power to organise the coherence of particular requirements within the budget. The Minister for Finance had the responsibility for the overall coherence of the budget. Was he also responsible for the technical coherence of this budget?

Mr Xavier ROQUES replied that the draft budget of the National Assembly was prepared by its own staff. The Assembly had the Committee of Finance whose officials assisted parlimentarians in the control of the State budget and who were required to use their knowledge in respect of the Assembly budget.

The Assembly budget was not so complex that they were not able to prepare it and to carry it out themselves. It was important that the presentation of the budget should cohere with the rest of the administerial budgets and it was also important that the development of the Assembly's budget should be compatible with the rest of the State. But this technical requirement had nothing to do with satisfying political considerations. Furthermore, the low importance of the budget of the Assembly in comparison with the rest of the national budget meant that this question was not really an important one.

Mr Marc BOSC (Canada) wished to ask two questions. The first one dealt with the career progression of officials. Was there a programme for transferring them between jobs? What professional education did officials have? The second referred to the degree of unionisation of the staff. He asked what unions there were within the National Assembly.

Mr Xavier ROQUES said that the parliamentary officials had the right to join a union. French people liked variety and for that reason there were various trade unions. There was a system of co-operation and of negotiation. As far as education was concerned, the position was not particularly good. There was no external system of education in every case. There was a service of professional training which provided, in particular, training related to foreign languages and information technology. The French system remained within the spirit of des Lumieres, of the honest man who was capable in many areas.

Mr Anicet HABARUREMA (Rwanda) emphasised that parliaments in poor countries did not receive financial support to allow them to carry on throughout the year. As it was only possible to spend what one was given, this necessarily restricted independence. He asked what

measures should be taken to establish properly the independence of the parliament.

Mr Xavier ROQUES replied that just as Rome was not built in a day, he was not certain that the independence which Parliament had in France today existed a century and a half previously. He understood the financial limitations in countries with limited resources. It was necessary to adapt the resources given to parliament to the means which were available to society. In other words it was necessary for the parliamentary budget to be realistic. The essential point was being in command of one's own administration. It was necessary to have competent officials who were well enough paid to remain as permanent. Not many were needed, but they had to be independent of the political power of the Executive. Without that there was no parliamentary administration. It might be thought that experience would be the opposite and that political people would wish to have their own appointees, but nonetheless people in politics were happy to find that there were officials of quality that they knew and could trust. People in political life were happy that there was a fixed element in a rapidly changing political world. For example, the same parliamentary officials who dealt with the laws of nationalisation in France in 1981 dealt with the laws of privatisation in 1986.

Mr Mohamed Salifou TOURÉ (Guinea) asked for further details on conditions of recruitment, promotion, salary, social regime and retirement for parliamentary officials in France. He said that in Guinea the Assembly had only been in existence for 9 years and such problems were still new to them.

Mr Xavier ROQUES referred to the image of a painter which he had used during his original speech. Just as a lawyer did not have to be convinced of the innocence of his client in order to defend him, so a parliamentary official did not have to share the position of parliamentary members in order to be able to give them loyal and efficient advice.

As far as recruitment was concerned, parliamentary officials were all recruited by competition in France. The boards were composed of members external to the Assembly as a majority and excluded members of parliament. The salary rates within the National Assembly or the Senate were based on those which applied to the civil service or the Executive. Social protection had been a very early preoccupation of the parliamentary service. It had been in place well before that relating to most workers. It was contributed to by subscription from officials and also an equal subvention from Parliament and this covered health costs as well as retirement. It was probably better than the general regime. The annual budget of the National Assembly was around 500 million Euros.

At the end of this reply, Mr Prosper VOKOUMA, a member of the Executive Committee, wished to speak.

Mr Prosper VOKOUMA (Burkina Faso) said that he had been informed by the Joint Secretaries that at the time limit for proposal of candidates for the post of President of the Association, only one proposal had been received by the Secretariat, that relating to Mr Ian HARRIS, Clerk of the House of Representatives of Australia.

According to the Rules, since there was only one candidate there was no need to proceed to a vote. He therefore had the pleasure to announce that Mr Ian HARRIS, the Vice-President, was henceforth elected to the post of President of the Association of Secretaries General. His term of office, which would start under the Rules at the end of the current conference, would continue until the end of the session of spring 2006.

Mr Ian HARRIS, President Elect, thanked members of the Association for the confidence which they had shown him and invited Mr Giuseppe TROCCOLI of Italy to speak.

Mr Giuseppe TROCCOLI (Italy) said that the independence of the parliamentary assemblies was explicitly mentioned in the Italian Constitution. Article 64 of the Constitution laid down that each Chamber would adopt its own rules on the basis of an absolute majority of its members.

This constitutional provision related expressly to only one of the essential attributes of independence, the power to decide independently the rules relating to its own conduct. In addition, the jurisprudence of the Constitutional Court had fundamentally contributed to a definition of the basis and limits of independence of the Chambers. According to the Court, the independence of the Chambers arose directly from the independence and sovereignty of parliament.

The position of absolute independence of other organs of the State which the two Chambers enjoyed, as well as the central characteristic of parliament, meant that the two Chambers had a guaranteed independence of all other power.

The independence of the two Chambers was not limited to rule making in the sense that the constitutional organisations had the power to make legal provision relating to the structure and functioning of its services. And this independence included the application of various rules and the choices relating to which concrete measures were taken to ensure that its rules were respected. Constitutional law sets out various prerogatives which made up the independence of the Chambers: independence of organisation and administration, financial and budgetary autonomy and independence of management relating to staff. Autonomy of organisation and administration consisted of the power of making rules over all matters which define substantially the content of that independence. This rule making power was exercised by the Bureau. The matters included important areas of independence, as for example internal accountability and the legal and economic status of its employees, and in particular the power of discipline and management of those offices which were concerned with the carrying out of parliamentary functions. This underlined the position of the administrative arrangements in connection with all the constitutional duties of parliament.

A typical expression of the autonomy of both Houses was represented by the rules relating to staff. The status of employees of the House and of the Senate was covered by a specific set of rules which was independent of those relating to the civil service. The rules of the Bureau covered the legal situation and economic treatment of the staff of the Chamber and Senate. The rules relating to recruitment and procedures for competition were also made the subject of specific rules.

Activities which did not concern directly their carrying out of functions relating to parliament might be delegated to external organisations according to rules established by both Bureaux. This meant that contractual activity of both Chambers through which each Chamber acquired property or bought services from external bodies was regulated by independent rules established by the competent organisations under political management. This was covered by rules relating to administration and accountability which were enforced in the Chamber of Deputies and the Senate. Within the law established nationally and by the European Community, these rules governed sectors relating to public contracts, works and supplies, with the necessary changes relating to special circumstances in parliament.

Another expression of independence which both Chambers enjoyed was the independence of accountability. Recognition of a regulatory power over accountability was closely linked to another historical principle which guaranteed the independence of each House, and that was the principle of financial independence. This independence meant that each of the Chambers had its own budget which was prepared according to its own internal rules fixed by the Bureau.

In full session, the Chambers discussed and approved their own budgets and internal balances in a way completely separate and independent of the rules relating to the balance for the State which were discussed and approved by both Houses during the budget session. Therefore, the financial management and accountability are the object of internal rules adopted by the Bureau.

In order to guarantee full and effective independence of both Houses it was not necessary only that the budget documents of both Chambers should be independent and distinct from those of the State and should be prepared according to internal rules, but also that no control might be carried out on the management of the budget of either Chamber by organisations outside parliament, with a view to ensuring the conformity with acts relating to expense or accountancy rules.

Independence of accountability was therefore extended to its widest so that it guaranteed that the regime of separation and financial independence related not just to the budgets of the Houses in relation to the budget of the state but also over accountability. The Constitutional Court had clearly pronounced on this question by Judgement No. 129 of 1981 which excluded the jurisdiction of the Cour des comptes over both Houses, affirming that it was a matter for both Houses to make rules relating to proper management of their financial resources.

Turning to the independence relating to staff, he said that both Houses also had power over deciding matters relating to their employees. This excluded the jurisdiction of other organisations of the State and referred such matters to internal organisations whose members were members of parliament. Internal jurisdiction and judgement was carried out under Article 12 of the rules of the Chamber relating to complaints over administrative acts of the House in respect of third parties, for example, differences relating to procedures followed in public tenders.

Mrs Marie Valerie AGOSTINI (Italy) emphasised the independence of accountability of parliament in France and in Italy. Each Chamber wrote up its own budget in the general budget of the State assuring its own execution and control. In Italy, parliamentary personnel could not have recourse to ordinary courts. There were particular structures to deal with contentious matters. This raised the question of the balance between the principle of independence of parliament and those of the rights of citizens.

Mr Xavier ROQUES thought that this problem was well taken. Until 1958 there had been no possibility of appeal to the courts relating to a dispute over internal management conditions. A change which had come about between 1958 and 1982 was not to create an extended independent jurisdiction but instead allowed litigants to go before ordinary judges who had increased area of manoeuvre in taking over jurisdictions related to parliament and to applying general principles of the law.

Mr Paul HAYTER (United Kingdom) suggested that the question of the general role of the Secretary General could be dealt with in the rest of the day. He thought that independence of

parliament was far from being absolute in the UK. Even within Parliament, one Chamber was influenced by the other. The question was to know how to manage common services. If it was not possible to be independent of the Executive completely, perhaps it was better to have Houses of Parliament who functioned in an associated or joint way. In that way the government was politically forced to acknowledge the demands of parliament. Nonetheless, he recognised that it was difficult to manage joint services with two Chambers.

Mr Xavier ROQUES said that in France there were no joint services between the National Assembly and the Senate. Each Chamber had its own identity. The budgets of each were prepared independently. There was no link between the administrations of the Assembly and the Senate. Nonetheless, there was a common committee at which three Questeurs of each Chamber met along with a magistrate of the Cour des comptes who took the Chair. It was this body that received the requests of each Chamber which wrote to the Minister of Finance. The only common elements to both Houses of Parliament was the French delegation to the Inter-parliamentary Union.

Mme Hélène PONCEAU (France) confirmed that in the bicameral system of France, the principle of autonomy of parliament meant effectively the independence of each of the Chambers of each other. Nonetheless, in fact there was a permanent co-operation between both of them. The members of both Houses themselves wanted harmonisation. As far as the staff of the Assemblies were concerned, the status of which was based on continuity and neutrality, the Bureaux of both Houses had found way round this in respect of specialist advisers in that each member of each House could employ specialist advisers who were part of their personal team and who of course shared their political opinions.

Mr Ian HARRIS, President Elect, referred to the situation of the Australian Senate where, perhaps because for a long time there had been no government majority, the budget was twice as large as that of the House of Representatives.

Mr Petr TKACHENKO (Russia) spoke as follows:

"Dear ladies and gentlemen, For the Russian Federation the year 2003 is the year of the tenth anniversary of the adoption of the Constitution of our country and formation of the bicameral Russian parliament - the Federal Assembly of the Russian Federation on its basis. Today one can say with confidence that in Russia its own model parliamentarism has taken shape, which determines the role of the Federal Assembly within the system of state authority bodies, in its interrelations with the President, the Government, the legislative and executive authority bodies of the constituent subjects of the Russian Federation and its judicial authority bodies. The Russia's model of parliamentarism has absorbed both its own traditions of democratic representation of the people and the multifaceted experiences of the world parliaments' activities. Using this opportunity, I wish to express words of gratitude and appreciation to everybody who during that time hosted our delegations and shared knowledge and invaluable experiences concerning the organisation of parliamentary activities.

The Russian parliament is a constantly developing socio-political organism. That fully refers to the Council of Federation as a chamber of the Federal Assembly of the Russian Federation. Within the framework of governance improvement reforms carried by the President of the Russian Federation, the procedure for formation of the Council of Federation was changed. Since January of 2001 the chamber has been working on a permanent professional basis. A

search is underway for an optimum model of work, allowing for the fullest possible implementation of the constitutional powers of the Council of Federation.

Article 101 of the Constitution of the Russian Federation lays down the legal bases of the independent status of the Council of Federation. According to it, each chamber of the Federal Assembly adopts its own rules of procedure and solves the issues of internal order of its activities. In the Council of Federation those matters are within the competence of the Chairman of the chamber and his deputies.

Financial support to the chamber's activities is one of the main functions carried out by the Administrative Staff of the Council of Federation. For that purpose within the Administrative Staff there is the relevant unit - the Financial and Economic Directorate working in close interaction with the Committee of the Council of Federation on Budget and the Commission of the Council of Federation on Control over Support to the Activities of the Council of Federation.

The financial support to the activities of the Council of Federation is rendered in strict conformity to the budget legislation of the Russian Federation and is based on the principle of financial autonomy of the chambers of the parliament.

The federal law on federal budget for each financial year provides in a separate chapter the budgetary allocations for support to the activities of the Council of Federation.

That is preceded by the elaboration of draft estimate of expenditure on support to the activities of the Council of Federation and by the co-ordination of it with the Ministry of Finance of the Russian Federation, after which the agreed amount of budgetary allocations is included in the draft federal law on federal budget to be approved by the chambers of the parliament according to the procedure established by the Budget Code of the Russian Federation.

The basis for formation of the expenditure estimate and its subsequent execution is served by the normative basis elaborated by the Administrative Staff of the Council of Federation and the Commission of the Council of Federation on Control over Support to the Activities of the Council of Federation. That commission also carries out the on-going control over the execution of the expenditure estimate.

The financial-economic activities of the Administrative Staff of the Council of Federation are also subject to complex check-ups by the Accounts Chamber of the Russian Federation.

The head of the Administrative Staff of the Council of Federation bears responsibility for the quality of elaboration and execution of the expenditure estimate and for an effective use of the budgetary funds.

In ten years of work a system of administrative staff support to the chamber's activities took shape in the Council of Federation. The Administrative Staff of the Council of Federation plays a stabilising role in the chamber's activities: each time the membership of the Council of Federation changes it is possible to ensure continuity and to avoid serious failures in its work. One can say that the Administrative Staff of the Council of Federation is a necessary element of preservation of "institutional memory" of the chamber. Therefore we attach a special importance to the issues of development of the Administrative Staff and to the improvement of its work.

Certainly, the personnel human potential of the Administrative Staff of the Council of Federation is the major factor ensuring that it meets the new demands.

In order to be able to occupy a position of responsibility in the Administrative Staff of the Council of Federation, civil servants must meet a whole number of rather rigid requirements: obligatory higher education, high level of professionalism, spotless reputation etc. Proceeding from that, the qualitative structure of the employees of the Administrative Staff of the chamber is being constantly improved. As of the beginning of this year, the number of staff members of the Administrative Staff of the Council of Federation was 945.

At present the potential of the employees of the Administrative Staff of the Council of Federation is sufficiently high. Today about 150 persons with scholarly degrees and ranks work in the Administrative Staff of the Council of Federation and additionally more than 30 persons there aspire to get those.

The problem of formation and effective use of personnel potential of civil servants is a most significant one in the activities of the Council of Federation. Important directions of a practical pursuit of personnel policy in the Administrative Staff of the Council of Federation include perfection of the process of enrolment to the civil service by means of introduction of competitive selection of candidates and permanent improvement of professional skills of the civil servants working in the Council of Federation.

The employees of the Administrative Staff of the Council of Federation enjoy the legislatively established status of federal civil servants. It should be said that in Russia, as different from the majority of the world's parliaments, the parliamentary civil service is a component part of the single civil service.

At the same time I'd like to note that in comparison with the work in the executive bodies the parliamentary service has a number of substantial specifics as regards the nature and contents of the civil servants' activities. Here to a greater degree the elements of creativity are important, more knowledge in adjacent spheres and a higher level of legal culture is required.

Dear ladies and gentlemen, I believe that our exchange of opinions, our discussions of the activities of parliamentary services, our search for new reserves to increase the efficiency of organisation of work of administrative staff of parliaments is a useful and important activity.

In conclusion let me wish fruitful joint work to the present members of the Association of Secretaries General of Parliaments and others participating in our session."

Mrs Doris Katai Katebe MWINGA (Zambia) said that although her Parliament had substantial administrative independence, nonetheless it was confronted with problems related to financial independence. This was similar to the situation referred to earlier by the colleague from Rwanda, taking into account the limited budgetary means of the country. She understood the answer given by the Secretary General of the National Assembly of France. She asked him, in terms of the internal financial controller, whether this was a committee or an office under the Secretary General.

Mr Xavier ROQUES replied that it was a special committee composed of the proportional groups represented in the National Assembly. The three Questeurs who traditionally were made up of two members of the majority party and one of the opposition managed the accounts and authorised expenditure. Having settled the final amount of the annual budget of the Assembly, the President of the Assembly had no powers in the matter. Therefore it was these Questeurs who were under the control of this special committee. The Secretary of that committee was an official who was himself placed under the authority of the Secretary General of the Questure.

Mr Surya Kiron GURUNG (Nepal) said he was happy to hear that there was genuine independence of parliament in France. In Nepal there were two Houses but they had a common secretariat. A law gave administrative and financial independence to the secretariat of parliament but this law had not been published in the official journal by the Minister of Justice though it had been agreed to over 8 months previously because the pay of parliamentary officials was different from that of government officials. The government, in fact, was concerned that there would be further requests for balancing increases in pay. He asked whether France had problems of this sort.

Mr Xavier ROQUES said that in that area the French Parliament had always been prudent. The pay points of parliamentary officials were larger than those of other government bodies. These pay points were internal to each of the two Houses and were not published in the official journal. It was necessary to be discreet.

Mr Ibrahim SALIM (Nigeria) asked who in France could fix a limit over which proposals could not be approved. He said that this power in Nigeria lay with the President of the Republic who exercised the right of proposing amounts. Parliament could reduce its budget to less than what was on offer but could not increase it. Was this the same in France? As far as parliamentary services were concerned, the bicameral system in Nigeria had joint services. Nonetheless, each House had its own Clerk and its own administration, but the two Clerks of the Houses were under the global control of the Clerk General.

Mr Xavier ROQUES said that a budgetary provision similar to that existing in Nigeria applied to draft budgets of ministries but it did not apply to those of the Assembly. In France, the maximum was based on common sense and was controlled by public opinion. If the State increased the credits of the government by 1.5 per cent it would be difficult for Parliament to increase its claims by 5 per cent. Even if there was no legal or institutional obstruction to this such a proposal would set off a campaign of articles in the press. The more determined Parliament showed itself in exercising rigour in budgetary management relating to ministries, the more it had to be rigorous with itself. So in the most literal sense there was a political

control over this.

In concluding, he said that the discussion had shown that although there was a diversity in methods linked to different histories, nonetheless everybody had the same aspiration towards financial independence. This was essential if parliaments were not to be under the control of the Executive and if parliaments wished properly to control the Executive. Nonetheless, coming from different origins requirements of building led to the same form of architecture. Even if separation of powers was different from the separation of organisations, there were common points. In order to carry out functions, a parliament had to avoid depending on another authority for its financing, for its management and its administrative machine. In addition, the existence of a permanent public service which was efficient and of good quality meant that it had to be politically neutral.

Mr Ian HARRIS, President Elect, thanked the principal orator and all those took part in the debate for their contributions and questions, as well as for the answers which they had been given.

The sitting was suspended at 11.30 am and resumed at 12 noon.

B. Second Round Table: The Authority of the Secretary General in Relation to the Presidency

Mr Ian HARRIS, Vice-President, said that he would start with the Russian contribution followed by interventions and then have the main presentation by Mr HOFFMAN CONTRERAS after lunch.

Mr Alexander LOTOREV, Secretary General of the State Duma, Russian Federation, gave his contribution as follows:

"1. Joining of Russia in the World Parliamentary System

Russian parliamentarism has its own history, national roots and traditions. Already in the XI-XII centures in Kievskaya Rus and later in Novgorod and Pskov republics, the Vetche was the people assembly, the state power and self-government body in Rus.

Nearly 500 years ago, when the tsar Ivan the Terrible governed Russia, the Boyarskaya Duma was established as a forerunner of the present State Duma. Then it was reformed into the Zemskaya Duma (the assembly of the elected by lands). They had played great role in the Russian State development.

But the first stage of parliamentarism in the European meaning of the word is associated with the Senate – the supreme legal consultative power body of the Russian Empire of the early XVIII century, formed by the tsar Peter the 1st and reformed later into the State Council.

But the practical period of Russian parliamentarism started in 1906, when the first State Duma was elected and the State Council was reformed into the Upper Chamber of the Parliament. The State Duma of such appearance had been existing for 3 callings and was finally dissolved in 1917 as a result of revolutionary events.

The State Duma was replaced with the Soviets, been formed everywhere as new revolutionary power bodies. Later the Soviets of Workers, Peasants and Soldiers Deputies united and in January 1918 the All-Russian Congress of the Soviets was declared the superior state power body everywhere in the territory of post-revolutionary Russia. These bodies of power were reformed later: in 1936 – into the Soviets of Workers` Deputies and in 1977 – into the Soviets of People`s Deputies. The Soviets were representative power bodies and one could consider them to be a parliament by the form. However, by their principles and content they performed decorative functions.

Actual realization of ideas of up-to-date parliamentarism had taken place only due to election of the Congress of People`s Deputies of the USSR and subsequently the Congress of People`s Deputies of the RSFSR in 1990, the legal successor of which is recently the Russian Federation.

In addition, the Parliament was considered to be not the parliamentary form of administration, but the system of functioning of independent democratic legislative power.

Up-to-date period of Russian parliamentarism started in December 1993. It followed the events on dissolution of the legislative power body and carrying out the referendum on the new constitution of the Russian Federation. At the same time, on the 12th December 1993 the State Duma elections had taken place.

From January 1994 the Federal Assembly (Parliament) of the Russian Federation started its work in accordance with the new Constitution.

II. Characteristic of the Federal Assembly of the Russian Federation: the Federation Council and the State Duma

In accordance with the Constitution of the Russian Federation the Federal Assembly – the Parliament of the Russian Federation:

- is a representative and a legislative power body of the Russian Federation;
- consists of 2 chambers – the Federation Council and the State Duma;
- the Federation Council is composed of 2 representatives from each of 89 subjects of the Russian Federation: by one from a representative and an executive body;
- the State Duma is elected for a period of 4 years and composed of 450 deputies, a half of which are elected by majority districts and another part – by party lists.

One and the same person cannot be simultaneously a member of the Federation Council and the State Duma. In his own turn, a member of the State Duma cannot be a deputy of other representative state bodies and local authorities.

The deputies of the State Duma work on a permanent professional basis. It is prohibited for them to be employed in government service or engaged in other paid activities, excluding teaching, science and other creative works.

The Federation Council members and the State Duma deputies possess the immunity during the period of their authority.

The Federal Assembly is a permanently functioning body. The sittings of the Federation Council and the State Duma are held separately and openly, as usual.

For the joint sitting the Federation Council and the State Duma are brought together exclusively to listen to addresses of the Russian President and addresses of leaders of foreign states.

Each of the Chambers works out its own regulations, settles the matters of its internal order of activity.

In order to effect control over federal budget implementation, the Federal Council and the State Duma form the Clearing House, whose structure and procedure are determined by the federal law.

For provision of the work of the Federal Assembly Chambers, in each of them an independent administrative body is set up. Its work is regulated by internal acts of each of the Chambers, proceeding from the constitutional authority of the Federation Council and the State Duma.

In accordance with the Constitution of the Russian Federation, the State Duma is given without limitation the following rights:

a) giving consent to the President of the Russian Federation to appoint the Chairman of the Government of the Russian Federation;
b) settlement of the matters on credit in respect of the Government of the Russian Federation;
c) appointment and dismissal of the President of the Central Bank of the Russian Federation;
d) appointment and dismissal of the Chairman of the Clearing House and a half of the staff of its auditors;
e) appointment and dismissal of the Commissioner on Human Rights, who works in accordance with federal constitutional law;
f) announcement of amnesty;
g) bringing of accusation against the President of the Russian Federation with the aim of dismissing him.

III. Characteristic features of the activity of the State Duma of the Federal Assembly of the Russian Federation

In December 2003 there will be 10 years after the Federal Assembly of the Russian Federation had been founded. Ten years ago, in December 12, the first post-Soviet elections to the upper legislative state body – State Duma – had taken place.

The deputies of the State Duma are elected for a period of 4 years, but in accordance with intermediate statutes of the Constitution of the Russian Federation, both the Federation Council of the 1st calling and the State Duma of the 1st calling were elected for a period of 2 years.

Thus, the 3rd calling of the State Duma is accomplishing its work this year.

Its membership by political biases looks like the following, proceeding from callings:

Membership of Deputy Coalitions in the State Duma of Callings I – III

№	Deputy Coalition	I Calling 1993-1995	II Calling 1996-1999	I Calling 2000-2003
1	Faction “Choice by Russia”	66	----	----
2	Faction “Union of Right-Wingers”	----	----	32
3	Faction “YABLOCKO”	27	46	19
4	Faction of the Russian Democratic Party	14	----	----
5	Faction of the Party of Russian Unity and Consent	19	----	----
6	Faction “Women of Russia”	23	----	----
7	Faction of the Liberal-Democratic Party of Russia	64	51	16
8	Deputy group “New Regional Policy”	66	----	----
9	Faction “Unity”	----	----	84
10	Deputy group “People`s Deputy”	----	----	62
11	Faction “Motherland – the Whole of Russia”	----	----	44
12	Deputy group “Regions of Russia”	----	----	44
13	Deputy group “Russian Regions”	----	43	----
14	Faction “Our Home – Russia”	----	66	----
15	Faction of the Communist Party of the Russian Federation	48	146	86
16	Faction of the Agrarian Party of Russia	33	----	----
17	Agrarian Party Group	----	36	----
18	Agro-Industrial Deputy Group	----	----	42
19	Deputy Group “Power of People”	----	38	----
20	Off-coalitions deputies	84	22	15
	Total number of deputies	444	448	444

Additionally, one should remember that the State Duma factions represent those parties and social movements, which overcame the 5% barrier at elections by means of candidates` lists. And deputy groups are formed of the deputies elected in electoral majority districts.

The definition by the Constitution of the Russian Federation of **the Federation Council as the Parliament of Russia** means recognition of the ideas of parliamentarism in its up-to-date meaning.

The State Duma is a representative and a legislative body of the country.

The definition of the State Duma as a representative body of power means that it represents interests of all Russian citizens and is authorized to express people`s will in the form of law.

The State Duma is vested with the sole right to adopt federal laws, which shall be then either approved by the Federation Council and signed by the President of the Russian Federation or rejected. To overcome differences arisen between the Federation Council and the State Duma, conciliation commissions are established.

The specific character of the work of the State Duma and its administrative staff is that unlike the most of parliamentary countries, not only the Government of Russia but also the President of the Russian Federation, the Federation Council, the members of the Federation Council (178), deputies of the State Duma (450) and legislative (representative) bodies of subjects of the Russian Federation are authorized to take legislative initiatives. The right of legislative initiative also belongs to the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Superior Arbitration Court on the matters of their jurisdiction.

Thus, one can speak about 722 subjects of legislative initiative.

A specific feature of the Russian parliamentary system is that the Federation Council in the whole and the State Duma particularly shall not be the higher authority for legislative (representative) bodies of the Federation subjects as it had been with the former Supreme Council.

They both have their own systems of authorities, including legislative (representative) ones. Russia is a multinational and poly-confessional state. Over 100 nationalities with their original cultures live in it, the 4 leading world religions are represented. And this original and centuries-old history is shown in the names and specific features of parliaments of each subject of the Federation. Parliaments of some republics consist of two Chambers, formed in accordance with national and territorial principles.

According to the federal constitutional rules on the matters of common administration of the Federation and its subjects, the federal laws are adopted and on the base of them the subjects of the Federation adopt their own laws and other statutory acts. This enables to take into consideration in the process of creation of laws ethno-confessional, geographical, climatic, socio-economic and other peculiarities of different territories and the whole Russian Federation.

Both on the regional and federal levels the principle of division of authorities is observed. According to the Constitution, local authorities are not the part of the state power system. It is stipulated that local authorities may be given government powers, including powers of legislative bodies. The relations between representative local authorities and federal and regional legislative authorities are built up on the base of their competence. But their actual power comes to 3 basic functions:

- enactment of codes of municipal bodies, other legal acts, introduction of alterations and amendments;
- approval of local budget and control over its performance;
- fixing of local taxes and charges.

Unlike the parliaments of many foreign states, the State Duma is not given control functions in respect of the Government.

It only controls the federal budget performance and not even directly but through the Clearing House. All this affects the state of law application practice.

Within 10 years the State Duma had considered over 5 thousand laws, almost 3 thousand had been signed by the President of the Russian Federation and put into effect. It is not difficult to calculate to see that one federal law falls on each day of those 10 years. It is too much. But the State Duma had to be working in extreme conditions during all those years, as the new

Russian state and the new political system demanded a principally new legislation, cardinally different from the Soviet one.

To our mind, the period of the so-called extensive development of legislation and consequently of the State Duma is coming to its end and gives the way to the period of intense development, assuming deep and daily analysis of how the laws work, how the time realities are considered in laws and how they meet the requirements of development of political, economic and social systems of society.

Evidently, together with changes in the work content of the State Duma and strengthening of its cooperation with legislative (representative) authorities of the Federation subjects on the other then today`s principles, the form of the State Duma will be changing too. At any rate, strengthening of independence of the State Duma and the Federal Assembly as a whole is expected to be. Today both the State Duma and the Federation Council have no premises of their own. A lot of matters on logistical support and social security of the State Duma and its deputies are directly dependent on the Clerical Office of the President of the Russian Federation.

Specific character and features of the work of the State Duma influence the Administrative Office, where this work is provided, and the relations between the Secretary General and administration of the State Duma.

Before we investigate the problem of authority of the Secretary General in respect of the Chairman of the State Duma, let us consider their status.

IV. Status of the Chairman of the State Duma of the Federal Assembly of the Russian Federation

It is stated in the Constitution of the Russian Federation that "The State Duma elects from its staff the Chairman of the State Duma and his deputies" who "conduct sittings and manage the internal order of the Chamber."

The internal order of work of the State Duma is stated in the approved by Duma Resolution **on the Regulations** of the State Duma of the Federal Assembly of the Russian Federation.

Proceeding from the basic principles of work of the State Duma, political variety and multi-party membership, the unions of deputies and the deputies of the State Duma are entitled to propose candidates to the post of the Chairman of the State Duma. A deputy shall be regarded as the Chairman, if he has been elected by more than a half of the total number of deputies of the State Duma vote. The decision on discharge from the post of the Chairman of the State Duma is approved by the same vote ratio.

The Chairman of the State Duma:

a) conducts the Chamber sittings;
b) manages the matters on internal order of the Chamber in accordance with the Constitution of the Russian Federation – powers, given to him according to the Regulations;
c) organizes work of the Council of the State Duma;
d) carries out general management of work of the Administrative Office of the State Duma;

e) appoints to the post and discharges from it the Secretary General of the State Duma on approval of the Council of the State Duma and on proposal by the State Duma Regulations and Work Organization Committee, appoints to the post and discharges from it the 1st Deputy Secretary General – the Executive officer of the State Duma - on approval of the Council of the State Duma and on proposal by the Secretary General of the State Duma;
f) represents the Chamber in relations with the President of the Russian Federation, the Federation Council, the Government, subjects of the Russian Federation, courts of Russia and high ranking officials of the Russian Federation authorities, public associations, other organizations and officials, as well as with parliaments of foreign states, high ranking officials of foreign states and international organizations;
g) takes part in conciliation procedures on settlement of differences between the Russian state authorities and subjects of the Federation, as well as between the authorities of the Federation subjects themselves;
h) forwards laws and materials, received by the State Duma, to the unions of deputies for their information and to the State Duma Committee in accordance with matters of their competence;
i) signs the State Duma resolutions;
j) forwards to the Federation Council for consideration the approved by the State Duma laws of the Russian Federation about amendments to the Constitution of the Russian Federation, federal constitutional laws and the approved federal laws;
k) forwards to the President of the Russian Federation the federal laws, approved by the State Duma in compliance with Article 105 (Part 5) of the Constitution of the Russian Federation;
l) issues orders and gives assignments on the matters of his competence;
m) nominates for appointment for the post and dismissal from the post of the State Duma permanent representative in the Constitutional Court of the Russian Federation.

Besides, the Chairman of the State Duma is authorized at his own discretion to include into a draft procedure of the State Duma the following questions:
a) about elections for a vacant post of Deputy Chairman of the State Duma;
b) about filling of vacant posts in the State Duma Committees and Commissions.

The Chairman of the State Duma or one of his Deputies on assignment submits to the State Duma the reports on activity of the Chamber for the past session and on the draft programme of legislative activity of the State Duma for the next session.

As a rule, the Chairman of the State Duma represents parliamentary majority. However, in the State Duma of the 3rd calling he is not the same but an example of political compromise. That entails lowering of status of Chairman of the State Duma relating to management of both the State Duma and the State Duma Administrative Office activity.

The Regulations constitute that the State Duma is entitled to annul any order or assignment of the Chairman of the State Duma.

Despite of the fact that the Chairman organizes the work of the Council of the State Duma, he is not vested with the right of casting vote in it, although that is the exact body where the decisions on all key problems and labour questions presented for the Chamber proceedings are taken, including the questions on organization of work of the State Duma.

The Chairman of the State Duma cannot take for consideration any question related to the Regulations and Organization of work of the State Duma without sanction and submission by the State Duma on Regulations and Work Organization Committee.

V. Status of the Secretary General of the State Duma of the Federal Assembly of the Russian Federation

It is stated in the State Duma Regulations that " Legal security, organizational backing, documentary, analytical, information, logistical support and social security of members of the State Duma, unions of deputies, the Council of the State Duma, Committees and Commissions of the State Duma, the Chairman of the State Duma, the 1st Deputy Chairman, Deputy Chairman of the State Duma shall be provided by the Administrative Office of the State Duma which shall be formed in accordance with the federal law "About the Principles of Government Service of the Russian Federation" and has a status of legal entity."

The work of the Administrative Office of the State Duma, its officers` rights, duties and responsibility are stated in the current legislation of the Russian Federation and in the Provision on the Administrative Office of the State Duma drafted by the Administrative Office of the State Duma and approved by the Chairman of the State Duma on submission by the State Duma Committee on Regulations and Arrangement of work of the State Duma, as well as on agreement with the Council of the State Duma.

In accordance with the Provision "the Administrative Office is headed by the Secretary General which shall be appointed to the post and discharged from it by the order of the Chairman of the State Duma with the consent of the Council of the State Duma and on nomination by the State Duma Regulations and Work Organization Committee."

Secretary General:

- represents the Administrative Office in relations with the Administration of the President of the Russian Federation, administrative offices of the Federation Council, Government of the Russian Federation and other federal executive authorities, judicial authorities of the Russian Federation, legislative (representative) and executive authorities of the Federation subjects, administrative offices of parliaments of foreign states and inter-parliament organizations;
- allocates duties among his deputies;
- organizes the work of the Administrative Office and bears responsibility for performance of the functions assigned to the Administrative Office of the State Duma;
- establishes the order of work of structural subdivisions of the Administrative Office, including definition of the matters of their competence, coordinates and controls their work, approves Provisions on them;
- settles the problems on performance of federal government service in the Administrative Office;
- delegates some authority of the Secretary General to the submitted officials by his order;
- uses other powers in accordance with laws of the Russian Federation

The Secretary General issues orders and enacts other local normative acts on the matters of work of the Administrative Office, proceeding from his competence.

The Secretary General is a government official, holding upper government state post and having the skill category of the 1-st class real state adviser of the Russian Federation.

VI. Authority of the Secretary General of the State Duma in respect of the Chairman of the State Duma of the Federal Assembly of the Russian Federation

It would not be correct to correlate the authority of the Chairman of the State Duma, even on condition that he does not represent parliamentary majority but is a compromise figure, because the functions of the Secretary General will always be subordinated in respect of the Chairman of the State Duma.

The specific character of these relations in the upper legislative body of Russia is that the Secretary General, having wide powers (it will be covered later), is forced in the situation of subjectively disparaged status to be actually in positioning in the equilateral triangle. The State Duma Regulations and Work Organization Committee performs daily control over the work of the Administrative Office in accordance with the Regulations of the State Duma and Provision on the Administrative Office.

On the other hand, the Regulations which constitute that structure, staff, rate of wages and conditions of logistical support of the officials of the Administrative Office of the State Duma, as well as administrative expenses, are approved by the Chairman of the State Duma on submission by the Secretary General and agreement with the State Duma Regulations and Work Organization Committee within the limits of administrative budget expenses, which, in its turn, is approved by the Chamber on submission by the State Duma Council.

This 3rd side (but the 1st in reality, as the State Duma Council is the highest political authority) has its own forms and possibilities to influence and control the work of the Administrative Office of the State Duma and hence the Secretary General, first of all.

The existing in the State Duma system of with standings and counterbalances with the obvious for the Administrative Office defects, such as long and multilateral procedure of agreement, has one weighty advantage – it regulates strictly the Administrative Office, forces it to work without looking backward and mistakes after getting of agreement. In this situation it is better to be guided by Cicero`s words: " We should be slaves of laws, if we want to be free."

In the whole, the powers of the Chairman of the Chamber are so wide, that one has to speak about the autonomy (even theoretical) of the activity of the Secretary General as a conditional category. It is normal when there is no such autonomy, but if there is, then it only shows credibility where it results from. Such sort of credibility is a very delicate matter – any imprudent treatment of delegated powers immediately results in the negative reaction of deputies with the idea that the Administrative Office manages the Parliament like in the Russian proverb "a tail wags a dog".

Proceeding from the general comments to details, I would like to consider the powers of the Secretary General in respect to the Chairman of the Government through 3 types of their relations:

1 – administrative-personnel
2 – organization-methodical
3 – financial and social security and logistical supplies

1. Powers of the Secretary General in respect of the Chairman of the State Duma on administrative-personnel matters

The Secretary General is absolutely independent in his administrative activities on management of the subdivisions of the Administrative Office if it complies with the Regulations and Provision on the Administrative Office. However, the influence by the Secretary General on the definition of the content of some subdivisions` activities is limited. The secretariats of the Chairman of the State Duma and the deputy Chairman are cases in question. The Provisions on these subdivisions shall be approved by the Chairman, the 1st Deputy Chairman and Deputies Chairman consequently.

Administrative offices of deputies unions are independent in their activities.

All order documents on the State Duma are signed by the Chairman of the State Duma or any of his deputies by his assignment. However, the subdivisions of the Administrative Office draft the documents proceeding from jurisdiction of the matters.

As a rule, the Chairman of the State Duma does not spread his orders over the subdivisions of the Administrative Office, excluding his secretariat, the secretariat of the State Duma Council, the Clerical Office and the Inter-Parliament Relations Board of the State Duma.

The Secretary General is independent in his turn, giving orders within the Administrative Office, excluding the abovementioned cases.

On personnel development: the Chairman of the State Duma appoints, except the Secretary General of the Administrative Office of the State Duma and the 1st Deputy Chairman, the Executive Officer of the State Duma, the Head of the Secretariat of the Chairman of the State Duma, deputies Chairman, his advisers as well as the secretariats of the 1st Deputy Chairman and deputies Chairman on nomination by Deputies Chairman of the State Duma consequently.

As for the rest of the officials, the Secretary General takes the decision on their appointment on the base of appropriate nominations.

The heads of Boards and subdivisions of the same level of the Administrative Office are appointed by the Secretary General with appreciation of the opinion of the Chairman of the State Duma.

There are 1800 officers in the Administrative Office of the State Duma. Besides, 900 assistants deputies on the work in the State Duma are also government officials of the Administrative Office.

They all belong to 2 categories of government officials, B and C, and all are the subordinates of the Secretary General.

Category B – the so-called replaceable staff is limited with duration of government service of the persons, elected or appointed for the posts of category A - deputies, the Chairman of the State Duma, the 1st Deputy Chairman, Deputies Chairman of the State Duma, administrative offices of unions of deputies – 150 officers, administrative offices of Commissions – 50 officers, secretariats – 100 officers, assistants of deputies – 900 officers. Total number is 1200 officers.

Category C – unreplaceable staff, consisting of 900 officers of boards, departments of the Administrative Office of the State Duma and 500 officers of the administrative offices of the State Duma Committees. The total number is 1400.

However, there is an unsolved problem in respect of the administrative officers of 28 State Duma Committees. Legally they fall under the category of replaceable staff, but in accordance with the Provision on the Administrative Office, activities of the administrative offices of Committees is managed by the chairmen of corresponding committees. In fact that results in substitution, because a newly appointed Chairman of the Committee usually replaces the head of the administrative office which causes chain reaction in respect of most of the officers.

At present a new concept of personnel development in the Administrative Office of the State Duma has been worked out, stipulating solution of many existing problems. The Programme "Assistant Deputy" is on the stage of development and will be submitted for approval to the new calling of the State Duma.

This programme would settle existing conflicts in status of the assistants deputy in the State Duma. Each of 450 deputies is entitled to have 5 regular assistants and not more than 40 assistants as a social service. Of those 5 regular assistants 2 are on the work in the State Duma and 3 - in electoral district. Their direct employer is a deputy. He signs the contract, determines the assistant`s functions, fixes his money reward, the size of which may vary from the fixed minimal pay of 450 roubles to 26 700 roubles – a general fund is at each deputy`s disposal to maintain assistants. All these things affect the professional background of assistants. A lot of them do not have the education and skills required to get and process information, prepare documentation and practise electronic technologies. Roughly, 72%.of deputies' assistants in the State Duma are replaceable.

But in this category officers are government officials with all the demands ensuing therefrom. The responsibility for their work as government officials is directly laid on the General Secretary.

2. Powers of the General Secretary in respect of the Chairman of the State Duma on organization-methodical matters

The volume of the organization-methodical work of the Chairman of the State Duma is determined by the fact that he considers and forwards the received in the Duma laws and law materials to deputies unions and the State Duma Committees in accordance with the matters of his competence. Their number makes 15 thousand laws a year. He signs the Resolutions of the State Duma, the number of which has amounted to 3700 from the beginning of the calling, i.e. from 1999. He forwards the enacted bills to the Federation Council and to the President of the Russian Federation.

Besides, the Chairman of the State Duma does a huge scope of work on organization of activities of the State Duma Council established for preliminary working-out and consideration of organizational matters on the work of the Chamber. For example, in 2002 at 51 sittings 3600 matters had been considered.

All matters on legislative activity are discussed and the decisions on them are taken. They are not only submitted for discussion but "filtered" by the State Duma Council then.

On all matters organization-methodical work is carried out by the subdivisions of the Administrative Office with whom the leaders of the State Duma work directly.

So, the Secretariat of the State Duma Council is responsible for organization-technical supply of Council`s activity, the Organizing Board and the Documentation Provision Office - for arrangement of sittings of the Chamber. The Legislation Board carries out legal expertise of the laws brought for consideration by the State Duma Committees, and so forth.

On each of those documents or acts the Chairman of the State Duma or other Chamber leaders do not charge anybody. But they bear personal responsibility for perfect and efficient work of all services and systems.

Among his duties is to control that all draft documents would be prepared and come down to customers and users in time. At the mean, 1,5 million items of incoming and outgoing correspondence a year goes through the Administrative Office of the State Duma. Up to 3 million copies of documents and materials are distributed before the Parliament sittings. Documentation to 3 thousand earlier enacted laws and amendments are developed for the State Duma's consideration.

All documents to be signed by the Chairman of the State Duma should have the Secretary`s General visa.

3. Powers of the Secretary General in respect of the Chairman of the State Duma on the matters of logistical supply and financial and social security of the State Duma

This aspect of work is regulated by some documents.

First, the Clerical Office on behalf of the Administrative Office of the State Duma works out the State Duma budget for a forthcoming year, which is considered and approved together with the Federal budget at the State Duma sitting at the end of a year. At the beginning of each year the Secretary General submits the last year account, which shall be approved by the State Duma Resolution.

As it was mentioned above, the State Duma Regulations constitute that "the structure and the personnel of the Administrative Office, the rate of salary and the terms of logistical supplies of the officers, as well as administrative expenses of the Office are determined by the Chairman of the State Duma on submission by the Secretary General, agreed upon with the State Duma Regulations and Work Organization Committee, within the State Duma budget administrative expenses."

The Provision on the Administrative Office of the State Duma lays down that the Administrative Office is a legal entity and has its own balance, budget expenses, accounts (including settlement and foreign currency accounts) in banks and other credit institutions, as well as a personal account in the corresponding territorial body of the federal treasury of the Russian Federation.

A certain aggravating circumstance on the matters of financial and social security and logistical supply of the State Duma shall be unsettlement of some questions in the relations with the Clerical Office of the President of the Russian Federation and other boards charged with function of special supply of the State Duma. The Administrative Office, as a receiver of investment budget resources, cannot be a customer on the matters of repair and reconstruction of buildings of the State Duma.

Unlike many Parliaments of foreign states, where the deputies themselves use the allocated funds for logistical supply and social security of their individual activity outside parliament, in the State Duma the Administrative Office is engaged with it. This often aggravates the relations between the deputies and the Administrative Office, the State Duma Council, the Regulations and Work Organization Committee and other Committees, as well as in the unions of deputies.

However, a number of reasons for that goes down, as every year there are less matters unregulated by any normative acts left.

VII. Conclusion

The relations between the Secretary General and the Chairman of the Parliament would never be equal because of their nature – the 1st is always subordinate to the 2nd. Subjective features more often leave marks upon them. The problems are usually eliminated, if they are the people of one team. However, our desire to have a stable administrative office in the Parliament often meets the Parliament`s political unprediction and inconstancy.

All this dictates the necessity to draw up a special code of conduct of Secretaries General and common treatments of their administrative role. Such a code should express understanding of the fact, that our Secretaries` General stability is a balance of circumstances. And one should be wise not to let unforeseen circumstances overturn the balance."

Mr Ian HARRIS, President Elect, thanked Mr LOTOREV for his contribution and invited colleagues to speak.

Mr George CUBIE (United Kingdom) congratulated the President on his election. He noted that Xavier ROQUES had referred to the historical basis of many parliaments and said that that was true of the UK Parliament. The Clerk in the United Kingdom was very independent. He could not be removed except by a parliamentary address agreed to by both Houses. The Clerk was Chief Executive of the House and managed a budget of hundreds of millions of pounds. The Chief Executive title was a recent one for the Clerk but it reflected the fact that 30% of his time was procedural and 70% was management. It was probably true that a similar split in working time affected the Clerk of the Scottish Parliament.

In the procedural context the Clerk had no power over the Speaker but he was influential. This was also true for administrative matters. The Clerk was the adviser to the House of Commons Commission. Only two members of the Commission were government members. On a day to day basis, small crises occurred, and the Clerk as senior officer would advise the Speaker. The Clerk was reinforced by the Board of Management. There was a complicated situation where the Clerk saw the Speaker daily, even hourly, about procedure and administrative matters.

The Clerk was Corporate Officer of the House. He signed cheques and was the person who was sued whenever any dispute arose. A recent case had occurred where the Clerk had been sued over the allocation of a contract and as a result the Clerk had had to appear before the Public Accounts Committee.

Mr Carlos HOFFMANN CONTRERAS (Chile) noted that their Russian colleague had asked how a Secretary General who was elected could not be politically biased. The same problem occurred in Chile one hundred years ago. The solution was to elect the Secretary General by two-thirds of all senators, as no group had more than half the senate's system of electing the Secretary General by a strong majority in a secret vote allowed the election of a person who was agreeable to both government and opposition parties. His own election had been unanimous. He had served for forty-three years, even under military rule. Usually, but not always, a senior member of the Senate service was elected as Secretary General.

Mr Ian HARRIS, President Elect, said that he had been appointed by the Governor General. He was the last one to have been so appointed. But an Act of Parliament now said that the Secretary General was appointed by the Speaker after consultation with political parties. It was possible, but unlikely, that the Speaker could ignore the advice of the political parties. The Clerk could be removed for incapacity, bankruptcy or misdeeds. The same Act abolished the maximum retirement age but the Clerk was limited to a ten year term which was on a non-renewable basis. He had good relations with the Speaker, but he had had the nightmare experience of the Speaker saying that he knew he was right because the Clerk had told him so. He referred to Mr LOTOREV's proposal of a code of practice being drawn up and thought that was an interesting idea.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that he was appointed for life and could only be removed by a two-thirds vote in a secret ballot, although clearly if the House lost confidence in the Secretary General he would have to resign.

Referring to the point raised by Mr HAYTER earlier on co-operation between the Senate and the Chamber of Deputies, he said that there was almost no point of contact between the two Houses. In the old building there had been practically no communication between the Houses and in the new building there was actually no physical contact between the two parts of Congress. Both Houses were completely independent of each other in obtaining services. The only times the two Houses met was over a disagreement over a bill or in plenary Congress to change the Constitution, or on 1st May when the President gave an account of his Government in the past year.

Mr Arteveld PIERRE JEROME (Haiti) congratulated the President on his election. He realised that the situation of Haiti was not really different from that of other countries. He felt that they faced the same difficulties in Haiti as in Russia, but he was concerned over some things which had been said. The status of the Secretary General was an important matter. The Secretary General's status in Haiti had to be seen in the context of the particular difficulties in that country. There was no Secretary General for the Senate and none had been appointed for many years now. The Chamber was governed by internal rules with only two paragraphs referring to a Secretary General. The first paragraph described the role of Questure who supervised the Secretary General and liaised between the Secretary General and administrative staff. The second paragraph provided for a Secretary General, Questure and Bureau to appoint members of staff. His predecessor had complained about a specific problem when he was caught between two conflicting presiding officers. There was no answer to this

solution and he just had to carry out his duties straightforwardly. All of this showed that the Secretary General's status in Haiti was unclear. He worked closely with the Questure but more closely with the presiding officer. Just as in the United Kingdom, the split in his time was between 30% relating to procedure and 70% administrative work. He thought that this session was an opportunity for him to learn how parliaments with greater experience operated. It was good to be able to listen to the experience of others and draw lessons from them and be able to take them home to use.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that he always fought for the interests of the independence of the office. He noted that there were many new laws relating to the Constitution. These required a four-seventh majority if they were to be amended. Laws of this type set out that the Secretary General was the head of the service of the Senate. Another law set out the rules relating to work and protection of staff in parliament, so there was very close legal regulation of the service.

Dr Fetuao Toia ALAMA (Samoa) said that there had been recent changes to the system of appointment of the Clerk. The Clerk was now appointed by the House itself. The staff was neutral politically but often was blamed by political parties. There would always be members of parliament who would claim that the staff were partisan.

Mrs Mary CHAPMAN (Fiji) agreed with her Samoan colleague that the staff were frequently blamed for bias by members. The Clerk was appointed by the Constitutional Appointments Commission in consultation with the Speaker. However, she touched on the question of how her job was done by her as a woman. She thought that it was probably all right so far. Most MPs accepted her position. Parliament was 95% male but that in some ways made her job relatively easy.

Mr Prosper VOKOUMA (Burkina Faso) thanked colleagues for their various contributions. He said that Burkina Faso's organisation was similar to the French one. The Secretary General was appointed by the Speaker who proposed the name to the Bureau and the term of office was not fixed. As far as relations between the Secretary General and the Speaker were concerned, the Secretary General was the first ranking officer of the Assembly's services. Any decision he made had to be by delegation from the Speaker. He did not take the floor at the Bureau except at the Speaker's express invitation. The Secretary General liaised with the Questeurs, as in France, but the Questure did not exist as in France. Questeurs were elected MPs. The Assembly was financially autonomous but each year the Head of State fixed an annual budget rate increase. If the Assembly increased its budget by more than that amount it was badly regarded. The Secretary General prepared a budget for the Bureau which sent it to the Finance Committee and then to the Government who accepted it.

Mr Ian HARRIS, President Elect, thanked contributors and adjourned the meeting until 3.00 pm

THIRD SITTING,
Tuesday 8 April 2003 (Afternoon)

Mr Ian HARRIS, President Elect, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

Mr Ian HARRIS, President Elect, welcomed members to the third plenary sitting. He noted that the arrangements for Wednesday were already printed and were as follows:

09.00am	Leave Santiago by coach (Diego Portales Conference Centre)
approx 10.15 am	Arrive at Veramonte vineyard: visit of the vineyard
approx 11.00 am	Leave Veramonte (route Vina del Mar)
approx 12 noon	Arrive at Valparaiso (Congress): guided tour of Congress)
1.00 pm	Drinks followed by luncheon hosted by Mr Carlos Hoffmann Contreras and Mr Carlos Loyola
approx 3.30 pm	Leave Congress for tour of Valparaiso
approx 5.00 pm	Leave Valparaiso
approx 6.45 pm	Arrive at Santiago (Delegate Hotels)

He noted that the dress was more formal for Wednesday than on other occasions since the visit to Congress involved a tour while Congress was sitting. Coaches would return to delegate hotels rather than the Conference Centre to give members time to get ready for the evening reception.

2. Debate on the Management Role of the Secretary General

Mr Ian HARRIS, President Elect, said that the plenary would continue with the second Round Table B: The authority of the Secretary General in relation to the Presidency. The Moderator was Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Senate of Chile. It would then follow with the Role of the Secretary General in controlling compliance with the Constitution and Rules of Procedure, which had as related topics, the powers of the Secretary General, the role of the Secretary General in proposing reforms. The Moderator for that was Mr Anders FORSBERG, Secretary General of the Riksdag of Sweden, and that would continue until about 5.00 pm.

He reminded members that the moderator would aim to speak for about ten minutes and keep ten minutes for replying to the debate at the end. That would also allow reasonable time for interventions from the floor. There was a time limit of ten minutes for interventions.

He then invited Mr HOFFMAN CONTRERAS to speak in order to complete the debate on the second Round Table.

Mr Carlos HOFFMANN CONTRERAS (Chile) spoke as follows:

"According to Article No. 2 of Law No. 18.918 with the organic constitution of the National Congress, the position of Secretary of the Senate was the main administrative authority of the Senate. He was the head of the service of the Senate and he was in charge of the administration of personnel and the different organs of the Senate. This charge was the exclusive trust of the Chamber. He was elected and could be removed by a vote of two-thirds of Senate members in a secret ballot.

The Secretary General was "Ministro de Fe" or like a notary public for the Senate. The different attributions and duties of the Secretary were stated in diverse provisions of the above rules. An example of these were:

1. this person was in charge of the respective sworn declarations each senator made when he took up his duties (article 6 of the regulations).
2. he was in charge of a special book listing all the respective constitutional permits that should be solicited by each senator to leave the country for more than 30 days as well as to solicit a permit to return to the country.

In Chilean law there was an institution known as 'parliamentary comités' which were intermediaries between the table of the Senate and organised a transaction of common business. The parliamentary comités were made up of senators of each political party. At the same time, the parliamentary comités had to designate a maximum of two representatives which would take action for them jointly or individually. Generally the meetings of the comités took place on Tuesdays of every week before the ordinary session in the afternoon. The President of the Senate presided over the meetings and he acted as secretary of the institutions (article 11 of the regulations).

In certain cases the Secretary General could also initially preside over a session, only to open a session preceding the election of the Senate (article 24 of the regulations). In exceptional cases, the Secretary General could announce on behalf of one of the Senators that a session could not proceed owing to a lack of a quorum (article 86 of the regulations).

The Secretary of the Senate, or his representative, must be present at each of the sessions, sitting in the 'testera' at the right hand of the President of the Senate. Discussion of any topic appointed had to be started with the annunciation of the correspondent matters and the way in which it was processed within the Senate. Preparation of that was the duty of the Secretary of the Senate. Thus at the beginning of each discussion the Secretary had to inform those senators present about dispositions or proposals that required a special quorum for its approval as well as the agreement of the parliamentary comités had adopted about different matters. He could also be asked to speak in a session whenever needed with the approval of the President. That was very common. It was his duty to record the names of those present who had requested to speak during the session. When voting for any topic or draft law the Secretary would receive the votes and scrutinise the results under the authority of the President and report the results of the ballot. When the Chamber of Deputies moved a constitutional motion of impeachment under article 48, No. 2, the political Constitution, the Secretary informed the Senate about the matters that were being proposed.

Finally, it was important to mention that the Secretary had the duty to publish the acts of the sessions and make sure that every member of the Senate would be informed of the time of the

next meetings as well as authorising documents and communications that the President had to sign.

Many other attributions due to the Secretary could be mentioned but his main and most important function was that of being the trusted agent or Ministro de Fe of the Senate in every instance where the Senate acted as constitutional institution."

Mr Ian HARRIS, President Elect, thanked Mr HOFFMANN CONTRERAS for his presentation and invited Mr FORSBERG to open the debate on the next topic and to remain on the platform to respond to the debate at the end.

C. Third Round Table: The Role of the Secretary General in controlling compliance with the Constitution and Rules of Procedure

Mr Anders FORSBERG, Secretary General of the Riksdag of Sweden, spoke as follows:

"This paper is written with the purpose of introducing a round-table discussion on the topic of the title of this paper. It is organised around a number of questions that could serve as a focus for the discussion. Each question is explained in general terms and is then illustrated with some Swedish experiences. The paper focuses on the role of the Secretary General (SG) in ensuring compliance with parliamentary rules of procedure.

A paper by Mr Ugo Zampetti, General Secretary of the Chamber of Deputies, Italy The Role of the Secretary General in the Administration of Parliament (Djakarta, October 2000) has been very helpful in writing this paper.

1. What is understood by this role?

This role primarily means ensuring that procedural rules are followed in the parliamentary process. Whether or not it is also the responsibility of the Secretary General (SG) to ensure that the contents of parliamentary decisions are compatible with the Constitution is to some extent dependent on the organisation of the legislative process. In most parliaments the SG is attached to the plenary and the Speaker But in some countries his/her responsibilities extend to the committees or other parliamentary bodies. In other countries the compliance of draft legislation is ensured in other ways.

In Sweden all Government bills (with some notable exceptions) are scrutinised by the Council on Legislation before being presented to Parliament. The Council on Legislation consists of three judges from the Supreme Court or the Supreme Administrative Court. One of its tasks is to review the constitutionality of draft legislation. The Council's role is strictly speaking advisory, but the Government usually heeds its recommendations. In Parliament all bills are referred to one of 16 committees. The committees, assisted by their permanent staff of lawyers, political scientists and economists, review the bills primarily from a political perspective. However, if moot constitutional points of discussion appear during this review, the committee can call for an advisory statement by the Committee on the Constitution (one of the 16 committees) or from the Council on Legislation. Even a minority of 5 of 17 committee members can request such a statement. The Council on Legislation is mostly consulted when a bill has not already been before the Council or is going to be substantially amended in Parliament. It is also consulted when a specific legislative proposal originated in Parliament as a result of a committee initiative or a private member's motion.

It can be concluded that, in Sweden, the preparatory system is well equipped with institutions that can detect and rectify constitutional problems in draft legislation before it reaches the final stage in the legislative assembly. Therefore the role of the SG is to focus on the procedures of the plenary.

2. How is the role performed?

The role involves advising the Speaker or the full house on procedural matters, not making final decisions. However, this advisory role can be more or less formal. The SG may be required or recommended to provide his/her advice in writing. When the advice is informal it is given privately and orally. In cases where decision-makers contemplate "bending the rules" against the advice of the SG, a formal system makes it possible for the SG to prove his/her opposition. Most procedural cases are, however, technical and written advice on every matter would be too bureaucratic.

The Swedish SG and his staff have scheduled meetings with the Speaker at least once a week. In between these meetings they see the Speaker almost daily. Procedural matters of a problematic nature are brought up by the Speaker or the SG. Most of the time, the discussion at these meetings solves the problem but sometimes the SG or somebody on his staff is required to examine the matter by writing a paper.

3. How is the role/function organised?

This function must not necessarily be performed by the SG personally. The SG may very well delegate routine matters to persons on his/her staff with the necessary expertise. The limits of this delegation must, however, be as clear as possible so that non-routine or controversial matters are brought to the attention of the SG. The final responsibility for providing advice to the Speaker rests with the SG.

In Sweden, the Secretariat of the Chamber, headed by the Deputy Secretary General, performs this function in routine cases. In other cases the Deputy Secretary General discusses the matter with the SG.

4. How is the role affected by the institutional position of the SG?

It is important that the SG's advisory role can be performed with independence and integrity. Some institutional aspects relating to the office of the SG may contribute to the degree of independence that he/she enjoys. From this point of view it is important how and for how long the SG is appointed, and under what circumstances he/she can be dismissed. A reasonable hypothesis is that if the SG is appointed (elected) by the full house for an indefinite period of time and if he/she can only be dismissed by means of a court procedure, he/she enjoys a highly independent position.

In Sweden the SG is elected by the house for the entire electoral period. The SG can only be removed from office only if he/she is prosecuted by the Committee on the Constitution and found guilty by a court for an offence committed in the exercise of his office.

5. How is the role affected by the personal background and experiences of the SG?

The background and experience of the SG clearly contribute to his/her authority in performing this role. It is an advantage if the SG has law degree and has practised law. Long experience of working in parliament, particularly in positions where constitutional matters are handled, is also important. Many SGs stay in office for a long time and acquire significant authority based on experience. Often the SG stays on while Speakers come and go.

Since 1971 when Sweden introduced a unicameral system, the Swedish parliament has had just three SGs, while the number of Speakers has been six. All of the SGs have been recruited from other positions in Parliament, two from the position of Administrative Director. Two of them have been lawyers.

6. How is the role affected by the legal form of the rules of procedure?

The norms of parliamentary procedure can be expressed in various ways. The most common form is a law on parliamentary procedure, often known as Standing Orders. Such a law is supplemented by practice. But practice and rulings by the Speaker can also be an independent source of parliamentary norms. A third kind of norms is based on agreements between the parliamentary parties or between the parliamentary parties and the government. A fourth kind is the completely informal rules of parliamentary behaviour.

The SG's task of monitoring compliance with the rules is easier when these rules are expressed in a detailed law of procedure. In such cases, the rules leave little room for interpretation. The SG's task is more difficult in parliaments governed by practice and rulings, where considerable expertise is required to interpret the rules. But such a system grants the SG an important position. Only members with legal training and long parliamentary experience can possess the same expertise. The last two types of norms (party agreements and informal rules) seem to be even more difficult to handle for a SG. The members themselves are often better acquainted with the intentions behind agreements, although they may sometimes disagree on their interpretation. Informal rules play an important role in the life of most parliaments. It takes some time both for members and SGs to become acquainted with them. It probably takes longer for SGs since they do not take part in the "inner life" of the parties.

In Sweden, the law on parliamentary procedure consists of two kinds of provisions, basic and supplementary provisions. The supplementary provisions have the character of rules of order (regulations). The basic provisions are amended in the same manner as the Constitution, that is, by means of two decisions with an election intervening or by a single decision taken by three quarters of those voting constituting more than half of the membership of parliament. The latter procedure is more common. Supplementary provisions are amended in same manner as ordinary laws, by a majority of those voting. In spite of the extent and wealth of detail of the law on procedure it has been necessary to supplement the law with agreements between the parties and the government. These agreements mostly concern debate and debating rules in the plenary. The purpose of these agreements has been to try out new forms of debate but also to restrict the length of debates and to make some debates more lively and interesting.

It is the general view in the Swedish parliament that the detailed rules and regulations have served us well. Conflicts on procedural matters are few and rarely serious. But it is important that the rules of procedure are easy to read and understand and cover all main aspects of parliamentary work. Therefore a complete revision of the law on parliamentary procedure was recently carried out. The revision focused on technical, editorial and linguistic aspects of the

legislation. Previously unregulated procedures were put into legal form if stable practices had been established.

7. How does the SG influence the system of procedural rules?

Since both the form and content of the procedural rules affect the role of the SG, it is important that he/she participates in changing these rules. Formally or informally the SG has usually the right to take up procedural problems with the Speaker or parliamentary collegiate bodies. If such problems are raised by other people, the SG is consulted. When initiatives lead to some form of investigation/review the SG plays a role in this process.

During the last decade or, so the Swedish parliament has been reformed in many ways under reform-minded Speakers. The process for adopting the State budget has been revised. New types of debates and question periods have been introduced. Institutions and processes aimed at influencing Swedish policy in the European Union have been established in Parliament. The two Secretaries General during this period have played an active role and have been important participants in these processes. They have headed the secretariats of the ad-hoc committees that have been set up for the necessary investigations."

Mr Ian HARRIS, President Elect, thanked the speakers and invited other participants to take part.

Mr Mohammad AL-MASALHA (Jordan) asked whether the duties of the Secretary General were defined in Sweden and asked what the requisite qualifications were for someone exercising that task.

Mr Anders FORSBERG said that there was no definition of the powers and qualifications required. After opening the Parliament, the heads of the political groups met in order to elect a Speaker and a Secretary General. If they had someone in mind, there was no question of qualifications. The Secretary General was invited with his deputies to longer and longer meetings by the Speaker on the decision process, European questions, international questions and administrative matters, and this worked very well.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that all parliamentary officials who had any responsibility had to be lawyers. The Secretary General had to have at least 15 years of professional experience.

Mr Hans BRATTESTÅ (Norway) said that his country had had three Secretaries General only since 1947, even though each one had to be re-elected every six years. As far as the right of initiating matters belonging to the Secretary General was concerned, he said that when he had taken up his duties, ad hoc committees were set up. This was no longer the case. It was for the Secretary General to propose committees on modification of the rules and for the Speaker to submit that proposition to the plenary. As far as the duty of being legal counsel was concerned, there was a limit to his duties in that respect. In terms of committees, matters were rather difficult. In Norway, there was a very limited number of parliamentary officials serving committees, and their role was accordingly reduced. As a result the Secretary General did not know much about what happened in committees and only knew the content of reports after their publication. Returning to the presentation of Mr Anders FORSBERG he was concerned that the role of the committee was political rather than legal within the Swedish Parliament; he asked whether the speaker thought that as a result of this the staff could carry out their

functions of enforcing the rules of procedure under such conditions?

Mr Anders FORSBERG said that each committee included experienced lawyers. When a committee thought that a draft bill should have many amendments the committee would send the entire bill back to the ministry to ask it to change the text so that it could be returned to it.

Mr Arie HAHN (Israel) said that the State of Israel had no Constitution. Instead there were fundamental laws which played a similar role. Whenever there was a question of constitutionality, the Legal Bureau of the Knesset dealt with it. Final judgement was with the Supreme Court which had a very important power. A citizen could apply directly to the Supreme Court. The Secretary General was the official counsel of the President, particularly on questions related to procedural matters in the plenary. The Secretary General had wide powers in connection with proposing changes to the rules. He had a very active role in this area. Along with the Speaker, the Secretary General had a large role in, for example, one minute questions. Incidentally, it was from Australia that that idea had come. He was astonished to hear that in Chile everybody had to be a lawyer in order to work on committees. In Israel, every committee had its own lawyer but it was not necessary for all the staff of the committee to be one.

Mr Ian HARRIS, President Elect, said that in Australia there was a main committee where members could express themselves freely for three minutes. This time was limited to one minute 30 seconds in public session.

Mr Xavier ROQUES (France) asked what was meant by the election of the Secretary General by the House. Was there a competition between various candidates, between parties, or was there a natural candidate who appeared, or was it a simple ratification of the decision taken previously elsewhere? In France, the Secretary General nominated the officials who were posted to committees. Was that role also the same in Chile and in Sweden.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that it was so in respect of the last question but he said also that the secretaries of committees had to specialise rapidly in different subject matters. For this reason, when officials were replaced by the administration, members of the committees sometimes complained.

Mr Anders FORSBERG (Sweden) said that in Sweden there were never several candidates for the post of Secretary General. The Chamber, if it wished, could organise a secret ballot but in fact the different parties had always supported one candidate. In certain parliaments there was a movement of staff between committees. Sweden was tending towards this more flexible system thinking that officials should not really stay too long with one committee. Certain secretaries of committees had been in the same post for 15 or even 20 years. Change would prevent staleness.

Mr Moses NDJARAKANA (Namibia) asked whether the Bureau of the Secretary General could give legal advice to each member of parliament. If so, could this advice be used in arguing against a decision of the Speaker?

Mr Carlos HOFFMANN CONTRERAS (Chile) said that it could. Of course, the principal task was to advice the Speaker, but any senator could consult the Secretary General particularly on the rules and this legal advice could be referred to in talking with others.

Mr Anders FORSBERG (Sweden) said that it was the same situation in Sweden, but this type of practice was more used at the level of secretaries of committees. Generally, in Sweden, a decision of the Speaker was not tested in the plenary except in very rare circumstances.

Mme Hélène PONCEAU (France) said that she had been struck in the presentation of Mr Anders FORSBERG when he had said that if those taking a decision wished to act differently from the advice of the Secretary General in terms of application of the rules, the Secretary General could have his objection noted formally. She asked how this was done. She asked whether, if this notice was not followed up in any way, the position of the Secretary General was weakened.

Mr Anders FORSBERG (Sweden) said that neither he nor any of his predecessors had needed to use this provision. Speakers and heads of political groups thought that the opinion of the Secretary General was based on the Constitution and the rules and they did not oppose his opinion. But, in principle, it remained possible. Nonetheless, it was of course for elected politicians to take the final decision.

Mr Robert MYTTENAERE (Belgium), referring to remarks of his Chilean colleague on his responsibilities for acting as registrar of inherited wealth of parliamentarians, asked what legal provisions covered this and who was the guardian of such declarations. He asked which authorities had rights to access such declarations.

Addressing then Mr Anders FORSBERG he said that since the Secretary General was the guardian of the rules of procedure, was there any sanction in the case of non-respect of the rules. Could failure to observe the rules relating to the procedure of adoption of the law serve as the basis for a citizen to take proceedings to annul a law.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that in Chile the President of the Chamber was the interpreter of the rules. Of course, the Secretary General could advise him, but only advise him, because the decision was with the President. When a senator was elected he had to make a declaration of his property. This was carried out in front of a notary. These declarations were then given to the Secretary General but anyone could ask to see them. In case of any substantial change the declaration was altered.

Mr Anders FORSBERG (Sweden) said that all the constitutional questions were submitted to the relevant committee.

Mr Ian HARRIS, President Elect, said that in Australia the procedure for registration of members' interests was the same as that existing in Chile.

Mr Everhard VOSS (Germany) said that in Germany the Secretary General was nominated, unlike in Sweden. This was a political choice and he was under the authority of the Speaker of the Bundestag and nominated by him. Normally, Secretaries of State were similarly appointed. In the Bundestag, there was now the 6th Secretary General. Four had retired, one had been called to other duties and the last was still in post. It was a political nomination. Nonetheless, the Secretary General was not easily got rid of. He asked what happened in other countries at the end of a parliament or in case of premature interruption.

Mr Anders FORSBERG (Sweden) said that the Speaker did not intervene. The Speaker and the Secretary General were elected at the same time even in an informal way. If the Secretary

General was not re-elected there were financial consequences.

Mrs Stavroula VASSILOUNI (Greece) said that Germany was not the only European state where the nomination of the Secretary General was a political act. In Greece, the Secretary General was also nominated by the Speaker of Parliament. He was not an official. The Speaker could nominate anybody in whom he had confidence. The mandate of the Secretary General was that of the Speaker. The Speaker personally gave powers to the Secretary General. The Secretary General was only rarely a lawyer. She asked about the role of the Deputy Secretaries General. How they were nominated? What were their duties and to whom were they responsible.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that in Chile there were Vice-Secretaries General. In the Senate, the Vice-Secretary General also had the duties of Treasurer. In general, it was the Vice-Secretary General who became the next Secretary General. In the same way as the Secretary General, he was elected by two-thirds of senators.

Mr Anders FORSBERG (Sweden) said that the Deputy Secretary General was nominated by the Council of the Chamber on his proposal.

Mr Bas NIEUWENHUIZEN (Netherlands) referred to the fact that in Chile all bills agreed to by the Senate had to be signed by the Secretary General. He asked whether this was ever made the object of political pressure.

Mr Carlos HOFFMANN CONTRERAS (Chile) said that this procedure was not limited to draft bills. All documents which left the Senate, without exception, had to be signed by the Secretary General who acted as its notary.

Mr Ian HARRIS, President Elect, observed that in New Zealand a case had been brought before the highest court where a provincial official had refused to sign off a law and the government brought the case.

Mr George CUBIE (United Kingdom) reminded members that the United Kingdom had no written Constitution. The Secretary General was based on custom. He advised the Speaker on the admissibility of amendments and motions, on questions of law and procedure. He referred to the procedure relating to parliamentary question time. This had been in the news in Great Britain. A new change meant that the Prime Minister appeared three times a year before a committee made up of Chairmen of Committees and this procedure which lasted for two and a half hours was televised. In the United Kingdom the Secretary General could be involved in the work of committees. He asked whether this was the same in Sweden.

Mr Anders FORSBERG (Sweden) said that there was a consultation group which included the Speaker, Secretary General and Deputy Secretary General. This was a source of ideas. This group prepared documents in consultation with former Speakers. It was about reforming the process of consultation about debates in the Chamber. When the Prime Minister was present all questions were addressed to him. Nonetheless, in Sweden procedure relating to questions was less drawn out than in the United Kingdom.

Mr Mahmood Salim MAHMOOD (Pakistan) said that after the installation of martial law in his country, the members of parliament had been dismissed. The Secretary General had to be of the same political part as the party in power. Nonetheless he had to show neutrality in the

exercise of his duties.

Mr Kenneth E.K. TACHIE (Ghana) said that in his country the Secretary General had to sign all the bills agreed to before sending them for promulgation. In Ghana as well, only the Secretary General could declare a seat vacant.

Mr Ibrahim SALIM (Nigeria) referred to following up the activities of committees. He said that Mr BRATTESTÅ of Norway had indicated that he had no information on the work of committees before they published their reports. Did the secretaries of committees not have to report to the Secretary General? As far as the signature of bills agreed to was concerned, their transmission was only possible after the Secretary General signed them, and this was true of all documents coming from the National Assembly. Political pressure had been seen particularly in relation to the promulgation of the law relating to electoral affairs. There had been a disagreement between the Assembly and the Senate. After the agreement of the report of the committee, the Speaker had tabled amendments to the bill, not in front of the Chamber but in front of the committee itself. This had accepted the Speaker's amendments, contrary to the bill adopted by the two Houses. The President of the Senate came to the Secretary General and asked him to sign, arguing that the President of the Republic was waiting for his signature. The Secretary General refused, since this procedure was contrary to the rules. The Speaker of the Senate insisted and threatened. After looking at the positions taken by the two Chambers, the Secretary General finally gave in. The Opposition reacted. The press carried out an inquiry which revealed that he had been put under pressure. The President of the Republic and the Speaker of the Senate blamed each other. The Chamber called the Secretary General before it and he was absolved of all suspicion. In Nigeria as well, the Secretary General had the duty of declaring a seat vacant.

Mr Anders FORSBERG (Sweden) said that he had the duty of ensuring the legal competence of persons employed by committees.

Dr Fetuao Toia ALAMA (Samoa) said that the Secretary General of Parliament was a constitutional public servant, named by the Head of State at the proposal of the Speaker of the Assembly and after consultation with the head of the opposition. The relations between the Secretary General and the Speaker were the same as between a director general of a ministry and the minister. One of his responsibilities was to give professional advice to all members of parliament. The Secretary General also had to supervise the translation of documents and texts into the two official languages employed in the Chamber. There was a great deal of political pressure since the Secretary General was also responsible for organising elections. In 2001, the Secretary General had refused to declare a winner in one constituency. The Prime Minister had put him under personal pressure, but to no avail.

Shri Satish KUMUR (India) congratulated Mr HARRIS on his election as President of the Association.

Mr Samuel Waweru NDINDIRI (Kenya) referred to the duty of signing documents in order to satisfy that they had been agreed. When a bill was adopted the Secretary General of Kenya had to sign it to certify that it had been agreed and send it to the Ministry of Justice. Ten or twelve years ago, it had happened that a text had been agreed to but altered by the Executive. It had dealt with fixing of a time limit of two weeks and the word 'more' had been substituted for 'less than'. This had caused a general outcry. The courts had judged this change illegal. It was necessary to think about this risk.

Mr Anders FORSBERG (Sweden) said that that day many subjects had been raised relating to the duties of the Secretary General. The Secretary General nowadays had a role which was much wider than the simple organisation of the work of the Chamber where he carried out his duties. He had to be a model employer, a specialist in various areas, follow the work of parliament and carry out a wide range of functions. From this it was necessary to find think about the theory behind the work as well as ensuring that one remained courteous and responded to the needs of each member of parliament.

3. Concluding Remarks

Mr Ian HARRIS, President Elect, thanked the speakers and all those members who had taken part that day. He reminded members that the next sitting would take place on Thursday at 10.00 am.

FOURTH SITTING,
Thursday 10 April 2003 (Morning)

Mr Ian HARRIS, President Elect, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Ian HARRIS, President Elect, welcomed members to the fourth plenary sitting

He reminded participants that it was important that they should communicate their electronic addresses to the Joint Secretaries.

The draft orders of the day for the next meeting to take place in Geneva in the following October would be debated at the meeting on the following morning. It would be convenient if participants could make suggestions on themes for the subjects for debate as George CUBIE from the United Kingdom had done when he proposed the subject of parliamentary scrutiny of human rights, and also for suggesting subjects for communications.

He informed members of a proposal to change the orders of the day. Mr Martin CHUNGONG would first of all make his traditional presentation on the recent activities of the IPU. This would be followed by the presentation by Mr Everhard VOSS of the Bundestag, Germany, on parliamentary diplomacy, which had originally been planned to take place first.

This was agreed to.

2. Communication from Mr Martin CHUNGONG on Recent Activities of the IPU

Mr Ian HARRIS, President Elect, welcomed again Mr Martin CHUNGONG and invited him to speak.

Mr Martin CHUNGONG thanked the President Elect and congratulated him on his election. He was very pleased with the excellence of the co-operation between the Inter-parliamentary Union and the Association of Secretaries General of Parliaments. He said that on that day he was accompanied by Mme Karine JABRE, who was responsible to the Secretariat of the IPU for the programme of partnership between men and women and she would speak about the actions of the IPU in that area.

Mr Ian HARRIS, President Elect, invited Mme Karine JABRE to speak.

Mme Karine JABRE (IPU) said that the activities of the Inter-parliamentary Union on the partnership and equality between men and women took the form of education following on from action by Women in Parliaments and in political life, and programmes of support.

On the first point, the Inter-parliamentary Union revealed a state of change in the participation of women in the political life of parliaments. At the moment they only represented an average of less than 15% of elected politicians. It was necessary to take action which was aimed to increase this percentage and she hoped that the Association would contribute to inform the IPU of changes in their members' respective parliaments (on laws, on quotas, etc). This was an important piece of research work. She reminded members that 8 March each year was International Women's Day.

Turning to inquiries on women and politics, the IPU had prepared a manual aimed at putting into practice the Convention of the Rights of Women in Politics. The IPU organised regional seminars on the quality between men and women. Members of parliament and civil servants took part, particularly in Asia and Africa. The next one would take place in Sri Lanka.

The department of which Mme Karine JABRE was in charge was working on a technical assistance programme under Martin CHUNGONG. Seminars had been organised in Rwanda and Burundi and educational material had been prepared. The IPU had recently assisted in the election of women to the Parliament of Djibouti. It took a very strong position in favour of the partnership between men and women without which there could be no true democracy.

Within the IPU there was a meeting of women members of parliament. There was also a partnership group within the Executive Committee of the Union, composed of two men and two women, which had as its responsibility the task of ensuring that all questions relating to men and women were taken into account at all levels.

The statutes of the Inter-parliamentary Union were aimed at punishing delegations which in the course of three successive conferences were not represented by any women. In that case, one seat was taken from them for the following conference. Women's participation in the IPU was in the order of about 25%. They found that it was a useful area for developing their rights.

Mr Ian HARRIS, President Elect, thanked Mms Karine JABRE and gave the floor to Mr Martin CHUNGONG.

Mr Martin CHUNGONG (IPU) referred to other activities and hoped to describe changes which had happened in the last six months. Support for parliament had been the object of an exhaustive presentation in the Executive Committee of the Inter-parliamentary Union. In his report for 2002, the Secretary General had included a detailed presentation on that subject. In 2002 the IPU had put into effect, by itself or in partnership with others, projects in twelve African, Asian and Latin American countries, and the last named continent was becoming more and more important. One and a half million US dollars had been put towards this in total. In Kosovo, the IPU was associated with the United Nations Programme for Development and was developing a project called SPEAK which was aiming to give the Assembly an electronic archive and documentation system.

The IPU was still present in East Timor where it supported members of parliament and civil servants. In Uruguay, a project was being prepared for training the staff of committees. In 2002, a mission had taken place to Argentina to study the possibility of improving and rationalising the administrative and financial procedures. In Djibouti, a project had focused on the promotion of the partnership between men and women which Mme Karine JABRE had just mentioned. In Rwanda action had been taken to promote the role of parliament in the area of human rights and the partnership between men and women. A mission to Kigali, involving an

official from the French Senate, had taken place in order to study means of supporting the role of parliament there. In Burkina Faso, a project was being undertaken relating to the training of elected members of parliament in 2002.

He then described publications linked to technical assistance given to parliaments. An inquiry carried out jointly by the IPU and the United Nations Programme for Development had been started on the technical assistance to African parliaments, carried out in the previous decade, the 1990s, how these had been put into effect and what impact they had had. This had produced a report, 'Ten Years of Support of Parliaments in Africa'. The ASGP had actively taken a role in providing technical assistance for the IPU. The thoughts of both organisations assisted the other.

More and more technical assistance was linked to particular policy areas. The IPU was engaged in substantial work in basic areas such as human rights and the partnership between men and women, budgetary procedure, and so forth. This was a growing trend.

As far as future plans were concerned, a vast project was envisaged in Nigeria along with the Council of Europe, partly in support of federal parliaments and partly in support of state parliaments. Another programme was being prepared for Equatorial Guinea for the training of public servants and the establishment of a document service.

The management of the IPU thought that it would be suitable to do more in countries which were coming out of conflict. Action was planned for Afghanistan as soon as conditions permitted in collaboration with the United Nations and the UNDP. This was planned to assist in the creation of a legislative body for the country. A draft resolution was being prepared for the plenary on Iraq, which aimed at an active role for the IPU following the war.

The past months had involved the Secretariat of the IPU in the search for an increase in funding. The countries of northern Europe and international agencies had been contacted in order to increase their contributions so that the IPU's interventions could be improved and developed in particular those conducted jointly with the ASGP.

He referred to the publication by the Inter-parliamentary Union of a description of the legislative elections which had taken place in the world in the course of 2001. The cover had been made more attractive and the document contained a great deal of information. This to a great extent relied on data sent by the Secretaries General. He hoped to improve co-operation in this area.

The internet site, PARLINE, had opened a new section on the connection between the executive and the legislative, particularly in the area of parliamentary control. This documentation should be available from next September.

Turning to changes to the IPU in general, reform of its working practices had been agreed by a special session of the Council in the previous year in Geneva and the agreed reforms would come into effect in July 2003. For example, this involved the creation of bureaux for committees on matters such as peace, development, democracy and human rights, or the association of geopolitical groups in the process of decision-making in the Union and in choosing subjects.

The Inter-parliamentary Union had moved into its new premises in Geneva. These premises allowed it to take advantage of a better infrastructure.

He referred to the re-entry of Pakistan to the Union as well as request for membership of the Saudi Arabian Parliament, which was submitted on the condition that it should work to make its working practice more democratic and to improve access for women and the democratic powers of the Assembly.

In the Central African Republic, parliament had been dissolved by a coup d'etat. He said that the suspension of the membership of that country followed from this.

He noted that the Inter-Parliamentary Union had obtained observer status within the United Nations. This created new responsibilities for the Union and allowed it to make more substantial contributions.

Nonetheless, it was not possible to do everything and the IPU had to fix priorities. One of these was the promotion of democracy and the role of parliaments in the democratic process. The management of the IPU thought that it was also necessary to get involved in the current process of globalisation. The IPU was pursuing its partnership with the UNDP in the reinforcement of democratic institutions. These two bodies were working to promote good governance in less advanced countries and in promoting sustainable development.

As far as future statutory meetings were concerned, Mr Martin CHUNGONG confirmed that the next meeting of the IPU, which would be henceforth known as an assembly, would take place at Geneva from 29 September to 4 October 2003. It would be known as the 109th Assembly. Of course, the ASGP would also hold its regular meeting. The 110th Assembly would take place from 28 March to 3 April 2004 in London. An invitation by the Philippines was envisaged, probably for 2005.

As far as special meetings were concerned, a seminar would take place in Colombo relating to South-West Asia on parliaments and the budgetary process and their connection with the rights of women. Twelve countries would participate from 26 to 28 May next.

A conference would take place in Mongolia on emerging democracies from 18 to 20 July. The IPU would organise a session on the promotion of parliamentary democracy.

Finally, within the framework of international negotiations, the IPU would be present on the occasion of the conference in Cancun on the world trade organisation (WTO) in September 2003.

Mr Ian HARRIS, President Elect, thanked Mr Martin CHUNGONG for his presentation and invited the plenary to put questions.

Mr Hans BRATTESTÅ (Norway) asked for details of the organisation of the conference on emerging democracies planned for Mongolia As far membership of the IPU was concerned, he asked how one determined the minimum required level of democracy in order to accept candidates as members. Would it be better to deny entry of doubtful countries? Also, he asked what the attitude of the IPU was to states which did not pay their subscriptions and he asked where fairness was in this respect.

Mr Martin CHUNGONG said that the conference referred to would take place from 18-20 June in Mongolia. As far as membership of the IPU was concerned, there was always a lot of

discussion on this matter. Some preferred to have the largest number of members, others preferred to be more selective and it was the latter tendency which was gaining in importance. The democratic credentials of candidate parliaments was looked at in the course of studying their nomination, but all of that was very political and sometimes ran the risk of not being consistent. The IPU's mandate was to promote democratic parliaments. From this, it was assumed that parliaments' members should adopt more democratic and more efficient procedures. For example, the membership of Saudi Arabia had been accepted on condition of progress being made in human rights and the role of women and the efficiency of parliament in controlling the executive. This trend was being seen more and more. The situation of parliaments in countries in transition was the object of close attention and the process was still being carried out.

As far as subscriptions were concerned, this was certainly a delicate question. Some countries had been threatened with suspension of their right to vote and the Executive Committee had used this at the current time. A final decision would have to be made before the Saturday session of the Inter-parliamentary Council. It was necessary for the situation to be fair and the Executive Committee was aware of the difficulties.

Mr Robert MYTTENAERE (Belgium) said that Belgium had just agreed an electoral law aimed at a better representation of women. Half of the candidates on lists had to be women and the first three places had to be given them on the lists. The same was true for men relating to lists dominated by women.

He said that the speaker had become a reference point in the area of inter-parliamentary co-operation. He asked whether the IPU was going to leave the exclusive sphere of parliaments, for example by aiming to promote the knowledge of parliaments in the secondary school system in the press, or in the training of higher officials. No parliament could carry out its role correctly without a free press which was objective and which was able to understand properly what was effectively parliamentary work.

Mr Martin CHUNGONG first of all wanted to correct a mistake. The IPU did not wish to abandon the area of rationalisation of procedure. Nonetheless, the Inter-parliamentary Union was engaging in an integrated approach. They were bringing technical support in specific areas and examining procedural experience. The idea of support aimed at other organisations was a good one but the IPU was constrained by its terms of reference. Priority was given to parliaments themselves. Nonetheless, it was possible to find a link in order, for example, to promote the work of parliament by liaising with the media but the IPU would not only aim at the media. As far as the question of Djibouti is concerned, the IPU did go a bit beyond its mandate. It trained candidates in parliamentary elections because it was the first time that women could stand.

Mme Karine JABRE said that the group which she led also ensured that the representation of men should be equitable. For example in the current conference, 23 delegations had no women, but two delegations had no men.

Mr Anders FORSBERG (Sweden) said he was impressed with the number of projects which were under way. He asked how he could find out about the existence of all these reports. He said that his Parliament had collaborated already with the IPU whose Secretariat was both very efficient and flexible.

Mr Martin CHUNGONG said that without the help of Secretaries General, the IPU could not do everything that it was managing to do now. In fact, it was necessary to appeal to parliaments to allow them to prepare a long-term working plan and sometimes it was difficult to get responses. All parliaments were on the distribution list and each one had a particular person who was in charge of corresponding with the IPU, whether that was the Librarian or the Secretary General himself.

Mr Mohammad AL-MASALHA (Jordan) thanked the IPU for its support in the improvement in the representation of women. In Jordan, since 1989 and the re-continuation of parliamentary life, women had not been able to be represented in Parliament. A year ago, a system of quota had been put in place. Women now had 5% of the seats in the Lower Chamber, i.e. 6 seats. It was necessary to ensure increasing support in this area.

Mme Karine JABRE noted that there was great progress in the Arab world where there was a strong desire to include women in political life. This was the case in Morocco and Jordan and even in Djibouti.

Mr Mamadou SANTARA (Mali) said that a seminar of the kind which would be organised in Sri Lanka on budgetary procedure and women's rights had recently also taken place in Mali. It had been a great success. He repeated the thanks of the Mali Parliament for that and for the support brought by the Inter-parliamentary Union in that area.

Turning to the publication of the report 'Ten Years of Support for Parliaments in Africa', he thought that this kind of document had as its purpose an improvement of the accessibility and efficiency of this kind of co-operation. He asked whether the IPU had drawn any conclusions on the basis of its past experience. Had this work shown itself to be useful? Was it going in the right direction? What improvements could be made?

He also asked about the ways in which further assistance could be given for women parliamentarians. In the course of the previous Parliament, the Mali Assembly had included 18 women. After the last elections there were only 15. The women thought that they had difficulty with lobbying and they did not attract enough electors. On this basis the idea was born of establishing quotas.

Mme Karine JABRE replied saying that any official request for support would be examined with interest.

Mr Martin CHUNGONG said that the report on the co-operation in Africa was available publicly. The IPU was drawing its conclusions from this report. The first conclusion was that the technical assistance programmes had brought great support in Africa at a time when those countries had great need of it after the long period of one party rule. Today the accent was placed on advice and rationalisation of procedure. That was the area in which the greatest results were to be found. There was a resistance among people in political life to giving some assistance to parliaments. Technical assistance was considered as some sort of an intrusion but once confidence had been obtained everything went well. Some partners had a rather too technical view of areas which were mainly political (for example, taking into account the number of laws agreed). What counts for the IPU was democratic activity, forging a democratic culture within parliaments.

Mr Ian HARRIS, President Elect, thanked the speakers. He said that in Geneva, Martin CHUNGONG had raised the question of human rights. Since the meeting in Geneva the previous autumn, the Association had set up subject debates and in this connection the British delegation had proposed a debate in the subsequent October on the role of parliaments in the promotion of human rights. This kind of exchange of views was very useful to that end.

3. Election of Vice-Presidents and Members of the Executive Committee

At 11.00 am, **Mr Ian HARRIS, President Elect,** said that the time limit for proposing candidates for the election to Vice-Presidents and Members of the Executive Committee had expired. The following candidates had been proposed for the two vacant posts of Vice-Presidents:

Mr Anders FORSBERG (Sweden)
Mme Hélène PONCEAU (France)

Since the number of candidates was the same as the number of posts available there was no need to proceed to a vote.

Mr Ian HARRIS, President Elect, therefore declared Mme PONCEAU and Mr FORSBERG elected. He said that their term of office would start under the rules at the end of the current conference.

Mr Ian HARRIS, President Elect, underlined that the election of two current members of the Executive Committee to the Vice-Presidency created two new vacancies on the Executive Committee which brought the number of seats available to three since the term of office of Mrs Helen DINGANI (Zimbabwe) would come to an end at the end of that session.

Five candidates had been notified to the Joint Secretaries:

Mr Mohammad AL-MASALHA (Jordan)
Mr Arie HAHN (Israel)
Mr Carlos HOFFMANN CONTRERAS (Chile)
Mr G.C. MALHOTRA (India)
Mr Ibrahim SALIM (Nigeria)

The elections for the three vacant posts would take place that afternoon after 4.00 pm.

4. Communication from Mr Everhard VOSS (Germany) on Parliamentary Diplomacy

Mr Ian HARRIS, President Elect, invited Mr Everhard VOSS of Germany to present his communication on Parliamentary democracy.

Mr Everhard VOSS presented his communication as follows:

“In the past, foreign policy was regarded as the exclusive preserve of governments. In the Federal Republic's parliamentary system of government, foreign policy competence is exercised jointly by Parliament and the Government. It is therefore aptly described as a "combined" or "mixed" competence which is divided between two branches of government, namely the executive and the legislature.

Article 45 (a) (1) of Germany's Basic Law envisages that Parliament will play a role in foreign policy, for it imposes a binding obligation on the German Bundestag to appoint a Committee on Foreign Affairs. Furthermore, in a number of recent decisions on the deployment of armed German troops in peace missions, the Federal Constitutional Court has reinforced the German Bundestag's foreign policy competence. The parliamentarization of foreign policy has given rise to numerous parliamentary initiatives. It can thus be regarded as the nation states' response to the processes of regionalization, Europeanization and globalization and the attendant threat of a diminishing role for parliaments. The parliamentarization of foreign policy finds its expression in parliamentary diplomacy.

Diplomacy – the cultivation of inter-state relations via negotiations, and the deliberate expansion of the various methods and instruments available – has shown itself, in the past, to be a useful opportunity for parliamentarians to represent interests, identify solutions to conflicts, and practise new ways of promoting understanding. Parliamentary diplomacy also involves informal methods of communication and opens up new ways of achieving better understanding.

The age of globalization poses a particular challenge to governance and the rule of law at the start of the third millennium. As a result, a new task is arising: to anchor democracy at international level. The parliamentarization of foreign policy contributes significantly to democratizing international relations and, indeed, the international organizations. This has positive implications for peace, stability and international security. I would like to mention the OSCE Parliamentary Assembly, the Inter-Parliamentary Union, the NATO Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe in this context. The parliamentarians' involvement also enhances the role of parliamentary diplomacy by aiming to achieve positive outcomes, both in general terms and on points of detail.

Besides the various forms of "parliamentary diplomacy" which have been practised successfully in numerous inter-parliamentary bodies for decades, the German Bundestag also makes use of numerous non-institutionalized methods of cultivating multilateral relations. In particular, the German Bundestag's Foreign Affairs Committee often prefers to use such informal methods in individual cases. In doing so, it naturally respects the principle, universally recognized in the practice of politics, that it is the clear prerogative of the executive to make and develop foreign and security policy. For this reason, it exercises its parliamentary control function primarily by monitoring and commenting on the Government's foreign policy and its likely implications, especially in advance of major foreign and security policy decisions. Matching this parliamentary self-restraint, the Federal Government always seeks to secure the backing of Parliament, and especially the Foreign Affairs Committee, on all major foreign and security policy issues. With this objective in mind, the Federal Government supplies the members of the Foreign Affairs Committee with all the key information which the Committee may require.

In relatively rare cases – generally those which are politically sensitive – and only after careful consultation with the Federal Foreign Office and with the involvement of all the parliamentary groups represented in the Foreign Affairs Committee, the Committee takes action, through a division of responsibilities, on behalf of the Federal Government. In doing so, it acts in an

exploratory capacity, taking discreet soundings via its contacts or engaging in confidential discussions, generally at parliamentary level, with the relevant bodies and influential individuals from foreign states. The aim is to ascertain, on the Federal Government's behalf, whether the conditions are already in place for planned official diplomatic measures to be initiated at international level.

In a specific case after prior consultation with the Federal Foreign Office involving leading members of the opposition, the Foreign Affairs Committee, represented by its chairperson, has in recent years offered its services as a mediator in order to ease the strained and greatly diminished bilateral relations with that particular country and help re-establish a basis for mutual trust through confidential but also open discussions. Two carefully prepared visits by small delegations in 2000 and 2002 paved the way for the expansion of "visiting diplomacy", which now involves other bodies of the German Bundestag and non-government organizations as well. This has contributed substantially to a differentiated assessment of that country`s foreign and security policy by the Federal Government.

On the initially contentious issue of whether diplomatic relations should be established between the Federal Republic and another country the Foreign Affairs Committee, after direct contacts and a fact-finding mission, set aside its initial reservations about the Federal Government's intentions once that country had signalled that it would comply with certain minimum standards for successful cooperation between the diplomatic missions.

These two examples show how "parliamentary diplomacy", operating discreetly in the background at committee level, can contribute successfully to improving strained relations between states.

The shaping of parliamentary diplomacy by the Foreign Affairs Committee also extends to parliamentarians as members of bodies in the inter-parliamentary assemblies, as well as the parliamentary friendship groups. In the German Bundestag, there are 51 bi- and multilateral parliamentary friendship groups. In each electoral term, delegations from the German Bundestag visit the parliaments with which we have friendly relations. We also host visits by foreign delegations to our own country. These meetings are ongoing forms of parliamentary diplomacy. Past experience has shown that successes can be achieved through informal parliamentary diplomacy. This became apparent, for example, in 1951 – a very difficult time for Germany – at the IPU's Inter-Parliamentary Conference in Istanbul. The German delegation, led by the President of the Bundestag, which was attending the Conference for the first time since the war, met with the Israeli delegation, thus easing the progress of negotiations between the German and Israeli governments.

In shaping a lasting democratic order in Europe, the Council of Europe and its Parliamentary Assembly have played a pioneering role in the development of parliamentary diplomacy. Parliamentarians in both the Council of Europe and the Inter-Parliamentary Union have broken new ground on key issues such as the abolition of the death penalty and the safeguarding of human rights. Human rights violations committed against parliamentarians, their persecution and detention, and the continuing violation of human rights in numerous countries of the world are tackled with courage and commitment. In the case of human rights violations or infringements of the democratic order, the German Bundestag's parliamentary friendship groups, on their visits abroad or when meeting foreign delegations at home or at international conferences, always draw attention to abuses. They use these events as an opportunity to engage in parliamentary diplomacy, as was the case with various countries.

The successes achieved in reuniting families before the political turnaround of 1989/90 are largely due to initiatives in the field of parliamentary diplomacy. In particular, at conferences held by the Inter-Parliamentary Union, German parliamentarians met with their colleagues from the communist sphere of influence and held talks - separate from the government negotiations - which aimed to facilitate family reunion from the parliamentary side.

The process of integrating the countries of Central and Eastern Europe into the Atlantic Alliance would have been virtually impossible without the approaches initiated through parliamentary diplomacy immediately after the political turnaround of 1989/90. The NATO Parliamentary Assembly's Rose-Roth seminars, which have been held since 1990, were – and continue to be – a model of parliamentary diplomacy.

Let me remind you of the speech made to the NATO Parliamentary Assembly by the deputy foreign minister of Hungary, Gyula Horn, in Hamburg City Hall in 1988 - at a time when the Warsaw Pact still existed. A year later, in 1989, in Rome's Palazzo Montecitorio, the Supreme Allied Commander, General Galvin, shared a platform with the commander-in-chief of the Warsaw Pact, General Lobov, before the NATO Parliamentary Assembly's Political and Military Committees. This invitation, incidentally, was issued at the initiative of the current President of the OSCE Parliamentary Assembly, the British MP Bruce George.

The Conference of Presiding Offices of National Parliaments, which took place in New York in 2000, underlined the importance of parliamentary diplomacy as well. The presidents of the parliaments also play an important role in shaping parliamentary diplomacy through their bilateral contacts and visits. At transnational level, this takes place, for example, through the Conference of the Presiding Officers of the Parliaments of the Member Countries of the Council of Europe and of the European Union and during the previous meeting of the G-8 Speakers in Kingston last September. The motion for a resolution on the United Nations on the threshold of the new millennium, which was tabled by the parliamentary groups in the German Bundestag, sets out the course to be followed by Parliament in the field of parliamentary diplomacy. “

Mr Ian Harris, President Elect, thanked Mr VOSS and invited participants to put their questions, He took the opportunity to thank the Secretaries of the Chilean Parliament for their welcome yesterday in Valparaiso.

Mr Marc BOSC (Canada) thought that the German experience was close to that of Canada. He asked about the extent to which there was an exchange of information between the executive and the foreign affairs committees. Certain civil servants acting for the executive sometimes had difficulty in sharing information with elected members. He asked about the situation in respect of classified information.

Mr Everhard VOSS replied giving his personal opinion. On the whole he thought that exchanges of information were fairly open within the foreign affairs committee, whose membership was limited. In the opposite direction (legislature to executive) information was sent directly by the Speaker of the Bundestag to the minister. The Bundestag had a press service which informed the public about deliberations but in return the press was not directly able to have access to the committee meetings.

Mr Xavier ROQUES (France) said that parliamentary diplomacy had literally exploded in the course of the last few years. This had had consequences on the organisation of the services of parliament. As far as co-operation with new democracies was concerned this essentially was within the realm of working practices. Co-operation within Europe was becoming more and more intense. There was a network of national parliaments. There was an Italian idea aimed at establishing a delegation of finance committees of European parliaments, which would have as a task proposing joint changes. This was almost of an executive nature. He himself had taken members of parliament to discuss particular problems with other European parliaments.

On a bilateral level, France and Germany had very close relations. Thus there was a permanent staff member in the Bundestag in post in Paris at the National Assembly and there was a French official carrying out his duties in Berlin in the Bundestag. Further the two Chambers had held a joint meeting on 22 January previously in Versailles on the occasion of the 40th anniversary of the Elysée Treaty. It was in the interests of everyone that the two Parliaments should speak more and more often in the interest of peace.

Mr Kenneth E.K. TACHIE (Ghana) referred to the remark by the speaker about globalisation constituting a threat to parliaments. He thought that perhaps the opposite was true. Parliaments could legitimise foreign policy. They were not there only to validate the ideas of the parties represented there.

Mr Everhard VOSS thought that parliaments might see their role diminished in favour of a growth in importance of governments. Development of co-operation was objective. This was what would determine the success of parliamentary diplomacy. It was for parliaments to re-double their efforts to reinforce parliamentary diplomacy.

Mrs Marie Valerie AGOSTINI (Italy) referred to Mr Everhard VOSS's remarks about parliamentary diplomacy being in a developing stage. The Convention on the Future of Europe referred to the role of national parliaments. It envisaged the possibility of a mechanism where one or more parliaments could use the early warning procedure. This might have an important effect on proposals emanating from the Commission. She asked whether in this case the European Parliament might link itself with national parliaments. She asked who in the Bundestag would occupy themselves which such an activity. She took the occasion to suggest for the meeting in Geneva next October a debate on the theme of the impact of supranational mechanisms of integration on national parliaments.

Mr Everhard VOSS thought that when the Convention on the Future of Europe would have finished and published its report, the Bundestag would be able to express itself on the proposals made. He referred to the joint proposal of the French and German Parliaments who together had hoped that national parliaments would be able to take part in the debate. Beyond this it was certain that national parliaments would have a role to play in the pursuit of European construction.

Mme Hélène PONCEAU (France) considered that in all the issues taken by parliaments in the area of foreign policy it had always been necessary to ensure that the actions of the legislative and executive powers were going in the same direction. Nonetheless, there might by exceptions. Was it conceivable in Germany that such exceptions or contradictions might appear to those outside?

Mr Everhard VOSS said that there may well be contradictions between governmental measures and discussions within parliament but that would have no dramatic effect. Delegations abroad, which included representatives of the majority and the opposition, met in advance and agreed not to export their disagreements abroad. In the case where the government had a particular policy direction, if there was still disagreement, efforts were made to take up a position which was not contrary to government policy. In certain delicate areas this had worked very well.

Mr Robert MYTTENAERE (Belgium) thanked Mr VOSS for his presentation. Of course, what he had said in relation to the Bundestag was true for various other parliaments, but he feared that many parliaments missed the opportunity of being more efficient. Parliament always wanted to have the last word whether it was relating to the ratification of treaties or conventions, but it always missed the opportunity to be at the start of negotiations. This might be the case, for example, dealing with early areas and negotiations with countries who were developing. Had steps been taken in Germany in relation to this? Furthermore he asked for a reply to the following questions:

- were reports on parliamentary expeditions abroad published?
- was a formal agreement with the Bundestag required in order to establish diplomatic relations with a country?
- did the Minister for Foreign Affairs take part in meetings in Parliament, in committee, for discussions with the members which were on a confidential basis? The Belgian Prime Minister had tried to start up this practice but various members of the Parliament had refused because they considered they would be muzzled in various areas.

Mr Everhard VOSS said that on the question of confidentiality he had to give a negative response. Content was discussed within political groups. Nonetheless, members who were not members of the foreign affairs committee could not take part in the committee.

As far as diplomatic relations were concerned, Article 65 of the Constitution gave powers only to the Chancellor in respect of foreign policy.

Reports relating to expeditions abroad were made under very strict criteria, the general lines of which were defined by the Council of Elders. A trip abroad had to be an integral part of the parliamentary activity of members of the Bundestag. Members could not travel except on purely parliamentary business. On their return it was absolutely necessary for a full report to be written. This was an advantage.

Mr Prosper VOKOUMA (Burkina Faso) recognised the Bundestag was very active in the West African Region. He wanted to make a short observation. Parliamentary diplomacy was an emerging phenomenon in varying intensity in different countries. In Burkina Faso it

complemented the official diplomacy of the executive. Parliament wished to act, to work and to control. It risked therefore rapidly becoming both judge and party in the cause. What could be done to prevent this? This was a delicate matter and had to be kept within limits.

Mr Everhard VOSS said that that had never been a problem in Germany. In fact, the reverse was the case. The government often gave members of parliament particular missions. In 1981, the Speaker of the Bundestag had used a military aircraft to travel to various African countries at the proposal of the Foreign Affairs Minister of the time, Mr Genscher.

Mr George CUBIE (United Kingdom) said that he thought highly of Mr VOSS's presentation. He also saw that there had been a great explosion in the extent of parliamentary diplomacy. This had also been seen in London. Contacts had been established in this way with colleagues in the Commonwealth Parliamentary Association. Nonetheless, he said that there was a very wide range of situations. None of this prevented members of parliament from going abroad individually. Of course, official groups had much more weight.

Mr Everhard VOSS thanked Mr CUBIE and agreed with him about the variety of situations which existed. The problem was that there was a huge range of activities and in the Bundestag he was the only one who was able to know who was actually going where.

Mr Ian HARRIS, President Elect, thanked Mr Everhard VOSS for his communication. He gave the Chair to Mr Prosper VOKOUMA in order to be able to present his final report on the promotion of the work of parliament.

5. Second Draft Report from Mr Ian HARRIS, Clerk of the House of Representatives, Australia on Promoting the Work of Parliament

Mr Prosper VOKOUMA took the chair and invited Mr Ian HARRIS, President Elect and Clerk of the House of Representatives of Australia, to present his report on promoting the work of parliament.

Mr Ian HARRIS spoke as follows:

"Good morning ladies and gentlemen.

I am delighted to be able to report to you the final results from the questionnaire on Promoting the Work of Parliament.

Members may recall that in October 2000, I delivered a communication about promoting the work of Parliament that stemmed from concern about Australian public perceptions of their legislators. The immediate responses I received led me to believe that the Australian experience was not an isolated one. Recent events might suggest that the situation might not have changed a great deal, despite our most earnest efforts. A leading newspaper in Australia raised in the last three weeks the matter of a collective noun for politicians. Raising the discussion in the letters column of the London *Times*, the Australian newspaper repeated the following suggestions for a collective noun:

"*A forest*: Dense, wooden, parts may die yet remain in place for years, and rising to the top, prevents you from seeing what is happening on the ground.

A tornado: A spinning mass of hot air".

An Australian suggestion, in response to those from Britain, was:

"*A bunch of bananas"*:

a) Starting of straight and green, they soon turn yellow and bent, and end up being as rotten as a bunch" !

b) They are all yellow, they have thick skins, they stick together, and not one of them is straight'!

Colleagues may recall that a draft version of the questionnaire was discussed at our meeting in Havana in April 2001. The discussion led to a number of improvements in the questionnaire, and at our following meeting in Marrakech in March 2002, we discussed the revised questionnaire -including the six supplementary questions that had been suggested. A summary of the first additional questions was later presented in Geneva in September 2002.

Taken as a whole, the questionnaires covered six main subjects, namely: the responsibility for public information; the provision of information about the operation and work of Parliament; the relation with the media, including the public awareness of committee activities; the direct delivery of parliamentary proceedings by radio, television and the new electronic means of public communication; the educational services provided by parliaments; and lastly the evaluation of information programmes.

Overall 48 countries responded to the questionnaires, which equates, after taking bicameral systems into account, to a total of 62 responses.

What I intend to do is, today, to provide you with an overview of the survey whose purpose is to elicit information on the way in which the public accesses parliamentary information as distinct from information that is of a political nature.

In your meeting papers, you will find a synoptic table which summarises each of the questions in the questionnaire and tallies the responses that have been received in percentage form. I would like now to step through the main elements of this synoptic table.

The first section of the questionnaire deals with responsibility for public information.

The key findings in this area are that the great majority of, if not all, Parliaments, have a public information office responsible for the formulation, implementation and management of public relations programmes that are designed to strengthen the image of Parliament.

Reading of the synoptic table shows that:

- 87% of those Parliaments that responded (Q1)have a public information office, with the vast majority of these offices (that is, 88%) being distinct units within the parliamentary administration;

- staffing arrangements for these public information offices vary considerably (Q1), some having small offices of between 1 and 4 staff (25% of them) and some having large offices of more than 20 staff (25% as well). The most common office size is between 5 and 9 staff (which 31% of Parliaments report).

These public information offices are engaged in a very wide range of activities:

- from media liaison and support, to answering questions from the general public;

- from publishing information brochures and audio-visual material, to supporting educational seminars and guided tours; and

- from receiving public petitions, to preparing daily or sessional reports of activities.

It is important to note that a very large proportion of those Parliaments without a separate public information office nevertheless provide public information services. In these instances, the services are provided by units with other, broader responsibilities.

With regard to that observation it is interesting to note that so many Parliaments have chosen to establish separate public information offices. It does suggest a widely held view that there is value in co-locating such activities and allowing staff to focusing on this set of responsibilities alone.

However, the particular case of the UK Parliament should be noted. There are indeed separate information offices but combined arrangements for education and broadcasting. This unit is managed by the House of Commons on behalf of both Houses.

The next section of the questionnaire deals with providing public information.

The key findings concerning the provision of public information are that:

- almost all Parliaments produce public information documents, with 77% (Q10) reporting that they produce a wide range of information about the role and history of Parliament, about parliamentary practices and procedure, and about current activities and issues;

- there is a slight tendency not to charge for such publications (Q10), with 59% reporting they do not charge for any publications and only 30% charging for all or some publications;

- however, half of Parliaments (53% of those that responded) do not provide information on the work of individual parliamentarians (Q3) and an ever greater proportion (76%) does not provide information on political parties (Q6).

Analysis of the responses also reveals that:

- almost all Parliaments provide information services for visitors - including information brochures, guided tours and, in some Parliaments, multi-media information displays;

- only 21% of respondents do not conduct seminars or information sessions to publicise the work of Parliament (Q11) - the topics for which vary widely, from seminars on basic parliamentary procedures and to forums on current public policy issues; and

- only 30% do not arrange exhibitions to promote the work of Parliament (Q12). Exhibitions include artworks, photographic displays, musical evenings and any other activities designed to depict the Parliament as a good corporate citizen. This is particularly the case with countries like Estonia, France, Romania, Holland, Germany, Belgium, which have made considerable efforts to represent Parliament as an institution willing to assume its social responsibility – and knowing how to make it recognized.

The next two issues canvassed in the questionnaire deal with media relations and publicising committees.

The key results in this area are that:

- nearly all Parliaments (94%) use the media to publicise their work (Q14) - no surprise here;

- most Parliaments (that is, 91%) use what we might call conventional means to do so (advertisements, press releases and press briefings), while some others also publish magazines or sessional reports of activities, provide broadcast services, including cable television channels, and publish advice on the national broadcaster's teletext service (Q14);

- however, only 19% of respondents (Q20) indicate that public information offices employ a public relations officer specialising in committee activities.

Two of the questions in this area sought to explore possible tensions between parliament and the media: question 15, asked whether the media was offended by the publicity work of parliament; and the following question asked whether there had been a deliberate decision to bypass the mainstream media.

Judging by the responses, there has been little or no tension between parliaments and the media;

- only 8% of respondents (Q15) report that direct delivery via the Internet has led to tension with the fourth estate. In fact, an important number of respondents indicate that the media greatly values the information services provided by parliaments.

Yet, there is considerable diversity of experience revealed in the sections of the questionnaire dealing with the delivery of parliamentary proceedings:

- if 87% of respondents (Q23) report that summaries of major parliamentary events are broadcast regularly, there is a fairly even split between those countries in which the media is compelled to broadcast proceedings (34% of responses – Q22) and those countries with radio and television stations dedicated to the broadcast of proceedings (51% - Q24).

The range of experience is exemplified by the fact that in some countries the national broadcaster covers proceedings (either in full or in part); in some countries proceedings are (or at least were) available on privately operated cable or satellite services; and in others, the Parliament itself operates (or plans to operate) its own broadcasting services.

An overwhelming majority of respondents (92% - Q26) have established parliamentary web sites, almost all of which are managed and maintained by parliamentary staff and which provide access to a comprehensive range of information – including, in some instances,

searchable databases and multilingual sites. For instance, the National Council of the Republic of Slovenia has its own homepage in Slovenian, English and French languages.

For almost all countries, particularly for those with a large landmass, the Internet has become an important adjunct to more traditional means of communication, although there are still a lot of problems associated with the very notion of 'interactivity'.

A surprising 70% of Parliaments (Q25) report that they 'deliver proceedings via the Internet'. I suspect that, in truth, this figure is somewhat inflated and includes not only the 'live web-cast' of proceedings, but also the publication of transcripts on the Internet.

As I said, it is clear that many Parliaments are actively exploring the potential of the Internet. However, only 11% of respondents (Q27) report they provide interactive communication services such as electronic opinion polls and on-line discussion groups. There is no doubt we can expect further developments in this area as new digital technologies such as multicasting, data-casting and return channels linked to set top boxes will bring with them a whole range of new services.

The next section of the questionnaire I would like to draw your attention to is that dealing with education services, other promotional activities and involving parliamentarians. The responses here also revealed some innovative approaches.

Almost 73% of Parliaments (Q28) provides educational services for young people. The services are many and varied, including:

- tours and subsidised school visits;
- teacher training programs and the production of curriculum kits;
- youth parliaments; and
- publications aimed at young people, such as posters and comics.

The range of other promotional activities undertaken, which in 69% of the cases involve parliamentarians (Q30), includes:

- open days;
- participation in community and trade fairs;
- touring exhibitions on the work of Parliament; and
- regional sittings of Parliament.

This brings us to the last section of the questionnaire, which deals with the evaluation of information programmes.

The majority of Parliaments are yet to design a real evaluation system to gauge if their initiatives are genuinely working:

- only 29% of Parliaments (Q31) have actually been able to evaluate whether the effect of increasing visibility has made their institution more relevant to the public. In some cases,

Parliament's visibility has grown but the image has not been modified as such because it is a common view that televising proceedings has affected public perception, and this in turn affects the way Members behave when they know they are on television; in fact

- the survey shows that a very small number of Parliaments (14% - Q33) report that there has been any evaluation of the extent to which there is an impact on the esteem in which the Parliament is held. Yet, in these instances, the poor attendance of members in the sittings of plenary assemblies is often considered by the public to be deficient. Interestingly enough, the representation of parliamentarians in international organisations is generally regarded as positive.

Ladies and gentlemen, I would like to conclude with this general observation.

It is clear from the responses received that many of us believe promoting the work of parliament should be one of our core objectives as parliamentary administrators.

If our systems of government are to be respected and sustained, they need to be widely understood.

There is no doubt that we can learn much from each other when it comes to promoting better understanding of our Parliaments. The capacity to bring our collective experience to bear is one of the great values of this Association.

We should draw considerable comfort from this. It means that not only can we talk about common problems, we can discuss common solutions.

With the current widening of public space, it seems necessary to attach greater importance to the very accessibility of the information that is provided to the public. Official records of proceedings have long consisted of documents that were produced and hardly read by anyone. The thinking behind this was based on the general assumption that anyone who is literate would necessarily be at ease with written texts. This is simply not the case. Although frequently technical, parliamentary activities are accessible to the general public as long as published information avoids making use of parliamentary jargon. The survey reveals that there is a need to feature platforms of information that attract a wider range of non-specialist users, thus increasing the consumption of unmediated information about the work of Parliament. This, in my view, would greatly enhance the way in which the population views the political process and its major participants.

Thank you for your attention."

Mr Prosper VOKOUMA, in the Chair, thanked Mr Ian HARRIS for his presentation and important work which had been carried out over several years. He invited the first speaker to put questions.

Mme Hélène PONCEAU (France) thanked Mr Ian HARRIS for his work. She said that the French Senate was developing a series of informative documents in a visually accessible and even playful form. There was an explanation of the Senate's work in cartoons Efforts were being made to develop material with the minimum of text and the maximum of drawings and labels, but such documents were not only aimed at children, they were also aimed at the non-specialist general public.

Mr Ian HARRIS, President Elect, recognised that a great deal could be leant from the French experience in this area. Mme Hélène PONCEAU was right to emphasise that it was necessary to aim at a very general level in order to attract the attention of the public. With television there was less writing, fewer details and more images.

Mr Marc BOSC (Canada) emphasised the ground-breaking work in this area done in Canada. One very successful piece of work had been aimed at educators. They had been invited by groups to parliament for a seminar. Those who did not understand parliament properly had been able to improve their knowledge and understand better how parliament functioned and this had given a better image of the institution.

Mr Arteveld PIERRE JEROME (Haiti) associated himself with the congratulations given to Mr Ian HARRIS. He wanted to describe the experience of Haiti. The Chamber of Deputies had an information service distinct from that of the Senate. That service sent material to the public. Since the previous December, the Haitian Parliament had a website, **www.parliamenthaiti.org** which described the activities of the legislative power. The site was managed jointly by the two Houses. There were accredited journalists who were present in the committees and who broadcast information in the media. A section on education and promotion was still in preparation because of lack of resources. The weakness of resources available was the essential reason preventing publication of information brochures.

Mr Prosper VOKOUMA, in the Chair, put the question on the report.

The report was agreed to unanimously.

6. Concluding Remarks

Mr Prosper VOKOUMA closed the sitting, having announced that the work of the plenary would continue in the afternoon at 3.00 pm

FIFTH SITTING,
Thursday 10 April 2003 (Afternoon)

Mr Ian HARRIS, President Elect, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

Mr Ian HARRIS, President Elect, welcomed members to the fifth plenary sitting.

2. Communication from Mr Hans BRATTESTÅ, Secretary General of the Norwegian Parliament on Parliamentary scrutiny of the secret services: the Norwegian Experience

Mr Ian HARRIS, President Elect, called Mr Hans BRATTESTÅ to speak about parliamentary scrutiny of the secret services: the Norwegian experience.

Mr Hans BRATTESTÅ spoke as follows:

"Some of you may recall that our Amman session three years ago I presented a communication on the subject "Parliamentary scrutiny of the secret services in Norway". I was asked then to prepare a draft questionnaire to be considered at one of the subsequent session, and with the goal of submitting a report to the Association on this subject at a later stage.

At our session in Havana two years ago I presented my draft questionnaire, which generated a very frank and interesting discussion, and I received quite a few constructive remarks and suggestions for improvement. I think it's fair to say, however, that among some of my honourable colleagues there was no great enthusiasm for this exercise, which was seen as too controversial. Then came September 11th, which further complicated the matter, and I suspended my work on the issue. Through our Joint Secretaries I then received a request from our acting President, Ian Harris, to consider presenting a communication at the session in Santiago, which I accepted.

Well, time has passed since I volunteered to embark on this complicated mission. The subject, in my judgement, has not lost relevance or importance. On the contrary;

- Is it acceptable in a democratic society that there should be no element of democratic insight or control with the secret services?
- Or, should there be a separate control regime for the services?
- If so, who should be responsible for the control? The relevant minister, the government, the parliament, or an internal or external body under parliament, or a combination of those?
- And to whom should such a control body report?

I guess these are questions which have been raised and debated in many of the countries represented here, and that the conclusions drawn demonstrate a variety of different attitudes and priorities. And, there is, of course, no single answer to these questions. They should, however, in my judgement as a quite natural thing be addressed and discussed in our national parliaments. And I am of the absolute opinion that no democracy can in the long run live with having services empowered to intervene in the sphere of rights of the individuals, without *some* element of democratic scrutiny. It is in society's interest that the people's elected representatives should see to it that the rights of ordinary citizens are not encroached on in these areas. I also think that, properly conducted, it is in the best interest of the services themselves.

I am therefore pleased to have been given this opportunity to share with you some of the experiences we have made in Norway with the monitoring system that was established seven years ago. I hope that this can lay the basis for a good and productive exchange of views in our association, and inspire you to raise the issue in your domestic parliaments. This does not mean, however, that I am very eager to resume the rapporteurship on the subject, as much as seeing this as a convenient sortie from the duty I undertook in Amman.

For many years in the post second world war period in Norway, allegations had been made to the effect that the secret services had carried out unlawful registration and surveillance of Norwegian citizens, partly in collusion with political circles. This prompted parliament in 1993, to decide in principle that the responsibility for appointing a control body for the secret services should be transferred from government to parliament, and this body should also report to parliament.

The parliamentary standing committee which dealt with the matter, recalled that overseeing public administration is one of parliament's chief functions. Parliament already had "external" bodies to exercise such control on its behalf, such as the Office of the Auditor General and the Parliamentary Ombudsman for the Administration as well as the Ombudsman for the Armed Forces. Where these bodies came across circumstances warranting criticism, a report was made to the relevant minister, who was invited to comment on the matter, after which the matter was referred to parliament, to the extent this was found necessary.

The committee could see no reason why a new body appointed by parliament should not adopt the same procedure, even though its responsibility was confined to just a part of the administration – the secret services. It was emphasised that the minister of justice was constitutionally responsible for the activities of the national surveillance service (security police), and that the minister of defence was responsible for military intelligence and for the security services. This fact would not change when parliament appointed a control body. The government was not thereby deprived of its responsibility and opportunity to oversee the services itself. Since parliament appointed the control committee and laid down its mandate, and since the committee was required to report back to parliament if it found a basis for criticism of the services, which was not corrected, parliament would be in a far better position to oversee a section of the administration that was normally barred to credible public scrutiny.

The law which established the monitoring committee and supplementary instructions which in more detail regulated the committee's activities, were adopted by parliament in 1995. The first committee was subsequently elected by parliament and began its work in April 1996.

The committee's responsibility was to monitor intelligence, surveillance and security services carried out by, under the control of, or on the authority of the public administration, the purpose of which was to safeguard national security interests. The area to be monitored was functionally defined, and not linked to specific organisational entities. It was therefore not of decisive importance for the monitoring authority which bodies or agencies performed the services at any given time. The purpose of the monitoring was primarily that of safeguarding the security of individuals under the law. The committee should establish whether any person was being subjected to unjust treatment and also ensure that the services did not make use of more intrusive methods than were necessary in the circumstances. However, the law also specified that the committee should conduct general monitoring in order to ensure that the activities of the services were kept within the legislative framework in general. The monitoring responsibility was thus not restricted to matters of individual security under law.

The committee had seven members, including the chairman and vice-chairman. It was elected by parliament in plenary session on the recommendation of the Presidium (six members from five different parties for the time being). The term of office was normally five years. The members could be re-elected. The committee should conduct its day-to-day work independently of the parliament, and members of parliament could not be elected to the committee. The committee's secretariat consisted of the chairman, two legal secretaries and one office secretary. All members of the committee and employees of the secretariat had to be cleared for the highest security classification in accordance with national and NATO rules. The committee could engage expert assistance in monitoring activities, where this was viewed as appropriate. This was practised to a certain extent in the area of computing and telecommunications, partly in connection with monitoring of the Norwegian military intelligence service.

Pursuant to its instructions the committee should abide by the principle of subsequent monitoring. By this was meant a subsequent control to ensure that the activities of the services had been in compliance with the law, that correct procedures had been followed and that the interventions that had been made had not been disproportionate. However, the principle did not apply unconditionally. The relevant provision also stated that the committee might notwithstanding demand access to information on current matters, and submit comments on such matters. At the same time the provisions stated that monitoring should be arranged in such a way as to interfere as little as possible with day-to-day activities of the services. The committee should also not apply for more extensive access to classified information than was necessary for the purpose of monitoring. It should furthermore as far as possible observe consideration for protection of sources and information received from abroad.

The committee might express its views concerning matters or circumstances it examined as part of its monitoring activities, and provide recommendations or guidelines to the relevant service, for example that a case should be resumed or that a measure or practice should be discontinued. However, the committee had no authority to issue instructions or make decisions concerning the services.

The means available to the committee for bringing about changes in the services lay in the committee's reports to parliament on monitoring activities. In its reports, the committee could bring attention to circumstances and issues in the services that it regarded as being of current interest. This provided parliament with a basis for assessing whether, for example, amendments should be made to practice or regulations.

Among the instruments available besides the right of inspections, the committee had the right to summon employees of the services and other parts of the public administration as well as private individuals for oral examination by the committee, or apply for a judicial recording of evidence.

Furthermore, anyone who believed that the services might have committed injustice against him or her, might complain to the committee. All complaints that fell under the area of supervision and that showed a certain basis in fact were investigated. Even if no complaint had been submitted, the committee should on its own initiative investigate matters or circumstances that it found reasons to examine more closely in view of its supervisory capacity. It was stressed as being particularly important that the committee investigated matters or circumstances that had been the subject of public criticism. A not inconsiderable number of the matters investigated by the committee were raised on the initiative of the committee itself.

I have mentioned reporting to parliament as one of the means at the disposal of the monitoring committee. This could be done in the committee's annual report, or in *ad hoc* reports whenever deemed necessary. This did not mean, however, that the monitoring committee should refer matters to parliament if this was not seen necessary for principle reason or for being about changes in routines or regulations. The committee was supposed to conduct its work on behalf of parliament, and it was important that routines, working methods and individual cases in the services were not described if this was not absolutely necessary. When the monitoring committee reported to parliament, this was done in unclassified reports. The reports were first handled in the Standing Committee on Scrutiny and the Constitution, which submitted its report to the plenary. The monitoring committee could also draw parliament's attention to classified material or issues that it found it important that parliament should acquaint itself with. Parliament would then take up the matter with the relevant minister. If and when necessary such matters would be dealt with in closed meetings of parliament.

The organisation of the scrutiny function for the secret services raised a number of thorny questions, both of a principle and practical as well as of an emotional nature. Today, however, there seemed to be broad agreement that the reform had proven itself well founded. The monitoring committee after seven years of existence, enjoyed broad confidence both in parliament and in the public at large. Fears that it would undermine and weaken the services and harm vital public interests seem to have been groundless and could not be merited. On the contrary; the committee might be said to have contributed to increased awareness of rule of law considerations in the services. This might particularly apply to the Norwegian National Security Authority and the Norwegian Defence Intelligence Service, whose activities were not previously regulated by law. I could certainly also be established that it was the preventive effort of the committee's inspection activities that was of the greatest importance. The certainty of regular (or irregular) controls increased the alertness of the services. The safeguarding of the individual citizen's democratic rights which the reform had thus led to, and the increased trust in the services which was a visible consequence of this, has in my judgement led to an enhancement and strengthening of these services in Norway. Services which were broadly seen as indispensable to society. In 2001, the Norwegian parliament assessed the whole arrangement concerning the established monitoring regime. A unanimous parliament then expressed satisfaction with the work of the committee, and no amendment were made in the monitoring regulations."

Mr Ian HARRIS, President Elect, thanked Mr BRATTESTÅ and invited members to put their questions.

Shri Satish KUMUR (India) wanted to share the Indian experience with colleagues. On 13 December 2001, the Indian Parliament had been attacked by terrorists. Before that time the parliamentary estate had had lax security. Now the parliamentary estate was controlled by the Speaker who had his own security service. No fire-arms were allowed inside the Parliament House although the outer precincts were heavily guarded. Cars were not allowed into the building with very few exceptions. After 13 December 2001, a joint committee had been constituted. Four members had come from the Lok Sabha to oversee the security system in Parliament. The Speaker reported to Parliament on the action to be taken in relation to security. Some military forces assisted as did the local police in guarding the perimeter.

Mr Hans BRATTESTÅ thanked Mr KUMUR for his comments on a related issue.

Mr Ian HARRIS, President Elect, asked whether it was possible for a member of the security services to appear before the committee but also to decline to answer.

Mr Hans BRATTESTÅ was not aware of any situation where this had happened. He said that all inspections had been co-operated with.

Mr Arie HAHN (Israel) said that the parliamentary control of the secret services was a crucial and difficult matter. He said that the problem with committees was the problem of leaking. There was no guarantee that journalists would not publish information given to them. There was a problem with a conflict between security and the right of scrutiny. In Israel, it had been agreed that a sub-committee of three members, with two out of three being in the Government party, would monitor security services. That sub-committee had never leaked. The secret services had told the sub-committee everything.

Mr Everhard VOSS (Germany) said that in Germany the limit for revealing secrets was usually 30 years. He asked whether the committee relied on such a rule.

Mr Hans BRATTESTÅ said there was no limitation on secrecy based on the age of documents. No use was made of documents unless it was necessary. The parliamentary system had not risked the release of secrets but has allowed ministers to be answerable to parliament.

Mr Ibrahim SALIM (Nigeria) praised Mr BRATTESTÅ's detailed and informative work. He asked why the superior prosecuting authority was exempted from monitoring.

Mr Hans BRATTESTÅ said he wasn't sure why it was exempted. He said that this was only relevant to policing the surveillance service. This was to do with their autonomy. There were some exemptions to this, for example where the security vetting was being done.

Mr Ian HARRIS, President Elect, noted that legislation had been put forward in Australia to establish a parliamentary body to scrutinise the secret service.

Mr George CUBIE (United Kingdom) thanked Mr BRATTESTÅ for his fascinating presentation. He said that most parliaments had addressed this issue. There had been some pressure for a proper parliamentary body in the United Kingdom but such had not been created. He asked whether a greater degree of parliamentary control was sought in Norway.

Mr Hans BRATTESTÅ said that opinion generally was that it was satisfactory to have an external body elected by Parliament who were carrying out that function on a day to day basis. It was impossible to keep secrets if an ordinary committee were empowered and given that responsibility. There was now a move away in public opinion from requiring more political scrutiny.

Mr Ian HARRIS, President Elect, said that the United Kingdom system had been considered in Australia. He thought it was better that security services should be under parliamentary rather than external control. He thanked Mr BRATTESTÅ for his interesting communication.

3. Election of Officers of the Association

Mr Ian HARRIS, President Elect, started the process of election of officers of the Association. He noted that three posts were vacant for ordinary members of the Executive Committee to replace Mr Anders FORSBERG and Mme Hélène PONCEAU who had been elected Vice-Presidents that morning, and Ms Helen DINGANI whose mandate ended when the conference finished.

The Joint Secretaries had received five nominations for candidates for election as ordinary members of the Executive Committee, namely:

Mr Mohammad AL-MASALHA, Secretary General of the National Assembly of Jordan

Mr Arie HAHN, Secretary General of the Knesset of Israel

Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Senate of Chile

Mr G. C. MALHOTRA, Secretary General of the Lok Sabha of India

Mr Ibrahim SALIM, Secretary General of the Parliament of Nigeria

The Rules relating to elections and a list of candidates were on the tables at the entrance to the plenary hall.

Mr Ian HARRIS, President Elect, suspended the sitting to allow for preparations for the elections.

Suspension

Mr Ian HARRIS, President Elect, invited those entitled to vote to collect a voting paper from in front of the platform, to take the paper back to their seats and fill them in by ticking the box next to the names they wished to vote for. There was a maximum of three votes, one for each vacancy. They could indicate abstention. Candidates with the largest number of votes would be elected.

He invited the newly elected Vice-Presidents to come to the platform to assist in the election process.

He invited those entitled to vote to approach the platform and cast their votes, giving their names to the Joint Secretaries as they did so.

(The votes were counted by the Joint Secretaries and the Vice-Presidents).

Mr Ian HARRIS, President Elect, announced the results as follows:

Number of voters: 56

Number of votes cast: 136

Names:	Mr Mohammad AL-MASALHA	34
	Mr Arie HAHN	17
	Mr Carlos HOFFMANN CONTRERAS	44
	Mr G. C. MALHOTRA	20
	Mr Ibrahim SALIM	21

Those elected were therefore Mr Carlos HOFFMANN CONTRERAS, Mohammad AL-MASALHA and Ibrahim SALIM.

Mr Ian HARRIS, President Elect, congratulated those elected.

4. Concluding Remarks

Mr Ian HARRIS, President Elect, reminded members that the next meeting was at 10.00 am on the following day and he closed the sitting.

SIXTH SITTING,
Friday 11 April 2003 (Morning)

Mr Ian HARRIS, President Elect, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Ian HARRIS, President Elect, welcomed members to the sixth and final plenary sitting.

2. Amendment to the Rules of the Association

Mr Ian HARRIS, President Elect, moved the proposed amendments to the Rules of the Association which aimed to allow the election of members of the Executive Committee in the course of the autumn meetings in the same way as in the session in the spring. This provision which was based on the success of the meeting in Geneva would avoid a grouping together of too many elections and a tardy and sudden renewal of the management of the Association.

This was agreed to.

3. Communication from Mrs Emma LIRIO REYES on Legislation: Keepers of the Legislative Mill

Mr Ian HARRIS, President Elect, said that Mrs Emma LIRIO REYES of the Parliament of the Philippines was not present at the current session. She had put herself down to present a communication in the course of that session and had not made known her absence. He therefore regretted that he would have to take this item of business off the orders of the day of the conference.

4. Communication from Mr Everhard VOSS (Germany) on The inter-parliamentary and international / foreign policy relations of parliaments

Mr Ian HARRIS, President Elect, invited Mr Everhard VOSS of Germany to present his communication on the inter-parliamentary and international foreign policy relations of parliaments.

Mr Everhard VOSS presented his communication as follows:

“1. Role of parliaments in foreign policy

Foreign policy, and thus the shaping of foreign-policy and international relations, was once the exclusive preserve of governments. In 1949, following the war, the fathers of Germany’s Basic Law held that the cultivation of relations with foreign states was a matter for the Federation and hence, within the power of the Federal Chancellor to determine the policy guidelines, formed part of the area of responsibility and remit of the Federal Government. In Germany, this particular power of the Federal Chancellor is laid down in Article 65 of the Basic Law.

In terms of international law, the Federation is represented by the Federal President (Basic Law: Article 59, paragraph (1)). He concludes treaties with foreign states on behalf of the Federation, and he accredits and receives envoys.

The participation of parliament is also, however, provided for in Article 59, paragraph (2) of the Basic Law. According to this article, treaties that regulate the political relations of the Federation or relate to subjects of federal legislation require the consent or participation, in the form of a federal law, of the bodies responsible in such a case for the enactment of federal law. These bodies are the Bundestag and the Bundesrat.

The fact that parliament, the German Bundestag, also helps to shape foreign policy is established by Article 45a of the Basic Law – I already commented on this in my remarks on parliamentary diplomacy. In accordance with this provision, the German Bundestag appoints a Committee on Foreign Affairs. This Committee, and thus its area of responsibilities, were considered of such importance that the Committee was explicitly mentioned in the Basic Law.

Today, the elected parliaments of many states help to shape international and foreign policy.

The participation of parliament in a country’s foreign policy traditionally consists, in the parliamentary system of government, of scrutinising the actions of the government in question. Increasingly, however, parliaments also participate in the preparation, initiation and shaping of the foreign policy of their countries.

At the beginning of the new millennium, in the age of globalisation, the participation of parliaments in the development of international and foreign relations is taking on new meaning, even a new dimension. Globalisation poses a new challenge for the order of states and, in cooperation between states, also for parliaments. The Conference of Presiding Officers of National Parliaments held in New York in 2000, the so-called Millennium Summit, offered impressive evidence of this. In cooperation between states at a global level within the UN framework, and in the completion of regional structures, e.g. in Africa, Europe or Asia, the question of Europe’s role and capacity to act, like that of African, Asian and Latin American regions, is coming ever more to the fore. The European integration process and the question of Europe’s role and capacity to act at a global level make this clear. In Germany, this is also reflected in the fact that the Basic Law not only provides for the Committee on Foreign Affairs, but also for a Committee on the Affairs of the European Union. This process also shows that the power of previous actors to shape developments is steadily declining and that powerful new actors are evolving. Governments are working together ever more constructively and intensively. There is an ever closer network of cooperation and interdependence at an intergovernmental level. Parliaments are involved in this network at numerous inter-parliamentary levels or through their membership and active work in such bodies. In Europe,

we found that the democratic structures were unable to keep pace with this development. This means that the parliamentary system of government must be adapted to the new conditions and that democracy must be ensured at an international level. Citizens are affected because international agreements can have a direct impact on their rights. For this reason, decision-making processes must be made more transparent and participatory rights granted. The necessary democratic legitimation can only be ensured by consulting national parliaments at an early stage.

1. Parliaments as shapers of foreign policy

a) Supporting government policy

Parliaments are the fora in which the major foreign-policy debates take place. Both before and after important international decisions are taken, and on the occasion of (European) summits, debates are held in the committees and in plenary session on planned reforms and landmark political decisions. It is very much in the interest of governments to maintain and cultivate an ongoing foreign-policy dialogue with parliament. Parliaments, for their part, support governments in shaping foreign policy. Parliamentary diplomacy and the parliamentarisation of foreign policy contribute, in this way, to the democratisation of international relations. This has a positive effect on peace, stability and security, both regionally and globally.

b) Membership in international and inter-parliamentary organisations

What are international inter-parliamentary bodies?

There are international organisations in the broadest sense, in which solely the executive and only delegates of the governments of participating countries are represented. This is the case, for example, of the United Nations.

As well as these, there are international organisations in which not only the governments of the countries concerned are represented, but also parliamentarians from these countries. The IPU, NATO, the Council of Europe, the Western European Union and the Organisation for Security and Cooperation in Europe (OSCE), among others, belong to this category. I would also like to mention the ACP-EU Joint Parliamentary Assembly, the Arab Inter-parliamentary Union, the SADC Parliamentary Forum and the recent moves towards a Pan-African Parliament.

The democratisation of international relations is accompanied by an increasing parliamentarisation of international organisations. There are examples of this in the global, regional, European and transatlantic frameworks. Almost all international organisations have parliamentary assemblies, in which the national delegates ensure legitimation by their national parliaments and appropriate feedback. In the process of globalisation, intergovernmental cooperation must be accompanied by equivalent inter-parliamentary cooperation, both at the level of specialised committees and commissions, and at the level of parliamentary speakers or presiding officers.

I would, therefore, like to briefly present some of the inter-parliamentary organisations or assemblies. In doing so, I would like to indicate the major areas for parliamentary work.

(1) The Inter-Parliamentary Union

The "parliament of parliaments", to which your parliaments also belong, is the Inter-Parliamentary Union, founded in 1889. The parliaments of 144 countries currently belong to this organisation.

(2) The Southern African Development Community Parliamentary Forum (SADC PF)

The SADC Parliamentary Forum is an important regional organisation to which twelve of the parliaments of southern Africa belong. The organisation's task is to develop regional parliamentary structures, aiming to strengthen the scope for development and the capacities of the SADC by involving the parliaments of the Member States. Various opportunities for personal and practical commitment are available to the 1800 parliamentarians, including supporting the work of government. One of the Forum's difficult tasks at the beginning of the 21st century is providing lasting support for the process of democratisation in the region. The Forum is guided by the belief that the peoples of the region have struggled and suffered for many years in order to develop democracy, human rights and the necessary socio-economic structures. These efforts to build up a democratically legitimised civil society have received support in the past. For example, the IPU worked with the African countries, particularly in the seventies and eighties, and assisted them in their moves towards independence, democracy and human rights.

A great deal of commitment has also been shown bilaterally. For example, the German Bundestag's Parliamentary Friendship Group for Relations with the States of Southern Africa participated in an event held in Victoria Falls, Zimbabwe, in November 2001, which dealt with the role of parliaments in regional integration. At a joint conference of the SADC Parliamentary Forum and German parliamentarians, the need for progressive regional integration and the further development of the tasks and competencies of the committees on important current issues (gender equality, HIV/AIDS and issues of economic growth and the environment) was stressed. In order to achieve these aims together more effectively, it was agreed to develop the SADC Forum into a regional parliament of the SADC Member States. The progress of regional integration in southern Africa and the requisite dialogue with the EU, which is being actively promoted by parliamentarians, affect the work of government with regard to the shaping of foreign policy.

(3) The Parliamentary Assembly of the OSCE (Organisation for Security and Cooperation in Europe)

The most recent example of an international organisation or inter-parliamentary assembly growing ever more important is the Parliamentary Assembly of the OSCE, founded in Madrid in 1991.

At their conference in Madrid on 3 and 4 April 1991, the then 34 delegations from the parliaments of the CSCE states decided to equip the organisation, at that time named the CSCE, with a Parliamentary Assembly. This was, incidentally, on the initiative of the President of the Spanish Congress, Dr. Félix Pons Isasarabal. The Assembly met for the first time from 2 to 6 July 1992 in Budapest. The 11th annual session was held in the German Bundestag in Berlin from 6 to 10 July 2002. The Parliamentary Assembly of the OSCE is currently composed of 317 parliamentarians from 55 participating countries.

The main objective of the Parliamentary Assembly of the OSCE is to enable, support and conduct inter-parliamentary dialogue. Linked to this is the task of meeting the challenges of democracy in the region and supporting and accompanying the process of democratisation and all of its effects. In order to achieve this goal, the following measures, which are set out in the Rules of Procedure of the Parliamentary Assembly, can be taken:

(1) Assessing the implementation of the objectives of the OSCE;
(2) Discussing subjects addressed during meetings of the Ministerial Council and the summits of Heads of State or Government;
(3) Developing and promoting mechanisms for the prevention and resolution of conflicts;
(4) Supporting the strengthening and consolidation of democratic institutions in the OSCE participating states, and
(5) Contributing to the development of the institutional structures of the OSCE and of relations and cooperation between the existing OSCE institutions.

The OSCE is an impressive example of regional cooperation, allowing parliamentary and inter-parliamentary monitoring of government activities. On 22 November 1972, government representatives from 35 states - from Europe, the United States and Canada - met in Helsinki to prepare a Conference for Security and Cooperation in Europe. This conference had been preceded by many years of confrontation between the two blocs which determined the course of world politics. The belief had grown that, despite the continuing differences in ideologies and systems, efforts must be made in two directions. Firstly, efforts should be made to bring about constructive dialogue between the East and West and, secondly, cooperation should be sought in fields where common interests existed. These fields, or topic areas, were grouped into the now well-known three "baskets", i.e. questions relating to security in Europe (I), cooperation in the field of economics, science and technology, and the environment (II) and cooperation in humanitarian and other fields (III).

The IPU took up this process and invited parliamentarians from the CSCE states to attend "Inter-Parliamentary Conferences on Security and Cooperation in Europe" (Seven such conferences were held: in January 1973 in Helsinki, January 1975 in Belgrade, May 1978 in Vienna, May 1980 in Brussels, June 1983 in Budapest, May 1986 in Bonn and June 1991 in Vienna). On 1 August 1975, parliamentarians participated in the ceremony in Helsinki where the Final Act was signed. By organising these conferences, the IPU set an important precedent with regard to the possibilities for regional cooperation within a global forum. The Inter-Parliamentary Conferences on Security and Cooperation in Europe also demonstrated that parliamentarians could, and still can, set precedents in shaping political developments. Without the accompanying inter-parliamentary conferences, the process of democratisation in the countries of Central and Eastern Europe would not have been possible, or, at best, progress would have been much more difficult to achieve. It should be noted that the IPU's VII Inter-Parliamentary Conference on Security and Cooperation in Europe, originally scheduled to take place in Bucharest in 1989, was called off, in particular because the parliamentarians within the Twelve Plus Group refused to participate in a conference in a country whose head of state was a dictator who was infringing human rights to such an intolerable extent. This development was undoubtedly one factor in the dictator's fall in December 1989.

The CSCE/OSCE is a good example of the way in which parliaments had become active partners for their governments in the field of foreign policy. Many believe that détente and, in particular, cooperation between the countries concerned would not have been possible as the

result of government decisions alone, but that they were only possible on the basis of unconditional support from the parliaments and peoples. This does not remove the democratic separation of powers, however: it is still - as I stressed beforehand - the governments alone which have at their disposal the diplomatic and administrative instruments to control and implement foreign policy. It is they who conduct negotiations with other states on treaties. Yet, since it is the parliaments which decide whether to approve or reject such accords, cooperation between them and the governments is essential.

(4) The NATO Parliamentary Assembly

The NATO Parliamentary Assembly is a purely parliamentary body, to which parliamentarians from all 19 NATO Member States belong. Although the Parliamentary Assembly is not anchored in the North Atlantic Treaty, it can, both in its own perception and that of the North Atlantic Council, be regarded as NATO's parliamentary arm.
The main tasks of the NATO Parliamentary Assembly are:

- encouraging cooperation between the Member States on all defence and security policy issues,
- ensuring that NATO's views are fed into national policies,
- helping to promote Atlantic solidarity in the countries of the Alliance, and
- providing a link between the national parliaments and the NATO authorities.

The NATO Parliamentary Assembly is a transatlantic forum made up of parliamentarians from the NATO Member States, whose number is now set to grow to 25 following the summit in Prague in November 2002. It produces reports and recommendations to be forwarded to the North Atlantic Council on all issues of relevance to the Alliance. In return, the NATO Secretary General regularly briefs the Assembly on the tasks and objectives of the North Atlantic Alliance.

The NATO Parliamentary Assembly meets twice a year, once in the spring and once in the autumn; at these times, both plenary sessions and committee meetings take place.

The work of the NATO parliamentarians involves pursuing the following aims: influencing transatlantic policymaking, monitoring the national governments' policy decisions, working together at bilateral and multilateral level and working together with the North Atlantic Council. The enlargement of the Alliance which has taken place since it was founded and the key historic decisions made would have been unthinkable in the absence of parliamentary monitoring. I need only mention the debate between 1979 and 1983 concerning NATO's double-track decision, the new strategy adopted at the summit meeting of heads of state and government in Rome in 1991, the partnership, cooperation and dialogue with the countries of Central and Eastern Europe or the intensive discussions over Russia's position within North-Atlantic cooperation. The creation of the NATO-Russia Permanent Joint Council at the NATO summit in Rome on 28 May 2002 ushered in a new chapter in relations between NATO and the Russian Federation. The Russian Federal Assembly has associate membership of the NATO Parliamentary Assembly, sending 10 delegates. One year after the signing of the NATO-Russia Founding Act in 1997 in Paris, the Joint Monitoring Group Russia was set up in May 1998. This monitoring group consists of two representatives from each of the NATO Parliamentary Assembly's specialist committees and from the corresponding specialist committees in the Russian State Duma. The objective of this group is to monitor the implementation of the Founding Act and the work of the NATO-Russia Council at parliamentary level.

One impressive example of this type of political parliamentary work I would like to mention is the way in which the NATO parliamentarians have helped shape the Alliance's Mediterranean dialogue. In this context, it is of course only natural that guest delegations from Egypt, Israel, Morocco and Tunisia take part in the Parliamentary Assembly's spring and autumn sessions. The dialogue set in motion through these contacts between parliamentarians also encourages constructive dealings with one another.

(5) Other inter-parliamentary organisations

I would also like to mention the following important regional inter-parliamentary assemblies: the Arab Inter-parliamentary Union (AIPU), the ACP-EU Joint Assembly, and the African Union founded in Durban on 9 July 2002, with its "Pan-African parliament" made up of delegates from 33 African countries.

The Arab Inter-parliamentary Union is an Arab parliamentary organisation founded in June 1974, composed of parliamentary groups representing Arab parliaments. The objectives of the Union are to strengthen contacts and promote dialogue among Arab parliaments and Arab parliamentarians in order to coordinate Arab parliamentary activities and unite the parliaments and parliamentarians in common action in various fields. Exchanging legislative experience is one of the objectives of this common action. Cooperation includes efforts to coordinate action in international bodies. In addition, the Union is intended to allow political and parliamentary interests to be expressed at both national and international level and to draft and adopt the relevant resolutions and recommendations. The organisation also aims to enhance principles and values in Arab countries.

The ACP-EU Joint Assembly was born of a common desire to bring together the elected representatives of the European Community - the Members of the European Parliament - and the representatives - both elected and non-elected - of the African, Caribbean and Pacific states that have signed the Lomé Convention. It is the only institution of its kind in the world and the only international, or inter-parliamentary, assembly in which the representatives of various countries meet with the aim of promoting the interdependence of North and South. Since the entry into force of the Treaties of Maastricht and Amsterdam and in the light of EU enlargement, it has acquired a prominent role in international politics. A substantial part of the work of the Joint Assembly is directed towards safeguarding and promoting human rights, anchoring the democratic rule of law and underlining the common values of humanity. Joint commitments have been undertaken within the framework of UN conferences.

The Organisation of African Unity (OAU) decided in July 2001 to transform itself into an assembly known as the African Union. This organisation was formally established in September 2001. The aim was to create a more effective institution to promote greater prosperity in Africa. The speaker of the South African parliament, Dr. F. Ginwala, in a speech to 154 African parliamentarians from 33 countries, stressed that agreement had been reached that parliamentarians, as the representatives of the African peoples, must be given a more effective role in enhancing African unity. The speaker of the Egyptian parliament, Dr Ahmad Sorour, also head of the Egyptian delegation to the IPU and formerly President of the IPU from 1994 to 1997, described the creation of an all-African Parliament, within the framework of the African Union, as marking a "historical step in the march for the rising African Unity as a more unified and strong continent". He underlined the objectives which should be pursued by the parliament, i.e. to bolster democratic institutions and the rule of law and respect for human

rights and establish accountability for the legislation of the Member States with the consequences this entails.

The work of all these inter-parliamentary bodies cited by way of example demonstrates the wide range of activities in which parliamentarians are involved in order to shape policymaking at international level and complement national government policies. The status and independence of parliamentarians allow them to talk to one another in a unique way and to broach subjects which diplomats and governments would not express in such an open and direct manner.

I would like to give a few brief examples of such parliamentary activity.

a) Selected examples of parliamentary activities and the shaping of policy

It is only natural that I should begin by mentioning the only worldwide organisation of parliamentarians to which all parliaments represented here today belong. Through their work in the IPU, parliamentarians demonstrate - both to the outside world and to their own countries - their commitment. On the one hand, they work together with their domestic ministries to draft resolutions or memoranda, and, on the other, they forward resolutions adopted by the IPU Conference to their governments for information. This commitment is expressed in a variety of ways.

(1) The role of women parliamentarians

Since the 1980s, the importance of women parliamentarians and their means of exerting influence have grown. During the IPU Conference in Mexico City in 1986, Indonesian women parliamentarians tabled a motion calling for greater involvement of women in the conferences, through the establishment of separate sitting days. Since then, women's influence, not only in the IPU, but also in other bodies, such as the OSCE Parliamentary Assembly, has grown. Their contribution has become an important element of inter-parliamentary conferences. The sessions of the women parliamentarians have provided impetus and insights on political, economic and social questions for the various international bodies, as well as for committee work in the national parliaments. The results of the latest meeting of the Inter-Parliamentary Council in Geneva made this clear. Thus, women have taken on greater responsibility for shaping international relations.

At the 7th Meeting of Women Parliamentarians within the framework of the 107th IPU Conference in Morocco, 148 women parliamentarians from 130 countries called emphatically for the Nigerian woman Safiya Husseini, who had been sentenced to death, to be pardoned. They emphasised the IPU's view on the death penalty and reaffirmed the principle of equality between men and women enshrined in international agreements on human rights and women's rights. They recalled the Beijing Platform for Action adopted by the Fourth World Conference on Women in 1995 and signed by Nigeria.

When the IPU reforms were adopted in Geneva, the status of female parliamentarians was stressed, in line with the recommendations made by the women parliamentarians. The Inter-Parliamentary Council expressed its support for adequate representation of female parliamentarians at IPU Conferences. Delegations composed exclusively of parliamentarians of one sex will in future not be entitled to propose candidates for the Executive Committee. In addition, such delegations will have the number of their representatives at conferences and the

number of their votes reduced. In order to see women's achievements, we need only look to the many women in important international positions. UN Secretary-General Kofi Annan took seriously the calls made at the Fourth World Conference on Women in Beijing in 1996, together with the declarations, resolutions and statements of intent and has appointed highly competent women to key UN posts.

(2) Responsibility for the respect for human rights

One of the most important areas of responsibility of parliamentarians in the field of inter-parliamentary relations is advocating respect for human rights. The IPU Committee on Human Rights, which takes up the cause of parliamentarians suffering persecution, and the committees of other parliamentary assemblies, e.g. the OSCE and the Council of Europe, make clear in their work the importance of acting at a parliamentary level. The Berlin Declaration of the OSCE Parliamentary Assembly of 10 July 2002, "Confronting Terrorism: Global Challenge in the 21st Century", underlined this in connection with combating terrorism.

The IPU Committee on Human Rights' successful handling of the cases of Alpha Condé, a member of the National Assembly of Guinea, and the Czech parliamentarian Ivan Pilip and another former Czech parliamentarian who were detained at the beginning of 2001 in Cuba, shows that parliaments and parliamentarians can make a real difference. The Committee on Human Rights is dependent on information from and the commitment of national parliamentarians. The cooperation between the two levels means that the members of the parliaments remain free and independent, enabling the parliaments to carry out their constitutional functions.

In order to achieve such successes, new ways of thinking are necessary. The IPU and the OSCE have gone down this route. The IPU held seven inter-parliamentary CSCE conferences and the OSCE has organised annual conferences since 1992, making clear the importance of Basket III of the Helsinki Final Act, human rights. In this way, by acting alongside the executive authorities, it was possible to sway delegations which refused to give ground. The IPU was able, through the CSCE conferences, to make an effective contribution to the collapse of the communist system. I have already referred to the Romanian example. The Ceaucescu regime, which showed no respect for human rights, was denounced in the IPU's general debates and in particular through the initiatives of the Twelve Plus Group. In the end, the inalienability of human rights had been accepted by those states where the population had demanded it. The work and actions of parliamentarians, both with and independently of governments, had contributed to the establishment of the democracies and the respect for human rights which this enabled.

2. Inter-parliamentary cooperation as a means of globalising democracy

The globalisation of information and communication in the political, economic and financial spheres requires, on the one hand, increased cooperation between states. On the other hand, it transfers important decision-making processes to international bodies. Both trends not only have a major impact on the role and our understanding of the nation-state, but also bring democracies together with states structured along non-democratic lines. These developments must under no circumstances be allowed to give rise to parliamentary and thus democratic deficits in resolving issues which, although they are dealt with internationally, have effects in areas of national responsibility. This is the starting point for international and inter-parliamentary cooperation, whether bilateral or multilateral within inter-parliamentary

assemblies. This allows parliamentary scrutiny to take place and enables governments to achieve the necessary parliamentary legitimacy for their actions.

However, this is not the only benefit to be derived from inter-parliamentary cooperation. It can also help to extend the domestic democratic culture of resolving disputes and conflicts to a state's foreign relations. Inter-parliamentary cooperation based on democratic principles in international assemblies fulfils a "socialisation function" in world politics, as it were. It can certainly have a democratising effect on the policies of states.

It is obvious that this connection between democratic internal and external structures usually only applies to pairs of democratic states. Political systems which are in transition from a dictatorship to a democracy, or from a centrally controlled economy to a market-economy system, are, on the contrary – as we have observed – subjected to major conflicts. For this reason, it is extremely important to recognise the direction in which these societies are developing. Western states – and here the work of the IPU Twelve Plus Group, comprising 43 member countries, must be mentioned – have recognised these difficulties and, like the German Bundestag, have tried by means of democratisation and parliamentarisation aid to support the development of democratic and political institutions as part of the efforts to anchor democratic values and norms in these countries. Inter-parliamentary relations help to prevent conflicts and are extremely effective in producing stability, security, peace and freedom. The "parliamentary diplomacy" of parliamentarians thus makes a contribution to the globalisation of democracy which should not be underestimated.

3. The agreement of joint aims by parliaments – the Conference of Presiding Officers of National Parliaments held in New York, in 2000, and the Charter of the Duties of States

For the first time in their history, the presiding officers of national parliaments, not only from the 139 IPU member countries, but also from parliaments of non-member countries, came together for the Millennium Conference held at UN Headquarters in New York from 31 August to 1 September 2000. The parliamentary presiding officers voiced their opinions on the major problems of our time and adopted a position on the ways in which parliaments can and must participate in resolving these problems. The presiding officers adopted a declaration entitled "The parliamentary vision for international cooperation at the dawn of the third millennium", which, in four major sections – "Main challenges at the dawn of the third millennium", "The United Nations in the twenty-first century", "The evolution of international relations" and "The parliamentary dimension of international cooperation" – deals with the responsibilities of parliaments and includes cooperation between the United Nations and parliaments.

The declaration deals firstly with the most important challenges at the beginning of the third millennium, and highlights the "Universal Declaration on Democracy" adopted by the IPU and the responsibility of parliaments for the rule of law and respect for human rights. The determination to honour the commitments under the United Nations Charter is reaffirmed.

The section on the UN in the 21st century underlines the determination of the IPU and the parliaments to strengthen the UN and provide it with the necessary human and financial resources. It calls for the completion of the UN reform process.

The passage on the evolution of international relations discusses the global changes which have taken place and emphasises the role of parliaments. Parliamentarians are called upon to

increasingly see themselves as intermediaries between complex international decision-making processes and citizens.

The final section calls upon parliaments to provide a parliamentary dimension to international cooperation and to consolidate the status of the IPU as a world organisation for inter-parliamentary cooperation and for relaying the visions and aims of its members to intergovernmental organisations.

The speeches of the parliamentary presiding officers focused on different themes. The President of the German Bundestag, Wolfgang Thierse, emphasised the connection between the phenomenon of globalisation and the political achievements of the modern era and of democracies committed to human rights. In his opinion, globalisation cannot be an exclusively economic process, but must instead be accompanied by political, democratic and parliamentary components, with responsiveness to popular concerns being a necessity. He stressed the growing significance of regional organisations in creating a global civilisation and the need for UN reform. The UN must be able to responsibly fulfil its role as the only legitimate international body for the assertion of democracy and human rights. It is necessary to work together with the aim of bringing criminal states which flout human rights to justice before international courts. He further suggested using the IPU as a forum to bring affected states together.

The parliamentary contributions took on a particular significance in the light of Secretary-General Kofi Annan's remarks, as he described the role of parliamentary presiding officers and parliaments as important for the efforts of states to represent the interests of their citizens in a new global era. "Your voice must be heard" was more than just an appeal, it was confirmation of the need, and also a call for parliamentarians to be increasingly aware of their role in international relations. The Secretary-General said that a parliamentary vision was needed more than ever before. Parliaments ratify international treaties and conventions, and by doing so, help to build the foundations of the rule of law on a global scale. Together with the UN, parliaments can help to overcome the alienation between global institutions and the population. This alienation was clearly demonstrated at WTO conferences, e.g. in Seattle. Parliamentarians can act as a bridge between their countries and the rest of the world. The support of parliaments for the reform of the UN, as expressed by the summit's declaration, is essential. He underlined the responsibility of parliaments for democracy under the rule of law, human rights and free elections, as enshrined in Article 21 of the Universal Declaration of Human Rights. Parliamentary presiding officers are in a position to restore democracy where it has been overturned and to strengthen it where it is in peril. He explicitly advocated strengthening the relations between the UN and the IPU.

Theo Ben-Gurirab, then President of the UN General Assembly and Namibian Foreign Minister, also called for increased support from parliamentary presiding officers for the UN's work. He mentioned the need for good governance at a global level with the aim of ensuring democracy, transparency and accountability in international relations.

For the conference in New York, the presiding officers of the German, French and Italian parliaments, Wolfgang Thierse, Raymond Forni and Luciano Violante, launched an initiative in favour of a "Charter of the Duties of States". This Charter emphasises the importance of human rights as the common foundation of all civilisations. The Charter is to represent a voluntary commitment by states to not execute convicts and to neither torture prisoners nor subject them to treatment violating their human dignity. The powers of the state must always be just and

proportionate. Traffic in human beings and all forms of discrimination must be abolished. Moreover, every country should invest an appropriate portion of its own resources in combating poverty and in the health and education system.

Conclusion

The role played by parliaments in the international and inter-parliamentary field is varied and can be very effective, provided that parliaments and their members demonstrate increased commitment in the global framework. This involves pursuing new paths and finding new strategies, the substantive measures of which must be developed together by parliaments in the various regional parliamentary assemblies or with the UN. The Millennium Summit in New York and the regional assemblies offer a basis to be built on. The resolution adopted by the 57th General Assembly of the UN in November 2002, giving the IPU a position appropriate to its unique status as a world organisation of parliaments, underlines the importance of parliaments in the global framework."

Mr Ian HARRIS, President Elect, thanked Mr VOSS for his communication. He invited participants to put their questions.

Mr Mohammad AL-MASALHA (Jordan) thanked the speaker who had been enlightening on international parliamentary institutions. He wanted to put a question about relating to Arab inter-parliamentary relations which touched on the crisis in the Middle East as did other regional groups. He noted how this role was played out through a European-Arab dialogue and dialogue between Europe and the Mediterranean region, etc. He asked the speaker for his opinion about how these had a basis in democracy.

Mr Everhard VOSS said that the basic objective was to obtain beneficial results for the people based on the rule of law and this was always how such organisations worked.

Mrs Stavroula VASSILOUNI (Greece) referred to the long and interesting parliamentary experience of Mr VOSS. She asked about the inter-parliamentary co-operation services of the Bundestag. What support was given to members of parliament in Germany who were carrying out duties with respect to this? Who had the duty of ensuring a continuity between one parliamentary period and another?

Mr Everhard VOSS said that there was a structure at two levels which included four departments. It had 80 workers and the annual budget was around 20 million Euros. It gave administrative and financial support which allowed members of parliament to make a real contribution and which allowed them to carry out their mandate freely according to the Constitution. If it was a matter of representing committees, then the committee had the duty directly. The committee secretary organised the visit and in such cases the service had nothing to do with the management of the budgetary aspects. The service had the necessary resources to respond efficiently to requests from members of parliament. It was the service which ensured that there was a continuing policy according to the priorities fixed by the Bureau. There had been a big change since 1972. There had been a process of globalisation which had resulted in an increase in human and budgetary resources. For example, there were 51 inter-parliamentary groups. The Bundestag therefore received 51 delegations in the course of a Parliament. The Parliament lasted for four years in Germany, and each delegation stayed for between five and eight days. Furthermore, the service took charge of the organisation of foreign visits. In both cases, there had to be a proper detailed report written about the visits.

As an example Mr VOSS referred to a visit to India. The Indians had indicated that they were interested in relations between the Länder and the Federal Government. That visit had been lengthened as the result of a return visit by Indians to Berlin, in the course of which the Bundestag, in co-operation with the Humboldt University had given them the information that they needed. The service also kept contacts with political foundations and organisations dealing with visits in the Länder.

It sent information out to the various committees which might be interested or which it thought might concern them.

Mr Robert MYTTENAERE (Belgium) asked three questions. The first was relating to the IPU and its status as observer at the United Nations. Everybody thought that in general the Assembly of the United Nations was a parliamentary assembly. However, it represented governments exclusively. It would be an ambitious idea to make the IPU the parliamentary branch of the UN and its accession to observer status was already a step towards this. He asked whether the speaker thought that the IPU might one day become the parliamentary arm of the United Nations.

The second question related to whether or not there were other projects being prepared, as, for example, an international parliamentary structure for the World Trade Organisation.

The third question referred to the extremely valuable north-south meetings, but he asked whether resolutions adopted by those meetings were then sent to the governments of the participating countries and whether any results could be seen.

Mr Everhard VOSS replied to the last question first. Resolutions which were adopted were drawn to the attention of governments. After each meeting a bulletin was published which was addressed first of all to the government and relevant committees of parliament. There was also a report to the Secretary General which drew necessary conclusions. This was an important point. In 1989 in Budapest, a resolution of the IPU had been made on the rights of a child. It was one of the best resolutions on this subject, but practice differed. Children were still enrolled in the army, were still prostituted, were still tempted by drugs or made to work. It was easy to see from this that there were great difficulties. Nonetheless, Mr VOSS said that in his knowledge the content of these resolutions were included in federal law or into the practice of ministries.

He agreed that it was very desirable that the World Trade Organisation should have a parliamentary assembly and he thought that this would happen sooner or later. But the best was the enemy of the good and such recommendations had a role to play.

As far as the first question was concerned he preferred not to reply for reasons of confidentiality. Discussions which had taken place in Germany and elsewhere seemed to create an impression that there was a lot of reticence in the face of the idea of the IPU becoming the parliamentary dimension of the United Nations. He remembered that he had put this idea forward during a meeting of the Twelve Plus and that it had not been followed up. It was necessary to advance by little steps and there was still a lot to do.

Mr Ian HARRIS, President Elect, thanked Mr VOSS for his communication.

5. New Members

Mr Ian HARRIS, President Elect, said that two further applications for membership of the Association had been received during the course of the conference. The proposed new members were

Mr Asnake TADESSE	Secretary General of the People's House of Representatives of Ethiopia
Mr Namsraijav LUVSANJAV	Secretary General of the State Great Hural of Mongolia (replacing Mr Daadankhuu BATBAATAR)

He said that neither of these applications appeared to present any difficulties.

The new applications were *agreed* to.

6. Administrative and Financial Questions

Mr Ian HARRIS, President Elect, said that the Executive Committee was minded to propose a small increase in the number of its members. He would do a study on this and the question would be debated in Geneva next October.

In addition, the Committee had decided something relating to the absence of members of the Executive Committee. It planned that those of its members who had not taken part in its work for a year, 18 months or two years in a continuous way should live up to the results of their inactivity. The Executive Committee hoped to find a way of punishing absenteeism. He hoped that all future candidates to the Executive Committee would think seriously about their responsibilities if they were elected..

Finally he said the Secretariat hoped to improve the system of electronic addresses for members and to establish a system of electronic replies to the invitation letters which would allow absences to be recorded in advance.

7. New matters for discussion and examination of the draft Agenda for the Session in Geneva (Autumn 2003)

Mr Ian HARRIS, President Elect, then presented the draft orders of the day for the meeting in Geneva, Autumn 2003, as follows:

1. Communication from Mr. Ian HARRIS, Clerk of the House of Representatives of Australia, on **Voting methods in parliament.**

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

3. Communication from Mr Marc Bosc (Canada) on **E-Democracy**.

4. Communication from Mme Hélène PONCEAU (France) on **the promotion of extra-parliamentary activities within parliament (France).**

5. Possible subjects for general debate:

- **The treatment of human right issues in national parliaments (United Kingdom)**
- **The transfer of sovereignty away from national parliaments (Italy)**
- **Financing of political parties and control of electoral expenses (Belgium)**

6. Discussion of supplementary items (to be selected by the Executive Committee in Geneva).

7. Administrative and financial questions.

8. New subjects for discussion and draft agenda for the next meeting in London (Spring 2004).

9. Presentation by Mr Roger Sands, Clerk of the House of Commons of the United Kingdom, on the organisation of the London Session.

The draft orders of the day were *accepted*.

8. Closure of the Session

Mr Ian HARRIS, President Elect, in conclusion, referred to the recent death of Mr Rupert Loof, Clerk of the Australian Senate from 1955-1965, and who had just died at the age of 102. Therefore Mr Loof was older than Australia itself. He had been the chief architect of Australia's membership of the IPU and the ASGP.

Mr Ian HARRIS, President Elect, thanked the IPU and the host parliament for the organisation of the conference as well as the interpreters for their hard work. He looked forward to meeting members again in the next meeting at Geneva.

Mr Anders FORSBERG, Vice-President (Sweden) thanked Mr Ian HARRIS for his excellent conduct during the work of that conference.

Mr Ian HARRIS, President Elect, thanked Mr FORSBERG for his kind words and announced that the next meeting would take place at Geneva from 1-3 October next.

He declared the conference closed.

The sitting ended at 11.45 am