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Association of Secretaries General of Parliaments

MINUTES OF THE AUTUMN SESSION

GENEVA

16 – 18 OCTOBER 2006

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Autumn Session 2006

Geneva
16 – 18 October 2006

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Hafnaoui Amrani	Algeria
Mr Juan Hector Estrada	Argentina
Dr Georg Posch	Austria
Dr Abdul Naser Mohamad Janahi	Bahrain
Mr ATM Ataur Rahman	Bangladesh
Mr Gleb Bedritsky	Belarus
Mr Robert Mytennaere	Belgium
Mr Luc Blondeel	Belgium
Mr Alpheus Matihaku	Botswana
Mr Sérgio Sampaio Contreiras de Almeida	Brazil
Mr Prosper Vokouma	Burkina Faso
Mr Marc Rwabahungu	Burundi
Mr Edouard Nduwimana	Burundi
Mr Samson Ename Ename	Cameroon
Mr Marc Bosc	Canada
Mr Carlos Hoffmann Contreras	Chile
Mr Carlos Loyola Opazo	Chile
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Wojciech Sawicki	Council of Europe
Mr Mateo Sorinas Balfego	Council of Europe
Mr Petr Kynstetr	Czech Republic
Mr František Jakub	Czech Republic
Mrs Halima Ahmed	Ecowas Parliament
Dr Daniel Reinerio Granda Arciniega	Ecuador
Mr Heiki Sibul	Estonia
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mr Alain Delcamp	France
Mr Felix Owansango Deacken	Gabon
Mr Dirk Brouër	Germany
Mr K.E.K. Tachie	Ghana
Mr Jacques-Michel Saint-Louis	Haiti
Mr Jean-Elie GILLES	Haiti
Mr Helgi Bernódusson	Iceland
Shri P.D.T. Achary	India

Dr Yogendra Narain	India
Mrs I. Gusti Ayu Darsini	Indonesia
Mr Amjad Abdul Hamid	Iraq
Mr Arie Hahn	Israel
Mr Samuel Waweru Ndindiri	Kenya
Mr Tae-Rang Kim	Korea (Rep of)
Mr M. G. Maluke	Lesotho
Mr Nanborlor F. Singbeh	Liberia
Mr Ahmed Mohamed	Maldives
Mr Mamadou Santara	Mali
Mrs Valérie Viora-Puyo	Monaco
Mr Abdeljalil Zerhouni	Morocco
Mr Carlos Manuel	Mozambique
Mr Jakes Johannes	Namibia
Mrs Jacqueline Biesheuvel-Vermeijden	Netherlands
Mr Moussa Moutari	Niger
Mr Nasiru I. Arab	Nigeria
Mr Umaru Sani	Nigeria
Mr Raja Muhammad Amin	Pakistan
Mr Oscar Yabes	Philippines
Mrs Adelina Sá Carvalho	Portugal
Mrs Georgeta Elisabeta Ionescu	Romania
Mr Dan Constantin Vasiliu	Romania
Mrs Marie-José Boucher Camara	Senegal
Mr Viktor Stromćek	Slovakia
Mr Mohamed Hassan Awale	Somalia
Mr Ibrahim Mohamed Ibrahim	Sudan
Mrs Marcia I.S. Burleson	Suriname
Mr Anders Forsberg	Sweden
Mrs Mariangela Wallimann-Bornatico	Switzerland
Mr John Clerc	Switzerland
Mr James Warburg	Tanzania
Mr Damian S. Foka	Tanzania
Mr Pitoon Pumhiran	Thailand
Mr Sompol Vanigbandhu	Thailand
Mrs Suvimol Phumisingharaj	Thailand
Ms Roksa Georgievska	The FYR of Macedonia
Mr Valentyn Zaichouk	Ukraine
Mr José Pedro Montero	Uruguay
Mr Colin Cameron	W.E.U.
Mr Floris De Gou	W.E.U.
Ms Helen B. Dingani	Zimbabwe

SUBSTITUTES

Mr José António (for Mr Diogo De Jesus)	Angola
Ms Claressa Surtees (for Mr I. Harris)	Australia
Ms Heather Lank (for Mr G. O'Brien)	Canada
Mr Mubarek Sani (for Mrs Adanech Abiebie)	Ethiopia
Mr Friedhelm Maier (for Dr Stelzl)	Germany
Mrs Stavroula Vassilouni (for Mr G. Karabatzos)	Greece
Mrs Winantuningtyastuti Swasanani	Indonesia
Ms Cait Hayes (for Mr K. Coughlan)	Ireland
Ms Elizabeth M. Woolcott (for Mr D.G. McGee)	New Zealand
Mrs Ewa Nawrocka (for Mrs E. Polkowska)	Poland
Mr Tomasz Glanz (for Mrs W. Fidelus-Ninkiewicz)	Poland
Mrs Nilda Borges Da Mata (for Mr Romão Pereira Do Couto)	São Tomé and Principe
Mr Joe Phaweni (for Mr Z. A. Dingani)	South Africa
Mrs Helen Irwin (for Dr M. Jack)	United Kingdom
Mr Brendan Keith (for Mr P. Hayter)	United Kingdom
Mrs Margarita Reyes Galván (for Mr M. Dalgalarrondo)	Uruguay
Mrs Claudia Palacio (for Mr H. Rodríguez Filippino)	Uruguay
Mr Vu Hai Ha (for Mr Bui Ngoc Thanh)	Vietnam

ALSO PRESENT

Mr Pedro Alberto Yaba	Angola
Mr Ebrahim Bashmi	Bahrain
Mr William França	Brazil
Mr Adesina Sotuminu	Ecowas Parliament
Ms Carmita Fuel	Ecuador
Mr Ayad N. Majid	Iraq
Mrs Luisa Accarino	Italy
Mr Stefano Taulero	Italy
Mr Lawal A. Garba	Nigeria
Mr Kramat Hussain Niazi	Pakistan
Mrs Anna Pomianowska-Bąk	Poland
Ms Alice Ratyis	Romania
Mr Alexandru Tanase	Romania
Ms Elizabeth Barinda	Rwanda
Mr Ali Osman	Sudan
Dr Martin Brothén	Sweden
Mr Oleg Rzhondkovskyi	Ukraine

APOLOGIES

Mr Diogo De Jesus	Angola
Mr Ian Harris	Australia
Mrs Emma De Prins	Belgium
Mr Gary O'Brien	Canada
Mr Adelino Alfonso De Jesus	East Timor
Mrs Adanech Abiebie	Ethiopia
Dr Stelzl	Germany
Mr George Karabatzos	Greece
Mr Faisal Djamal	Indonesia
Mr Kieran Coughlan	Ireland
Mr Francesco Posteraro	Italy
Mr Yoshinori Kawamura	Japan
Mr Yoshihiro Komazaki	Japan
Mr Takeaki Ishido	Japan
Mr Makoto Onitsuka	Japan
Ms Panduleni Shimutwikeni	Namibia
Mr David. G. McGee	New Zealand
Mr Hans Brattestå	Norway
Mrs Ewa Polkowska	Poland
Mrs Wanda Fidelus-Ninkiewicz	Poland
Mr Romão Pereira Do Couto	São Tomé and Principe
Mr Z. A. Dingani	South Africa
Mr Manuel Alba Navarro	Spain
Mrs Priyanee Wijesekera	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Dr Malcolm Jack	United Kingdom
Mr Hugo Rodríguez Filippino	Uruguay
Mr Marti Dalgalarrondo	Uruguay
Mr Colin Cameron	W.E.U.
Mr Bui Ngoc Thanh	Vietnam

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SIXTH SITTING – Wednesday 18 October [pm]

FIRST SITTING
Monday 16 October 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.00 am

1. Opening of the Session

Mr Anders FORSBERG, President, welcomed participants to the session of the ASGP in Geneva in parallel with the 115th assembly of the IPU.

He thanked Mr Anders Johnsson, Secretary General of the IPU as well as all those who had helped in organising the current session.

He noted that Mrs Catherine Close had succeeded Mrs Lynda Young as one of the Joint Secretariat secretaries and that the ASGP had also had the advantage of the assistance of Ms Bernadette Pabion of the French National Assembly.

Elections for at least one ordinary member of the Executive Committee would take place on Wednesday 18 October 2006 at 4 p.m. The Executive Committee hoped that at least one candidate would be elected and he reminded colleagues that it was desirable that experienced members of the ASGP would put themselves forward for election rather than those who had recently joined. Nomination of candidates should be made in writing to the Joint Secretaries at the latest by 11 a.m. on Wednesday 18 October.

This was *agreed* to.

2. Orders of the Day

Mr Anders FORSBERG, President, read the draft Orders of the Day as approved by the Executive Committee as follows:

Sunday 15 October

Afternoon

3.00 pm Meeting of the Executive Committee

Monday 16 October

Morning

10.00 am Opening session

Orders of the day of the Conference

New members

Report by Mr Anders FORSBERG, President of the ASGP, on recent developments affecting the Association

General Debate: “Organising Parliamentary Reform”

Moderator: Mr Marc BOSC, Deputy Clerk of the House of Commons of Canada

Afternoon

2.30 pm Meeting of the Executive Committee

3.00 p.m Interventions by Mr Anders JOHNSSON, Secretary General of the IPU, and Mr Martin CHUNGONG on recent activities of the IPU and future plans involving the ASGP

General Debate: “Managing Relations between the two Chambers of Parliament”

Moderator: Mr Brendan KEITH, Principal Clerk of the Judicial Office of the House of Lords (United Kingdom)

Tuesday 17 October

Morning

9.00 am Meeting of the Executive Committee

10.00 am General Debate: “Parliamentary Relations with the Media”

Moderator: Mr Xavier ROQUES, Secretary General of the Questure of the National Assembly (France)

General debate (to be confirmed): “Parliamentary Scrutiny of the Defence and Secret Services”

Afternoon

3.00 p.m. Communication by Mr Sérgio Sampaio CONTREIRAS de ALMEIDA, Director General of the Brazilian Chamber of Deputies on: “The Mechanisms implemented by the Brazilian Chamber of Deputies to promote interaction between this Legislative House and Society"

Communication by Mr P.D.T. ACHARY, Secretary General of the Lok Sabha of India on "Right to Information Act"

Communication by Mrs Georgeta IONESCU, Secretary General of the Chamber of Deputies (Romania) on "Relationship between the Romanian Chamber of Deputies and the civil Society Organizations"

Wednesday 18 October

Morning

9.00 am Meeting of the Executive Committee

10.00 am New members

Communication by Dr Yogendra NARAIN, Secretary General of the Rajya Sabha of India on "Expulsion of Members of the House"

Communication by Mr Wojciech SAWICKI, Director General, Deputy Secretary General of the Parliamentary Assembly of the Council of Europe on: «ECPRD (European Centre for parliamentary Research Co-operation): a Model of parliamentary Research Co-operation»

11.00 am Deadline for nomination for election to the Executive Committee

Communication by Mrs Hélène PONCEAU, Secretary General of the Questure of the Senate (France) on "The search for pluralism in the internal management of the French parliamentary assemblies: the specific role of the Quaestors"

Afternoon

3.00 pm Presentation of a questionnaire by Mr Hafnaoui AMRANI, Secretary General of the Council of the Nation (Algeria) "Reconciliation after civil strife pursued through Parliament"

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

4.00 pm Election to the Executive Committee

Administrative and financial questions

Examination of the draft agenda for the next meeting (Spring 2007)

Closure

Thursday 19 October - Seminar

9.00 am Presentation of EBU by Mr Jean Réveillon, Secretary General, followed by a presentation of News Room by Mr Piotr Azia, Editor

10.15 am Opening remarks by Mr Pier Ferdinando Casini, IPU President and former Speaker of the Italian Chamber of Deputies, Mr Anders Forsberg, ASGP President and Secretary General of the Swedish Parliament and Mr Boris Bergant (Slovenia), EBU Vice-President

10.30 am Panel discussion on Parliamentary activities: MPs, majority, opposition, minorities, media and citizens - shared needs, different interests
Panellists: Mr Robyn Bresnahan, Canadian Broadcasting Corporation (UNESCO study), Mr Jean-Pierre Elkabach, Director of Public Sénat (France), Mrs. Zahia Benarous, MP and former TV anchor (Algeria), Mr Dan Landau, former Head of the Knesset Network (Israel) and Mr Carlos Hoffmann Contreras, Secretary General of the Chilean Parliament

11.30 am Open discussion
Moderator: Mrs Muriel Siki (Télévision suisse romande - TSR)

1.00 pm Buffet at the CICG hosted by IPU, ASGP and EBU

2.30 pm Panel discussion on free and fair access to information on parliamentary activities and access to TV Channels
Panellists: Mr Peter Knowles, Editor of BBC Parliament (United Kingdom), Mrs Lilli Gruber, Eurodeputy and former RAI anchorwoman (Italy), Mr Zingile Alfred Dingani, Secretary to the Parliament (South Africa), Mr Hennadiy Udovenko, MP and former Foreign Minister (Ukraine), Mr Brian Lamb, founder of C-SPAN or Ms Susan Swain, C-SPAN Vice-President and Mrs Hanan Ashrawi, MP (Palestinian Legislative Council)

3.00 pm Open discussion
Moderator: Mr Luis Rivas (Editor Euronews)

4.30 pm Report: Good practices and recommendations
Rapporteur: Mr Eric Fichtelius (Sweden), Executive Producer and Editor of SVT 24 Direct

5.00 pm Closure

The Orders of the Day were *agreed* to.

3. New Members

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

Dr Abdul Naser MOHAMAD JANAHI	Secretary General of the Council of Representatives of the Kingdom of Bahrain (This country is joining the ASGP for the first time)
Mr ATM Ataur RAHMAN	Secretary General of the Parliament of Bangladesh (replacing Mr Ehsan UI FATTAH)
Mr Sérgio SAMPAIO CONTREIRAS DE ALMEIDA	Director General of the Brazilian Chamber of Deputies (replacing the last Director who was already Member of the Association)
Mr Jacques-Michel SAINT-LOUIS	Secretary General of the Chamber of Deputies of the Republic of Haiti (replacing Dr Arteveld PIERRE JÉRÔME)
Mr Jean-Elie GILLES	Secretary General of the Senate of the Republic of Haiti (This Chamber is joining the ASGP for the first time)
Shri N. C. JOSHI	Deputy Secretary General of the Rajya Sabha of India
Mr Tae-Rang KIM	Secretary General of the National Assembly of the Republic of Korea (replacing Mr Won-Jong SANG)
Mrs Ewa POLKOWSKA	Secretary General of the Senate of Poland (replacing Mr Adam WITALEC)
Mr Viktor STROMĆEK	Secretary General of the National Council of the Slovak Republic (This country is joining the ASGP for the first time)
Mr Primož HAINZ	Secretary General of the National Council of Slovenia (replacing Mrs Marija DROFENIK)
Mr Sergey STRELCHENKO	Secretary General of the Parliamentary Assembly of the Union of Belarus and the Russian Federation (replacing Mr Vladimir AKSIONOV)

Dr Malcolm JACK	Clerk of the House of Commons of the United Kingdom (replacing Sir Roger SANDS KCB)

The new members were *agreed* to.

4. Report by Mr Anders Forsberg, President of the ASGP, on recent developments affecting the Association

Mr Anders FORSBERG, President, said that there was a collective responsibility shared by all members to support the ASGP, which was a privileged place for exchanging knowledge and experience. It was therefore very important for everybody to play a role in its activities.

As far as communication strategy was concerned, he said that thanks to an Australian initiative under the guidance of Ian Harris, former President of the ASGP, the Association had had for several years its own Internet site. Thanks to co-operation between the House of Commons of the United Kingdom and a specialist company in Sweden, a new Internet site for the Association would be set up within a fortnight. It would be more modern and more efficient and would provide information on communications and contributions which had recently been submitted, on current and future meetings of the Association as well as a list of members. It would be interactive, allowing registration online for future meetings, and would have a search engine. It would allow organisation of electronic forums and exchanges between colleagues. Of course it would be available in both English and French — he also hoped to be able to put in place other versions such as one in Spanish.

He noted that there had been a perceptible strengthening in relations with the IPU since the meeting of the Speakers of Parliament in New York in 2005. Important decisions had been reached at that meeting relating to the "Parliamentary dimension of the United Nations" and participation of members of committees of national parliaments in conferences of the United Nations.

Since then dialogue with the IPU had been pursued further. The President of the ASGP had become a member of the Cassini Group in charge of the process of reform of the IPU. The IPU expected the ASGP to take part in this process and to organise future seminars for Members of Parliament. The ASGP had figured as a partner in many activities in the programme of the IPU for the years 2007-2010: the seminar planned for Thursday 20 October 2006 was an example of this. This had been organised jointly by the IPU, the ASGP and the European Broadcasting Union (EBU).

5. General debate: Organising Parliamentary Reform

Mr Anders FORSBERG, President, invited Mr Marc BOSC to open the debate.

Mr Marc BOSC (Canada) presented the following contribution:

"**STRUCTURAL REFORM**

Electoral system

- Proportional Representation
    - Perennial issue in Canada every time the first-past-the-post system returns a lopsided or distorted result.
    - An increase in the number of parties (particularly regional parties) renewed this discussion in the 1990s.
    - Seen as a way of "making every vote count", rewarding smaller parties
    - Studied at the federal level recently (Procedure and House Affairs Committee) but does not appear to be much enthusiasm
    - Focus of much discussion in some provinces (narrowly rejected in a British Columbia referendum in 2005; being considered in Prince Edward Island, New Brunswick, Ontario, Quebec)

- Fixed election dates
    - In our parliamentary system, elections are held at a time determined by the Prime Minister (by convention, every 4 years)
    - Seen as giving the governing party an unfair advantage, since it can time the election to maximize its own chances
    - Provinces have led the way (already law in British Columbia, Ontario, Newfoundland and Labrador; being considered elsewhere)
    - Bill C-16 proposed by the new federal government would establish a fixed date in Canada
    - All these laws preserve the parliamentary tradition that an election can be called at any time should the government lose the confidence of the House
    - Seen as a way to increase transparency and predictability, though some fear will lead to lengthier periods of campaigning

- Changes to election financing
    - 2003 reforms established limits on individual, corporate and union contributions to registered parties and candidates
    - In return, a quarterly allowance is paid to registered parties from the federal treasury, based on their number of votes
    - New Accountability Act would ban all corporate and union contributions and reduce even further the limit on individual contributions ($5400 to $1000)

The Senate

- Reform
    - Senators in Canada are appointed essentially by the Prime Minister and serve until the age of 75
    - For many years, there have been proposals to have Senators elected (most recently in the 1992 Charlottetown Accord for Constitutional reform)
    - Alberta has organized elections for "Senators in waiting". One was appointed in 1990, though resistance to the idea since then

- The new federal government has promised to appoint only elected Senators, leaving it to the provinces to determine the method of election. In the interim, proposed Bill S-4 to limit Senate terms to 8 years.
- There are also proposals to change the number of Senators per province to better reflect demographic changes, though this would require a constitutional amendment. The idea of an equal Senate is no longer as popular with growing Western provinces.
- Any discussion on Senate reform necessarily involves discussion of the Senate's powers, as it should complement the House of Commons without duplicating it or blocking its will

- Abolition
  - Some political parties and provincial premiers advocate the abolition of the Senate altogether, as it has not historically played its role as a protector of regional interests
  - Fear that a unicameral federal parliament would lose some "checks and balances"

The Judiciary

- Parliamentary participation in selection of Supreme Court judges
  - Supreme Court judges are appointed essentially by the Prime Minister following consultations by the Justice Minister with the legal community
  - With the adoption of the Charter of Rights and Freedoms in 1982, accusations of "judicial activism" on important social issues
  - While rejecting American-style confirmation hearings, the Justice Committee recommended that parliamentarians be involved in preparing a short list of candidates for Minister's consideration
  - In August 2004, Justice Minister appeared before an *ad hoc* committee of parliamentarians and members of the legal community to explain the qualifications of 2 nominees for the Supreme Court
  - In February 2006, new government asked that its nominee for the Supreme Court appear before an *ad hoc* committee to answer questions before his appointment
  - In all cases, the committee was satisfied with the candidates, though continue to insist on earlier participation in the selection process

Citizen Participation

- Direct Democracy
  - In the 1990s, the Reform Party advocated empowering citizens to make decisions directly rather than through their representatives
  - Proposals included holding referenda on important issues (including citizen-initiated referenda) and the power to recall Members
  - Recall has been enacted in British Columbia since 1995. While there have been several attempts, no Member has ever been recalled
  - At the federal level, there appears to be little enthusiasm for such proposals, for fear that they would be used for divisive social issues. The Conservative Party (a merger of the successor to the Reform Party and

the Progressive Conservative Party) dropped such proposals from its platform.

- Citizen Assemblies
    - British Columbia and Ontario have created citizen assemblies to consider democratic reforms. Composed of randomly-selected citizens, they are seen as a non-partisan forum for considering changes.
    - The BC assembly recommended a new electoral system that was narrowly-rejected in a referendum.

PROCEDURAL REFORM

Role of the Private Member

- Private Members' Business
    - Many recent reforms have focused on enhancing the role of Members as legislators. Members do not wish merely to vote on government proposals, but also want to have votes on their own bills and motions.
    - 2003 reform made all private Members' items votable after 2 hours of debate (instead of having an all-party subcommittee select a limited number of items for a vote)
    - Same reform provided that each private Member gets one opportunity to present an item per Parliament (rather than having a series of random draws). A draw is still held to determine the order of Members' names.
    - Some frustration due to constitutional limits on financial matters (only the government can introduce taxation measures, the government must approve any spending measure)

- Party Discipline
    - Some observers feel that party discipline is extremely rigid in Canada
    - For the past several years, votes on Private Members' Business have been considered free votes. To underscore this, votes are taken row-by-row instead of by party and voting begins in the last row.
    - In 2003, the new government instituted a "three-line whip" for its caucus, indicating which items were free votes, which had a strong government recommendation and which were considered confidence votes
    - The new government elected in 2006 has indicated that only votes on the Budget and the Estimates will be considered confidence votes

Powers of Committees

- Review government appointments
    - Since 1986, the government must table all non-judicial appointments, which are referred to committee for review. The review is non-binding and occurs following the appointment.

- In some cases, the government may ask a committee to review a candidate before their appointment, but it is not required to do so and the committee's recommendation is not binding.
- Since 2001, nominations for officers of Parliament, the Clerk and the Parliamentary Librarian are reviewed by a committee and subject to ratification by a vote in the House.
- In its Action Plan for Democratic Reform, the previous government asked committees to identify which appointments should be subject to prior review.
- The new government has proposed the creation of a Public Appointments Commission to oversee and report on selection process (though has indicated it won't proceed as its nominee for Chair was rejected by a parliamentary committee)

- Referral before second reading
  - Since 1994, the government can choose to refer bills to committee before second reading, that is to say before they are approved in principle.
  - This was seen as a way of allowing committees more latitude in proposing amendments to bills.
  - Though initially popular, the process was criticized as it essentially eliminated second reading debate. It was not widely used for several years. The previous government indicated in 2004 that it would routinely refer bills to committee before second reading.
  - With some exceptions, committees have not generally made wide-sweeping changes to bills referred to them before second reading.

- Study of Estimates
  - Since 1968, estimates are no longer considered in a committee of the whole but rather by standing committee. Many have suggested that this has led to much less attention being paid to the review of estimates.
  - Since 2001, the Official Opposition may select two sets of departmental estimates for review in committee of the whole, though the time for the review is limited to 4 hours.
  - A committee on Government Operations and Estimates was created in 2002 with a wide mandate to consider matters relating to the Estimates.
  - To some extent, committees are limited in that they can only reject or lower the amount contained in the estimates. They cannot increase an amount or reassign funding to a different program.
  - In recent years, committees have taken to reducing estimates as a form of protest against a certain program or department.

- International Treaties
  - The signing of international treaties is a prerogative of the executive. Parliament's only role has been in considering the implementation legislation. Committees may also choose to hold hearings on a treaty.
  - There have been several private Members' bills proposing that all significant international treaties be tabled in Parliament, reviewed by a

committee and approved by a vote prior to being ratified by the government. Two such bills have been rejected in recent years.
    - The new government has committed to consult Parliament before making binding decisions on international treaties.

Management of Time

- Organizing the parliamentary calendar
    - The House of Commons has had a permanent calendar for its sittings since 1982, with a number of pre-planned break weeks. This allows Members to plan their schedules well in advance.
    - In 2001, the House agreed to allow the Speaker to select the break weeks in the spring to coincide with school holidays in as many provinces as possible.
    - There have been proposals to eliminate Friday sittings, as many Members are in their constituencies on Fridays. These have not been adopted.
    - Votes are routinely deferred to Tuesdays and Wednesdays by the party Whips, in order to better organize the schedules of their Members.

- Timetabling of bills
    - The government may use mechanisms such as closure or time allocation motions to bring a debate to a close. Opposition parties have consistently objected to these motions as heavy-handed.
    - Since 2001, a vote on a closure or time allocation motion is preceded by a 30-minute question period during which time the Minister responsible for the item justifies the need to bring the debate to an end.
    - Though common under majority governments, such motions have been rare under minority governments elected since 2004.
    - Though time limits on speeches have been gradually reduced over the past number of years, in 2005, the House agreed to expand the number of speeches subject to a short question-and-comment period.

- Time to debate issues of interest to backbenchers
    - Since the mid-1990s, the House has held special “take-note” debates to allow Members to express their opinions on important issues. These debates are held in the evenings, outside of normal sitting hours. The topics are established through negotiation between the parties. Many of them have centred on foreign affairs and on the state of resource industries
    - The debates do not result in a vote.
    - A new process was adopted in 2005 concerning debates on committee reports. When a Member proposes a motion to adopt a committee report, debate is limited to three hours, after which the motion comes to a vote.
    - Such motions have been used mainly as dilatory tactics.

Tinkering with the Rules

- There have been a number of other minor changes, though they constitute tinkering rather than in-depth reform. Examples of changes include:
    - Relaxing the rules for petitions are referring them to a committee when the government fails to respond to them within 45 days;
    - Only allowing amendments to opposition motions and private Members' motions with the consent of the sponsor;
    - Changes in the format of the Adjournment Proceedings;
    - Allowing the Speaker, rather than the Prime Minister, to propose names for other presiding officers;
    - Electing committee Chairs by secret ballot and specifying that a certain number be Members of the Official Opposition;
    - Shortening the amount of time a government has to respond to a committee report;
    - Procedures allowing royal assent to bills to be granted by written declaration when the House is not sitting;
    - Changes in the procedure for revoking a government regulation."

Ms Claressa SURTEES (Australia) presented the following contribution:

"Procedural reform in the Australian House of Representatives

From the time of Australian Federation in 1901 until 1984, the Standing Orders Committee was charged with the oversight of standing orders and the development of procedure in the House of Representatives. The committee was an agent from whom the House might have expected to receive initiatives for procedural reform. The importance the House accorded to this committee was reflected in its membership; it included the Speaker, the Chairman of Committees, the Leader of the House and the Deputy Leader of the Opposition as *ex officio* members. However, the committee was not very active in proposing procedural reform. One major impediment (possibly stemming from other demands on its members) was that it rarely met. The 1976 Joint Committee on the Parliamentary Committee System described it as a top-heavy body unable to function as an instrument of reform, meeting 11 times in the previous 10 years and unable to take evidence or hear views from any persons who were not members of the committee.[1]

One significant consequence for the House of this lack of activity by the Standing Orders Committee was that from 1901 to 1950 the House relied on a set of provisional rules and orders drafted by a former clerk of a colonial legislature. This volume of 'temporary' standing orders mixed colonial experience with a Westminster inheritance to govern the conduct of proceedings in the House. Although the temporary orders were assumed to be a stopgap until the House's Standing Orders Committee prepared its own, they prevailed for fifty years.

In the early years of the Parliament, most of the major developments in the House's procedures were government initiatives having the purpose of streamlining the conduct

[1] Parliamentary Paper No.128 of 1976, p. 72.

of government business; in the first 18 years reforms included the closure motion, speech time limits and the guillotine. The introduction of the guillotine was the last significant procedural change until 1950, when finally the House agreed to adopt permanent standing orders. Some further 30 years passed before dissatisfaction with the pace and focus of procedural reform and the emergence of a general perception that the House's rules and procedures needed overhauling, finally led to a fresh approach.

Improving the procedural reform process

The Standing Committee on Procedure was first established in 1985, and since then procedural reform affecting the proceedings of the House of Representatives has been ever present without being hectic, following on from an inquiry and report by the Procedure Committee. The House appointed its first such committee by resolution, in lieu of the Standing Orders Committee and having standing terms of reference:

> ... to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and the development of new procedures.

The Procedure Committee was reappointed at the beginning of the two following parliaments (1987 and 1990), and in 1992 it became a lasting feature of the parliamentary landscape when its appointment at the start of each subsequent parliament became entrenched in the standing orders.

The inquiries by the Procedure Committee have commenced most typically because of a decision of the committee itself to review a certain matter, but have also been established because of a referral of a matter from the Speaker of the House for the committee's consideration.

The major accomplishments of the Procedure Committee during its 20 years of operation are recorded in a report presented to the House in October 2005, and entitled *History of the Procedure Committee on its 20th anniversary: Procedural reform in the House of Representatives - 1985–2005*. [2] The major procedural reforms effected in the House over the past 20 years were recorded by the Procedure Committee as its five major achievements:

- the adoption in 1987 of a comprehensive regime for arranging private Members' business and the presentation and consideration of committee and delegation reports;
- the establishment in 1994 of the Main Committee as a parallel chamber for debate which over time has absorbed a significant portion of the House's workload and allowed private Members further opportunities;
- the acceptance from 2000 of a number of measures to foster community involvement in the activities of the House and its committees;
- the restructuring of sitting hours in 2003 to minimise late night sittings; and

[2] http://www.aph.gov.au/house/committee/proc/reports.htm

- the complete redrafting and reorganisation of the standing orders adopted by the House in 2004.

A review of the work of the Procedure Committee reveals that under its guidance the character of procedural reform in the House of Representatives has developed from the narrow concern of the first eighty years for supporting the passage of government legislation, to fulfilling the promise of the House's wider interests, not least of which are the scrutiny of government and representation of constituents.

Some of the areas for procedural reform which the Procedure Committee is investigating at the present time are, methods of encouraging an interactive chamber, the petitioning process in the House of Representatives and, evaluating temporary changes, introduced by way of sessional orders, to enhance opportunities for private members' to speak and to extend opportunities for debate on committee and delegation reports.

The Procedure Committee has noted that some of the problems it had dealt with offered no easy solutions and that it has not always been successful in achieving implementation of its recommendations. For some of the more significant issues which remain unresolved, including sitting patterns, the conduct of Question Time, procedures for opening Parliament and electronic voting, it is likely that the Procedure Committee will revisit these.

In its relatively short life the Procedure Committee has played a substantial role in the maturing of the House of Representatives' procedural framework and the development of the House's own distinctive identity. In general, the Procedure Committee has been a successful agent for procedural reform in the House, by being responsive to emerging problems and recommending practicable solutions.

Administrative reform at the Australian Parliament

Organising significant administrative reform at the Parliament, in comparison to procedural reform, has been equally hard and even slower to achieve. There have been over 20 proposals to change parliament's administrative regime, focussing variously on rationalising the number of administrative units, or departments, and the distribution of the work they perform, responsibility for staff employed to administer parliamentary business and responsibility for parliament's administrative budget.

On occasion, the proponents of change have included the government, executive agencies and the Presiding Officers themselves. However, until recently none was successful because of resistance to the proposals, arising variously from the Presiding Officers, the parliamentary departments, the Senators and individual members of both Houses.

The delivery of services to the Australian Parliament and members of parliament, by the immediate parliamentary service and the greater public sector, has been shaped

historically by administrative convenience rather than fulfilment of an overall design. Nevertheless, there have been reforms since the 1980s which have improved the administrative arrangements for the Parliament.

Reform of the budgetary framework

In 1981, the Senate Select Committee on Parliament's Appropriations and Staffing reported on desirable arrangements for parliamentary staffing and appropriations. The committee's recommendations included, instituting a separate Act to cover the appropriations for Parliament, and the establishment of the Senate Standing Committee on Appropriations and Staffing.[3]

Since financial year 1982–1983 appropriations for the Parliament have been provided separately from appropriations for Executive Government operations, through annual Appropriation (Parliamentary Departments) Acts. The Parliament's budget is drafted in effectively three separate chapters, one for each parliamentary department, and the Acts contain appropriations under the headings 'departmental outputs', 'administered expenses' and 'equity injections'—administered assets and liabilities.

Reform of administrative arrangements

The Senate and the House of Representatives function as distinct and independent units within the Parliament, and this situation extends to autonomy in regard to the control of finances once appropriated, staffing, accommodation and other services.[4]

For nearly 80 years the parliamentary service was directly linked to the executive public sector through governing legislation, the *Public Service Act 1922*. Not until that Act was reviewed in the 1990s did the parliamentary service achieve a measure of independence with the passage of the *Parliamentary Service Act 1999*, which established the parliamentary service as separate and distinct from the remaining public sector. The *Parliamentary Service Act 1999* mirrors the principles based approach adopted in the *Public Service Act 1999,* providing specifically for support to the Parliament from a separate parliamentary service independently of the Executive Government. This helps to ensure that the Parliament is served by a professional body of staff independent of the public service and dedicated to supporting members of parliament in fulfilling their constitutional role. The terms and conditions for the parliamentary service are targeted on the needs of the Parliament and not constrained by the needs of the public service. The code of conduct and values have been expressed to meet the needs of the Parliament, for example, the parliamentary service has a value to provide 'professional advice and support for the Parliament independently of the Executive Government of the Commonwealth'.

The *Parliamentary Service Act 1999* prescribes that the administration of the Parliament is to be undertaken by at least two parliamentary departments ie the Department of the Senate and the Department of the House of Representatives. The Act recognises that

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[3] Details of the report are set out in *Odgers' Australian Senate Practice*, 11th edn, Department of the Senate, Canberra, 2004, pp. 119–120.

[4] Harris I C ed, *House of Representatives Practice*, 5th edn, Department of the House of Representatives, Canberra, 2005, p. 35.

the administrative structure can be altered and that other departments can be established or abolished by resolutions passed by each House of the Parliament.

In April 2002, the Presiding Officers commissioned the Parliamentary Service Commissioner to review certain aspects of the administration of parliament. At that time, the Parliament was supported by five separate departments. Each chamber had one specialist department, providing dedicated support to the members and work of that House. In addition, there were three other departments which provided services in common to the two Houses and members regardless of their House, and also services for the parliamentary estate at large.

The terms of reference were to review:

a. the advantages, financial and organisational, which may arise from a change to the administration of security within Parliament House;
b. the extent to which the management and corporate functions across the parliamentary departments may be managed in a more cost effective and practicable manner;
c. whether and to what extent financial savings may accrue from the centralisation of the purchasing of common items by all the parliamentary departments; and
d. such other organisational matters affecting the parliamentary administration which arise during the review.

In September 2002, the Parliamentary Service Commissioner presented his final report to the Presiding Officers.[5] A research paper produced as part of this review (entitled *Parliament—Master of its own Household?*[6]) outlined attempts over the previous 100 years to streamline the administrative efficiency of Parliamentary Administrative support. The review started from the premise that any changes in administration must maintain or enhance the quality of services to Senators and Members. Therefore, any cost efficiencies that derive from, or entail, any diminution of that quality of service were out of scope.

In October 2002, before taking decisions in relation to recommendations made in the report, the Presiding Officers tabled the report in their respective Houses. They did so for the express purpose of seeking comments on the recommendations from Senators, Members, parliamentary departments and any interested parties.

In August 2003, following the review, resolutions were passed by both Houses to give effect to the main recommendations in the Parliamentary Service Commissioner's report to abolish the three joint service departments then existing and replace them with a

[5] Podger A, *Review by the Parliamentary Service Commissioner of Aspects of the Administration of the Parliament*, Final Report, Canberra, September 2002. http://www.aph.gov.au/publications/podger_review.htm
[6] Jill Adams, Australian Public Service Commission, Draft, September 2002. http://www.aph.gov.au/publications/podger_review.htm

single department.[7] The establishment of the new joint services department from 1 February 2004, followed numerous failed proposals to reorganise parliamentary administration, and was welcomed by Senators and Members across the political spectrum.

In 2006, there are three parliamentary departments. The Department of the House of Representatives provides administrative support for the efficient conduct of the House of Representatives, its committees, certain joint committees and a range of services and facilities for Members in Parliament House. The Department of the Senate has equivalent responsibilities in relation to the Senate, its committees, joint committees not supported by the Department of the House of Representatives and a range of services and facilities for Senators in Parliament House. Each department administers certain shared functions on behalf of both Houses.[8]

The Department of Parliamentary Services, a joint services department, is responsible for services in common to both Houses, such as the Parliamentary Library, broadcasting, *Hansard* reporting, information and communications technologies etc, and for security, catering, maintenance etc throughout Parliament House and its immediate precincts.

Under the *Parliamentary Service Act 1999*, the Speaker has ultimate responsibility for the Department of the House of Representatives, and the President of the Senate has ultimate responsibility for the Department of the Senate. The Speaker and the President are jointly responsible for the Department of Parliamentary Services. The Clerk of each House is the chief executive officer of his or her department, the third department has a Secretary as departmental head, and the Parliamentary Librarian is created as a statutory position also.

Organising future administrative reform

It should be noted that two executive agencies, the Department of Finance and Administration and the Australian Electoral Commission also provide services and entitlements to Senators and Members. The Parliamentary Service Commissioner's report on reform of parliamentary administration highlighted the direction of possible future reform, whereby the Parliament could take more direct responsibility for provision of these parliamentary services also.[9] There has been no progress to date with reform of this aspect of parliamentary administration, rather it remains as a challenge in organising future parliamentary reform."

[7] Resolutions were passed by the House of Representatives on 14 August 2003 (VP 2002–2004/1079, 1092), and by the Senate on 18 August 2003 (18/8/2003 J.2180–2183).

[8] Harris I C ed, *House of Representatives Practice*, 5th edn, Department of the House of Representatives, Canberra, 2005, pp. 208–209.

[9] See for example, section 5, especially pp. 53 and 55.

Mr Samuel Waweru NDINDIRI (Kenya) presented the following contribution:

"Introduction

Parliament is the essential and definitive link between the citizens and the government. The government depends upon the confidence of parliament for its continuance in office. It depends on parliament for approval of its legislation and its proposals for taxation. Parliament is the body through which government is called to account. The health of the political system rests on having an effective parliament.

Citizens deserve an effective parliament that can ensure that the government answers for its actions and actions of its civil servants. They need a body that can scrutinize, and if necessary, change the legislative proposals brought forward by government.

The government needs an effective parliament because its authority derives from parliament. Government is set up with the one core-components-ministers, being members of, or answerable to Parliament. Its political authority derives from that very fact.

The Parliamentary system in Kenya

The Kenya parliament is made up of 210 elected and twelve (12) nominated members. Government Ministers are appointed from members of the House soon after elections to the legislature. There is no separate election of the executive and legislature. It is modelled along the Westminster one, where there is an executive responsible for formulating public policy, which is then subjected to parliamentary scrutiny and approval.

The core functions of parliament

Within the model, the core functions of the Kenya parliament include:

1. to create and sustain a government, which is achieved through elections to parliament;

2. to ensure that the business of government is carried on. This is achieved through the passage of government bills, sessional papers, resolutions and requests for supply (of money) to the government.

3. to facilitate a credible opposition. This is done through the second largest party in the House, which has the aspiration of forming an alternative government.

4. to ensure that the measures and actions of the Executive are subject to scrutiny on behalf of the citizens and that the government answers to parliament for its actions, and

5. to ensure that the voices of citizens, individually and collectively, are heard and that, where necessary, a redress of grievances is achieved.

Basis of reform

Parliamentary reform may be undertaken for a number of reasons, which include:

1. for the strengthening of Parliament as a body of scrutiny. This may be described as an attempt to provide for, respectively, efficiency, convenience, appearance and effectiveness, and

2. enabling Parliament to transact its business more expeditiously.

Parliament would be strengthened through reform within the institution. New structures and processes are vital for enhancing parliamentary scrutiny of legislation. Changes are registered in order to enhance financial scrutiny.

Parliamentary committees are the vital tools of detailed scrutiny. The committees need to be given better resources and greater opportunities to present issues to the House.

The opposition is expected to provide a structured and regular challenge to the policies and actions of the Executive. An effective opposition is not only essential to a healthy political process, it is also important in providing greater resources for opposition parties, enabling them to appoint specialists and researchers as well as to commission independent research.

The Member of Parliament is the key ingredient of an effective parliament. There is no point in strengthening parliament if MPs are unable, or unwilling to exploit the opportunities afforded by such change. `The MP has to find questioning the Executive as attractive as the call for party loyalty, or the lure of sitting on the front bench. Incentives should indeed be designed to make parliamentary activity more attractive to the backbench M.P.

New and continuing members need to be trained. Members cannot make effective use of the parliamentary tools of scrutiny if they do not know what they are, or how they could be exploited.

Committee members will benefit from training in forensic questioning. Technological advances require training in the parliamentary intranet.

Reforms are indeed an important tool of parliament's effectiveness."

Ms Roksa GEORGIEVSKA (Republic of Macedonia) presented the following contribution:

"The process of parliamentary reforms is permanent. The aim is to improve the democracy, human rights, legislative procedure and to put the position of the MPs to perform their duties and obligations to be in line with the interest of the citizens. Democracy was not a single product but was made up of elements which contributed towards a process. The parliamentary reforms could be realized in many aspects of parliamentary work and results could be strengthening the capacity and efficiency of legislative functions.

The development of the new state and legal order in the Republic of Macedonia as a civil and democratic state, established by the Constitution in 1991, inevitably implied the need of reforms in all segments of the society. The fundamental constitutional values and the division of power, the rule of law, the political pluralism and the market economy in particular, conditioned the transformation of the institutions in the country. The parliament as a central democratic institution has a special place in this democratization and transformation processes in the country.

The initiatives for parliamentary reforms usually arise from the political parties and parliamentary groups. But after their adoption as legal acts the responsibility in the realization of reforms in the parliamentary work is located on the MPs but also on the parliamentary services which should be organized to implement the reforms.

The Assembly, as a legislative body, adopts laws at its sittings. After the adoption of the Constitutional changes in 2001 the parliamentary work was reformed in accordance of these changes. The reforms were made in the several aspects that have influence on the legislative work of the parliament, juridical power and its organization, local self government etc.

The main parliamentary reform was realized in 2001 and is based on the changes of the Constitution of the Republic of Macedonia especially in the decision making process. The Assembly can take a decision if its meeting is attended by a majority of the total number of Representatives. The Assembly makes decisions by a majority vote of the Representatives attending, but no less than one-third of the total number of Representatives, in so far as the Constitution does not provide for a qualified majority. For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Also reform were made in the filed of the elections of the Public Attorney which could be made by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to communities not in the majority in the population of Macedonia. The Public Attorney protects the constitutional rights and legal rights of citizens when these are violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

The Assembly established a Committee for Inter-Community Relations. The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Assembly, and a member each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have

representatives, the Public Attorney, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee. The Assembly elects the members of the Committee. The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution. The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them. In the event of a dispute among members of the Assembly regarding the application of the voting procedure the Committee shall decide by a majority vote whether the procedure applies.

In the process of reorganizing the Assembly after the adoption of the Rules of Procedures in 2002 the fundamental objectives were to establish a better balance between executive power and legislative power to be in accordance with the Constitution. The reforms were for implementation of new constitutional orders, for modernization of the operations of the Assembly and its committees, and to provide firmer control of the executive and the public administration and better supervision of public finances and spending.

Also reforms were made in the election of the judges of the Constitutional Court. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the population of Macedonia. The term of office of the judges is nine years without the right to re-election.

All this constitutional changes were included in the Rules of Procedure of the Assembly of the Republic of Macedonia that was adopted in 2002.

The Assembly of the Republic of Macedonia in accordance of the Rules of Procedure can establish permanent and temporary working bodies. The working bodies shall review law proposals, draft laws and other general acts passed by the Assembly, as well as other issues from the competence of the Assembly and shall perform other duties determined with these Rules of procedure. With the decision of establishing the working bodies the field of competence and the number of the members shall also be determined. The composition of the working bodies from the Members of Parliament shall be determined with a decision of the Assembly, depending on the number of parliamentary groups and the number of Members of Parliament in the parliamentary groups. The working body has a president, deputy president and a designated number of members. The working body can invite at the session scientific, professional and public workers and representative of the municipalities, the city of Skopje, public companies, trade unions and other organizations, institutions and associations in order to present opinions related to the issues reviewed an the session of the body.

Thus the process of reforming of the structure of the parliamentary committee system, its organization and operations are the subjects that are always part of the public interest and debate of the experts. Also realizing the financial autonomy of the parliament and reorganizing the parliamentary duties, especially in the foreign policy

issues is very important for every country, and also for the Macedonian's strategic orientations towards European Union and NATO integration.

The organization and the functioning of the Macedonian parliament were also based on this changes that could enable the parliamentarians and the administration to develop its capabilities and capacities to recognize the developing needs of the society. The Assembly of the Republic of Macedonia reorganized its structure for realization of these goals. Also Services of the Assembly were organized in line of providing efficient work of the parliament especially in the decision making procedure.

Professional and other operations for the needs of the Assembly, the working bodies and the Members of the Parliament are performed by the Assembly Service. The organizations, the tasks and the operations of the Service were determined by an act in compliance with the provisions of the Law and the Rules of Procedure. The head of the Service is the Secretary General of the Assembly who is appointed by the Assembly upon a proposal of the Commission on election and appointing related issues.

The Secretary General helps to the President of the Assembly in the preparation and organization of the Assembly sessions and performs other duties determined with the Rules of Procedures or issues delegated to him by the Assembly or the President of the Assembly. The Secretary General organize and coordinate the work of the assembly service and give guidelines for the work of the service. The Secretary General has one or more deputies appointed by the Assembly upon a proposal from the Commission for election and appointing related issues. The Deputy Secretary General helps the work of the secretary general and replaces him/her in case of absence or impediment. For their work and the work of the Assembly Service the Secretary general and the Deputy Secretary General shall be responsible before the Assembly.

The responsibility of the Secretary General and Deputy Secretary General were increased because of new regulations determined in the Rules of Procedure. In their capacity and by the instruction of the President of the Assembly or its committees the Secretary General, his deputy and the Services of the Assembly could prepare necesary draft decisions about changes in the legislative procedure or about better organizing of the work of the Assembly.

The modern solutions contained in the organizational document of the Assembly put in front line the principles of professional, depoliticized, efficient and accountable public administration, as well as the employees' status. In that sense, the Service of the Assembly of the Republic of Macedonia was reorganized by adoption of relevant acts. The type and the number of the organizational units have been determined in a way that could enable the Service to fully accommodate to the needs of the Assembly, that is to be organized and to function so as to provide successful implementation of the competences of the Assembly and its working bodies, as well as an efficient and continuous exercise of the rights and the responsibilities of the MPs.

It has been stated that the reforms in the organization of the Service are a precondition to provide greater efficiency and rationality in the performance of the activities and the

tasks, and above all to raise the professional, creative and the politically neutral position of the servants in their work. The Service performs normative and legal, research and analytical, information and documentation, professional and technical, financial, administrative and other activities.

The new organization of the Assembly establishes separate Unit for Harmonization of the Laws with the EU Legislation, having in mind the dynamic legislative activity in the Assembly in that regard.

The role of parliaments in the foreign policy should be highlighted separately. In the field of foreign policy, and for shaping the foreign-policy and international relations, parliaments and also the Assembly of the Republic of Macedonia have reformed its position. Committee for foreign policy, and Committee for European Affairs are main bodies that heve the position for creating the base for these policy orientation. Today, the elected parliaments of many states help to shape international and foreign policy. Increasingly, however, parliaments also participate in the preparation, initiation and shaping of the foreign policy of their countries.

The Assembly of the Republic of Macedonia, for the purpose of realizing international co-operation, establishes permanent delegations in the international parliamentary assemblies, the member i.e. associate member of which is the Assembly, parliamentary groups for co-operation with other Assemblies, and it can also establish mixed working bodies with other Assemblies, international parliamentary organizations and institutions, temporary delegations and other forms of co-operation.

With respect to the realized co-operation, the delegations, the working bodies, the parliamentary groups for co-operation, the mixed working bodies and the Members of Parliament shall submit a report to the President of the Assembly, who submits it to the Members of the Parliament, and should there be a need, he also submits it to other state organs and institutions. The planning of international co-operation of the Assembly shall be performed within the calendar activities of the organizations and the institutions in which the Assembly is a member or with which the Assembly cooperates, as well as on the basis of expressed and harmonized interests for bilateral co-operation.

Republic of Macedonia ought to double its efforts in order to achieve the requested reforms that will bring the country closer to its strategic goals. These efforts will help in strengthening democratic institutions, improvement of election system reforms, boosting economic development and growth and fighting against dark forces of corruption and organized crime. The support in achieving in these efforts is coming from all parts of the society. Macedonia geographically belongs to Euro-Atlantic community and the hope is that trough many reforms and realization of the obligation for fulfilling the EU and NATO criteria Macedonia will become full member state of this organizations. The role of the parliament on that road was and still remains as a main institution in which all necessary preparation and reforms will be finalized.”

Mr Dan Constantin VASILIU (Romania) said that Romania's entry into the European Union on 1 January 2007 would have a definite impact on parliamentary reform in Romania. This process, which was very extensive and which applied to the rules and procedures of national Parliaments of member states of the Union, aimed at preparing the organisation and working practices of the Romanian Parliament for dealing with the challenges which awaited it.

In the Senate, the reform was aimed at improving the legislative process by way of:

- improvement of legislative procedure, reinforcement of a capacity for parliamentary scrutiny, the inclusion in national law of the acquis communautaire and consequential revisions of the Rules of the Senate;

- an increase in the powers of the permanent committees and a strengthening of their links with similar permanent committees in the European Parliament and in other Parliaments of the Union;

- a definition of the legal framework relating to the monitoring and scrutiny by Parliament of Government action in the area of European affairs;

- strengthening of transparency and outreach to civil society;

- the agreement of the law on election to the European Parliament.

The reform also aimed at improving the performance of the administrative structures of the Senate, particularly in three areas:

- management of European affairs — the Senate would henceforth have a new structure, the European Affairs directorate, which would be placed under the direct authority of the Secretary General and which would in particular be responsible for the management of a European database and for inter-parliamentary co-operation within the framework of the IPEX network;

- the design and operation of a modern and efficient policy for managing human resources in the Senate, within the context of the law which had recently been agreed on the state of Parliamentary public servants;

- the development of a coherent IT strategy for Parliament in order to make the Senate a true "electronic Parliament".

Most of the above-mentioned activities had been undertaken within the framework of the PHARE programme of the European Union, with the main aim of modernising the Romanian Parliament and improving the efficiency of its administrative structures.

At the same time, the plenary assembly of the Senate was starting to reorganise the services of the institution and also was revising its internal organisational Rules. This was an important process, which would guarantee co-ordination between the different administrative services and a much clearer division of responsibilities.

Mrs Helen IRWIN (United Kingdom) said that the most important reforms in the British Parliament, which were expected in the course of the coming 12 months, related to the composition and powers of the House of Lords. Unfortunately, the debates and related matters took the place behind closed doors within closed political circles, which made any prediction about the outcome difficult.

A Modernisation Committee had been established in the House of Commons in 1997, borrowing a solution which had been tried out successfully by the Australian Parliament. It had given backbenchers the possibility of expressing themselves. Its work had in particular led to a reduction in the number of night sittings.

Since 1997, the main changes had concerned two areas: links with the public, on the one hand, and legislative reform on the other.

On the first point, efforts had been made so that members of the public no longer considered themselves as strangers in the House and a young team was responsible for their welcome within Parliament. A Visitors' Centre was planned to be constructed and a guide aimed at young electors was in the course of preparation. Work remained to be done on modernising the present Internet site which was not satisfactory.

As far as reform of the legislative system was concerned, the last Report of the Modernisation Committee emphasised better scrutiny by committees and collection of information in preparation for the detailed examination of legislative provisions. The IT system for supporting Members of Parliament also had to be improved.

Mr Xavier ROQUES (France) thought that reform of the administrative structures of Parliament were linked to those of the working methods of Members of Parliament.

In the National Assembly there was an imbalance between the time given to voting on legislation and the time available for scrutiny of the Government. This was linked to a shift in the use of the right to put down amendments: whereas previously about 5000 amendments on average had been put down in a year, now there were over 20,000. Everybody was aware of the problems created by this change, but the attempts to reform the system by the President Jean-Louis Debre (by introducing a system of "Time credit") had conflicted with constitutional provisions protecting the right to put down amendments.

Nevertheless, a reform of administrative arrangements had been started, in the hope that they would encourage a change in the working habits of Members of Parliament. Previously, legislative services had been arranged around a Committee Service and a Report and Research Service. The ability of Members to have their own personal staff, on one hand, and the ease of access to the Internet, on the other, had meant that it was now thought preferable to arrange the services by subject area: public finance, private law, economy, culture and social affairs, foreign affairs etc. In each area henceforth, there would be staff dealing with legislative and scrutiny activities in order to strengthen the cover in each subject area.

The system had been established at the start of 2006 and had involved a reorganisation of office space, in order to group staff in each subject area in the same place.

Dr Yogendra NARAIN (India) commented on the interest of the preceding presentations and described the structural reforms which had recently taken place in India — notably, in response to pressure from the public and the media.

Representatives of the Parliaments of the Federal States sat in the Council of States. For a long time the law had demanded that such representatives should be domiciled in the States which they represented. A recent reform had ended this system, therefore allowing Members to represent States without residing there personally.

On the other hand, every Member of Parliament had to make a declaration of property within 90 days of their election, in particular including a complete description of their private interests and income. The Ethics Committee, which for a long time had operated on an informal basis, now had a basis in the Rules of the House.

All debates were now broadcast in their entirety and live — not only Government Question Time.

Parliamentary staff had been progressively professionalized. An audit of the secretariat had been handed to a contractor who specialised in the management of human resources, in order to improve the quality of service given to Members of Parliament.

Thought was being given at the moment to ensure that representation of women in Parliament reached a level of at least 30% of those elected.

He also wanted to mention reform of the system for financing the travel of parliamentary committees, which had started two years previously and which had meant that the parliamentary institution took over all the costs.

Finally, he asked Mr Marc Bosc for details of how the dates of parliamentary elections were decided in Canada.

Mr Shri P.D.T. ACHARY (India) said that the electoral system in India was based on the single majority vote for a candidate. This system was the subject of debate with a view to introducing some proportional element, even though there were parliamentary parties which only had one or two Members of Parliament and which would be able to play an important role in the formation of parliamentary majorities and that this would be a factor in creating political instability.

One train of thought, among others, was the possible limitation under electoral law in the number of parties represented in the lower House.

As far as the public financing of elections was concerned, this allowed candidates who had no private means to run for office. But in a country like India, which was the size

of the continent, the cost of this would be prohibitive — although small steps had been taken in this direction.

The lower House at present had 24 permanent committees. It had been decided that ministers would henceforth come to Parliament every six months to describe the action which they expected to take in the light of recommendations from committees in their various reports.

Mrs I. Gusti Ayu DARSINI (Indonesia) wanted to know how long it was estimated that reform would take in Canada.

She said that in Indonesia, Parliament sat for four sessions a year, each one lasting up to two months. This created a heavy system of work for Members of Parliament. She asked how the work schedule was arranged in Canada, in order to avoid overload. In addition, she wanted to know how many bills the Canadian Parliament voted on each year, on average.

Mr Anders FORSBERG, President, said that a Committee had been established in the Swedish Parliament, chaired by the Speaker of the House, on which also sat the chairmen of each of the political groups. This Committee monitored reforms which were being undertaken, studied possible future reforms and regularly published reports.

Mr Marc BOSC, answering Dr Yogendra NARAIN first, said that the Bill maintained the principle of fixed dates for elections without excluding the possibility of elections occurring in the case of a No Confidence Vote in the House where there was a minority Government.

As far as the matters raised by Mr Shri P.D.T. ACHARY were concerned, he agreed that the existence of political parties which only had one or two elected Members raised questions, but thought that the solution perhaps lay in mechanisms for limiting the number of candidates to elections (sponsors, financial deposits etc).

In reply to Mrs I. Gusti Ayu DARSINI, he said that reform was a complex and constant process, sometimes dependent on constitutional changes, which were long and difficult to bring about.

In Canada, the parliamentary schedule was divided into three sessions (September-December, February-April, May-June). Activity was constantly supported, taking into account in particular matters which were put off from one session to the other.

Mr Anders FORSBERG, President, thanked Mr Marc BOSC and all the members present for their numerous and useful contributions. He said that Mr Hans BRATTESTÅ was not able to lead the debate planned for the following day on parliamentary scrutiny of defence and secret services because of the death and funeral of a near friend. He thanked Mr Friedhelm MAIER for having agreed to replace Mr Brattestå as moderator.

The sitting ended at 1 pm.

SECOND SITTING
Monday 16 October 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.15 pm

Mr Anders FORSBERG, President, said that the Governing Council of the IPU had suspended Thailand's participation in its activities. Under Rule 16 of the Rules of the Association the seat of Mr Pitoon PUMHIRAN on the Executive Committee automatically became vacant, bringing to two the number of seats available.

The Executive Committee of the Association, which had just met, had also decided that the Thai members of the ASGP should be granted the status of observers. In practice, the Thai colleagues would be able to take part in all the work of the Association except for taking part in votes.

Furthermore, it had been decided to give Mrs Halima AHMED (ECOWAS) the opportunity of presenting a communication on Wednesday morning.

1. Interventions by Mr Anders Johnsson and Mr Martin Chungong on recent activities of the IPU and future plans involving the ASGP

Mr Anders JOHNSSON, Secretary General of the IPU, started by saying that in the course of the previous five years the IPU had devoted considerable effort towards strengthening its links with representatives from national Parliaments.

The IPU was aware of historic links which it had established with the various Parliaments and the importance of the traditions which were being progressively developed.

The Second Conference of Speakers of Parliaments and the report of the Working Group on Reform bore witness to the links between Parliaments and the United Nations. Many international organisations (WTO, UNDP, WHO etc) had developed contacts with the IPU in order to be able to work together with it in various subject areas (liberalisation of commercial links, human rights, the fight against HIV/AIDS etc).

The Working Group on Reform had decided that the IPU had still got some work to do within particular subject areas and this consequently meant that the links between the IPU and national Parliaments had to be strengthened. The support and collaboration of the ASGP would therefore be essential for the IPU.

Many Parliaments in the world had engaged in the modernisation process which directly involved the Secretaries General — whether this related to participation of civil society in the activities of Parliament or the efficiency of permanent committees.

Many recently established Parliaments in countries which were emerging from crisis had come up against difficulties linked to lack of parliamentary experience of those who had been recently elected, underdeveloped working practices or the lack of material resources. In this area, the IPU had recognised expertise.

The United Nations had just set up a new organisation, the Peace Building Commission (PBC) which had the task of assisting in the creation of peaceful and stable societies in those States which were emerging from conflict. The IPU had been invited to take part in discussions, within the PBC, on assistance from the international community in Burundi and in Sierra Leone. It would be extremely useful if the international parliamentary community were to take part in assisting these two Parliaments in offering the help and expertise which they so needed.

The four-year plan of the IPU (2007/2010) required an injection of human, of material and financial resources in order to be achieved. A strategy for collection of funds from various sources was in the course of being finalised since it was difficult to make a direct and large appeal to the members of the IPU — some of whom had already reached the limit of their ability to contribute. This strategy for collecting funds involved the ability to deliver a clear message about the strategic choices of the IPU (education of Members of Parliament, promotion of human rights, an approach to gender matters, etc) and the ways and means of achieving them. Out of the 5 million Swiss francs which were needed for 2007, the IPU already had firm promises relating to over 2.2 million Swiss francs. But this was insufficient and the assistance of the members of the ASGP remained necessary, for example in organising training programmes or regional seminars.

Mr Anders FORSBERG, President, confirmed that the ASGP would play its role to the full in this important reform process. He noted that the IPU had up till then mainly been responsible for organising various international conferences and indicated that the ASGP would in the future do its best to ensure that the most competent Members of Parliament came to those conferences, in particular the Chairman of the relevant permanent committees.

Moreover, the Working Group on Reform thought that the ASGP should be involved in preparing seminars for Members of Parliament. It would be very useful therefore if the IPU could inform the ASGP about its work in this area.

Mr Martin CHUNGONG, Directorate of the Division for Promoting Democracy, IPU, started by thanking the ASGP for its strong support of the IPU by way of the various programmes and activities organised by the IPU.

Senior Belgian officials, for example, had been sent to Afghanistan to contribute to the re-establishment of Parliament. In the coming weeks the IPU would consult further

about possible additional assistance from public servants. He added, in this connection, that the security situation in Afghanistan was not as described in the media and that it was rather better than might be thought.

The IPU had worked with ten Parliaments in the course of the last six months:

- the programme in Equatorial Guinea was continuing;
- the Iraqi situation had greatly improved thanks to the United Nations involvement in security matters;
- in Pakistan the IPU had contributed to the establishment of a Research and Documentation Centre — with the valuable assistance of Swedish officials;
- in Sri Lanka a project was in development involving further collaboration between the IPU and Parliament — with special reference to the role of Parliament in the resolution of internal conflict;
- in Burundi, where the IPU had been very active in planning a support program and in obtaining financial support, support for democratisation had been forthcoming;
- an evaluation exercise had been carried out in Ecuador which had led to a Report. It was hoped that the various recommendations contained in it would be able to be followed up effectively;
- a draft programme had been developed with the Parliament of the Republic of the Congo following an evaluation programme. This country was among the future quadrennial programme priorities of the IPU;
- discussion had been started with Egypt, at the request of the United Nations, in order to identify those precise areas where support could be given (public hearings, management information, etc).

The IPU's training programmes were not only nationally based but also regional. For example, a seminar on reform of the security sector, in collaboration with the Geneva Centre for the Democratic Control of Armed Forces had been organised in Thailand... several days before the military coup d'état!

In June 2006 a seminar in Cameroon (Yaoundé) had dealt with the question of the struggle against drought and responsible management of water resources.

As far as equality between men and women was concerned, notable progress had been made in certain States of the Persian Gulf. A seminar had been organised in Bahrain aimed at preparing women to go into political life (July 2006).

Protection for human rights will be one of the major themes for action in the coming years — the IPU had received financial resources for this from the United Nations Fund for Democracy. Certain countries would be selected for piloting international instruments for protection of human rights.

Similar actions had been taken in the promotion of Parliaments. The Guide on Democracy in the 20th Century had been published, translations in Spanish and Arabic were being prepared.

A research project was being prepared on the question of representation of ethnic minorities in Parliament. Discussions had been started with Australian universities engaged in co-operation in this area — definition of the concept of ethnic minority, identification of good practice, etc.

Guidelines for Parliaments in States emerging from conflict had been prepared with the assistance of UNDP and published. It was hoped that they would be widely read.

The IPU hoped that the ASGP would continue to make available its technical support for the questions and answers relating to parliamentary affairs. In this way it was hoped that a true information network would be created which would enable questions to be answered at the earliest opportunity.

Mr Anders FORSBERG, President, said that he had been impressed by the number of projects led by the IPU. Noting that the ASGP was very soon going to have in place a new Internet site, he thought that this resource would be able to contribute to easier dissemination of information between members and would allow speedy responses to various questions.

He asked how exchange of information had been undertaken with the other organisations which were active in the area of parliamentary co-operation (United Nations Programme for Development, European Union, etc).

Mr Robert MYTTENAERE (Belgium) said that he had been very happy that the Belgian colleague who had been sent to Afghanistan, where he had been very happy in his work, had returned alive. He thought that the security question remained a completely active one.

He agreed that it was entirely necessary to ensure better co-ordination in action between the various organisations who were active in the area of support for Parliaments.

Mr Abdeljalil ZERHOUNI (Morocco) was pleased to hear about the strengthening of the links between the IPU in the ASGP. This would ensure that the mechanism of the links between the various Parliaments and the international partner organisations would be lubricated.

He thought that the contribution of the ASGP to the quadrennial plan of the IPU would be all the more important if this plan were presented to and perhaps debated by the ASGP.

He said that in Morocco, Constitution provided for minutes of sittings to be published in the Official Journal. In the last few years, delays had occurred with the result that a new system had to be installed with the assistance of AID.

He thought that the ASGP should prepare a report on the different techniques used for transcribing material within Parliaments, with an analysis of the results and an assessment of their value by users.

Ms Helen B. DINGANI (Zimbabwe) asked what the criteria were which the IPU had used for identifying those Parliaments which would be asked to provide assistance to other Parliaments or take part in international seminars.

Mr Martin CHUNGONG confirmed that the IPU was ready to study ways in which questions which it received could be relayed by way of the ASGP website.

The IPU remained in permanent contact with its various supporters in order to identify possible synergies or avoid possible gaps in provision. Consultation with UNDP regularly took place in order to inform both sides of their respective work. Nonetheless, it was sometimes difficult to get information as much from recipients of aid as the donors — from the first, because they feared that a report about assistance already received might prevent the receipt of further assistance, and from the second because they had their own schedule and procedures for work.

In Afghanistan, the United Nations services dealt with the security of international experts. Up till then no special difficulty had been noticed.

As far as criteria for choosing experts were concerned, requests were made to members of the ASGP and a database had been set up. When support in a particular area had been requested and an expert had been identified in the database, the IPU asked the relevant authorities for the attachment of that expert for the (short) time necessary. If nobody on the database had the requisite profile or the particular expert was not available, there were ad hoc contacts with particular Parliaments taking into account the reason for the request and the characteristics of the requestor (type of parliamentary tradition, working practices, etc).

Mr Anders JOHNSSON said that he had been working in the area of international co-operation for 31 years and he had learnt that co-ordination was almost impossible between organisations because each one had its own strategy and particular interests.

The quadrennial plan 2007–2010 aimed to describe what the IPU was going to do in its area of expertise. Its origin was in a report prepared on the institution of Parliament and its key functions at the dawn of the 21st century.

It was hoped that they would explore further the key objectives which had been identified with the assistance of nearly 80 Parliaments. For that reason in 2007, the IPU would work on the question of representation, including strata in society which were never studied, such as minorities and ethnic communities.

The IPU would continue to work on the question of strengthening the role of Parliaments, at their request and in a regional and sub regional framework.

There was also widespread misunderstanding within Parliaments of the national and international ways and means for the protection of human rights. Information seminars had been organised to allow Members of Parliament to be better informed and act in an appropriate manner. Manuals had been prepared. This great project had been financed, up to 70%, by the United Nations Fund for Democracy.

In the area of equality between men and women, the quadrennial plan described the work envisaged for carrying forward action which had already been started.

As far as the promotion and strengthening of democracy throughout the world were concerned, the New York conference had underlined the major contribution expected from Parliaments in this area. The quadrennial plan provided for investment by the IPU in this difficult area in a more focused and precise way, with a particular aim of identifying the means by which Parliaments could contribute to the strengthening of democracy.

2. General debate: Managing Relations between the two Chambers of Parliament

Mr Anders FORSBERG, President, invited Mr Brendan KEITH to open the debate.

Mr Brendan KEITH (United Kingdom) by way of introduction said that the question of managing relations between two Houses was as natural and inevitable as bicameralism itself, since in most Parliaments two Houses had to agree to the text of a Bill.

Management of this relationship was particularly important at the start and at the end of the process. At the start, the way in which the work was divided between the two Houses — constitutional and formal or traditional and informal — was the key to the successful relationship: in the United Kingdom, the Government decided the parliamentary schedule; in Switzerland, the Speakers of both Houses decided which House dealt with which Bill.

Conflict between the two Houses generally happened at the end of the legislative process. Various mechanisms were possible. In France, there were Joint Committees which had the task of resolving conflict between the National Assembly and the Senate. The Committee might succeed or fail but it could only be established at the initiative of the Government. In the United Kingdom, the shuttle of the Bill between the two Houses was called “parliamentary ping-pong”. If agreement was impossible, the Bill had to be agreed to without the consent of the Upper House. But this mechanism was used very rarely — 6 times in the last century and the last time was in 2004 (relating to a Hunting Bill). In Switzerland it was possible to establish a Conciliation Conference where no

agreement was possible between the two Houses — but the Swiss temperament is so peaceful that this mechanism had only been used twice in 140 years... .

In Australia, when the Constitution had been written in 1901, an extremely novel procedure had been chosen: if the Senate did not agree to a Bill after two readings, both Houses could be dissolved and a general election could be called. This procedure was known as “double dissolution”.

The two Houses had a relationship which went further than the legislative area. They also collaborated in matters relating to the constitution, war and peace, treaties — often in the framework of Joint Resolutions or Motions. In certain countries such Joint Resolutions were used to nominate certain high officials.

However, there were also less visible means by which conflicts between the two Houses could be managed, which relied on the negotiating work done by the relevant political or parliamentary people. This work was carried out in private — one of the aims of the current debate might be to try to find out a little bit more about these unofficial methods of resolving conflict.

Mr Carlos HOFFMANN CONTRERAS (Chile) presented the following contribution entitled “Nature, powers and functions of the conference committees in the Chilean Parliament”:

“On occasion of our semestral meeting, which in this boreal fall of the year 2006 has brought us again to Geneva, I wish to share with such distinguished colleagues, a subject closely linked to the logic of two-chamber system and that is related to the normative which should govern in case that the reviewing chamber of a certain project of law makes additions or modifications. The chore of my presentation is the mechanism established by Chilean legislation to solve discrepancies that may arise, at this level, between both branches of the National Congress: the so called Mixed Commissions.

Chilean institutionalism considered, during a long period that covers the XIX and the XX centuries, the regime of insistencies or of “navette” used in France. However, it was not but until the Political Constitution of 1925, when for the first time the facultative conformation of Mixed Commissions is incorporated, thus following the United States of America legislating criterion of Mixed Commissions, which then already considered such institution.

The current Chilean Carta Fundamental (Constitution), makes the resource of the Mixed Commission obligatory as a way of overcoming the discrepancies that may arise between both chambers of the National Congress. Regarding their nature, our legislation establishes that mixed commissions should be appointed in the plenary of each one of the Chambers, normally proposed by the President of the corporation and with the agreement of the political committees. It should be stated that, in practice, their election often arises spontaneously, during the plenary session.

Anyway, what the Chambers should agree firstly is the number of integrants which shall make up the Mixed Commission. In so determining two elements should be conciliated, on one hand that the number of members is not extremely reduced with which the various political sectors would be mirrored and on the other that it is not either too numerous, because it would obstruct the expeditious performance of the procedure. In this regard, the constituent just imposes the equal representation of one branch and the other. This parity harmonizes with the equalitarian co-legislating faculty of both Chambers.

In actual terms, on selecting its integrants, those members of Parliament who possess a sound knowledge of the matter under discussion, those who have had direct participation in preparing reports of former commissions, those who have intervened in the general or particular examination of the initiative and those who had held opinions in the House of Representatives are often preferred.

Once the members of the Mixed Commission have been appointed, the Mixed Commission is constituted under the presidency of one of the senators who is elected by the majority and a quorum shall be required in order to hold a session with a majority of members of each branch and who are a part of it, as expressly stated by the relevant legal standard, with the purpose of equalizing the influence of one and the other.

However, deliberations and balloting should be carried out starting from the premise that all its components make up a body different from that of the assemblies that have granted it representation. Its members are not obliged to adjust their performance to the criterion predominating among the majority of the House they belong to nor to limit to reiterate what their respective corporation has decided. Thus, there is a wide degree of criterion freedom for members of Parliament, constituting a fundamental element for overcoming the conflict.

We think it is relevant to go deeper into the criterion that should inspire and inform about performance of the components of the ad hoc organism. From a logic point of view, we deem that the members of the Mixed Commission should not act as if they were proxies or spokesmen of the majority of the corporation they belong to and feel obliged to decide in favour of the opinion held by that majority. If the performance of the members of a Mixed Commission were understood like this, probably the labour of this would never achieve useful results.

In this line of thought, we are going to illustrate by quoting the Chilean constitutionalist Professor Alejandro Silva Bascuñán, who declares that “what the Constitution intends is to change the level where the discrepancy was located, overcoming it on the basis of forming another collegiate organism, which feels itself with such indispensable freedom and independence as to achieve results fulfilling its own end, obtained with complete fluency, feeling able to imagine and imposing novel and original solutions”.

The result of the work carried out by the Mixed Commission is presented in a document written and articulated, being that which shall be submitted to the separated analysis by

one and the other branch of Parliament. These shall approve or refuse it according to the provisions stated in the Carta Fundamental.

The proposal of the Mixed Commission is going to consist of a basis for solution of the difficulties arisen, that is, it must be able to generate a consensus of majority in the substance of the project or put an end to manifest disagreements in points of divergence.

We think that – as a general principle – it is convenient to hold as wide as possible the faculty which the commission has of addressing all study and constructive imagination effort to seek the most convenient solution, whenever it moves within the legal subject matter to which the project refers and the matrix or fundamental ideas included in the initiative.

As a colophon, allow me to point out that the system of mixed commissions, as a formula to solve divergencies generated while creating the law, between both chambers of the National Congress of Chile, has been objectively efficient, so much during the period when such mechanism was facultative, that is, while the 1925 Constitution was in force, as during the application of the current 1980 Carta Fundamental, where – as we already said – is an obligatory mechanism."

Mr Xavier ROQUES (France) presented the following contribution entitled "Managing relations between the two Assemblies of the French Parliament":

"**I. – Bicameralism: a French tradition**

France has a bicameral parliamentary tradition. In effect, the many Constitutions France has had since 1789 have instituted a bicameral Parliament, except for two of them which moreover were shortlived, the Constitution of 1791 and that of the Second Republic in 1848. As early as 1795, in effect, the Ist Republic had two assemblies, the Conseil des Cinq-Cents (Council of Five Hundred) and the Conseil des Anciens (Council of Ancients). The Consulate, which followed this regime, even established a curious tricameral system. The Constitutional Monarchies of 1814 and 1830 instituted a Chambre des Députés (Chamber of Deputies) and a co-existing Chambre des Pairs (Chamber of Peers). The Second Empire continued this tradition. The question arose again when the institutions of the IIIrd Republic were being elaborated. The furthest left Republicans were indeed in favour of a monocameral system. The people is one and, in a unitary state, it can therefore be represented only by a single assembly. A second assembly could only be a means of limiting popular sovereignty by promoting certain classes or certain interests. Nevertheless, the respective strengths in the National Assembly elected in 1871, where a monarchist majority and a strong republican majority coexisted, led to the IIIrd Republic being founded on a compromise between the moderates of both sides. The restoration of the Monarchy was ruled out but, alongside the assembly elected by universal suffrage, i.e. the Chamber of Deputies, there was to be a Senate. This was composed of 75 unremovable senators, elected for life (a category which was to disappear following a subsequent constitutional revision) and also of members elected for nine years and renewable by one third every three years,

who were elected by elected representatives, in other words by members of elected bodies managing local authorities, and who were deemed to represent the territory rather than the population. This latter system has been kept to our day, even if the electoral college has been progressively democratised: whereas initially each commune had the same representation, regardless of its population, which led to very high representation inequalities, the number of communal electors now depends on the population of each commune, without however being really proportional, on the grounds that as the Senate represents local authorities, full proportionality would deprive it of this capacity. Also the nine year mandate with seats up for re-election every three years is in the process of being abandoned for the benefit of a six year mandate with renewal by a half, as this is more compatible with the swift evolution of events in the modern world and the shortening from seven to five years of the President of the Republic's mandate.

II. – Bicameralism and parliamentary regime before 1958

The compromise reached by the IIIrd Republic also raised the issue of the equality of powers between the two assemblies. But the coexistence of a parliamentary government and two assemblies having equal powers raises formidable constitutional problems. Our Australian colleagues fully realised the scale of this difficulty in November 1975. There is indeed a risk of an insolvable conflict between the two assemblies, unless the majorities in both assemblies match one another, for example by their election by the same electorate and at the same time — but then why have two assemblies? — and what's more, if the electoral regimes differ, there can be opposite results in the two assemblies.

Admittedly, the problem already existed under the Constitutional Monarchy. But, the influence of the Crown meant that the government was not totally parliamentary and the king could settle conflicts between the two assemblies. Also, as the Chamber of Peers was composed of appointed members, the government was always at liberty to create a 'batch of peers' so that the majority in the upper assembly matched that in the lower assembly.

From the time of the IIIrd Republic, the problem was entirely different. Moreover, the constitutional text clearly stated that 'ministers are jointly and severally liable to the chambers.' Even if, politically, that meant, most of the time, responsible to the sole Chamber of Deputies, the Senate's agreement was needed to pass the budget and Acts, which inevitably led the government one day or another to put the question of confidence before the Senate. Even if the Senate, anxious to avoid conflicts with an assembly directly representing the people, demonstrated prudence, the elements of a possible confrontation were always present. A certain number of governments were therefore defeated by the Senate. In particular, at the end of the IIIrd Republic, the defeat by the Senate of the second Leon BLUM government, which marked the end of the Front populaire, was very badly experienced by the French Left.

Therefore, unsurprisingly, at the Liberation, the question of whether to keep bicameralism was raised once more. The first draft Constitution of the IVth Republic,

that of April 1946, returned to a monocameral system but the French people rejected its ratification by referendum. Monocameralism was interpreted as a reason for this failure. In the text of October 1946 which, for its part, was approved by the people, the second assembly was kept thanks to a change in name and a reduction in its powers. In effect, the Conseil de la République (Council of the Republic), the Senate's new name, could no longer block the passing of legislation by the Chambre des Députés henceforth called the Assemblée nationale. While the members of the Council of the Republic kept the right to initiate statutes, their bills had to be submitted first to the National Assembly. The latter therefore always voted first, whether on a governmental bill or on a bill tabled by a member of the National Assembly or of the Council of the Republic. If a text was adopted by the National Assembly, the Council of the Republic had two months to give its opinion on it. If it did not decide in this time, it was deemed to approve it. In the event of disagreement, the National Assembly made a final decision at the second reading; it however had to decide by an absolute majority of its members to veto statutes passed by this same majority by the Council of the Republic.

In 1954, however, a constitutional revision strengthened the Council of the Republic's powers. First, government and members' bills could be discussed indifferently in either assembly, except for finance bills for which the National Assembly kept priority. Second, a shuttle system was reintroduced between the two assemblies so as to obtain agreement between them. However, if after 100 days after the second consideration of a text by the Council of the Republic, an agreement had not been reached — this 100 day period could be shortened in some cases including the passing of the budget —, the National Assembly made a final decision.

III. – Situation under the Vth Republic

An entirely different system was to be set up in 1958 by the Constitution of the Vth Republic. The upper assembly resumed its old name of Senate and all the powers it had wielded under the IIIrd Republic: the legislative procedure could begin indifferently in either assembly, apart from the priority granted to the National Assembly on the budget. The passing of legislation supposes, once more, the concordant agreement of both assemblies. However — and this exception is primordial — after two considerations of the text in each assembly — a single consideration if the government has declared the matter to be urgent or if the budget is involved —, the prime minister is empowered, if he so desires, to convene a joint committee made up of an equal number of deputies and senators, tasked with proposing a compromise text on the provisions still under debate. Two hypotheses can then arise. In the first case, the committee manages to draft a compromise and the government decides to submit it to each assembly. At this stage, no amendment can be made to this text, unless it emanates from the government or is accepted by it, and each assembly votes as a bloc on the text submitted to it by the government. In the second case, either the committee does not manage to draft a compromise, or the latter is not adopted as provided above, and the government, after having the text considered again first by the National Assembly and then by the Senate, can ask the National Assembly to make a final decision. At this stage, the Assembly can adopt only the text drafted by the joint committee if such a text exists, or the last bill

passed by the National Assembly which the latter can amend by one or several amendments previously adopted by the Senate.

As can be seen, this procedure is entirely in the hands of the government. If it is a matter of a text that is not of interest to it, or to which it is even hostile, it may content itself, by not acting, to allow the shuttle to continue indefinitely. If, by contrast, the government wants this text to be adopted, it creates a joint committee. The procedure is then very simple: the government, in practice the minister tasked with relations with parliament, merely has to send a letter on these lines to each of the assembly presidents. Once the assembly president has received this letter he transmits it to the chairman of the committee empowered to consider the text and sets a timeframe for the appointment by this committee of assembly members who will be members of the joint committee. The rules of procedure of the assemblies lay down that each assembly must appoint seven incumbents and seven alternates. Alternates shall vote only if necessary to preserve equality of representation between the two assemblies.

IV. – Appointment of joint committees

In addition to this inter-institutional equality, the appointment of joint committee members complies with a political allocation rule between the members of the various political groups in each assembly, this political allocation being laid down once and for all at the beginning of the mandate of each assembly and by common agreement between the presidents of both assemblies. In effect, if the majorities of the two assemblies differ, there is little interest in the majority of one assembly getting the upper hand at the joint committee on account of a disparity in the rules — for instance, single-party representation in one assembly and proportional representation in the other. The 'compromise' obtained would then simply be the point of view of the majority of one assembly and would therefore have no chance of being adopted in the other. Either the divergences between the two majorities are insuperable and then it is better to head straight to failure: for want of a report drafted jointly by the joint committee, the government can give the National Assembly the last word straight away after a new reading in each assembly. Or else the divergences between the two assemblies can be overcome and it is useful to reach, at the joint committee, an agreement between the equal representatives of the majorities of both assemblies. The interest can be seen here of coordinating the political agreements specific to each assembly for the allocation of posts. To illustrate this point, and in the example of a majority held by the Left in the National Assembly and by the Right in the Senate, the Assembly delegation will comprise for instance 4 Left deputies and 3 Right deputies, and the Senate delegation 4 Right senators and 3 Left senators. Therefore 7/7 equality of representation will exist not only between each assembly but also between the Right and the Left.

In each assembly the committee responsible for the bill will therefore appoint the representatives of the assembly to which it belongs on the basis of this pre-established political agreement. Also, traditionally, among these representatives appear the chairman of said committee and the rapporteur appointed for said text; if, apart from the committee responsible for the text, another committee has decided to give an opinion,

the rapporteur giving his opinion will also be appointed, which reduces by one the number of 'free' members. In actual fact, moreover, each political group has already 'preappointed', within the limit of the quota allocated to it, the person it wants to be appointed. Accordingly, when the government's letter sent to the president of the assembly is transmitted to the president of the committee responsible, the latter merely has to group the candidatures received and get this list validated as a whole by the committee. The list is then disclosed and becomes official without the plenary assembly voting. Should the number of candidates be higher than the number of seats to be filled, then a formal public sitting vote would be held. But such a situation would suppose that a political group is not complying with the seat allocation rule concluded at the beginning of the legislature between all the political groups, or that an 'unofficial' candidature has swollen the number of candidates appointed by the political groups. Both these situations are highly improbable.

V. – Operation of joint committees

As has been seen, there is no single joint committee for all texts, but one committee per text. This influences the meeting place of the various joint committees, which is each of the assemblies in turn. If a joint committee meets at the Assembly, that means that the joint committee on the following text will be held at the Senate, and so on, so as to keep equality in this respect also. And the place of the meeting also determines the chair of the joint committee: a joint committee meeting at the Assembly will be chaired by the member of the Assembly delegation who is moreover the chair of the committee responsible at the Assembly, and the vice-chair will be the member of the Senate delegation who is moreover the chair of the committee responsible in this respect at the Senate — and conversely if the joint committee meets at the Senate. The joint committee appoints two rapporteurs, one for each assembly, who is generally the assembly member who was previously the rapporteur of the government or member's bill in his assembly.

The joint committee is empowered, as said, to propose a compromise text on the provisions still under debate between the two assemblies. This means that it does not consider the articles of the text on which the two assemblies have reached an agreement during the previous shuttles. These provisions are said to be conforming and cannot be amended. But does that prevent the joint committee from adding new provisions to the text it is considering, either in the articles it is discussing or in the form of an additional article?

Another problem raised is that of the implementation in a joint committee of the constitutional provisions limiting parliamentarians' power of financial initiative. Do these provisions apply to the internal debates of the joint committee or to the compromise it draws up? After all, even if the joint committee is composed of parliamentarians and even if the government does not participate in its work, it is not only a purely parliamentary body. It is convened by the government and it is the latter which, in the last instance, decides to submit to parliament the result of its work; the text proposed by the joint committee becomes 'its' text in a way.

As seen, the operation of joint committees is dominated by the equality of representation rule and, in order to ensure compliance with it, the seven incumbents appointed by each assembly are accompanied by seven alternates. But what happens when, if a member fails to attend, a delegation is physically less numerous than the other? Must the 'supernumerary' members of the most numerous delegation withdraw?

And, if so, which ones? For, in addition to the equality of representation rule between the assemblies, political equality must not be forgotten. Further, isn't it paradoxical to penalise the members of an assembly, who have made the effort to turn up, rather than those of the other assembly who have not been so professionally conscientious. On the contrary, shouldn't sanctions be taken against these absences and shouldn't the physical majority of those present gain? Also, the replacement of an absent incumbent by an alternate can also raise a problem. They may not both be of the same political leaning. Incumbents and alternates are appointed in 'political' order, representatives of the majority first and those of the minority last. If an incumbent placed at the end of the list is absent, should he be replaced by an alternate from the beginning of the list — who is therefore not of the same political stripe — or should one descend in the list to find an alternate of the same rank? And what if the latter is also absent? In this case, compliance with equality of representation between the assemblies goes against compliance with political equality.

Also, as seen, the joint committee is tasked with drafting a compromise text between the two assemblies: either it succeeds or fails. But there can be intermediary solutions known eloquently as an 'agreement on the disagreement.' If the points of view are irreconcilable, there is no point in wasting time in seeking an impossible agreement. But there may be situations, where, on specific points, 'local' agreements can be found. In this case, the (future) rapporteurs of the joint committee, who are the text rapporteurs in each assembly, confer together to see if on such or such an article, or on such or such a provision, a transactional formula is not possible — and perhaps even better than the formula previously adopted at the National Assembly. In this case, the joint committee debates these 'consensual' provisions. Admittedly, there will not finally be any joint committee report transmitted to the government, but the rapporteur at the National Assembly and the joint committee chair will commit to tabling, in the form of a personal amendment at the Assembly, the text of these 'partial' compromises when they are considered at another reading.

Last, the debates at the joint committee have been referred to as a confrontation between the positions of the various political forces. But reality is more subtle. Alongside loyalty to one's political group, there is also an assembly patriotism that can be strongly felt in the Senate delegation. Elected by direct universal suffrage for a five year mandate that can be shortened by a dissolution, deputies are more sensitive to political divisions and the National Assembly delegation is traditionally divided between representatives of the majority and representatives of the opposition. Elected for nine years by indirect suffrage, senators perhaps feel they are firstly senators and the Senate delegation appears more tightly knit than the Assembly's, the aim being to defend the quality of the Senate's work opposite an Assembly which is in any case likely to have the last word, and which may therefore be tempted to impose its will

unilaterally without making the effort of appreciating the value of the contributions by the other assembly. This inequality in its psychological situation means that, within the limits of course of constitutional stipulations, the Senate is paradoxically often in a position of strength in joint committees. The above-mentioned 'agreement on disagreement' works in its favour and encourages making use of it as often as possible.

Therefore the legislative procedure is far more balanced than the idea of a National Assembly having the last word could allow it to be believed. The 1958 Constitution has therefore, perhaps, solved the problem of the co-existence of bicameralism and parliamentary government.

VI. – In conclusion, a few words on non-legislative relations between the two assemblies

Until now we have considered that the two assemblies were totally separate bodies, which is in fact physically true because they sit in two separate buildings located in different districts of Paris, and each has its own parliamentary public service: a National Assembly official cannot be assigned to the Senate and vice versa.

In an attempt to be exhaustive, it should also be mentioned that there are however exceptional situations where, leaving joint committees aside, deputies and senators meet in the same body. This is the case, for instance, with international delegations, like France's representation to the IPU, the Council of Europe, the NATO parliamentary assembly, the OSCE parliamentary assembly, etc. Domestically, the law has exceptionally created mixed bodies: the Parliamentary Office for Science and Technology Assessment composed of 18 deputies and 18 senators, appointed in each assembly by proportional representation of political groups, which is chaired alternatively by a deputy and by a senator, the first vice-chair being allocated conversely. On the same model, a Parliamentary Office for the Assessment of Health Policies was created subsequently. It is composed of: 10 deputies and 10 senators, with the application of proportional representation between groups; the chairmen of the social affairs committees at the Assembly and the Senate; and rapporteurs tasked, in each of these committees, with health insurance issues. Here again the chair is held in turn for one year, this time by each of the committee chairmen.

Last but not least, mention should also be made of Parliament convened in Congress, which is composed of the members of both assemblies convened in a single assembly in Versailles. This ratifies by a three-fifths majority of the votes cast the constitutional revisions previously adopted in each assembly."

Mr Francesco POSTERARO (Italy) said that the Constitution of the Italian Republic, in force from the 1 January 1948, laid down that Parliament should be composed of two Assemblies — the Chamber of Deputies and the Senate of the Republic — which had the same duties and powers as each other. The Italian parliamentary system was therefore one of perfect bicameralism not least because there was no mechanism for resolving conflict between the two Chambers.

The Constitution expressly laid down those cases where members of the two Assemblies could meet jointly: election, administering the oath of office and impeachment of the President of the Republic; election of a third of the judges of the Constitutional Court; election of a third of the members of the superior Council of the magistracy. Apart from these circumstances, and with the exception which would be dealt with later relating to joint committees, the Chambers carried out their functions separately: their separate procedures for debate and their absolute equality meant, therefore, that it was necessary to create mechanisms for liaison about their respective activities within the limits set down by the Constitution.

This need for coordination was dealt with by way of procedural mechanisms — expressly laid down by the rules of the two Assemblies or established by custom and practice — which had as their main goal the avoidance of duplication of work or otiose activity.

To this end, the two sets of rules laid down in general terms that the Speaker of each Chamber should maintain contact as necessary with the other Speaker before meeting the chairmen of political groups in order to prepare the business of the Assembly.

As far as legislative procedure was concerned, which ended when the two Chambers had approved a bill which had an identical text, it was laid down that the two Speakers should consult each other in order to avoid bills with the same subject matter being examined at the same time by the two branches of Parliament.

There were special, more detailed, forms of liaison relating to examination of the procedures by which Parliament each year agreed to the Government proposals for a Finance Bill (this was the Economic-Financial Planning Document — EFPD) which laid down basic strategy and the law on finance and the budget which set out the means of achieving those objectives). In order to achieve this, the rules provided for partial joint work on the examination phase, allowing the responsible committees of the two Chambers to collect the basic necessary information jointly by way of specific hearings. As far as the EFPD was concerned, there was also in practice coordination during the deliberative stage: in effect, the document was examined at the same time by the two Assemblies which separately agreed to its contents by way of resolutions which were informally agreed in advance.

The joint procedure for collecting information relied on an organisational system which had no impact on the formal independence of the deliberative procedures and, therefore, was used even in matters other than the law on finance. In fact, it was becoming more and more frequent that members of the Government, directors of public bodies and representatives of social groups would give evidence to corresponding committees from the two branches of Parliament sitting jointly. These committees could also carry out joint inquiries to collect general or specific information in order to inform the legislative function or to carry out their scrutiny function. In such cases, the committees took evidence jointly and then separately agreed to their reports, which were addressed to both Assemblies on the results of their inquiries.

Apart from the types of liaison relating to parallel bodies which were described above, the Chambers in certain cases established — as was said at the beginning — special joint committees, which were made up of an equal number of Deputies and Senators.

This happened when the two Chambers decided — generally following events of considerable public importance — to use the most incisive means of scrutiny which was available to them, namely the formal inquiry. A committee which had been established to carry out an inquiry had the same powers of investigation as a judicial authority on the basis of a specific provision in the Constitution. It ended its work by presenting a report to the Chamber which had ordered the inquiry (and therefore to both Chambers in the case of joint inquiries).

Commissions of inquiry were *ad hoc* bodies which ceased to exist when their work was finished. Nonetheless, there were also permanent joint committees which were established by particular laws which carried out special duties — in most cases monitoring the work of particularly important areas (such as, for example, the public broadcasting service or the intelligence services). In certain cases, the committees were also given powers of direction and periodically reported to the two Chambers on their activities.

In addition to allowing the proper functioning of a particular organisation or acquiring information on behalf of the two Chambers, joint committees also allowed for supplementary liaison between the two Chambers which was necessary for resolving procedural questions relating to the work of both organisations. Responsibility for this task lay jointly with the two Speakers of the two Chambers.

The cooperation and more generally the constant relations between the two Speakers — laid down by the rules, as has been seen, relating to planning of work — were the most important and efficient means of maintaining a connection between the two Assemblies. Apart from the case provided for expressly by the rules, the reciprocal consultation between the two Presidents of the two Chambers allowed each one of them — while respecting the reciprocal independence of the two branches of Parliament — to carry out their duties as guarantors of the proper functioning of the two Houses and to contribute to the general good order of the parliamentary institution.

Mrs Georgeta IONESCU (Romania) presented the following contribution:

"**Background**

In Romania, as well as in many other countries, the Parliament is formed by two Houses: the Chamber of Deputies and the Senate. The relations between them are stipulated and forged by the different regulations, like the Constitution and the Standing Orders of both Houses. Of course, these provisions are also completed by existing practices and the composition and the leadership of the Chamber and the Senate.

The Constitution of Romania clearly provides in article 61 that "the Parliament is the supreme representative body of the Romanian people and the sole legislative authority

of the country", and in paragraph (2) of the same article is stipulated that "Parliament consists of the Chamber of Deputies and the Senate".

The Constitution also refers to the organizational structure, saying in article 64 that the organization and functioning of each Chamber shall be regulated by its own Standing Orders. Financial resources of the Chambers shall be provided for in the budgets approved by them.

The legislative process

As regarding legislation, the Chamber and the Senate meet in separate sittings. They can also meet in joint sittings, based on the regulations.

Most bills are firstly introduced in the Chamber of Deputies. The Government's legislative initiatives are introduced to the Chamber having the competence for its adoption, as a first notified Chamber.

Due to the Constitution, the Chamber of Deputies, as a first notified Chamber, shall debate and adopt the bills and legislative proposals for the ratification of treaties or other international agreements and the legislative measures deriving from the implementation of treaties and agreements, as well as bills of some organic laws. The other bills or legislative proposals shall be submitted to the Senate, as a first notified Chamber, for debate and adoption.

The first notified Chamber shall pronounce within 45 days. For codes and other extremely complex laws, the time limit will be 60 days. If such time limits are exceeded, it shall be deemed that the bill or legislative proposal has been adopted. After the first notified Chamber adopts or repeals it, the bill or legislative proposal shall be sent to the other Chamber, which will make a final decision.

In the event the first notified Chamber adopts a provision which, under belongs to its decision-making competence, the provision is adopted as final if the other Chamber also adopts it. Otherwise, for the provision in question only, the bill shall be returned to the first notified Chamber, which will make a final decision in an emergency procedure. The provisions concerning the bill being returned shall also apply accordingly if the decision-making Chamber should adopt a provision for which the decision-making competence belongs to the first Chamber.

Joint committees

Besides the committees both Chambers have, there are five joint standing committees, three joint special committees and one joint inquiry committee.

The five joint standing committees are:

- The Committee for European Integration

- The Joint Standing Committee of the Chamber of Deputies and the Senate for the exercise of parliamentary control over the activity of the Romanian Intelligent Service SRI
- The Joint Standing Committee of the Chamber of Deputies and the Senate for the exercise of parliamentary control over the activity of the Foreign Intelligent Service SIE
- The Parliamentary Committee for the control of the implementation of the Law no.42/1990 for honoring the martyr heroes and granting rights to their successors, to the persons wounded in, and to the fighters for the victory of the Revolution of December 1990
- The Joint Standing Committee for the status of the deputies and senators, the organizing and functioning of the joint sittings

The three joint special committees are:
- the Joint special committee for the drafts regarding the election of the deputies and senators, the election of the President of Romania, the election of the local public administration, the financing of the campaigns and the election of the MEPs,
- the Special joint committee for control of the budget of the Court of Accounts for 2003
- the Special joint committee for the change and completion of the rules of the joins sessions of the Chamber of Deputies and the Senate

The joint inquiry committee is:
- the joint inquiry committee of the parliamentary control over the activities of the Romanian Television and the Romanian Radio Broadcast

Services

Since 2005, the Chamber of Deputies and the Senate are sharing the same building. As regarding the services, the two Chambers don't have shared services, but the Standing Orders of both Chambers are in a process of change due to the move.

International representation

Another level of co-operation between the two Chambers is the representational level. The MPs form joint groups such as delegations to the different parliamentary associations and organizations (e.g. the Association of Secretaries - General of Parliaments), as well as the joint friendship groups."

Mrs Ewa POLKOWSKA (Poland) presented the following contribution:

"In 1989, the second chamber of the Polish Parliament – the Senate – was reactivated. The Senate is an institution deeply rooted in the tradition of independent Poland. After World War II, the communists abolished it. The Senate elections of 1989 were the first free democratic elections in Poland since the war.

The initial period of the existence of the new bicameral parliament was marked by the task of transforming the political and economic system in Poland. Under the amended constitution, the Senate had the prerogative of legislative initiative and used it often. One of the Senate's main tasks was to establish a legal framework for reconstruction of the territorial self-government. This example shows how at the initial stage the division of tasks between the two chambers happened in a kind of "supra-constitutional" manner, somewhat informally, and their management was ensured via agreements reached by the leadership of both chambers.

In 1992, in yet another example of joint work, the two chambers appointed the Constitutional Committee, which was able to draw up a new constitution in five years. The constitution was adopted by the National Assembly and then by the population in a constitutional referendum.

The Constitution of 2nd April 1997 endorsed the institution of National Assembly, created by way of joining the Sejm and the Senate, but granted the latter very limited powers.

It vests legislative powers into both chambers, but only the Sejm has the right to pass legislation. The Senate is given 30 days to come up with a resolution amending legislation passed by the Sejm, but the Sejm can reject Senate amendments by an absolute majority of votes.

Legislative co-operation requires close work of the two chambers and the two chamber chancelleries. Established terms of such co-operation include both co-operation between parliamentarians and between support staffs.

These terms of co-operation, agreed upon in the early years of the recreated Senate, serve the purpose of harmonizing the work of both chambers. This is done by way of coordinating the work of the lower and upper chamber legislative offices, sharing not only legislative proposals but also various types of opinions and expert studies, and – something that is at times necessary - clarifying the intention behind specific legal provisions. While co-operation is carried out mainly between legislative departments, it also proceeds at other levels, for example between sections tasked with preparing opinions on and expert studies of particular legal acts. Although there is no permanent day-to-day co-operation between lower and upper chamber substantive committees, there are times when they hold joint sessions or organize joint conferences.

Inter-cameral co-operation is based on the principle of efficient peer-to-peer sharing of information and its vertical transmission. We can see this system in action during legislative work taking place in Parliament.

The process of developing legislation at the Sejm level is observed by Senate legislative personnel, who will be responsible for the bill when it reaches the Higher Chamber. They can query the computer database to find all amendments and successive versions of the given legal act and, thus, follow all phases of legislative development.

When the bill is adopted by the Sejm, Senate legislative employees receive an electronic version of its text – before it is signed by the Sejm Speaker and transmitted to the Senate Speaker. This way, Senate committees can plan their work, the bill can be properly studied, and there is enough time to order – when necessary – additional expert opinions and studies. Senate legislative employees maintain permanent contact with their counterparts in the Sejm.

There is also co-operation at the level of parliamentary committees. Representatives of relevant Sejm and Senate committees participate in each other's sessions: Sejm representatives explain the intention behind concrete legal provisions at Senate committee sessions, whereas senators are invited to Sejm committee sessions to explain the details of Senate amendments to legislative proposals. For the inter-cameral co-operation to proceed smoothly, dates of committee sessions must be often coordinated between the chambers to eliminate potential time conflicts.

The existence of a joint library and European Information and Documentation Centre makes substantive co-operation much easier.

International contacts pursued by both chambers are at times associated with foreign trips by mixed Sejm/Senate delegations. There exists an established procedure of joint preparation of such trips. Here an important role is played by the Ministry of Foreign Affairs, which is responsible for coordinating parliamentarians' foreign travel.

There is also a well grounded tradition of joint organization of international conferences. Main aspects thereof are decided at the level of the speakers of both chambers, but execution is, of course, in the hands of selected parliamentarians and Sejm and Senate administrative services.

Another area of inter-cameral co-operation is pursued at the level of Sejm and Senate building administration. Parliamentary buildings are situated within the perimeter of the parliament complex and it is the Sejm that acts as their principal manager. This has historical reasons: after World War II there was only one chamber, the Sejm, and it was the sole proprietor of the parliamentary estate. When needed, Sejm and Senate committees share their meeting facilities.

Of course, each chamber operates on its own budget. There is good co-operation when it comes to maintenance and renovation, and the use of same facilities by both chambers translates into the existence of various types of common technical services. More importantly, however, the two chambers share the Marshal's Guards, the traditional parliamentary security unit, subordinate to the Sejm Speaker."

Ms Helen B. DINGANI (Zimbabwe) said that her country, which had just established a Senate, had been confronted with a certain number of constitutional problems. Invariably, the House of Representatives had the last word in case of disagreement. She asked what the underlying reason was for this, since the Constitution in general placed both Houses on an equal footing.

Mr George PETRICU (Romania) firstly referred to the co-operation between the two Chambers of the Romanian Parliament in the legislative area and pointed out:

- on the one hand, that this co-operation involved all the organisational bodies of both Chambers (Standing Bureaux; committees and plenary sittings). The Standing Bureaux were summoned to sit jointly by their respective Chairmen in order to prepare joint plenary sittings of the two Chambers (setting the Orders of the Day, setting the date, preparing the work etc);

- on the other hand, that this co-operation was regulated by the Constitution of Romania and the Rules of the Joint Sittings of the Chamber of Deputies and the Senate. Having regard to the fact that these Rules had not been revised since 1995 — even though, in the course of the last few years, the Romanian Constitution and, as a result, the Standing Orders of the two Chambers, had been revised — Parliament had established a special Joint Committee with the task of amending and adapting those Rules relating to joint sittings of the Chamber of Deputies and the Senate. At the present time, questions relating to organisation and functioning of joint sittings of the Chamber of Deputies and the Senate were the responsibility of a Joint Standing Committee, which was also responsible for the status of Deputies and Senators.

The two Chambers worked jointly when dealing with the following:

- listening to a message from the President of Romania;
- approving the State budget and the Social Insurance budget of the State;
- calling for total or partial mobilisation and declaration of a state of war;
- suspension or cessation of military hostilities;
- approval of the national defence strategy;
- examination of reports from the Supreme Counsel for National Defence;
- nomination, at the proposal of the President of Romania, of the Intelligence Service Director and for scrutiny of the activity of this service;
- nomination of the People's Advocate;
- deciding on the status of Deputies and Senators and for fixing their pay and other rights;

- validation of the mandate of a candidate who had been elected as President of Romania, who took the oath before the Chamber of Deputies and the Senate, sitting in Joint Session;

- impeachment of the President of Romania for high treason;

- suspension of the President of Romania for high crimes against the provisions of the Constitution;

- to hear the formal statement of the plans of the Government on the basis of a general statement of policy or a proposed Bill;

- to withdraw confidence in the Government by agreement of the motion of censure;

- to nominate — for a period of service of nine years — 14 members of the Court of Accounts, as well as renewing the periods of service of a third of the members of that body every three years or to remove those members in the circumstances laid down by law;

- to establish Joint Standing Committees, Special Joint Committees or Joint Inquiry Committees.[10]

The two Chambers also met to carry out a task which, under the Constitution or other rules, had to be carried out in joint session, such as the agreement of declarations, messages or other documents which had an entirely political character, such as the proclamation of the results of national referendums or celebration of national holidays or commemorations.

As far as external relations were concerned, the two Chambers decided to set up at the start of the period of their mandate the composition of:

- permanent delegations from Parliament to the different regional and international parliamentary organisations of which Romania is a member;

[10] Permanent Joint Committees: Committee of the Romanian Parliament on European Integration; Committee for Parliamentary Scrutiny of the Romanian Intelligence Service; Committee for Parliamentary Scrutiny of the Romanian External Intelligence Service; Committee on the Implementation of Law Number 42/1990 on guaranteeing the rights of the revolutionaries of 1989 or their successors; Parliamentary Committee on the status of Deputies and Senators, the Organisation and Functioning of Joint Sittings of the Chamber of Deputies and the Senate.

Special Permanent Joint Committees: Committee of the Chamber of Deputies and the Senate on the Preparation of Draft Bills on the Election of the Chamber of Deputies and the Senate, of the President of Romania and of local authority officials, on electoral campaign finance and the election of Members of the European Parliament; Special Committee of the Chamber of Deputies and the Senate on the Scrutiny of the Budget and the Court of Accounts; Special Joint Committee charged with modifying and completing the Rules relating to Joint Sittings of the Chamber of Deputies in the Senate.

- the Romanian part of the Interparliamentary Commission Bucharest-Chisinau;

- the Governing Committee of the Romanian group in the Inter-Parliamentary Union, which is responsible for deciding the composition of parliamentary friendship groups with other countries (at the current time 85 in number) and to monitor their activities.

Every year, at the start of the first parliamentary session of that year, the respective management of the two Chambers prepared and submitted to both Bureaus the annual programme relating to external relations of Parliament. This programme included multilateral and bilateral activities — visits, seminars, conferences, meetings of international parliamentary organisations which were planned in Romania or abroad — organised by each of the two Chambers — taking into account the various commitments of each and of the principle of rotation, where appropriate, within each of the various international organisations — as well as their joint activities.

Finally, as far as co-operation between the administrative organisation of the two Chambers was concerned, the fact that since September 2005 the Senate had sat within the same building as the Chamber of Deputies — the Palace of Parliament — had positively influenced co-operation between the two sets of officials. Under this head, might be mentioned:

- the fact that within the framework of the current PHARE programme of the European Union, the Senate regularly invited the officials of the Chamber of Deputies to take part in the various activities which were organised, so that they could benefit from the expertise of the partners within that programme (France, Italy and Hungary);

- the project for creating a parliamentary TV channel;

- the recent initiative of the Senate in organising a solemn sitting of the two Chambers and other joint activities in order to celebrate Romania's membership to the European Union.

Mr Abdeljalil ZERHOUNI (Morocco) said that since independence, Morocco had seen four unicameral legislatures and three bicameral legislatures. Today, relations between the Chamber of Representatives and the Chamber of Councillors were regulated by the Constitution of 7 October 1996 and the internal rules of both Chambers.

The Constitution gave both Chambers practically identical powers. Article 58 in particular laid down that any Government or Private Members draft Bill should be examined successively by both Chambers within the framework of sending the bill between two Houses and in order to arrive at the agreement of an identical text.

If the text was not agreed to after two readings by each of the Chambers or if the Government declares that it was urgent, a Joint Committee of both Chambers might be established which would be composed of six members (three from each Chamber) nominated by the Speakers of two Chambers (after consulting the Chairman of the relevant Committees). This Joint Committee met in the premises of the Chamber where the text had initially been introduced and elected a Bureau from each Chamber.

The Government was responsible to the King and Parliament. After naming the members of the Government, the Prime Minister presented his programme for each of the two Chambers. Only the Chamber of Representatives took a position on that programme by way of a vote.

If the relations between both Chambers seemed to be well-organised in the sphere of legislative procedure, difficulties had, nonetheless, become apparent in the area of scrutiny and parliamentary diplomacy, as a result of a lack of co-ordination between the two institutions. For example, written and oral questions were frequently redundant, obliging representatives of the Executive to make repetitive statements. The diplomatic action of both Chambers suffered from the same lack of co-ordination and even redundancy. The two Speakers were aware of this and it was hoped that an improvement in this area would be made in the near future.

Mr Hafnaoui AMRANI (Algeria) emphasised the complexity of the subject matter and the differences in points of view.

In Algeria, bicameralism had only existed for eight years and each Chamber tended to be defensive about their interests: the National Assembly emphasised its electoral mandate based on universal suffrage in order to impose its point of view.

The recent experience of Algeria had shown up certain weaknesses in its constitutional system. For example, a Joint Committee had to be summoned by the Head of Government; but he sometimes wished to avoid his political responsibility and there were various cases of draft Bills which remained blocked for months because of conflict over a single provision.

He asked Mr Carlos Hoffman Contreras for further details on the Joint Committee in Chile: who summoned it? Where did it meet? Who took the chair?

Dr Yogendra NARAIN (India) said that in India both Chambers had very similar powers.

The Constitution of India laid down that the Government was only responsible to the lower Chamber, that gave certain special powers only to the upper Chamber: in that way, by virtue of Article 249, only the Council of States could ask for legislation, by way of derogation, with in an area which was within the exclusive power of the States. In the same way, if there was an obstacle in the lower Chamber, only the upper Chamber could decree that there was a state of urgency.

Moreover, if provisions of financial nature always had to be examined by way of first reading by the lower Chamber, all other Bills might be introduced in either one of the two Chambers.

If the two Chambers were unable to agree on a Bill within a time limit of six months, only the President of the Federation could summon a Joint Sitting of the two Chambers of Parliament to settle the matter finally.

Other conventions figured in the rules of the two Chambers, proscribing, for example, reference to members of the other Chamber or comment on proceedings in the other Chamber.

Joint Committees were composed pro rata of members of each of the two Chambers, that is 21 members from the lower Chamber and 10 from the upper Chamber, and they examined all Bills before Parliament.

Mrs Claressa SURTEES (Australia) referred to the procedure of “double dissolution” and said that the Constitution provided for dissolution of both Houses as a matter of law after each of them had voted down a Bill in two votes.

This provision had only been used rarely as a result of the strong discipline within Australian political parties. In the course of the previous 20 years — until July 2005 — the Government had not had a majority in the Senate and the game had often consisted, as far as it was concerned, of identifying Bills which had already been rejected once by the Senate and which were able to set off, after a further negative vote, the procedure of "double dissolution".

Mr Carlos HOFFMAN CONTRERAS (Chile), in reply to Mr Hafnaoui AMRANI, said that the system of Joint Committees in Chile and always functioned well and that he could not remember a time when they had failed to reach an agreement.

Joint Committees were automatically summoned once it was clear that there was disagreement between the two Chambers: rejection of amendments from the Senate and nomination of its representatives in the Joint Committee were voted for at the same time by the Chamber of Deputies. The Senate took official notice and then nominated its own representatives. The Committee elected its own Chairman and then met in the Senate — for that reason it was always the Senate staff which acted as the secretariat.

Mr Brendan KEITH thought that the various interventions had emphasised official means of co-ordination and that this contrasted strongly with the lack of general information on the unofficial means which largely belonged to the political sphere and from which often Secretaries General were excluded.

In reply to Ms Helen B. DINGANI (Zimbabwe), he said that the recognised pre-eminence of the lower Chamber was the result of its election by way of universal direct suffrage — in distinction to the upper Chamber which was sometimes appointed by the Executive (either wholly or in part) and sometimes elected (but often indirectly).

As a general observation — and the examples of France and India showed this — if the upper Chamber gave way, that was because only the lower Chamber could test the responsibility of the Government.

Mr Anders FORSBERG, President, thanked Mr Brendan KEITH as well as all those members present for their numerous and useful interventions.

The sitting rose at 5.15 pm.

THIRD SITTING
Tuesday 17 October 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

1. New Members

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

Mr Edouard NDUWIMANA	Secretary General of the Senate of Burundi (replacing Mr Jean SINDAYIGAYA)
Mr Amjad Abdul HAMID	Secretary General of the Council of Representatives of Iraq
Mr Jakes JACOBS	Acting Secretary General of the National Assembly of Namibia (replacing Mr Moses NDJARAKANA)
Mr Mohamed Hassan AWALE	Director General of the Transitional Federal Parliament of Somalia (This country is joining the ASGP for the first time)
Floris DE GOU	Deputy Clerk of the Assembly of the Western European Union (replacing Eike BURCHARD)

None of these names raised any problems and Mr Anders FORSBERG proposed that they be accepted.

The new members were *agreed* to.

2. General debate: Parliamentary Relations with the Media

Mr Anders FORSBERG, President, invited Mr Xavier ROQUES to open the debate.

Mr Xavier ROQUES (France) said that the media, which had played an important role in parliamentary life for a long time, had taken an even more important place in the course of the last few years.

Publication of debates, which was inherent in the good functioning of democracy, had always been significant. In the French National Assembly this had traditionally been taken care of by way of publication of debates in the *Journal officiel* and by the presence of the public in the Hemicycle, using tickets given to them by their Members of Parliament. Journalists had been very quick to follow the course of sittings and make known their content, in this way playing an historical role.

In the course of the last few years, publicity for debates had been considerably extended because of the development of new technology.

There was no point in describing the revolutionary change which had resulted from the arrival of radio and, above all, television in the Hemicycle, from the 1950s. This unstoppable change had led to the establishment in 1992 of a system of recording and production in-house, run by the National Assembly — an Audiovisual Department had been created — which provided images to television channels free and on request. A new stage had been crossed with the creation of a parliamentary channel in 2000. At the same time, the public session had been broadcast online on the internet site of the Assembly, where it could be viewed live (with a slight time delay for questions to the Government).

This "explosion" in images and information, which was eminently desirable since it allowed a citizen to be better informed and follow more easily from day-to-day the work of elected Members, nonetheless raised several types of questions.

First question: what rules should cover access by the media to parliamentary work?

Day-to-day management of the access by the media to the Hemicycle and also to the rooms and corridors nearby, was not easy: journalists could gain access to the Assembly either after they had obtained an accreditation or if they belonged to the Association of Parliamentary Journalists. Two problems could arise:

- The first became more and more delicate: what did the word "journalist" mean? The the answer was not as simple as it might seem at first. In the Assembly, there was a double definition: it included journalists who carried a press card and editors of press organisations. The extent of this might be difficult to define, one of the future problems probably being the way in which "bloggers" should be treated who saw themselves as editors of publications and with rights as they applied to the press. It would be interesting to compare the definitions maintained in other countries and the related practices;

- The second problem was more ordinary, but more frequent: when the business of the day or the political background were particularly sensitive or important, the crowd of people — both in the Hemicycle and in the neighbouring room where interviews were permitted — was such that priority tended to be given to television journalists and their teams over journalists or producers of other types of broadcast, even if they were politically based. This was a logical choice but it

was probable that solutions to this problem differed from one Assembly to another.

Second question: were members of the media allowed anywhere within the precincts or were "sanctuaries" allowed to remain?

Take for example the work of permanent committees. In the Assembly, the media was not allowed into committees on a normal basis: they sometimes might be present when ministers were being questioned (whether this related to a bill or not), but never to the debates on the bill itself.

Nonetheless, the Committee would normally publish a press notice relating to its work at the end of each meeting; it was true that writing this document took a certain time which was becoming less and less compatible with the demand for speed which ruled today in the world of the media. The Press Department also reported the terms of the work of the Commission by way of a formal report of its debates and votes to the journalists who asked, to enable them to speak to Members of Parliament concerned in greater detail. On various occasions thought had been given to the possibility of allowing journalists to be present at all meetings of committees, but no decision had been taken to allow this, the Members preferring to deliberate in a quiet background far from journalistic pressure.

Nonetheless, a recent important change had been made: journalists had been able to be present at all the work of the Committee of Inquiry on the Outreau trial. The Assembly had filmed this and had provided images to television on request. These images were widely broadcast. Hearings of those who were acquitted and the judge had been widely seen, even abroad, and, moreover, had been the basis of many contradictory and sometimes passionate views on the need or advantage of broadcasting such work.

Your experience could help us: in your various Parliaments, was the work of committees open to the public on a normal basis? If so, what conclusions could be drawn from this? These questions posed yet another one.

Third question: should Parliament provide "official" information or was it a matter for journalists to find their own?

There was no "official" information in the French National Assembly, which was more a place where reporting took place, than a homogenous entity which delivered information. In this place, there were at least four areas of political communication:

- communications from the President of the Assembly;
- communications from political groups;
- communications from "stars" of political life also Members of Parliament;
- communications from backbench Members.

Depending on the circumstances, journalists asked for or received information from one or other of these areas. The National Assembly in itself was not identified as a source of information, except on matters of fact: the Press Department provided information or published press notices relating to Orders of the Day, procedure, matters of history... . In summary, the French National Assembly was not a spokesman, although there was a spokesman within it for the Government. This was unlike in some countries where the Assembly might have a spokesman and some members of the Association might be able to speak about this.

That said, we needed to return to this concept of official information. There was nonetheless, to some extent, a kind of information which might be called "official" in the National Assembly. One might consider pictures of the Chamber in session as "official" images. For Question Time for the Government, a single — public — channel was used to broadcast images other than those prepared by the Audiovisual Department of the Assembly; following an informal agreement it prepared a collection of photographs which was made up of, in the main, images of the Assembly and, to a much lesser extent, its own images; other channels could only broadcast images which were provided by the Assembly. Nonetheless, all television channels could film debates relating to a bill, but in fact did not do so and used pictures provided by the Assembly. In this way, the Assembly had a substantial, although not total, control over images of the sittings.

This control had been shown during the opening to the press of the Committee of Inquiry on the Outreau case. Cameras had been forbidden because of lack of room in the hall and only pictures taken by the Assembly had been broadcast: this decision which had arisen from purely physical constraints had had "political" consequences, because it had allowed the imposition of rules of ethics. For example, during a hearing of Judge Burgaud, it had been decided not to film the reactions of those who had been acquitted: the message had therefore been clear, controlled and certainly different from what it would have been if all the television channels had been able to introduce cameras.

It would be interesting to hear about different experiences in relation to this.

In pursuing this question of "official" images which, certainly, was not an easy one, we should not forget that technical developments considerably limited their range: it was possible to capture and exploit images of the Assembly without allowing any control over such images; preparation of other products based on the use of such images created many problems, in particular relating to the legal rights over an image.

Fourth question: what was the role of the parliamentary channel?

Since 2000, the Assembly had had a parliamentary television channel. It felt the need to publicise its work better, using a channel which was devoted to Parliament alone and which was entirely financed by a grant. The Senate also had its own channel. Other foreign Parliaments had done the same or were beginning to do so. The existence of

this channel raised various questions among which were what its content should be and how much it should cost.

By law, the channel had editorial independence, but within a framework which imposed on it the duty of carrying out a "public service mission of information and education of citizens relating to public life by way of parliamentary, educational and civic programmes" and to ensure "the impartiality of its programmes".

There had been several debates relating to this — in particular on the proportion of programmes broadcast relating to the work of the Assembly and other subjects. In addition, the tone of these broadcasts had sometimes been the subject of criticism — in particular in the past — on the basis that it was too much like other information channels, not giving enough speaking time to Members and not enough room to details of parliamentary life.

The cost of the parliamentary channel had also been the subject of penetrating questions (one amendment some years ago had even proposed to abolish it...). Today, the principle of its existence was no longer a matter of debate but its cost continued to increase each year because, on the one hand, of its transformation from March 2005 into a terrestrial digital station, which considerably increased its audience, but also the costs of broadcasting and, on the other hand, because of its greater "visibility" — it was no longer a private channel — which had encouraged it to create more ambitious programmes and upgrade its technical equipment.

It is to be supposed that various members of our Association had also encountered similar problems, although perhaps not all Parliaments which had a parliamentary channel had started from the same circumstances.

Fifth question: to what extent could filming be allowed in the Assembly?

The French National Assembly was used more and more for filming. Although in one way this allowed the Palais Bourbon as a historical monument to become better known, nonetheless it should not obscure its main function as the National Assembly. For this reason the Quaestors had a standing rule that filming would not be authorised except for subjects having a close connection with the current or past work of the Assembly. The last two films made in this way related to the debate on the separation of the church and the State and on votes for women. Permission had just been refused for a film which had no connection with Parliament.

These were a few lines of thought among the many relating to this huge question which was the subject of major and rapid change.

Ms Claressa SURTEES (Australia) presented the following contribution:

"**Parliament's recognition of the role of the media**

Most people in the Australian community rely on media reports for information about parliamentary proceedings, and about the policies and activities of the government. The Australian Parliament has long acknowledged the importance of the role of the media in the reporting of parliamentary proceedings. If media reports are fair and accurate, they can make a significant contribution to the effectiveness of parliamentary democracy. The Parliament's recognition of this important role of the media is reflected in the generous and longstanding access arrangements for the media in Parliament House.

Originally, the historical accident of a shortage of suitable office accommodation in Canberra, when the provisional Parliament House was first occupied in 1927, led to the provision of accommodation for the representatives of media organisations within Parliament House. This situation has been accepted by the Parliament, and when the new building was occupied in 1988 a corner of the second floor was set aside for the Federal Parliamentary Press Gallery. The media's continued occupancy in Parliament House is accepted despite the fact that much of the work of these persons and organisations does not relate directly to the proceedings of the Parliament. It is well established that some newspaper and television organisations do not maintain offices in Canberra other than those provided in Parliament House and their staff operate from Parliament House on a full time basis for the reporting of Canberra and district news, parliamentary or otherwise.

The Prime Minister and all other executive government Ministers, in addition to backbench Senators and Members, work principally from their Parliament House offices when in Canberra. It is a matter of considerable convenience to both groups that they are collocated in the one building. The opportunities for informal interaction, in addition to formal interaction are considerably extended by this circumstance.

The present arrangements are that media organisations are provided with office space and access to facilities in Parliament House at large, and special galleries are set aside in each of the chambers from which members of the Federal Parliamentary Press Gallery can observe parliamentary proceedings. In addition, each chamber is equipped with facilities for radio (since 1946) and television (since 1988) broadcasting.

Federal Parliamentary Press Gallery

The Federal Parliamentary Press Gallery of the Australian Parliament, is comprised of representatives of the main media organisations in Australia, both electronic and print, as well as freelance journalists and photographers. They all have offices and studios located in Parliament House. In addition, one of the four galleries in each of the Senate and House of Representatives chambers (the gallery behind the President's and Speaker's chairs, respectively) is held for the exclusive use of members of the press gallery. During the daily period known as Question Time, when oral questions are asked of Ministers, up to five still photographers, whether employed by the print networks or freelance, are permitted to access the northern and southern galleries in the chambers

to take photographs of proceedings, subject to specific guidelines prescribed by the relevant Presiding Officer.

It has long been the practice that the press gallery forms a committee of its members in order to manage their affairs within Parliament House. They elect from their number a President and Vice President to represent their interests, and it is with the President of the Press Gallery that the Presiding Officers communicate formally in relation to the press gallery's relations with the Parliament. It is expected that the President, the Vice President and the four general committee members, will take a leadership role in guiding the individual members of the press gallery in maintaining acceptable standards of behaviour while working in Parliament House.

Rules applying to the media and their enforcement

By tradition, and supported more recently by legislation, the Presiding Officers are responsible for control and management within the parliamentary precincts.[11] Approval for media access within Parliament House rests finally with either or both Presiding Officers. To a large extent, parliamentary relations with the media are dependent upon goodwill and respect, for the authority of the Presiding Officers and for the dignity of the two Houses. Apart from these fundamentals, guidelines and rules set by the Presiding Officers and resolutions of the Houses themselves and parliamentary committees, provide the media with a framework for acceptable behaviour in the parliamentary environment.

In relation to filming and photography, the President has established rules to govern access to the Senate wing including the Senate Chamber, the Speaker has established rules to govern access to the House of Representatives wing including the House of Representatives Chamber and the Presiding Officers together agreed rules to govern access to the joint areas of Parliament House. In order to streamline arrangements, the Presiding Officers jointly have established *Guidelines for Filming and Photography in Parliament House*. The Usher of the Black Rod and the Serjeant-at-Arms are charged with the responsibility for administering the guidelines in their respective chambers and areas in the building.[12] In establishing their guidelines, the Presiding Officers have always sought to ensure that Senators and Members are not photographed without their knowledge or at times when they would not wish to be photographed, and to prevent them from being harassed by visitors and media representatives seeking to film them or take their photographs. At the same time, the Presiding Officers have sought to achieve a balance of interests with the media who desire liberal access to Senators, Members and parliamentary proceedings for their work. On occasions either or both Presiding Officers have sought the views of party leaders before making a decision on a specific request from the media, as they attempt to ensure that no photograph or film should be made to the disadvantage of any political group or member of parliament.[13]

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[11] *Parliamentary Precincts Act 1988*, s. 6.

[12] http://www.aph.gov.au/visitors/film_guidelines.htm

[13] Harris I C ed, *House of Representatives Practice*, 5th edn, Department of the House of Representatives, Canberra, 2005, pp. 122-123.

A more restrictive regime which existed previously in relation to photography and filming has been relaxed by the Presiding Officers, with a view to encouraging better public understanding of Parliament's functions and activities through properly administered guidelines for media access.

The guidelines provide the press gallery with quite liberal access to Senators and Members and to proceedings. While press gallery photographers and television camera crews may take photographs or film at any time in the public areas, or on invitation in committee rooms or private rooms, the taking of photographs or film by media personnel elsewhere in the building is prohibited except with the express approval of one or both Presiding Officers, as relevant. They do not usually grant permission for such activity in the non public areas and corridors of Parliament House. However, in considering such requests, the Presiding Officers have regard to whether the filming is planned to occur on a sitting day, the purpose of the filming and the likelihood of disturbance to Senators, Members and other building occupants. Requests to film in public areas are usually approved, provided it is considered building occupants and visitors will not be disturbed or inconvenienced.

Radio journalists may similarly make recordings on invitation in private rooms but recording elsewhere in the building is prohibited except with the express approval of the Presiding Officers. It is common practice for many television and radio 'door stop' interviews to occur outside the entrances to Parliament House, or in the garden courtyards within the building.

The behaviour by members of the press gallery is generally of a high professional standard in relation to the media rules, whether working in the chambers or elsewhere in the building. When behaviour has fallen seriously short of the standard expected, it has usually been on occasions in one of the chambers. The typical kind of misbehaviour has been in relation to taking and publishing photographs which do not meet the relevant Presiding Officer's guidelines. In such circumstances it is common for the Presiding Officer to impose the sanction of withdrawing the offending photographer's access to the chamber for a specified period of sittings.

Broadcasts of parliamentary proceedings

The backdrop to the work of the press gallery and parliamentary relations with the media is that broadcasting of parliamentary proceedings is well established and expanding. The Senate and House of Representatives chambers and some committee rooms are equipped with comprehensive sound systems and robotic cameras which enable proceedings to be broadcast live and also recorded. Parliamentary staff operate this equipment. The Presiding Officers have agreed guidelines for camera operators in relation to proceedings in that House, and each House has adopted rules which apply to the broadcasting of that House's proceedings.

Since 1946 Australia's national radio broadcaster, the Australian Broadcasting Corporation (ABC), in co-operation with the Parliament has provided live radio broadcasts of parliamentary proceedings. Prior to this, most people only had access to

the Parliament via newspaper reports. The ABC NewsRadio currently attracts a national audience of some 750,000 listeners each week.[14]

Since 1988, live proceedings have been broadcast on the House Monitoring Service to all occupants throughout Parliament House, including to the press gallery. Although the parliament does not have its own television channel, since 1999, the Parliament has provided a live web-cast of parliamentary proceedings through the parliamentary website.[15] The web-casts are watched by 350,000–400,000 viewers outside Parliament House each year.

Also, the 'feeds' of live proceedings produced by the Parliament are available, subject to rules about usage, to the use of Senators, Members, media organisations and members of the public upon request. In relation to media organisations their access is typically governed by general or specific agreements with the Parliament. The media networks are able to use excerpts from the House Monitoring Service for fair reporting of proceedings, in accordance with guidelines set by the two Houses. In terms of what film images are aired, each television and radio network is able to make its own decision about what, if any, parliamentary material to use. These decisions are not required to be revealed to the Parliament, and it is presumed they are based on programming considerations. Typically, the networks use excerpts on their news and current affairs programs.

Since 2000, the Parliament has had formal agreements with two cable networks to provide them with feeds of all proceedings, which they can transmit on dedicated parliamentary television channels. One network TransAct, has three channels on which it shows proceedings of the Senate, the House of Representatives and parliamentary committees. The other network, SkyNews, has a dedicated channel, *Sky Parliament*, on which it can chose to show parliamentary audio visual material at any time, but usually does so only during parliamentary sittings.

In addition, parliamentary staff produce a television program called 'About the House' which focuses on the work of the House of Representatives and its committees; this program is telecast on SkyNews Australia nine times a year and will soon be available as a downloadable file from the Parliament's website.

The newest media development has been that since June 2006, the ABC has provided MP3 downloads, or podcasts, of Question Times from each chamber, and their popularity appears to be growing.

Outlook for the relationship

Arguably, in Australia's Parliament House there are generous physical access arrangements for media personnel within the building, as well as generous access to audio visual material from the official feeds of all available parliamentary proceedings, and generous opportunities for interviews with all members of parliament. Nevertheless,

[14] For further details see http://www.abc.net.au/newsradio.
[15] For access see http://www.aph.gov.au.

claims frequently come from the press gallery that their access to Senators, Members and proceedings is inadequate. Sometimes this leads to requests for special access arrangements, which are often agreed to. It is also the case that the guidelines and other rules have been responsive to requests for more liberal access and to technological advances, which have supported more extensive access for the media.

Successful parliamentary relations with the media are dependent upon sound ongoing communication between the Parliament and the press gallery. The existence of the President of the Press Gallery, provides a valuable linkage with the Presiding Officers so that there can be dialogue when specific issues arise, or when seeking generally to balance the competing interests in the media access policy and its administration. A measure of the relative strength of parliamentary relations with the media is the response to the query, what is the extent to which the media access policy and its administration are themselves the subject of media reports? It is to be hoped that the answer to this query is 'infrequently'."

Dr Georg POSCH (Austria) presented the following contribution:

"**An Open Parliament for Citizens and Media**

The refurbishment of the main entrance of the Austrian Parliament Building signals its openness to all citizens. The new Visitor Centre embodies this message.

We try to render politics, its basis and background directly visible and physically palpable by employing new media at the Visitor Centre: 15 different media stations powered by invisible technology on three levels communicate a comprehensive information and entertainment programme in innovative fashion, thus making the history and function of the parliamentary system and democracy clearly and easily understandable.

Recently, this new world of experience at the Austrian Parliament was awarded the first prize in the category "Public Information and Services" in the context of the Austrian State Prize for Multimedia and e-Business 2006.

This entirely new dimension of multimedia presentation has met with very positive reactions on the part of visitors; the number of visitors to the Parliament Building has more than doubled since its introduction. In the period from January to August 2006, 100,000 visitors took part in guided tours of the Parliament Building.

The communication activities of the Austrian Parliament make use of all available media: website, print media and PR. By constructing a new multimedia auditorium and new in-house TV studios for the Austrian Broadcasting Corporation (ORF) as well as private TV channels in the new Visitor Centre, the idea of an open parliament is additionally conveyed during press events and hence reaches the Austrian public at large."

Mr Tae-Rang KIM (Republic of Korea) presented the following contribution:

"First of all, I would like to extend my gratitude to President Forsberg of the ASGP and the organizers for providing me with this wonderful opportunity through which I will be presenting the NATV which is one of the effective tools that promotes the ongoing reform of the National Assembly of the Republic of Korea.

I. Introduction

Today's representative democracy has developed in such a way that the representatives chosen by the people act accordingly to the will of the people. The purpose of this democratic system is to have representatives keep vigilance on impartiality making sure that the interests of the people as a whole, not the one of an individual or a group is protected, and if a problem arises the representatives try to reform the system so that the integrity of representative democracy will not be compromised.

The purpose of the reform is to have the National Assembly reborn as the 'National Assembly of the People.' In other words, the National Assembly needs to be the one that reflects the voices of the sovereign people of Korea. It was in this context that we have focused our attention to create a parliamentary channel, a tool that would allow us to reach out the public by engaging them in a two-way dialogue.

The parliamentary channel aims at broadcasting parliamentary proceedings and legislative activities to satisfy people's right to know and collecting opinions of the people thereby contributing to the development of parliamentary democracy. This is how the NATV came into being. The NATV is organized and operated adhering firmly to the principle of reality, the principle of political neutrality, and the principles of impartiality and diversity.

II. History

The NATV started its service from May 2004 so it is still a very young broadcasting station. Nevertheless, the NATV is broadcasted nationwide in over 100 channels through cable operators from 9am to 1am of the following day delivering 16 hours of news of the National Assembly to 12 million households. In addition, through a digital satellite broadcast, Skylife (channel n° 530) the NATV delivers activities of the National Assembly to 2 million households in Korea. In other words, the viewers of the NATV account for 88 percent of the total households in Korea. In addition, using advanced information and communication technology of Korea, all proceedings are provided either in real time or in VOD (video on demand) through the Internet which allows the Korean people can keep a close eye on their representatives anytime, anywhere.

III. Purpose

The goals of the NATV are:

- **First, develop into a specialized parliamentary channel.** Provide a wide arrange of programs that cover proceedings and legislative activities.

- **Second, strengthen independence.** Only provide programs for the sake of public good differentiating itself from public and commercial channels. The NATV is allotting much of its time to debate on current affairs and documentaries to raise awareness of policy issues.
- **Third, serve as a 'bridge' between the National Assembly and the Korean people.** On one hand the NATV provides information to the people and on the other hand it collects the opinions of the people. This is to reflect the views of the people in the legislative activities.
- **Fourth, raise awareness among the Korean people.** Being the only channel in Korea that broadcasts parliamentary democracy the NATV delivers parliamentary processes accurately in an objective manner allowing viewers to express their political opinions in legislative activities. In particular, programs focusing on teenagers, our future voters, are made to raise awareness on the importance of participation in democracy.

IV. Programs

To name some of the programs of the NATV, they are proceedings program, legislative program, current affairs program, budget and economy program, and civic participation program.

- **Proceedings Program**

Proceedings program is the most important component of the NATV. Through this program, the NATV makes it a rule to deliver live plenary sessions, committee meetings, hearings, and public hearings on social issues without comments or editing.

- **Legislative Program**

Legislative program takes a look at legislative trend, newly proposed bills, and amended bills to provide legislative information. For instance, Legal Story of Shin Yul invites members of parliament to discuss legislative trends of the week, newly proposed bills and major bills. It is widely popular among viewers for widening their legal knowledge.

- **Current Affairs Program**

Current affairs program deals with major points of contention as well as pending issues of the Korean society. The program serves to collect opinions of the people and invite experts and members of parliament to present a productive alternative.

A special feature program on the Korea-US FTA was made in three different series as the Korea-US FTA became a major issue in Korea. Both the ruling and opposition parties made their presence along with experts to express different views on the Korea-US FTA and pool their wisdom together in search for practical solutions and alternatives which in turn raised the awareness of the general public and enhanced the policy capability of the National Assembly.

- **Budget and Economy Program**

Budget and economy program provides voters with information on national budget and economy through the eyes of the National Assembly. This year, a special program was made on the occasion of Aug. 15 Liberation Day titled Top 10 Economic Feats of Korea. It looks back on 60 years of the Korean economy and envisions its future winning the attention of the media after its broadcast.

- **Educational Program**

Designed to educate our future generation, educational program raises awareness of parliamentary democracy. Children's National Assembly is a program for school-aged children while Clean National Assembly is a program for adolescents.

- **Local Autonomy Program**

Local autonomy program features success stories of civic groups, local governments, and local parliaments, and the lessons they have learned thereby checking on the present and the future of local autonomy.

Grassroots Democracy – At Its Site is a program that deals with exemplary cases of local entities and thus is often used as an educational material by local entities and the Ministry of Government Administration and Home Affairs.

- **Politics 101 Program**

Though many Koreans are greatly interested in politics, they need to deepen their political understanding in order to become true democratic citizens. To address this situation, the NATV airs a politics 101 program. Politics, Better than Movies is an easy-to-follow program takes a looks at political stories and messages in the movies to reflect on the value of democracy. This program was selected as an excellent program that enhances political understanding by monitoring viewers.

- **Parliamentary News**

Parliamentary news specializes in delivering day-to-day news of events at the National Assembly, proceedings, press conferences of members of parliaments and political parties.

- **Program for Public Good (1) - Finding Missing Children**

For the sake of public good, the NATV has been carrying out the campaign, Finding Missing Children for the past two years under the slogan, 'Have a Child Returned to the Arms of Parents' and allotted 8 hours every day from 1 am to 9am outside of the broadcasting hours of the NATV. It airs pictures and contact information of missing children. So far, ten children have returned safely to the arms of their parents thanks to our program.

- **Program for Public Good (2) – The Sea Is Our Life**

I have personally proposed a campaign namely, **'Campaign for Maritime Preservation: The Sea Is Our Life'** under which a program, The Sea is Our Life will be produced. In addition, I have also proposed **the production of documentaries and programs on**

maritime environment, and **a film festival by the young Koreans** in order to enhance their awareness of maritime environment.

V. Achievements

The NATV has made the following achievements:

• **First, the NATV is satisfying people's right to know.** Through the NATV, legislative processes and the activities of assemblymen are delivered satisfying people's right to know which clears away any doubt on political issues and removes much of distorted or misleading reports.
• **Second, the NATV is serving as a foundation for creating a consensus.** The NATV, from beginning to end, delivers proceedings promptly without editing.
• **Third, the NATV is contributing to increased political participation** of the Korean people by delivering activities of the National Assembly to each individual's home thereby addressing one of the weak points of indirect democracy, namely political indifference.
• **Fourth, there is an increased sense of responsibility in politics.** Thanks in large part to the NATV's live broadcast and 'no-editing' policy, voters can keep a closer eye of scrutiny on the assemblymen and check their presence, attitude, remarks, and even qualities as political leaders.
• **Fifth, the fundamental roles of the National Assembly such as legislative power, control over the budget, and check on the administration are strengthened** thanks to the NATV. This is because the NATV establishes an efficient communication between the ruling and opposition parties. In the past, the ruling party threw blind support behind the president and the government, and the opposition party was only engaged in opposition for the sake of opposition. However, as the NATV brings to light the activities of the National Assembly, such tendency has significantly decreased.
• **Sixth, the NATV is educating the general public.** The people of Korea can now learn about the principles and management of parliamentary democracy while keeping a check on activities of their representatives. In other words, they can enhance their understanding of politics through the NATV.

VI. Closing

Only two years have elapsed since the launch of the NATV. Nevertheless, thanks to its benefits we are very proud to say that we have broken way from the past misdeeds such as monopoly of the ruling party, vehement opposition of the minority party, and opaque proceedings which tarnished procedural democracy."

Mr Alain DELCAMP (France) presented the following contribution entitled "Parliament and communication: some lessons of the French Senate's experience":

"Like all public institutions today, and maybe even less than the others, Parliament cannot escape the necessity to communicate with the public.

That can seem obvious but, if one refers to French experience, the consciousness of this reality emerged only in a relatively recent way. One can find a certain number of justifications for this attitude:

Firstly, the **parliamentary institution is completely indissociable from what one calls in French "representative democracy"**, i.e. a democracy in which the citizens delegate their powers for a determined period of time to elected representatives. This logic is deeply rooted in our political traditions. This representative democracy postulating total or, at least, very great freedom of appreciation and decision of the representative is relatively contradictory with the idea of a "mandate report" to the citizens which could have been the first reason of communication with the public.

The second reason is that, precisely, Parliament being composed of elected officials in contact with the population and grass roots experience, **this communication was supposed to happen in a natural way** without it being necessary to set up a specific institutional device.

Two particular difficulties were added:

The first, of a technical nature, is due to the fact that unlike the executive or the parties, the parliamentary assemblies are primarily collective beings in which it is more difficult to operate a personalization so necessary today to any communication. Communication today rests more on the images or the impressions that on the speeches or the programs and the best vector of communication is the incarnation of the message in a person. However, whatever their prestige, the presidents of the assemblies cannot alone represent the diversity of those who elect them.

The second difficulty is due **to the evolution of the equilibrium between the constitutional powers** which has led legislative initiative or program determination to gradually move away from Parliament towards the executive. Very often, public statement policy or text comes before Parliament begins to work and it is rather usual in France that the government statement be regarded as sufficient, "as good as true", by the press or the citizens, even before Parliament begins its work. The technicality of the debates, the relatively tight wriggle room left by the majority system then make it very difficult for the citizen to get a clear and simple perception of the contributions made by parliamentary debate.

Along with these general difficulties **two specific difficulties were added for the Senate**:

The first is due **to the style and the traditions of this assembly**. The second Chamber readily flatters itself on being the assembly of reflection, i.e. less subject to the media "noises" and the latest fashions. Even, the idea that the Senate could communicate appeared for a long time contradictory with its mission. **Developing a communication policy was assimilated by many as the risk for the second Chamber to let itself get carried away as well by "polls driven democracy" and thus no longer be able to fulfil its institutional role.**

Finally, the last difficulty, the Senate's **mode of election** makes it an assembly whose legitimacy has always been, more or less confusedly, disputed and it did not appear necessarily easy to develop an autonomous voice likely to be heard alongside that of the French National Assembly.

The rise of the media, supported by the development of techniques, however led the Senate to gradually obtain means of what one could call a **communication policy**. This evolution was carried out **progressively**, imperceptibly combining the most traditional means (visit of the buildings, publishing of leaflets) with more sophisticated means (new technologies), and even mass means (parliamentary television, organisation of events).

This evolution proceeded over twenty years starting from reflections carried out within *ad hoc* groups by the Senate's managing committee. It can be characterized by the evolution of the administrative structures devoted to this new type of activity:

1971: creation of the information division primarily in charge of the relations with the journalists;

1991: creation of the communication department;

1997: creation of the post of Director-General of Communication and new Technologies regrouping several means of communication with the outside in the broad sense: communication department, Information technology and new technologies department, International relations department, Local authorities department, this last department also being an answer to the wish to promote a specificity of the Senate's representation, the representation of local authorities.

1. Evolution of the means and supports of communication

1.1. The opening to the public

The awakening to the need for an institutional communication was the referendum organized by General de Gaulle on April 27, 1969, which tended to deeply transform the mode of recruitment of the Senate and put an end to its nature as a political assembly.

The main objective of the President of the time, Alain POHER, thus was to prevent such a questioning to ever happen again successfully. The key word since then is that of the **opening** and the activation of the **various** senatorial **networks**.

The opening initially materialized through an **active policy of visit and reception** of various events on the initiative or on the recommendation of senators in new rooms equipped with the most recent improvements in the underground levels of the Palace.

This policy resulted in a **growing flux of visitors**. Thus in 2005 one could number more than 300 000 people who were able to discover the Luxembourg Palace, generally – at a rate of two thirds – in the form of groups made up for visits, guided by agents of the administration on the basis of sponsorship from the senators.

This policy could benefit from the exceptional situation of the Luxembourg Palace close to the garden bearing the same name, a public park which it maintains and which constitutes one of the most attended places of Paris, by Parisian, provincial visitors and foreigners.

The policy of opening was relayed by various events organized regularly, but not only by the Senate, such as the "Journées du Patrimoine". For the last 18 years these Days have existed and consist in the opening to the public, in line with an annual set of themes, the greatest possible number of historical buildings or public places. The Senate has become the **most visited public building in France**. 27 000 visitors visited him in two days, last September the 17 and 18. It is interesting to note that the second most visited place was the French National Assembly.

Regarding the **conferences or colloquiums**, it very quickly became apparent that they exerted an indirect effect on the image of the Senate, since not only did they allowed people who would never have visited the Luxembourg Palace spontaneously to attend, coming from the most various horizons, **but they made it possible to associate the image of the Senate to new sets of themes which have, to some extent, reinforced its traditional modes of actions** through legislation, and contributed **to make it a place of debates**.

The reactivation of the networks particularly centred on that of the local councillors amongst whom are chosen the Senators' electors. The very great number of local authorities in France makes this network an extremely dense panel, with more than 500.000 people. Beside the daily action of each Senator locally, the Senate takes care to organize great events in their direction. It takes part regularly, each year, in the "Mayors' Congress" with a particularly attended stand and organises public events directly related to its mission of representation of the local authorities. One can mention, for example, the gathering of the mayors of France on July 14, 2000, the "Etats-Généraux" – as a commemoration of the first meeting of delegates at the beginning of the French Revolution – of the local councillors and parity, bringing together the women elected in the local and regional councils, on March 7th, 2005, the "Etats-Généraux" in the regions around the President of the Senate and all the Senators, representing the entire political spectrum, of the area concerned.

These actions were extended to what one calls in France "the civil society", and in particular, economic circles, so as to reduce the distance between political authority and businesses.

1.2. Development of traditional means

Beside the traditional relations with the press which profited from fresh impulse (unfortunately limited by the weak interest of the newspapers for the parliamentary debates themselves), the communication policy took care **to multiply written supports**, sometimes in very great number, so as to make better known the Senate's activity.

This policy diversified through:

To the traditional **brochures of general presentation** gradually translated in an increasing number of languages, were added **specialized booklets**, primarily directed towards school children. The Senate considered that it was part of its mission as a parliamentary assembly to develop "civic instruction", i.e. promoting the awareness of pupils to public institutions and to citizenship. This action was made necessary by the difficulty which the education system has to meet this aim. These booklets were adjusted to meet the needs of the various age groups. Beside the booklets for the pupils, appeared **booklets for the teachers**, in particular the history teachers.

Moreover, the Senate gradually improved a newspaper type format (four fullcolour pages, tabloïd format) published each month and sent to all local councillors ("Le Journal du Sénat") and developped since the end of the Nineties, like all large economic and financial companies, an **annual report** which is very widely circulated.

1.3. Internet's contribution

President Alain POHER's successor, Mr Rene MONORY, brought on this point a decisive impulse, based on his own experience as a local councillor (he was one of the first founders of a technological pole close to Poitiers called The "Futuroscope"). His aim was to answer criticisms concerning the allegedly old-fashioned side of the Senate, through a **determined development of modern means of communication**. The choice of new technologies constituted not only a diversification of the media and the means of transmitting information, but was also a symbol of "senatorial modernity".

Thus as of December 1995, the www.senat.fr site was opened on a simultaneously institutional and documentation basis.

The site numbers today nearly 235 000 HTML pages and it is the subject of a number of visits in constant growth which one can evaluate, for the year 2006, to approximately six million pages seen per month.

The discovery of Internet also **deeply modified the strategy of senatorial communication**. Little by little the idea grew that it was now possible, while maintaining an indirect relationship with public opinion through the press, **to develop oneself messages directly accessible to the citizen**.

The communication of the Senate was thus **prompted towards a "target" strategy**. Beside the site for the general public www.senat.fr, were progressively built a site especially dedicated to the local authorities, source and constituency of the senators' election (www.carrefourlocal.org), to schoolchildren (www.senatjunior.fr), economic circles (www.entreprises.senat.fr), the French living outside of France represented in the Senate by twelve senators (www.expatries.senat.fr).

It should be noted that Internet developed before the parliamentary channel which was only born in 2000. "Public Sénat" is a private law company of which the Senate is the only shareholder but who has a total editorial freedom. Emitting 12 hours out of 24, it is freely accessible by satellite, cable or the new relay system (terrestrial numerical

television - TNT), it shares its broadcasting time with another company of the same nature whose single shareholder is the French National Assembly.

1.4. Event-organization

This constitutes a fourth family of actions which developed gradually, but to the point **of becoming one of the major axes, if not the first, of the policy of contemporary communication**.

The aim was originally to prolong the action directed towards school children through the **creation of real "roleplaying games"**. The pupils of intermediary level classes (*"French third grade"*) of all France, european and overseas, were invited to take part in a roleplaying game competition spread out over several years, consisting in the writing of the *"Charter of the young citizen of the year 2000"*. Through a regional process of jurys, a sample of 300 winners was invited each year during four years to take the place of the senators during one day on the Senate floor. These *"one day senators"* elaborated and voted a certain number of articles respecting all the stages and the procedures of the legislative process.

This first initiative was renewed through other forms. Thus the Senate floor accommodated company Heads, craftsmen, Net surfers for media events, such as for example *"Talents des Cités"*, and operation intended to promote the positive achievements of the young people from underprivileged backgrounds, particularly from the suburbs of the large cities.

This organization of events also developed **a cultural side**, because of the Senate's historical endowment, not directly related to the activity of the institution but which constituted a Parisian and even national buzz, specially enjoyed by a public of *cognoscenti* (quality exhibitions in the Luxembourg Museum, often in partnership with great foreign institutions (Italian, American, Swiss...). Another original initiative was born in the form **of large size photography exhibitions on the railings of the Senate's Garden**, according to a varied set of themes but always in connection with contemporary issues (environmental protection, mainly) or connected with remembrance operations likely to revive collective memory (the great events of the world, the 60 years of the Libération, the bicentenary of the birth of Victor Hugo...).

The **conferences and colloquiums** no longer only consisted in the reception of external events in the Senate, they became genuine tools of communication, either through the promoting of prospective topics in harmony with the legislative missions of the Senate ("Woman and powers", "Role of the judge"...), or by making the Senate a meeting place for the intellectual circles, the general public, and upcoming forces: the *"Rendez-vous Citoyens du Sénat"* took several forms: economy, society, history.... On the whole, without this policy always being the subject of a posted strategy, it constituted a very important element for the notoriety of the institution.

These various categories of events, taking more or less importance, contributed to making the Senate known to a public which could not have come otherwise and which thus could become aware of the existence and of the action of this institution.

2. The draft of a strategy

2.1. Lessons from experience

The first idea that one can retain, after seeing this plentiful activity which has progressively taken a very great extent, is **that it is very important for a parliamentary assembly to be concerned with its image in public opinion.**

The Senate did not however develop a scientific means of "marketing", based on batteries of regular surveys. **It mostly trusted grassroots experience and took care that these operations do not move away too much from its image as an assembly of reflection, opened on the various levels of society.**

It also became aware that its "core activity" (legislative work and control) was certainly important for its image, but **that this was not enough in a world increasingly marked by the role of the media to ensure its notoriety or to answer some elements of criticism anchored in public opinion**, blaming the age of its members, their legitimacy allegedly less large than that of the officials elected through direct universal suffrage, and their "conservative" character. It has thus been necessary to adopt a certain number of indirect means to attract the citizens' attention. Such was the object of the organization of events which allowed hundreds of thousands, perhaps millions of people to come to the Senate, often without knowing exactly which was the mission of the institution.

This strategy, in a way indirect, had undoubtedly positive effects in certain segments of society, little set to recognize the importance of the role of the Second Chamber: economic circles, Net surfers, intellectual and cultural circles...

However, internally, **it caused a debate on matters of principle regarding its opportunity.** Some were opposed to its cost – which is in fact proportionally relatively limited -; others especially blamed the fact that it led the Senate "to compromise itself" with the poll driven democracy instead of centring itself on its institutional image and its traditional functions: representation, legislation and control.

On a technical level, experience showed the importance of having a diversity in the forms of communication. Event organization did no more kill the need for televisual relays, than it did remove the interest for the traditional paper media. In our contemporary society which is particularly difficult to apprehend, **it appears that no mean of communication is truly obsolete**. The entire scope can prove to be necessary because each **vector is likely to touch a different segment of the public**.

New technologies did not remove either the **importance of direct contact which remains a fundamental element of the relation between the institution and citizens**. On the contrary, they showed that it was possible for an assembly to be equipped,

relatively inexpensively, with **means of communication giving directly access to the citizen**. In fact, new technologies, like the deliberate choice of multiplying meeting occasions, showed that **it was possible to break the dependency on the traditional media**, which are not naturally very anxious to relay parliamentary work when they do not voluntarily ignore standpoints which do not fit the preconceived idea that they have of an institution. New technologies can be an opportunity for institutions **of claiming back what they have to say**.

With regard to the **structures**, one can say that **communication is considered today, beside the legislative function and of the administrative office, as one of the full-fledged functions of the senatorial administration**. The question of knowing if it is advisable to materialize this function by a particular structure has become secondary. The main goal is that a true spirit of communication is diffused amongst all of the services. The only requirement is that flexible procedures of co-ordination are developed so that the various forms, vectors and means of communication, can be integrated in a **strategic vision, sitting in the long run on the identity of the institution.**

2.2. Possible ways forward

The first question put to a Second Chamber is that of its utility. It is thus important, taking into account the national context in which it accomplishes its function, **to first analyze,** if possible through an internal debate, **which are the specificities of its recruitment and its action.**

There cannot be communication nowadays without a strategy based on the identity of the institution. The means to define this identity are multiple. They can be traditional or resort to the most modern methods of public opinion polls. It is especially important that **this identity be not defined in an abstracted way, without dialog with the members of the institution themselves.** Any external communication must be conceived like an internal mean of communication and be also based on the internal communication to ensure its reliability and its legitimacy with respect to the outside.

One can say in this respect that the **methods and the structure still have to be defined, even if the means overall appear as efficient.**

The second element relates to the **implementation**. The principal defect with which the Senate communication has been reproached in recent years is less the absence of communication - one can measure the way we have come with the existing situation from fifteen years ago -, that the fact that there is **too much**. **The risk, indeed, is that the multiplication of the events and, therefore, of the messages might kill the message itself.**

In the same way it is advisable to unify or at least to coordinate the development of the main message. This implies a close co-operation between the political and administrative authorities on the one hand, and between the structures known as the President of the institution's Private Secretariat and the parliamentary civil servants.

If the development must be collective, the fixing of priorities and the execution must profit from a strong capacity of co-ordination, privileging the point of view of the receiver and not that of the emitter.

The third requirement is due **to the need for a harmonious and interactive co-ordination between the functions of what one could call production (deliberations, reports...) and the communication functions**. Communication cannot be seen as a simple interface between the producers and the recipients of the message. It is not enough to apply on a traditional system of production some pretended miracle skills in communication. Communication should be neither an accessory, nor the essence. To succeed, **it must be basically shared with the producers themselves and this for two reasons:**

- parliamentary messages, because of its technicality, is in general ill-adapted to the requirements of an advertising type communication. It is thus advisable to convince the producers of **the need for simplifying their message**.

- in addition communication cannot be imposed, it has to be important to everyone and reject any system which would be applied on a reality not prepared for it.

Thus, for example, the communication of the Senate is carried out today directly - this does not exclude the specific recourse within the framework of a precise strategy to specialized firms. It is implemented by **very few people.** Rather than multiplying specialized personnel, it appeared best to diffuse a **spirit of communication** which can be seen for example in the way the **Internet site of the Senate** is elaborated: The site is made in theory by only three civil servants, the main part of the information is integrated directly by the producers themselves, within the framework of a very decentralized organization. The experience of the general direction of communication and technological development made it possible on the one hand to mend the break which sometimes existed between the communication departments and the departments in charge of the administrative managements of new technologies. The Senate website is still managed by the department responsible for computer equipment and must thus cooperate with an external department, that of communication. The two services (new technologies and communication) act like interfaces or service providers for the whole of the traditional production and even procedure departments.

Moreover, the integration of the departments of International relations and Local authorities made it possible to show that the **sphere of the communication was much broader than the simple relationship to the media**.

Communication consists of any external relation, be it international or with privileged interlocutors - those who elect the Second Chamber - and what makes the price of it should be its strategic unity of inspiration. This is why it is imperative today that communication is placed in the hierarchy of departments at the same level, for example, as the production or procedures departments which, some time ago were still regarded as the most important because more symbolic of the activity of a parliamentary assembly."

Mr Samuel Waweru NDINDIRI (Kenya) presented the following contribution:

"Parliament and the media, though each is independent in any democracy, are complementary in their activities and effects. Neither can do without the other. They are collaborators in the same course-the course of enlightenment and good governance of citizens. The relationship between these two and their interaction with other institutions, the executive and the judiciary, are crucial to the cause of good governance.

Members of the legislature are the chief generators of news in the context of parliament. They make laws and speeches in the process. The media are free to report and comment accordingly. As members of the reknowned fourth estate, journalists are free to use their wit, conviction and humour to make their point. They easily get under the skin of members of parliament. But they can, as easily, indulge them with praise. Politicians are acutely conscious of the media, who wil hand praises and criticism at random, be absolutely charming, or terribly tiresome depending on how they view issues.

In a democracy, it is the free choice of the media to report and comment as they wish, within the bounds of good taste and parliamentary and legal rules. It is however up to the legislature to ensure that its own activities are newsworthy and properly communicated to attain a high public profile.

When the legislature gets critical or scant public attention, as does happen quite often, this should not be seen as complaining but as a spur to legislators to sharpen their performance, to look closely at their relationship with the media with a view to improving. They must be good communicators and get their message across effectively. They must foster a culture of disclosure as opposed to secrecy.

On the other hand, any serious media organization should seek to report honestly and fairly on events in parliament. They have a special responsibility to maintain the highest standards of reporting and comment. Editors are the upholders of these norms, and when their reporters depart from them, it is them who should be bold enough to curb the excesses, and make amends to the reading and listening public through adequate and spontaneous correction and where warranted a frank apology. They should insist on sound professional standards. It is important for editors to boost the status of parliamentary journalists if they wish to have a sound relationship with the institution of parliament.

WHAT THE MEDIA AND JOURNALISTS CAN DO

The media should:-

1) gain a comprehensive knowledge of, and respect for, the role and position of parliament and parliamentarians;

2) provide fair and factually accurate coverage of parliament as the duly elected voice of the people;

3) develop more imaginative and attractive ways to enhance parliamentary coverage so that the people are encouraged to take greater interest in their society's principal democratic forum;

4) expose the public more to the battle ideas by providing balanced coverage of parliament and paying attention to views by MPs from both sides of the House;

5) monitor more closely the activities of parliamentary committees and analyze their reports and other documents in detail;

6) respect the right of public figures and their families to a degree of personal privacy consistent with a responsible definition of the public's need to know;

7) ensure that parliamentary and political news coverage and analysis are clear, factual, objective and differentiated from opinion;

8) put together emphasis on inquiring more deeply and objectively into public policy issues, focussing less on trivialities and not rely solely on news releases;

9) assign to cover parliament the most competent journalists available to ensure that the broad range of often complex issues in parliament is adequately covered;

10) avoid conducting relations with parliaments in an adversarial manner or in a way which unfairly denigrades parliament and their members;

11) provide constructive criticism and informed and fearless coverage of political issues so that an increasingly aware electorate has the information it needs to participate in the democratic process;

12) refrain from fabricating controversies and overplaying internal differences of opinion within political parties which may often be no more than honest disagreements over policy; and

13) avoid calls of legislation or threats of legislation to control the media, by maintaining high standards of coverage of parliament, politics and society.

WHAT PARLIAMENTS AND PARLIAMENTARIANS CAN DO

Parliamentarians on their part should:

1) recognize the value of an independent media in contributing towards the development of a well informed society through its exposure to a wide range of well-articulated views;

2) appreciate that the media are also responsive to the people, serving as their watchdog in reporting the actions of parliaments and governments;

3) develop more imaginative and attractive ways to enhance parliamentary coverage so that the people are encouraged to take greater interest in their society's principal democratic forum;

4) develop new procedures to ensure that the vital issues of the day are discussed in parliament promptly;

5) accept that lack of some privacy is a necessary price which public office holders must pay if a free media is to remain a bedrock of democracy;

6) explain policies fully to the news media but avoid manipulating the way the story is told;

7) facilitate more coverage of parliament by opening the proceedings of select and other committees to the media;

8) take steps to raise the standard of parliamentary debate by enhancing research support, striving to attain high awareness of what the media needs, and discouraging unruly behaviour, abusive language and personal attacks in the chamber which inevitably lead to media coverage;

9) respect the media as a legitimate reflection of public opinion, public concerns and social problems and reactions to policies and programmes;

10) provide more training opportunities and information for journalists on parliamentary practice and procedure;

11) be accessible and honest in all dealings with the media rather than remaining aloof and secretive, or attempting to manipulate or overly influence media coverage;

12) avoid conducting relations with the media in an adversarial manner or attempting to shield themselves, their parties or governments from media investigation which would be in the public interest;

13) provide the media with full access to basic information and documents produced in the parliamentary process, such as parliamentary libraries, the provision of on-line information and the distribution of parliamentary speeches promptly after delivery in the House; and

14) take full advantage of new information technology to provide authoritative information to the media and the public."

Mrs Georgeta IONESCU (Romania) presented the following contribution:

Parliamentary Relations with the Media

Ms. Georgeta Ionescu, Secretary General
Chamber of Deputies, Parliament of Romania

ASGP meeting
Geneva, October 16-18, 2006

Primary focus on reforming the relation & attitude towards:

- Citizens
- Media
- Civil society

Partnership : how approachable ?

- Any reform needs support, inside and outside the institution

ASGP meeting
Geneva, October 16-18, 2006

Basic principles of the relations with the Media

- Efficient communication
- Transparency

- ASGP meeting
- Geneva, October 16-18, 2006

General objectives:

- Openness and transparency of our work
- Efficient communication with the media
- Efficient communication with the citizens

- ASGP meeting
- Geneva, October 16-18, 2006

Specific objectives

- Establishing a partnership with the representatives of the Media: respond to their needs
- On-line transmission of the Plenary sessions and the press conferences; committees next
- Higher participation of the stakeholders in the activity of the Chamber using the Media outreach

- ASGP meeting
- Geneva, October 16-18, 2006

Establishing a partnership with the representatives of the Media

- Posting of all public information on web site – including administrative decisions, expenditures, acquisitions, etc/

  "Law 544 for promoting transparency and public information"
- Permanent communication of parliamentarian activities through press releases
- Targeted press conferences on specific issues
- Further development of our web-site: links, blogs, etc.

- ASGP meeting
- Geneva, October 16-18, 2006

Press Conference in Spiru Haret Hall

- ASGP meeting
- Geneva, October 16-18, 2006

On-line transmission of the Plenary sessions and the press conferences

- On-line transmission (in real time):
  - Plenary
  - Committees: 3 out of 16
- Transcripts of the minutes of the meetings, the plenary sessions and of the Standing Bureau meetings
- Transcripts of the press conferences

- ASGP meeting
- Geneva, October 16-18, 2006

Higher participation of the stakeholders in the activity of the Chamber

- Transparency in the administration of the Institution
- Transparency in the decision-making process
- www.no-bureaucracy.ro

- ASGP meeting
- Geneva, October 16-18, 2006

Mr Frantisek JAKUB (Czech Republic) presented the following contribution:

"**1. The media and parliamentary news**

I believe that the media is interested in parliamentary events on three levels. The first area of information concerns the actual **political news**, the results of the proceedings of caucuses, committees and plenary sessions of the parliamentary chambers, voting, politicians' opinions on certain subjects, etc. Even though the chambers are usually represented by their presidents this does not mean that the other members of the legislative assembly have restricted access to the media. On the contrary, it could easily be said that each parliamentary chamber has as many press spokesmen as it has members. When providing political comments and statements the service organisation or the chancellery of the parliamentary chamber remains in the background and everything is organised by the politicians themselves or the political parties' spokesmen. The chancellery must take great care to remain impartial, apolitical and loyal.

The second level consists of information about **economic and operational matters** to do with how parliament works, for example the media's questions about the budget, the size of senators and MPs' salaries, various benefits, the number of official cars, the

amount of trips abroad and their destinations, catering for politicians and employees, etc. Here the chancelleries play an important role because it is they that are responsible for the information service and contact with the media through their press departments.

The third level consists of **tabloid news** which generally looks for "titbits" about politicians' lives, concentrating on the kind of information that will interest readers and thus guarantee that a periodical has sufficient readership and circulation. It must be added that frequently the information provided is not entirely correct. In these cases the chambers' chancelleries have no involvement whatsoever. Whereas the tabloid media gives information about parliament and politicians haphazardly through the prism of the world of celebrities and "inconsequential gossip", the majority of the printed and electronic media is interested in the first and second groups of events as I have described them above.

In general it can be said that the media is interested in parliamentary events but it is evident that there is less space for certain information, particularly positive information, than for events which are controversial, which are the subject of the political fight and competition and which have an impact on people's ordinary lives (in particular, economic matters, the budget, taxes, the social system, the Road Act, the constitution, the Voting Act, a conflict of interests and politicians' immunity). The media should fulfil a certain monitoring function and use it to bring a news service to the general public. It should be taken for granted that publishers, editors and individual reporters should be **professional and impartial**, in particular when it concerns the complicated life of parliament. However, this is not always the case. In particular the strict distinction between political commentaries and news remains a problem.

It is also interesting to observe the media's relationship with the chambers if there is a bicameral system in the particular country, of which the Czech Republic is an example. The Czech media, and I expect that it is no different in other countries, devotes far more attention to events in the lower chamber which expresses confidence in the government, approves the budget, plays a leading role in the legislative process and is generally endowed with greater authorities than the upper chamber. The proceedings among MPs also tend to be fiercer and more controversial.

Over the course of time a certain **specialisation of the media** can be observed, whether it be on a commercial or a public-service basis. This fact creates a far greater opportunity for more complex and broader parliamentary news. It depends on the one hand, of course, on how appealing the political subjects under discussion are but also on the activities of the chambers' chancelleries, how they foster relations with this media and how they create conditions for its work.

2. The Senate and work with the media

Now I will focus on the Senate of the Czech Parliament and the Senate Chancellery which I am in charge of. We have created a separate workplace in the Senate for the media, on its request. As a result the parliamentary correspondents of the Czech Press

Office and several daily newspapers, which rent suitable premises, work here directly. Video and audio facilities have been set up for transmissions by the state-owned Czech Television, and Czech Radio runs its own studio. We have an exclusive contract with the private cable television station 24CZ, specialising in the work of parliament. It broadcasts plenary sessions and certain key proceedings of the committees and is about to produce a programme called “Interview of the Day” where the President of the Senate will appear once a week.

Within the Senate Chancellery the **press secretary**, who is part of the secretariat of the head Chancellery, is responsible for relations with the media. However, as has already been mentioned in the introduction, work with the media is on two levels. The first level is political concerning information about senators’ legislative work, the second is non-political concerning information about the financing and technical running of the Senate in all contexts, often in areas where there would seem to be no connection. For example, we provide information about how many peacocks there are in the public garden, how many chicks have been born to them, where does the money come from to feed the peacocks and the fish in the garden’s pond, what protection do we have against bird flu, etc.

If, however, I turn away from this slightly trivial example I have to say that the precise boundary between the political and the non-political levels is very thin and in some places blurred. Nevertheless it is this boundary that demarcates where the Senate Chancellery’s authority begins and ends and where, on the other hand, the political responsibility of the individual senators takes over. On a political level the Chancellery may only play a news role, i.e. providing information of the type - what, when, was or will be discussed at a plenary session and with what result. Commentaries and detailed political statements are then the job of the senators themselves.

During the Senate’s plenary sessions a complete **press centre** is set up in the adjacent Conference Hall. Here journalists can follow parliamentary events, they can prepare interviews with senators and monitor the progress and results of voting on-line. Journalists receive the Senate’s weekly programme in advance and we always issue a press release for important events, as well as providing a photo service. The **level of the services provided to journalists** is also therefore important in order for the news from the Senate to be of a high quality. A frequent problem that the Senate has is that if a session of the Senate is taking place at the same time as a session of the Chamber of Deputies, most of the parliamentary correspondents of the individual media will give priority to the proceedings in the lower chamber.

Czech Television records the Senate’s sessions and broadcasts their highlights during the night but again providing that the Senate’s proceedings do not clash with the Chamber of Deputies’. Czech Radio and, of course, the Czech Press Agency provide regular news reports from the Senate. Other media come to the Senate depending on their own editorial plans.

For the next session we have come up with an **accreditation programme**, a set of benefits for journalists who are permanently accredited for work in the Senate. Among

the advantages are free subscription to 'Senate' magazine, automatic delivery of all press and promotional materials about the Senate, the opportunity to use the Senate's Information Centre for work and direct mailing of press releases, notices and other information from the Senate. We expect this accreditation programme to improve the work with the media, to provide better communication and, let's say, more insight into the work of the Senate for journalists. The **journalists' study visits** project has a similar goal - these are short-term study programmes for trainee journalists and for students of journalism. We will show people taking part in these study visits the structure of the Senate, its history. In discussions with professionals, as well as with senators, the trainees will be able to gain experience which they will later be able to put to use in their journalistic practice.

A **Commission for the Media** has been set up in the Senate to deal with the subject of the media. Here we anticipate greater co-operation between the commission as the Senate's political body and the press secretary as the synergistic effects of both subjects in the field of the media have remained completely unused up until now.

This year as the Senate of the Czech Parliament celebrates ten years of its modern existence we have come up with a new idea. The Senate Chancellery has decided to improve its **direct communication with the public**. In the spring of this year we opened an **Information Centre** in the Wallenstein Garden in the Senate's headquarters. We have organised a series of summer concerts and meetings with the public. We have organised two exhibitions on parliamentarianism which are free to the public. We are holding various competitions and meetings with secondary schools. The purpose of these events is to attract the public's attention and in so doing to fulfil the aims of the Senate's political leadership to open itself up more to the public, to make the Senate a kind of **social and cultural centre**, as well as a political centre. The media has reacted to these activities and it is good that also during the summer when there is a decrease in parliament's legislative activities, attention was paid to the Senate and the information in the media was not negative.

Nevertheless the popularity of parliament, as well as of the Senate, in the Czech Republic is only between 20 and 30 %. One of the Senate Chancellery's tasks is to work on improving its **media image**. This is very complicated work influenced by many factors with a long-term effect. The Senate's media image is not entirely in the hands of those work in it. Political decisions, the **personal image of individual senators and the political parties** represented in the Senate always have a role to play. My task is to create conditions so that the media has as few reasons as possible to complain about the **information and media service provided** and so that the media, which is very much responsible for the image of institutions with the public, feels at home in the Senate.

Facts:

average media participation at Senate proceedings:	approx. 8 media
number of press releases/year:	70 – 80
number of press conferences /year:	40 – 50"

Mr Valentyn ZAICHOUK (Ukraine) presented the following contribution:

"I would like to share some considerations on the topic whose careful review may amount to volumes of the biggest encyclopedic editions and at the same time can be reproduced in one aphoristic phrase. While the bankers say that money seek silence, such heavyweights of public life as parliament and mass media take themselves to the similar silence "as duck to the dry land". To my mind, publicity is one of the unifying corporate factors for co-operation between parliamentarians and journalists in free society.

Recently Ukraine has celebrated 15 years of its independence. Within this period, the little known until present time cultures of the modern parliamentarism and Mass Media developed quite rapidly. These cultures have both advantages and drawbacks, which is fully understandable for the age of puberty of the young and yet not completely steady Ukraine's democracy.

Konrad Adenauer – the first Germany Bundes Chancellor after World War II – shaped the principle to reflect commitments of the post-totalitarian German society: "We want freedom!" Today this crucial notion determines the development of parliamentarism in Ukraine. Meanwhile, as far as freedom of speech is concerned one of the recently published and well-known authoritative international surveys ranks Ukraine first among the post-Soviet states – CIS members in which this achievement of democracy knows the least infringement. Particularly, the journalists have been breathing with more freedom for the last two years. In this respect, the Parliament is no exception for them, where microphones and cameras' viewfinders reside permanently what can not be told about several other public institutions. At least, there are fewer grievances from the journalists against the Parliament if the comparison is made.

The advantage that has not yet been firmly and traditionally established in relations between the Parliament and Mass Media relies on the perception of achievement of one of the priorities of civil society – the feedback with authorities. It is worthwhile mentioning that the experts of the World Health Organization believe that well-being of a person is determined, to a larger extent, by self-appraisal and social affiliation rather than biological functions of the human organism. It further becomes more obvious that the public have to be needed not only in election campaigns but also in constant dialogue with authorities at every level, in joint quest for truth along with the institutions of power and political leaders since no one wields the monopoly for the truth. Seeking for truth together with the skilled experts available in every domain of social life is more reliable. Mass Media is an excellent intermediary and at the same time participant of such dialogue.

In this connection it is worthy of notice that lately in the Ukrainian Parliament attention is given to the methods of work with the public. In particular important step has been made with the establishment of the Public Council on the Freedom of Speech and Information, which includes People' Deputies of Ukraine and representatives of different

journalistic public organizations, including international ones, journalistic trade union etc.

The Council is of all-Ukrainian nature as it is represented by both leading central and regional Mass Media. It gathers in the capital and organizes visiting sessions. Among its subject items are observance of freedom of speech and information as well as legislative activities.

Until recent time such somewhat unusual experience in co-operation between the Verkhovna Rada of Ukraine and Mass Media requires mutual determination, development and improvement, quest for new equally acceptable forms of efficient interaction. I stress exactly upon the efficiency because contemporary society is rapidly moving from generally recognized assertion of the “information explosion” to the “information overcharge”. Information is everywhere: starting from event notices in the Internet editions and finishing with broad covering of the parliamentary business on the national and private TV networks some of which are on air round the clock. That is, everyone is able to present or receive information in real-time.

In the beginning of 60’s of the last century the patriarch of science about communications Marshall McLuhan said that television transformed the world into “global village”. Before that only three events – invention of telegraph, telephone and radio – were “revolutionary breakthroughs” in communications. So far Internet despite the name of “global web” has not reached the impressive TV effect.

In this connection I would like to give one example concerning the electoral behavior of the students in the last elections in Ukraine. the survey showed that 69% of the respondents received information about the candidates when they appeared on TV, 43% - had it from the press, 28% - on the radio. Consequently, these are Mass Media reports (primarily TV), which enabled the bigger part of the surveyed to shape their opinion and influenced their electoral choice.

Therefore, Mass Media form and determine the public sphere, which ensures interaction between the authorities and citizens who elect them. Mass Media are a tool for involving the population into political environment through perception of political information and at the same time, what is important, exert influence over the processes of political socializing of younger generation.

The parliament given its public nature is surely interested in consistent and constructive co-operation with Mass Media representatives. However, things happen... Recently a newly-elected deputy after, mildly saying, impolite conduct with the journalists, came to understand the value of the Ukrainian humorist: “Do you want to spit against the wind? Go ahead. Take the towel”. To come under the righteous common barrage of journalists’ criticism is by far not the best way to become popular for a public politician.

The higher management of the of the Administration of the Verkhovna Rada of Ukraine, being well aware of the above-mentioned, facilitate in every possible manner for Mass Media representatives to feel free and comfortable in the Parliament and sometimes even co-authors of the legislative process.

Jean Jacque Rousseau, thinking over the peculiarities of this phenomenon, noted that avocation of a parliamentarian is not to start with passing laws but studying their practicability for a society.

I am convinced that journalists are ones of the best assistants of the parliamentarians in this quest. Therefore, productive co-operation between a parliament and Mass Media representatives is a certain test, no matter how paradoxical it may sound, for democratism of the most naturally democratic branch of power – the legislative. To my mind in Ukraine deputies are well aware of the regularity of such phenomenon. And few parliamentarians accept it quite painfully. It confirms the fact that the assertion of democracy in Ukraine is irrevocable."

Mr Constantin Dan VASILIU (Romania) said that the Senate attached particular importance to its relations with the mass media. Law number 544/2001 concerning free access to information of public interest provided for access to the activities of Parliament for the media:

- All television stations and wide circulation newspapers had accredited journalists within Parliament. The Senate provided them with the necessary equipment — a special room with telephone lines, fax, computers, access to the internet.

- Representatives of the media had access to plenary sittings and the work of committees — with the exception of those sittings which were in private.

- Every week, at the end of the sitting of the Permanent Bureau, the Speaker of the Senate or another member met journalists at a press conference

- At the same time, chairmen of standing committees and the leaders of the parliamentary groups regularly organised press conferences. In addition, there were almost daily interviews with senators.

- The Senate communicated information of public interest — either as a result of a specific request or automatically — relating to parliamentary activity.

- The Press and Publicity Bureau of the Senate dealt with the daily presentation of the internet page of the Senate, which gave information on the work plan of the Senate, the Orders of the Day of plenary sessions and standing committees, and press notices.

- The Secretary General had regular meetings with representatives of the media on problems related to the management of budgetary funds and the organisation and functioning of the administration.

Unfortunately, in Romania, as in other countries, the mass media were not interested in the substance of the legislative process but in subjects linked to parliamentary activity which had a sensational aspect.

For this reason there was more and more concern with finding efficient ways of increasing interest among the media mainly in the legislative process, but also for the better information of citizens about laws which had been passed with an aim of informing them about the content and impact of such laws of their lives and daily activities, as well as the contribution of Parliament in consolidating the rule of law and promotion of international cooperation.

As a result, the Senate was planning and implementing projects with the aim of ensuring better information about and transparency of the activities of the Senate:

- Broadcasting its plenary debates and the sittings of its standing committees either by way of its own broadcasting network or by way of the internet

- The creation of a dedicated television channel as a joint project of the two Chambers.

Because they were just starting out on this road and he had personal direct involvement in these projects, he would be happy to benefit from the experience of his colleagues in this area.

Mrs Helen IRWIN (United Kingdom) said that in the House of Commons, in order to avoid a situation where the numerous reports from select committees were forgotten as soon as they were published, the Committee Office had recruited specialist media communications officials and had established a "media strategy" to ensure better cover for the reports (close contact with specialist journalists, preparation of press notices etc).

Mr Arie HAHN (Israel) said that in Israel the Orders of the Day of the Knesset were frequently influenced by the media and the account which they gave of events which had occurred in the course of the previous days. The media was naturally conscious of this power.

The Knesset allowed free access to journalists within its precincts in order to ensure that it enjoyed public confidence and confidence among the media. Nonetheless, it thought it was necessary to establish its own television channel, which was broadcast throughout the day except for the end of the week, in order to ensure a certain quality control over the information made available to the public. This channel had very satisfactory audience numbers.

Mr Carlos HOFFMANN CONTRERAS (Chile) thought that in today's world the media had to be considered as an independent and autonomous means of communication with the public — and as such they assumed a civic responsibility and had to respect ethical rules (respect for Members of Parliament, scrupulously truthful research etc).

In terms of press relations, Parliaments had to acquire a spirit of openness and transparency and to take on specialised communications services, in particular with the aim of preserving the identity of the institution. The contemporary idea of "active

citizenship" assumed close contact and fluid communication between elected Members, the media and electors.

Ms Heather LANK (Canada) said that the Canadian Senate did not have its own parliamentary channel, but did have an agreement with the public channel which allowed transmission of committee sittings within a 20 hour format.

Groups of viewers had even been formed, which had been invited to look at transmissions of debates and to make known their reactions to the behaviour of Members of Parliament. The Members of Parliament were very aware of the often critical, though sometimes complimentary, remarks made by such groups.

Mr Hafnaoui AMRANI (Algeria) emphasised that the relationship between Parliament and the media was, by its nature, complex, and sometimes required considerable financial support — for example if a parliamentary channel was set up.

In Algeria, attendance by journalists in Parliament depended on the interest in particular bills. Occasionally, lack of space meant that access had to be limited.

As far as covering the work of committees was concerned, he wanted to know who decided, in France, whether hearings would be in public or in private — in Algeria the work of committees was always carried out behind closed doors.

He also wanted to know how the parliamentary channels in the National Assembly and the Senate in France were coordinated, what the cost of these channels was and whether their audience figures were proportionate to the amount of money which they cost.

Mrs I. Gusti Ayu DARSINI (Indonesia) noted that freedom of the press was a basic element of a free and democratic State. Nonetheless, it was true that sometimes the media broadcast wrong information on parliamentary activities. She wondered whether it was necessary to put the relationship between Parliament and the media into a more organised framework.

She asked for details on the establishment of the parliamentary channel in Korea (the length and various stages of the project, human and financial resources used, etc).

Ms Helen B. DINGANI (Zimbabwe) said that Parliament in Zimbabwe was confronted with the challenge of greater openness to the public and the media. It had been decided to open up committee hearings (but not their deliberative sessions) to the public.

The legitimate curiosity of the press sometimes led to difficulties when, for example, articles and reports appeared in the press before a committee had entirely finished its work or published its report.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) emphasised the importance of good relations with the public and the media. Rules and procedures applied to

accredited journalists and an agreement had been signed with the major radio and television operators, relating to the broadcast of debates in plenary session.

Contact with the public was made by way of the Chamber internet site, which had very recently been re-established and modernised and where it was possible to follow the sittings "live". In the near future, it would be possible to download many documents which would be available online.

Mr Shri P.D.T. ACHARY (India) said that Indian Members of Parliament were constantly complaining that the newspapers only reported events during the sitting: important speeches would not be broadcast or only partly broadcast, but uproar in the chamber would be written about in great detail. For that reason a dedicated channel had been established in the Lok Sabha, following the example of the Knesset in Israel.

The question was still waiting to be answered in India about broadcasting the work of committees, the ideal of transparency coming into collision with the necessity for keeping a certain freedom of expression for Members of Parliament and those people who were being examined.

Mr Tae-Rang KIM (Republic of Korea), in reply to Mrs I. Gusti Ayu DARSINI, said that the budget for the television channel in the National Assembly was US $ 7.2 million in 2006 and that it was estimated to grow to US $8.5 million in 2007. This large budget was explained by the need to establish a channel from scratch, in other words to acquire the material and set up the working space in a proper way.

As far as the editorial content of the channel was concerned, the Secretary General decided, in agreement with the Speaker of the National Assembly, what subjects would be reported.

Mr Xavier ROQUES (France) thought that relations between Parliament and the media reflected a series of contradictions: the contradiction of easy access by the public and the need to maintain peaceful and secure precincts, in the context of increased terrorist threats; the contradiction between the basic work of Parliament, which remained invisible, such as voting for legislation or scrutinising the Government and the tendency of journalists to interest themselves only in unusual or even exceptional situations which created a caricature image.

One of the speakers had emphasised that Parliaments needed the media. But did the media, in return, not need Parliaments? This was debatable. The relationship between Parliaments and the media was by its nature unbalanced, and always to the detriment of Parliament.

Parliamentary channels had formed the basis of several interventions. If parliamentary channels only broadcast a series of debates, there was a risk that viewers would simply change channels and would end up watching some American detective series or a song and dance show. Debates were hardly exciting. What interested viewers — and even more the media — were for example incidents during Parliamentary Question Time.

It had been asked whether certain areas in the French Parliament were reserved for journalists. This was the case and it meant that it was possible to refuse journalist access to areas nearer the Hemicycle. French Members of Parliament for a long time had been reluctant to see television cameras in committee meetings: for that reason permission could only be given by the Bureau of the relevant committee.

In France, the cost of the parliamentary channel was in the region of €10,000,000 for each of the Chambers which used it alternately and based on a fixed schedule. The cost was constantly increasing as result of technical change, in particular digital terrestrial television.

Mr Anders FORSBERG, President, thanked Mr Xavier ROQUES, and all those members present for their many and useful interventions.

He said that he had asked Mr Xavier ROQUES if he would continue to explore this subject by way of a detailed questionnaire which would be sent in the near future to members of the Association and which might give rise to the basis of a detailed report.

Taking into account the advanced hour, and having spoken to Mr Friedhelm MAIER, he thought it preferable to put back to the next sitting the debate which had been planned on parliamentary control of defence intelligence and secret services.

The sitting rose at 1.10 pm.

FOURTH SITTING
Tuesday 17 October 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.10 pm

Mr Anders FORSBERG, President, said that Mr Wojciech SAWICKI, Deputy Secretary General of the Parliamentary Assembly of the Council of Europe, could not be present for personal reasons and that therefore he would not be able to present his communication which was planned for the following day, Wednesday 18 October 2007.

1. Communication by Mr Sérgio Sampaio Contreiras de Almeida, Director General of the Chamber of Deputies (Brazil), on the mechanisms implemented by the Brazilian Chamber of Deputies to promote interaction between this Legislative House and Society, and Mrs Georgeta Ionescu, Secretary General of the Chamber of Deputies (Romania), on the relationship between the Romanian Chamber of Deputies and the civil society organizations

Mr Sérgio Sampaio CONTREIRAS de ALMEIDA (Brazil) presented the following communication, entitled "The mechanisms implemented by the Brazilian Chamber of Deputies to promote interaction between this Legislative House and Society":

"Brazil currently encompasses nearly 190 million people who are distributed in a 26-State Federation and one Federal District, where the city of Brasília, our capital, is located. It is the headquarters of the Federal Government and the National Congress.

Within the Brazilian republican government, the Federal Legislative Power is composed by two houses: the Federal Senate and the Chamber of Deputies. Generally speaking, the Chamber of Deputies represents the population from the 26 States and the Federal District, while the Senate represents each unit of the federation. The Federal Senate is composed by 81 senators who are elected by a majority of votes for an eight-year term. Being normally the trigger for the analysis of proposals, the Chamber of Deputies is composed by 513 congressmen elected for a four-year term in proportion to the number of inhabitants in each state and the Federal District. The number of representatives varies from a minimum of eight to a maximum of 70 congressmen.

One of the main working focuses within the administrative area of the Chamber of Deputies is to enable all the means, tools and instruments for Brazilian citizens to have the knowledge about legislative procedures and the results that arise from it. Interactivity is one of these instruments, which takes place both virtually, through the site of the Chamber of Deputies on the Internet, and in a current form.

Regarding present activities, we would like to talk a little bit about the so called visitors program. Just last year, more than 180 thousand people visit the Palace of National Congress, an Oscar Niemeyer building.

Apart from that, about 12 thousand people go the Congress each day for different reasons. The House is totally open to the citizens, as soon as they identify themselves.

Today the Chamber of Deputies Website is an essential tool in the process of bringing the Chamber of Deputies closer to society. The website aims at intensifying the transparency of facts and universalizing legislative information, i.e. the service is not only offered to experts on legislative procedures but also to the ordinary user. The Chamber of Deputies Website, granted with several excellence and navigability awards, reached the mark of 1,5 million accesses per month. Just six years ago the number of visitors was around 30.000. We believe that the amazing augmentation in the number of users of our website is directly related to the quality and diversity of information that we provide in it.

For us, it is very important that the Chamber of Deputies maintains its doors open to the indiscriminate access of all citizens, and the corporative website, one of the main communication tools with society, cannot avoid reflecting this vision.

From the planning phase of the current website and through the Accessibility Program for People with Disabilities, the Chamber of Deputies adapted its content so as to allow access to visually impaired persons.

Through our website it is also possible to follow-up on information about every bill of law, since it starts its parliamentary life, until the moment it becomes a law. It is also possible to have access to the content of this projects of law and to all documents related to it, like amendments, committees reports, notes of the debates, both in the committees and in the floor of the Chamber.

The website also offers a grate range of information that make possible to evaluate the Deputies parliamentary performance during his four year term, throw theirs bills of law, reports, amendments, proposals of inspection in the Executive Power. It is also possible to know how many sessions and committees meetings the Deputy attended to and how he voted in each decision taken by the Parliament.

At this point we would like to inform, and we are very proud of it, that some important news magazine and newspapers strongly recommended our website, specially now during recent electoral process in Brazil, as an important source of information, so the population could decide about reelecting or not a Deputy.

There is a sector in our website called “transparency” where citizens, as tax payers, and journalists, the major users of this service, may find information about the expenditures of each congressman, like how much he spend with the salaries of his staff, office rental in his electoral district, etc, in addition to administrative expenditures provided. For example it is possible to know the total budget of the Chamber of Deputies and how we spend it. Most of our purchase of services and goods takes place

throw the internet. The benefits are that potential sellers from all over the country can participate and the process happen under survey of the society. We just specify the products and services that we need and schedule a date for the contest, that can be seen by anyone.

Besides offering the basic services recommended by the “Parliament and Democracy in the Twenty-First Century - A Guide to Good Practices” of the Inter-Parliamentary Union, the Chamber of Deputies website provides additional services. One of them is the user-friendly bill research system. Furthermore, citizens or groups of interest can receive information regarding legislative bills by e-mail.

Another service is the audio recordings of plenary sessions and meetings. It enables all the debates to be listened in real time throw the internet and intranet, besides it makes the audio-typists job much easier. Let me try to explain how: the record of the speeches are broken into small pieces of no longer than 15 seconds and they are sent to the computers of the audio-typists who make the transcription. After that, the computer system joins all the small parts in order, so the written texts are made available just a few minutes after they have been delivered. This technology, also known as Audio Recording System, was shared with the Portuguese and Angolan parliaments.

Other forms of interaction with society are the forums and chats within the website which stimulate popular participation in the discussion of matters related to legislative themes and to subjects in the agenda of the Chamber of Deputies. The “Fale com o Deputado” [Contact your Deputy] service allows citizens to forward suggestions and complaints via e-mail directly to the desired congressman, to a group of congressmen, or even to a political party.

The “Fique por Dentro” [Update Yourself] is another extra service on the website that does research on national relevant issues. The website also offers programs with educational content. The “Plenarinho” [Little Plenary], for example, accessed through www.plenarinho.gov.br, offers information about citizenship, the State, politics and other subjects in a language directed to 7-to-12-year-old children by means of modern interactivity tools for educational purposes.

Regarding communications, the Chamber of Deputies has its own structure and means, with a staff of 80 journalists, previously selected by a national exam, and has the authority to define matters in the agenda within journalistic criteria. The main means of communications are the Rádio Câmara [radio station], Agência Câmara de Notícias [news agency], Central de Comunicação Interativa [Interactive Communication Center] and TV Câmara [24 hoursTV station].

The Rádio Station transmits plenary sessions and the main legislative meetings live in Frequency Modulation (FM). It presents three daily up-to-one-hour-long news broadcasts on parliamentary activities. Moreover, it produces nearly 15 thematic programs that are distributed through more than 700 radiobroadcasters all over the country. Rádio Câmara can also be tuned in the entire country via satellite and Internet.

The News Agency produces electronic bulletins about the main happenings in the Chamber of Deputies that are automatically sent to nearly 15,000 subscribers, 500 of which are news sites that reproduce them. Furthermore, the Agency makes 120 pieces of news from the Chamber of Deputies available daily, which are accessed by nearly 11,000 people per day through the Internet.

The Interactive Communication Center has a toll-free number which receives phone calls from all over the country. Until now it has received more than 240,000 calls. Brazilian citizens can ask questions, give opinions and participate live in programs of the Rádio Station and TV Câmara. This year, it received the first Brazilian´s Award by quality in Public Service Category.

Besides broadcasting all plenary sessions and meetings of the main committees live, TV Câmara promotes the pro-active participation of Brazilian citizens in legislative procedures. In several of its programs, such as "Expressão Nacional" [National Expression], which counts with the weekly presence of State ministers, congressmen and senators, people can pose questions to the authorities regarding great national matters through a live phone call. There are programs directed to parliamentary debates so that congressmen can present their projects. Others such as "Câmara Ligada" [Connected to the Chamber] are exclusively made for youngsters from 15 to 22 years of age. Brazil is formed by a population of nearly 20% of youngsters within this age range.

TV Câmara controls the participation of Congressmen in its programs through computer systems to guarantee parties' representativeness according to the proportion of party seats held in the Chamber of Deputies.

TV Câmara has its signal open in the Federal District and can be accessed by 2 million viewers. In all other Brazilian cities it can be tuned in through cable, open TV or satellite antennas. There are nearly 14 million satellite antennas in Brazil. Moreover, TV Câmara participates in the so called "TV Brasil", a channel transmitted in Spanish to South America and part of Latin America 24 hours a day with specific programming on parliamentary activities. It is broadcasted in Spanish because Brazil is the only Portuguese speaking country in the Americas.

Unfortunately, we do not have enough time to show all the products and services the Chamber of Deputies is able to offer. However, we will be glad to answer any of your questions during this meeting and even after, through email, fax or phone, available on the material we are distributing here.

Finally, I would like to invite you to watch a one minute video about the Chamber of Deputies and its broadcasting system."

Mrs Georgeta IONESCU (Romania) presented the following communication, entitled "The relationship between the Romanian Chamber of Deputies and the civil society organizations":

- "I've chosen this subject because I consider it very important for the future improvement and the **consolidation of the democracy** in our country, and because the relationship between the Romanian Chamber of Deputies and the civil society representatives, started to function in the last period in a new, much **more democratic and open way**.

Democracy is a form of government in which a large number of citizens have the opportunity to participate themselves in the ruling process. Voting is the most obvious example of civic participation in the government. But democracy means more that the selection of representatives, and involves public officials to invite citizens to get a glimpse of what happens inside the government, learn about how decisions are made and **what is taken into consideration** when those decisions are made.

The relation between the Parliament and NGOs has already some tradition since '90, as even the forming of the present Parliament was a result of such involvement, if we consider the project of "*The Coalition for a Clean Parliament"*, of several NGOs, that imposed a certain conduit in electing candidates for 2004 elections.

- Until 2006, we used to have in the Chamber of Deputies, a **Bureau for Public Information and Relations with the civil society** that was the main link between the Chamber of Deputies and the citizens and NGOs.

Amongst the services of this bureau were to provide access **by request**, to the public information regarding the current activity of the Chamber as well as to stimulate the interest and the knowledge of the people interested in the activity of the legislative.

Starting with **fall 2006**, due to the **restructuring of the Services** of the Chamber and to the **openness of the new leadership** of the Chamber, a **new methodology** was put in place regarding the involvement and the direct access to the information for the representatives of the civil society organizations.

A new service was created, called **Department for the relations with the civil society** to promote the public debate and the involvment of the civil society representatives in the work of the legislature. In this way, the members of the parliament can also benefit more from the expertize of the NGOs and the co-operation is strenghtened. To help this process, a new system for accreditation of the representatives of the civil society organizations was elaboated, together with a set of principles regarding the access and the manner of the acredited representatives. I have to mention that until now, the plenum was already open to the public, and the presidents of the committees could invite the citizens to participate in the work of the committees. With this new procedure our intention is to ease the process.

In this regard, any civil society organization (NGO, trade union, association, foundation etc.) can nominate a representative to be accredited to participate in the meetings of the committees of the Chamber. This accreditation eases the process of the access of the persons to these meetings.

- Shortly **about the procedure**: **any organization interested in the agenda of the parliamentary committees can request the accreditation of a representative.**

This individual will represent the organization in the relationship with the Chamber of Deputies. After nominating the representative, each organization has to list the committees in which's work they are interested in. There is no limited number of committees, but the activity of the committees has to be in accordance to the **organization's core area** of activity. This is the reason why the solicitation for the accreditation should include[16]:

- a written request, nominating the person who will represent the organization, together with the her/his ID number
- the person's Curriculum Vitae and two ID-type pictures
- a short description of the organization and it's activities, what committees are priority for the organization. The description of the organization is made based on the application form that can be found on our website as well (www.cdep.ro)
- and the legal act of the organization

The application has to be submitted to the **Department for the relations with the civil society**, under the Public Relations Directorate of the Chamber of Deputies. The Department makes the recommendations for the accreditations, and since september we received already 23 of them. The accreditations as well as the withdrawal of the accreditation are given by the Secretary General of the Chamber of Deputies. The accepted representatives get a special badge for free access into the bulding of the Chamber, the access is given on a certain entrance, from where they can easily get to those parts of the building where the committees are.

The accreditation is given for a regular parliamentary session, but at request it can be extended. For the extraordinary sessions, that usually take place at the beginning of each session, for a week, the already accredited representatives have access.

A very important part of the process is that when getting the accreditation, each person has to sign a set of orders regarding the access and the manner of the acredited representatives they have to respect. On the contrary, measure are taken starting from to be noticed to the suspension of the accreditation. The obligations stipulated in the set of orders do not exceed the provisions for the parliamentary staff.

The Rule of Order of the Chamber of Deputies says that each and every president of the parliamentary committees can invite the representatives of the civil groups to the meetings of the committees, and that the committee, at the proposal of the members, can organiza consultations with this organizations. This new measure, was elaborated to ease the process of these interactions. Of course, there are meetings where issues related to the national security and other confidential matters are discussed. The president of the committee is in charge to decide to which meetings of the committee should not accept the access of the accredited representatives. An another possibility

[16] The application form is attached to the presentation

arises when there are too many requests for participating. In this case, the access will be given by to the order of registration.

The participation of the accredited representatives doesn't mean the change of the ways the committee works or doesn't substitute the ways of participation at the work of the committees. The representatives of the civil society can submit their remarks and proposals to the secretariat of the committee, they can request meetings with the different members of the committees and they can be invited to the debates.

- **Improving the quality of legislative products** by the representatives of the civil society, is another task, that is possible under the regulation of a new law since this year. We are alowed to finance some NGOs, based on their projects, to monitor and evaluate the impact of certain laws, and to come with sugestions for improving them.

- An another component of the Department is in charge with **educational projects**.

These projects are made in co-operation with other departments of the General Secretariat and the target groups are young peoples, high school students and students as well, in partneship with non-governmental organizations that have education as their area of activity. Mainly, the educational projects aim to inform the youngsters about the electoral system, the legislation procedures and the role of the Chamber of Deputies.

As partners we can enumerate other state institutions, like the Ministry of Education, schools, NGOs, social and educational civic organizations, but we consider as partners businesses as well, to create private-public partnerships.

Besides visits to the Chamber and round table meetings, we edit brochures and other informational materials to be distributed amongst the children. An another area of activity is to facilitate meetings between the youth groups and the MPs and the different structures of the Chamber of Deputies, so the children or the students, can get a glimpse of what happens in the Parliament and how different procedures are.

An another educational project is a well known project called the **„Youth Parliament".** For a couple of days, young people act as members of the parliament, they will simulate the plenum, the work of the committees, they will act as ruling and oposition parties. Of course, we have partners in this project as well, *The Pro Democracy Association*.

All those procedures were created to ensure that civil society remains engaged with the parliamentary process and that the educational processes are enlarged in this area as well. We consider very important the transparency of our work and as I said in the introduction, democracy means more than just voting. Democracy means involvement, means rights and responsibilities. Through these measures, our Chamber of Deputies shows openness and we want to ensure that our doors are open to each and every citizen of our country."

Mr Anders FORSBERG, President, thanked Mr Sérgio Sampaio CONTREIRAS de ALMEIDA and Mrs Georgeta IONESCU for their communications and invited members present to put questions to them.

Mr Carlos HOFFMANN CONTRERAS (Chile) asked Mr Sérgio Sampaio CONTREIRAS de ALMEIDA for details on the system for transcription of debates within both Chambers, the speed of which was impressive.

Mr Sérgio Sampaio CONTREIRAS de ALMEIDA said that the recorders were linked to a computer system in all the committee rooms and the Hemicycle. The system recorded the debates and transferred them onto the Chamber internet and intranet sites, which allowed the debates to be followed "live".

The shorthand writers received sections of the debate direct onto their computers for transcription. The system automatically linked up the different written records once they were finally edited.

The same automatic system had been installed in Angola — within the framework of a cooperation programme between various Portuguese speaking Parliaments — where it operated entirely satisfactorily.

Dr Yogendra NARAIN (India) asked Mr Sérgio Sampaio CONTREIRAS de ALMEIDA for details on management of the "green line": what happened if the operator did not know the answer to a question put by a citizen who was calling — a situation which one must presume happened frequently, taking into account the often fantastic variety of such calls?

He then spoke to Mrs Georgeta IONESCU, and said that in India a Petitions Committee allowed any citizen to bring a petition to Parliament. Moreover, parliamentary forums had been established — on children, women or water management. In that way, civil society could interact with Members of Parliament on particular subjects, which allowed for exchange of information in both directions.

Mrs Georgeta IONESCU recognised that she had not mentioned petitions. In the Romanian Parliament, there was also a Committee which dealt with requests from citizens. It was open to them even to deposit their petition online.

Forums were also open, in particular when a bill on a particular subject had just been debated in Parliament. This frequently allowed the collection of extremely useful information.

Mr Sérgio Sampaio CONTREIRAS de ALMEIDA said that correspondents who answered by way of the "green line" had access to a parliamentary database. If they were unable to answer the question, it would be sent to a central organisation, which was able to carry out in-depth research and contact the author of the question direct.

Mr Abdeljalil ZERHOUNI (Morocco), addressing Mr Sérgio Sampaio CONTREIRAS de ALMEIDA, asked what security measures were in place to deal with such a large number of visitors.

Mr Sérgio Sampaio CONTREIRAS de ALMEIDA replied that generally the public was respectful of the institution of Parliament and that security problems were able to be dealt with. Nonetheless, some security equipment had been installed (metal detectors, automatic searches in databases to indicate whether a visitor had already had problems with the police).

Mr Mamadou SANTARA (Mali) said he was impressed by the number of people who visited the precincts of the Brazilian Parliament every day — namely 12,000 people, which was the size of a respectably large village in Mali. What was the structure of the population of the visitors — were they mainly tourists or people invited by Members of Parliament?

He asked whether an evaluation of the accreditation procedure for ONGs had been carried out in Romania? He asked whether the system did not limit the possibilities for the committee itself to collect as much evidence as it thought necessary?

Mrs Georgeta IONESCU replied that up until the previous September the system was that the Chair of the Committee concerned invited organisations within civil society. Henceforth, access was free for accredited representatives of civil society: this was a step towards openness and liberalisation.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) referred to the citizens' initiative in the Netherlands, which had been introduced in the previous April, which allowed Dutch citizens aged at least 18 years to have a subject placed on the Orders of the Day of the House of Representatives. The condition was that it was necessary to collect 40,000 signatures and that the question put should not have been debated by Parliament within the two previous years.

Mrs Georgeta IONESCU said that a similar mechanism existed in Romania, but the threshold for accepting such a motion had been fixed at 100,000 names.

Mr Alain DELCAMP (France) thought that there were three systems for communicating with Parliament, whether in Brazil or Romania: questions, petitions and opinions. On the first point: were questions answered only on the working methods of the institution and legislative procedure or were questions accepted on any subject? On the second point: how many petitions were received each year and how were they dealt with? On the third point: how were opinions sent in by citizens dealt with?

Mrs Georgeta IONESCU said that questions were addressed directly to a Member of Parliament, to the Speaker, to the Standing Bureau or to the Secretary General. The staff tried to answer all questions relating to the public interest. In theory, all questions should be replied to within 30 days.

As far as petitions were concerned, they were dealt with by a specialist committee, and where necessary, forwarded to the relevant organisations.

Mr Sérgio Sampaio CONTREIRAS de ALMEIDA said that questions had various subjects, whether relating to legislative procedure or more precise questions on the content or interpretation of the legal provision — which sometimes required reference to specialist expertise.

Mr Anders FORSBERG, President, thanked Mr Sérgio Sampaio CONTREIRAS de ALMEIDA and Mrs Georgeta IONESCU, as well as all those members present for their many interesting interventions.

2. Communication by Mr Shri P.D.T. Achary, Secretary General of the Lok Sabha (India), on the Right to Information Act

Mr Shri P.D.T. ACHARY (India) presented the following communication, entitled "The Right to Information Act":

"**Introduction**

It is now widely accepted that for a democracy to be successful in its varied manifestations, it requires an informed citizenry. It is also acknowledged that transparency is vital in governmental functioning to hold governments and their instrumentalities accountable to the governed and equally importantly to contain corruption which tends to corrode democracy. Since a successful democratic system is based on the trust of the governed, it should, therefore, function with as much transparency as possible so that the citizens are fully aware of its objectives, policies and programmes and help the government to accomplish those objectives. The right to information, which promotes governmental transparency and accountability by facilitating greater public participation in decision-making, in fact, also helps to strengthen good governance. It is also a fact that the freedom of information or the right to information opens up channels of communication between the civil society and the State. It is thus openness in governmental functioning is held to be an essential ingredient of democracy and the right to information as a fundamental democratic right.

Democracy pre-supposes that the basic right of citizenship is exercised under conditions of freedom, equality, transparency and responsibility in furtherance of individual participation in democratic processes and public life. For democracy to sustain itself successfully, a democratic culture is required which should be constantly nurtured and reinforced by developing necessary conditions conducive to the genuine exercise of participatory rights, apart from effective institutions. The key elements of good governance like transparency and accountability create the environment to build trust in democratic institutions. In fact, accountable and people-centred governance can provide an operational framework for making democracy work efficiently. In effect, democracy becomes meaningful only when people can shape the future of the State and the State, in turn, creates enabling social, political, economic and legal conditions wherein people are empowered to exercise their civil and political rights.

Thus, in the quest for good governance, the citizen's right to information is increasingly being recognized as an important instrument to promote fairness, openness, transparency and accountability in the functioning of the government. As such, in all free societies, the veil of secrecy that has traditionally shrouded the activities of the governments is being progressively lifted which has had a salutary effect on their functioning. In most democratic countries, the right of the people to know is now a well established right created under the law. In a way, it is a right that has evolved with the maturing of the democratic form of governance.

Today, the relevance of people's right to know assumes greater importance than ever before since modern democracy embraces a wider and more direct concept of accountability – a concept that goes beyond the traditionally well established principle of accountability of the Executive to the Legislature in a parliamentary democracy. Increasingly, the trend is towards accountability in terms of standards of performance and service delivery of public agencies to the citizen groups that they are required to serve. Such accountability is possible only when the public have access to information relating to the functioning of these agencies.

Right to Know and Right of Access to Information

Access to information is not only a key mechanism for ensuring transparency and accountability but is also an effective instrument in rooting out corruption. Empowering citizens with the legal right to access information on governmental activities can strengthen democracy by making the government directly accountable to its citizens on a day-to-day basis rather than at periodic elections. There is a proactive campaign across the democratic world, spearheaded by the civil society groups, asserting that States are under obligation to give effect to the right to freedom of information of its citizens. In the wake of these efforts, in several democracies, it has been established that any information sought for by the citizens may be provided except where there is a compelling governmental interest to keep such information secret.

On another plane, the right to receive information is also being underscored as a counterpart of the right to impart information which is an essential ingredient of the freedom of expression. That being so, the right to acquire information includes the right of access to sources of information as well. The right to access information underpins all other human rights and is the touchstone for all other freedoms essential to empowering all members of society, including parliamentarians, and is basic to the democratic way of life. But, this right, like any other fundamental right, cannot be absolute. Thus, reasonable restrictions are imposed upon the citizen's right to compel disclosure of information, if it affects national security, sovereignty, friendly relations with foreign States, or if its disclosure will constitute incitement to an offence, defamation or contempt of court or might interfere with the investigations of criminal cases which might affect the maintenance of public order.

The right to information regime exists under one nomenclature or the other in various countries. Sweden has the oldest established system of access to information dating back to the Constitution of 1766, which demonstrates how public access to information

can become an integral part of the process of administration. In the United States of America, it is governed by the Freedom of Information Act, 1966. The UK has the Code of Practice on Access to Government Information; Canada, the Access to Information Act, 1980; and Australia, the Freedom of Information Act, 1982. In India, we enacted the Freedom of Information Act in 2002 which was replaced with the Right to Information Act in 2005.

Information Needs of Parliaments

In a parliamentary context, the right to know of the members has always been recognized in all Parliaments. How effectively the Parliament is able to perform its various functions – most importantly making he governmental functioning transparent and the administration accountable – will depend on the accessibility to the latest information which can keep the members up-to-date in regard to developments in all areas of parliamentary concern and more particularly in matters coming up before the House or the Committees. Such information is inevitable if the Parliament has to ensure its cardinal role of efficacious surveillance over administration. The fundamental parliamentary right of freedom of speech and expression of a member is meaningless without easy access to authentic information about issues and subjects on which opinions are to be formed and expressed on policies and programmes of the government which need parliamentary approval and on budgetary and other financial proposals. The right to know of a member is, therefore, implicit in the right to free speech and expression.

In a parliamentary polity, Parliament embodies the will of the people and it must, therefore, be able to oversee the way in which public policy is carried out so as to ensure that it keeps in step with the objectives of socio-economic progress, efficient administration and the aspirations of the people as a whole. It is indeed a crucial function that Parliament has to perform for ensuring effective governance and which offers the key to deepening democracy and quickening the pace of development. If Parliament is to conduct a meaningful scrutiny of governmental actions and call the administration to account, then it must have the technical resources and information wherewithal.

If we look at parliamentary democracies the world over, we find that Parliament gets informed through a wide variety of sources, but since the government is the single largest custodian of information, Parliament and its members have to rely very heavily on the Government Departments for their information requirements. Every Parliament develops its own practices and procedures through specific devices to assert its right to know or have access to information, the most well-known and effective mechanism being Questions in the Houses of Parliament. To call for information is considered to be the most significant power of Parliament. Parliament's right to be informed is unlimited except that if divulging of certain information is likely to prejudice vital national interests or the security of the State, it may not be insisted upon. So far as the activities of the government are concerned, it is the duty of the government itself to furnish Parliament with information which is complete and authentic. On another plane, the information furnished to Parliament has to be correct and authentic and it will be

considered a breach of privilege and contempt of the House if a false, forged or fabricated document is presented to either House or to a Committee thereof with a view to misleading them.

Right to Information: Role of Parliament and the Media in building an Informed Democracy

In most of the democracies, the right to receive and impart information belongs to an individual as a corollary to his right to freedom of expression and the right of the Press/Media to have access to the source of information relating to public affairs. Since the Press is one of the media through which the people may receive or collect information and the freedom of the Press is coextensive with the right of an individual, it follows that the Press should have the right to know and be informed of the administration of public affairs, so that it could pass on that information to the people.

Parliamentarians at various fora have been stressing the need for free access to information for building an informed democracy wherein the Media also has a key role to play. In February 2000, a Conference on "Parliament and the Media: Building an Effective Relationship" was convened in New Delhi by the Commonwealth Parliamentary Association (CPA) in collaboration with the Commonwealth Press Union (CPU), Commonwealth Journalists Association (CJA), the Commonwealth Broadcasting Association (CBA), the World Bank Institute and the Lok Sabha. The Conference came out with various guidelines to foster an effective relationship between Parliament and the Media in the larger cause of parliamentary democracy. The theme was carried forward at another similar Conference held in Cape Town in April 2002. The CPA Study Group on "Parliament and the Media", while meeting in February 2003 at Perth, held that freedom of the Press should not be regarded simply as the freedom of journalists, editors or proprietors alone to report and comment. Rather, it should be regarded as the embodiment of the public's right to know and to participate in the free flow of information. The Study Group urged Parliaments to be exponents of the protection of the media as a necessary adjunct to democracy and good governance and stressed that Parliaments should seek to ensure the dissemination of information and a plurality of opinions without any intervention from the State and without censorship. The Group also recommended reforms to remove legal and institutional obstacles and other measures to develop a fully informed society through an open and accountable Parliament and a free and responsible media. Later, in July 2004, the CPA, in partnership with the World Bank Institute and with assistance from the Parliament of Ghana, convened a Study Group on Access to Information in Accra, Ghana. The Group emphasized the need for Parliaments and their members to become champions of access to information and to lead by example. It also stressed the central role of Parliament and its members in giving effect to the right of access to information as well as the importance of access to information to parliamentarians in the performance of their duties. The Study Group urged that urgent steps should be taken to review and, if necessary, repeal or amend legislation restricting access to information.

In another initiative, parliamentarians, including government Ministers and senior parliamentary officials from seven Commonwealth countries met in a Workshop in Fiji

Islands on 1 and 2 September 2005. The Workshop emphasized that free public access to information held by government and pubic institutions is good for economic and social development, as it leads to a more efficient economy and better public sector performance, increasing investor confidence and reduced waste and corruption, apart from promoting government accountability and public participation in governance and development. The participants agreed that the Freedom of Information legislation should be designed to reflect both universal principles and local conditions and traditions. The Workshop, however, expressed concern over the possible misuse of information obtained by the people under the Freedom of Information legislation and it was felt that the situation might be dealt with by the existing criminal and libel legislation, etc., or by having a well thought-out regime of exemption under the Freedom of Information legislation itself. All these initiatives underscore the importance parliamentarians attach towards securing the right to information.

Freedom of Information in India

In India, freedom of information is by necessary implication included in the freedom of speech and expression guaranteed under article 19(1)(a) of the Constitution which delineates that all citizens shall have the right to freedom of speech and expression. The only limitation recognized on the above right is *vide* article 19(2) relating to the interests of the sovereignty and the integrity of India, the security of the State, friendly relations with foreign States, public order, decency, or morality or in relation to contempt of court, defamation or incitement to an offence.

The need to enact a law on the right to information was recognised unanimously at the Conference of Chief Ministers on "Effective and Responsible Government" held in May 1997. Several civil society groups were also actively campaigning for a legislation on the citizens' right to information. The Parliamentary Standing Committee on Home Affairs had also taken up the matter for examination and in its 38th Report relating to the Demands for Grants of the Ministry of Personnel, Public Grievances and Pensions, *inter alia*, stated that the "Right to Information Act for promotion of open and transparent government is a long overdue measure, and this in the view of the Committee is quite consistent with the democratic ideal. ...The Right to Information will go a long way in firmly establishing the culture of accountability." The right to information of the people has also been recognised by the Judiciary in various cases that have come before it from time to time. As a result of all these endeavours, the Parliament enacted the Freedom of Information Act, 2002 in accord with article 19 of the Constitution as well as article 19 of the Universal Declaration of Human Rights.

The campaign for bringing out a central legislation was only a partial success, as the Act had not been brought into force. According to the government, the basic infrastructure required for its operationalisation had not been fully established. Meanwhile, there had been growing apprehensions that the Act had fallen short of the aspirations and expectations of the people in many respects. The government received a number of representations from people/civil society groups pointing out the key issues needing modifications so that the right of citizens to access information was fully realized and that the legislation truly achieved its objectives. Accordingly, the

government assigned the task of suggesting constructive changes in the Act of 2002 to the National Advisory Council (NAC) which had been set up as an interface with the civil society in regard to the implementation of the National Common Minimum Programme (NCMP) of the Government of India. The NAC, based on the inputs received from several civil society groups and experts, proposed some 35 amendments to the Freedom of Information Act, 2002 to ensure:

- Maximum disclosure and minimum exemptions consistent with the constitutional provisions;
- Independent appeal mechanism;
- Penalties for failure to provide information as per the law; and
- Effective mechanism for access to information and disclosure by authorities.

The amendments proposed by the NAC were examined comprehensively by the government. Certain provisions suggested by the Council were modified keeping in view the legislative, constitutional and administrative requirements. Considering that the changes envisaged were extensive, it was decided to enact a new legislation on the subject and simultaneously repeal the existing Freedom of Information Act, 2002. In furtherance thereof, the Right to Information Bill, 2004 was introduced in the Lok Sabha on 23 December 2004.

The Bill was then referred to the Parliament's Departmentally-Related Standing Committee on Personnel, Public Grievances, Law and Justice and its report was laid on the Table of the Lok Sabha on 21 March 2005. The Committee *inter alia* recommended the insertion of a Preamble to the Bill to send an appropriate message consistent with the principles of maximum disclosure. For bringing the States and other local bodies or authorities within the purview of the legislation, the Committee recommended amendment to the definitions of various terms included in the definition part of the Bill. Likewise, other consequential changes at appropriate places of the Bill were also suggested. The Committee also recommended the constitution of State Information Commissions and terms and conditions of service of State Information Commissioners and Deputy Information Commissioners. The government accepted a majority of the recommendations of the Committee and the Bill, as amended, was passed by both the Houses of Parliament in May 2005. The enactment was made effective from 12 October 2005.

Under the Right to Information Act, 2005, which has created an effective mechanism for the exercise of the citizen's right to information, a duty has been cast on every public authority to provide, *suo motu,* public information so that the public has minimum resort to the use of this legislation to obtain information. Duty has also been assigned to the public authority to maintain its record, duly catalogued and indexed, in a manner and form so as to facilitate access to information by the citizens. The procedure for securing information has also been simplified. To ensure that the government officials and all public authorities provide high priority to requests for

information from citizens, deterrent penalties have been provided for failure to provide information in time, or for refusing to accept application for information, or for giving incorrect, incomplete or misleading information, etc. The enactment enjoins upon every public authority to designate an officer, within one hundred days, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer to receive the applications for information or appeals under the Act for forwarding the same to the Central Public Information Officer or the State Public Information Officer or the Central or State Information Commissions. The categories of information which have been exempted from disclosure are a bare minimum, though the security and intelligence organizations have been exempted from the provisions of the Act. The legislation is aimed at radically altering the administrative ethos and culture of secrecy through ready sharing of information by the State and its agencies with the people. Several States in India have also enacted their own legislations on Freedom of/Right to Information. As on 10 May 2006, twenty-one States had appointed their Chief Information Commissioners.

After the coming into force of the Right to Information Act, 2005, people have been extensively making use of its provisions to seek information. The large-scale acceptance and its use by the people as an instrument for pressing transparency and accountability of public authorities can very well be judged also from the fact that in case of failure to have access to information, increasing number of complaints have been registered with the Central Information Commission (CIC). The CIC has been looking into the complaints filed with it and has already rendered its decisions in 93 cases in the first quarter (January-March 2006); 293 cases in the second quarter (April-June 2006); and 539 cases in the third quarter up to 18 September (July-September 2006).

The popularity of the Right to Information Act as an important guarantee of governmental transparency also came to the fore when a proposal to make certain amendments to the Act was announced by the government in July 2006. The government's position was that these amendments would "remove ambiguities" in the Act and make it "more effective and progressive". However, many civil society groups and organizations expressed strong reservations on the proposed amendments, especially the one to exclude notings on files in specified areas from the purview of the Act. In the wake of such apprehensions, the move to table the amendment Bill in the Monsoon Session of Parliament was stalled by the government which pointed out that these apprehensions were "largely misplaced." That being the case, the government stated that the proposed amendments needed "wider consultation" before introduction in Parliament.

Citizens' Charters

In a related measure, Ministries and Department of the Government have also put in place Citizens' Charters representing their commitment towards standards, quality and timeframe of service delivery, grievance redressal mechanism, transparency and accountability. Accordingly, many Central Government Ministries/Departments/ Organizations have brought out their Citizens' Charters. The Citizens' Charter lets the

people know the mandate of the Ministry/Department/Organization concerned, how one can get in touch with its officials, what to expect by way of services and how to seek a remedy if something goes wrong. The Citizens' Charter does not by itself create new legal rights, but it surely helps in enforcing existing rights. The Department of Administrative Reforms and Public Grievances in the Ministry of Personnel, Public Grievances and Pensions, in its efforts to provide more responsive and citizen-friendly governance, coordinates the efforts to formulate and operationalise Citizens' Charters. With a view to ensuring the effective implementation of the Citizens' Charter, nodal officers have been appointed in the Central Government Ministries/Departments/Organizations concerned.

Right to Information and the Indian Parliament

It is an acknowledged fact that whatever information reaches Parliament comes into the public domain. Like in the parliamentary systems in other countries, the Indian Parliament too has developed various procedural devices to elicit information held by public authorities and to ensure transparency and accountability of the Executive for all its acts of omission and commission. In our Parliament, this accountability and transparency are effected by the Ministers while answering Questions from members or while making Statements on the floor of the House, laying reports and papers on the Table of the House or placing documents in the Parliament Library or sensitive documents being shown to members in the Speaker's Chamber. Reports of Parliamentary Committees are another valuable source of information. All these constitute a wealth of information which becomes public immediately, thus helping to ensure transparency, accountability and public involvement in decision-making and policy formulation. The Question Hour in our Parliament is perhaps the most important mechanism in this process. The Minister may be put to a gruelling test also by means of searching supplementaries which may be so framed as to expose the weaknesses, if any, of the administration. Through the members' Questions – both Starred and Unstarred – often the Ministers themselves get better informed about the Departments under their charge and the weak areas therein requiring priority attention. As a follow-up of what may be an incomplete answer to a Question, a member may demand a Half-an-Hour Discussion. Members may also raise a question on matters of urgent public importance, through the mechanism of Short Notice Questions for oral answer and through Special Mentions during the Zero Hour. Yet another procedural device is that of the Calling Attention Notices wherein a member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and request the Minister to make a statement on the subject.

The procedures of our Parliament afford ample opportunity for the "daily and periodic assessment" of Ministerial responsibility, accountability and transparency and at the same time for getting informed of administrative functioning. The more significant occasions for review of administration are provided by the discussion on the Motion of Thanks on the Address by the President, the budget and debates on particular aspects of governmental policy or emergent situations. These apart, specific matters may be discussed through motions on private members' resolutions and other substantive motions.

We have in our Parliament a very effective Committee System to hold the Executive to task by scrutinizing the Government Ministries and Departments, public undertakings, etc. under examination. It has been laid down in the Directions issued by the Hon'ble Speaker that the Secretaries of Ministries or heads of Departments or undertakings should appear before the Committees of the House when summoned, on all matters on which reports are to be presented by the Committees. They are called upon to explain the working and performance of their Ministries, Departments and public undertakings, use of money consistent with efficiency, and how irregularities in accounts, if any, have taken place, the measures adopted to prevent them in future, etc. In respect of reports on Demands for Grants and other subjects, the Ministry or the Department concerned is required to take action on the recommendations and conclusions contained in the report and furnish action taken replies thereon. Action taken notes received from the Ministries/Departments are examined by the Committee and Action Taken Reports thereon are presented to the House. Further, Action Taken Notes on Action Taken Reports received from the Ministries/Departments are examined by the Committee and laid in the House in the form of a Statement on Further Action Taken by the Government on the Action Taken Reports. In another parliamentary initiative, the Hon'ble Speaker Shri Somnath Chatterjee has issued a new Direction on 1 September 2004, under which the Minister concerned shall make, once in six months, a Statement in the House regarding the status of implementation of recommendations contained in the reports of the Departmentally-Related Standing Committees of the Lok Sabha with regard to his Ministry.

A close and continuous watch on governmental activities with a view to ensuring accountability and transparency is exercised through various other Parliamentary Committees as well. The Committee on Government Assurances keeps track of assurances or undertakings given by Ministers in the House. All Rules made by the Government, whether laid on the Table or not, are scrutinised by the Committee on Subordinate Legislation in order to see that the rule-making power, wherever conferred on the Government, has been exercised within the scope of the delegation. The Committee on Petitions not only looks into petitions on Bills and other matters pending before the House, but also entertains representations on matters from the public in order that no substantial grievances go unremedied. The Committee on Papers Laid on the Table of the House examines all papers laid on the Table other than those which fall within the purview of the Committee on Subordinate Legislation or any other Parliamentary Committee to see, *inter alia,* whether there has been any delay in laying the Papers and whether satisfactory explanation has been given in cases of delay.

On another plane, members can also write to the Ministers concerned and ask for the information they need. In all matters of a routine character, members may address invariably their communications to the Secretary of the Ministry. Where the matter is important and the member feels that it should receive consideration at a higher level, he may address the letter direct to the Minister or the Minister of State or Deputy Minister. In case a member wants to ascertain facts about a case of fraud, corruption, nepotism, bribery, maladministration, etc., which might have come to his notice, he may address the Minister concerned direct under copy to the Ministry of Parliamentary Affairs, or discuss the matter with the Minister personally.

At the institutional level, the Parliament Library and Reference, Research and Documentation Service of the Lok Sabha Secretariat caters to all the information requirements of members.

Access to Parliamentary Proceedings, etc.

As in other parliamentary democracies, in our country too, apart from constitutional restraints, there are laws relating to the Press placing certain statutory regulations on the freedom of the Press under the Official Secrets Act, the Contempt of Court Act, the Copyright Act, law of defamation, apart from the privileges of Parliament, etc. These legislations perform two functions – on the one hand they guarantee freedom of the Press, and on the other, they try to ensure that the Press does not abuse its freedom and violate the grounds of basic restrictions.

The statutory protection which has been given to the publication in newspapers or broadcasts by wireless telegraphy of substantially true reports of any proceedings of either House of Parliament under the Parliamentary Proceedings (Protection of Publication) Act, 1977, was later incorporated into the Constitution of India by insertion of article 361A. This protection has been accorded within the overall limitation that the House has the power to control and, if necessary, to prohibit the publication of its debates or proceedings and to punish for the violation of its orders.

The Hon'ble Speaker, Shri Somnath Chatterjee, has taken an initiative towards facilitating greater transparency in parliamentary functioning. Keeping in view the importance of making the proceedings in Parliament open to the people, we have introduced the live telecast of parliamentary proceedings of both Houses of Parliament by operationalizing two separate exclusive channels for the purpose. Recently, on 11 May 2006, we have started an independent Lok Sabha TV Channel for telecasting the proceedings of the Lok Sabha and other parliamentary activities. We also provide webcasting of parliamentary proceedings on the Parliament of India Home Page.

Unlike the parliamentary proceedings which are telecast live, the proceedings of the Parliamentary Committees are, as of now, not open to people or the media persons. However, as and when the Committees are constituted, details regarding their membership, etc., are made available to the Press through the Press and Public Relations (PPR) Division of the Lok Sabha Secretariat. Similarly, subjects taken up for examination by various Committees are made available to the Media. Often, the Committees place advertisements in newspapers in respect of subjects being looked into by them and invite public views on these matters. Subsequently, to help the Media personnel in preparing their dispatches on the reports presented to the House by the Parliamentary Committees, Press Releases are issued by the Lok Sabha Secretariat, highlighting the salient points or observations. Reports of the Committees as laid on the Table of the House are also distributed to the Media. The PPR Division also facilitates Press Conferences by Committee Chairmen to give wider coverage to the Committee reports. Further, Action Taken Reports (ATRs), after being laid on the Table, are distributed to the Media. The Parliament website too provides vital

information relating to the functioning of Parliament, parliamentary sittings and Parliamentary Committees.

Conclusion

The meaningful participation of the people in major issues affecting their lives is a vital component of democratic governance and such participation can hardly be effective unless people have information about the way government business is transacted. Democracy means choice and a sound and informed choice is possible only on the basis of knowledge. This is equally true in respect of Parliaments as well. Unless and until Parliament's right to know is truly effective, elected representatives will not be able to perform their duties to their constituents and the nation in a meaningful and purposive manner. On the other hand, parliamentarians, both as law-makers and as people's representatives, can play an important role in making the right to information a practical reality for the public so that the government machinery becomes more transparent and accountable, in the process strengthening the democratic edifice."

Mr Anders FORSBERG, President, thanked Mr Shri P.D.T. ACHARY for his communication and invited members present to put questions to him.

Mr Marc BOSC (Canada) said that a bill relating to access to information held by public organisations, including Parliament, had recently been debated in Canada. He asked if the law in India included within its scope parliamentary authorities or whether it only extended to Members of Parliament themselves.

The Canadian experience relating to freedom of information, which was now about 20 years old, had had a paradoxical effect on the public service, in that it had resulted in the creation of an oral culture. The development of electronic means of communication had also meant that information was exchanged in new ways, which did not always allow for systematic record keeping.

Mr Shri P.D.T. ACHARY (India) said that the law in India covered parliamentary authorities as much as Members of Parliament themselves. The only exception related to parliamentary privilege. Moreover, there was no protection for the identity of requestors for information.

Mrs Hélène PONCEAU (France) asked what limits were placed within the law on freedom of information relating to internal affairs of Parliament. In France, the law on freedom of information relating to official documents did not cover documents which were purely internal.

Mr Shri P.D.T. ACHARY (India) confirmed that the law in India covered all documents produced by the public service — which showed the revolutionary character of this law.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked what the status was of confidential information which was received by Members of Parliament — for example, a file relating to an asylum request for a refugee.

Mr Shri P.D.T. ACHARY said that Members of Parliament in India had absolute freedom of speech, which took them out of the scope of the law on freedom of information and which permitted them, if they thought it was necessary, to speak about particular cases of which they had been informed.

Mr Brendan KEITH (United Kingdom) underlined the tension, which was present in all member countries of the European Union, between freedom of information and the European law relating to data protection. In one case, it was insisted that information should be divulged and in the other, that it should not be divulged. He asked whether a similar tension existed in India between the desire to protect privacy and the wish to allow free access to data?

Mr Shri P.D.T. ACHARY said that the law in India relating to information had only been in effect for barely a year and that it took precedence over all previous legislative provisions to the contrary which tended to limit access to information. The question of reconciling this law with the protection of private information was a matter for the courts, which had not yet reached a decision on this point.

The freedom of speech of Members of Parliament was without any limit, except those within the rules of the institution to which they belonged.

Mr Robert MYTTENAERE (Belgium) said that the European Court of Human Rights had had a case before it relating to a person who had been referred to in a parliamentary debate and had been suspended. The Court had confirmed the absolute freedom of speech of Members of Parliament including when a particular person was accused.

Mr Anders FORSBERG, President, thanked Mr Shri P.D.T. ACHARY, and all those members present for their numerous and useful interventions.

The sitting rose at 5.15 pm.

FIFTH SITTING
Wednesday 18 October 2006 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

1. New Members

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

Dr Daniel GRANDA ARCINIEGA	Secretary General of the National Congress of Ecuador (replacing Dr John Argudo PESANTEZ)
Mr Romão PEREIRA DO COUTO	Secretary General of the National Assembly of São Tomé and Principe (replacing Francisco SILVA)

The new members were *agreed* to.

2. Election of Members to the Executive Committee

Mr Anders FORSBERG, President, said that the Executive Committee had discussed the qualifications required for a member of the Executive Committee to be able to serve successfully in that capacity.

The main principle was that members of the Association who wished to offer themselves as candidates for election should be known to the ASGP membership — usually this would be because they had attended at least two sessions and had been members of the Association for two years. In addition, the Executive Committee believed that candidates should have participated in debates by way of a formal contribution or have delivered at least one communication.

This did not represent a change to the rules — all members were eligible to stand — but was intended as guidance for members who either wished to offer themselves for election or to decide between candidates.

3. Communication by Dr Yogendra Narain, Secretary General of the Rajya Sabha of India, on the expulsion of Members of the House

Dr Yogendra NARAIN (India) presented the following communication, entitled "The expulsion of Members of the House":

"In regard to the expulsion of Members from the British House of Commons, Griffth and Ryle state that :

> "Expulsion is the ultimate sanction against a member. It is an outstanding demonstration of House's power to regulate its own proceedings, even its composition. The expulsion of a member cannot be challenged. It may best be understood as a means available to the House to rid itself of those it finds unfit for membership, rather than as a punishment. Members have been expelled for perjury, fraud, corruption or "conduct unbecoming the character of an officer and a gentleman"; only a few had offended against the House itself or committed a breach of privilege or contempt[17]".

2. There have been several instances of expulsion of Members of Parliament in India as well.

3. On 8th June 1951 a Committee was appointed by the House of the People (Lok Sabha) to investigate the conduct and activities of a Member, Shri H.G. Mudgal. The Committee held that the conduct of the Member in accepting monetary considerations was derogatory to the dignity of the House and inconsistent with the standards which Parliament was entitled to expect from its Members. In pursuance of the Report of the Committee, on a Motion adopted by the House, Shri Mudgal was expelled from the Lok Sabha.

4. In September 1976, Shri Subramaniam Swamy a member was expelled from the Council of States (Rajya Sabha) upon the findings of an Ad Hoc Committee that he had indulged in activities unbecoming of a member and that his membership of the House should be terminated.

5. On December 19, 1978, consequent on a Motion being adopted by the 6th Lok Sabha, Smt. Indira Gandhi (a former Prime Minister) was committed to jail till the prorogation of the House and also expelled from the membership of the House for causing serious obstruction, intimidation, harassment and institution of false cases by her Government when she was the Prime Minister against certain officials who were collecting information to answer a certain question in the House during the previous Lok Sabha. However, on May 7, 1981, the 7th Lok Sabha rescinded the Motion of expulsion of Smt. Gandhi by a Resolution.

6. In more recent times, there have been two cases of expulsion of Members from the membership of the Council of States (Rajya Sabha). On 23rd December, 2005, a member was expelled from the House, in the wake of telecasting of an undercover operation showing the Member accepting money for asking questions in the House[18], on the recommendation of the Committee on Ethics of the House which was subsequently

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[17] Parliament, 2nd Edition, page 136

[18] Ten members were similarly expelled from the House of the People (Lok Sabha) on the recommendation of an ad hoc Committee appointed by the Speaker.

accepted by the House on a motion. Similarly, in the wake of telecasting of another sting operation on the recommendation of the Committee on Ethics which was subsequently agreed to by the House by adopting a motion, another Member was expelled from the membership of the House on 21st March, 2006 for his act of demanding commission for execution of works/projects under the Members of Parliament Local Area Development Scheme (MPLADS), which the Committee felt, had brought the House into disrepute.

7. There have also been cases of Members expelled by the Legislative Assemblies of the States in India.

8. A question arises as to what extent the expulsion of its members by Parliament or the State Legislatures is justiciable and the expelled members can seek relief from the Courts in India. It is settled law that the Courts have the power to interpret the existence and scope of a power, privilege or immunity of Parliament under Article 105(3)[19] or the State Legislatures under Article 194(3). However, articles 122 and 212 of the Constitution state that the validity of any proceedings in Parliament and State Legislatures shall not be called in question on the ground of any alleged irregularity of procedure. The question whether the judiciary can interfere in matters of Parliamentary privileges or not has been examined by the Indian Judiciary at different points of time in different situations. On each occasion, the judiciary has arrived at the conclusion that it cannot interfere in matters of privileges of Parliament and recognized that a House of Parliament or a State Legislature is the sole authority to judge as to whether or not there has been a breach of privilege in a particular case. It has also been held that the power of the House to commit for contempt is identical with that of the House of Commons. The Supreme Court of India has, however, uptil now not pronounced a judgement whether the privileges of Parliament or State Legislatures include the power to expel their Members albeit there have been conflicting judgements of the High Courts in different States over the issue. As a matter of fact, the Supreme Court of India has never had an occasion to consider whether the power vested in the House of Commons to expel its members, vests in the Legislatures or Parliament in India. The Supreme Court, however, while dealing with the power of a State Legislature to punish citizens who are not its members for contempt alleged to have been committed by them outside the four walls of the Legislature, had observed in Special Reference No.1 of 1964, as

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[19] Article 105 of the Constitution reads: —

(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

Similar provisions are contained in article 194 which deals with State Legislatures

reported in AIR 1965 SC 745, that not all powers and privileges of the House of Commons vest in the Indian Parliament and Legislatures. As an example, the Court observed that the power of the House of Commons to regulate its Constitution cannot be claimed by the Indian Legislatures. While not explicitly setting out in the judgement, the reasoning appeared to be that unlike the case in England, India had a written Constitution and the constitution of Parliament and the State Legislatures is regulated by Chapter-III of Part VI and Part XV of the Constitution and the Representation of the People Acts, 1950 and 1951. The Court further observed that the power, privileges and immunities enjoyed by British Parliament in its historical capacity as a Superior Court of Record cannot be claimed by Indian Legislatures since they are not superior courts of record. The Punjab and Haryana High Court had, however, relying on the said observations of the Supreme Court held in a case[20] that since the Indian Legislatures do not have the power to regulate their own Constitution and are not superior courts of record, they do not have the power to expel members. It may be pertinent to note in this context that the observations of the Supreme Court on which the Punjab and Haryana High Court relied were in a case on different facts which did not relate to any action by a Legislature against its member but against a citizen ignoring in the process the observation of the Supreme Court that they were "not dealing with any matter relating to the internal management of the House in the present proceeding". In sharp contrast to this judgement of the Punjab and Haryana High Court, the Madhya Pradesh High Court in another case[21] had upheld the view that the Indian Legislatures have the power to expel their members. It was held by the Court that the power of the House of Commons to expel is independent of the power to regulate its own constitution.

9. In a nutshell, the Parliament in India and the State Legislatures alike have, like the House of Commons in England, viewed gross acts of misdemeanor/misconduct on the part of their Members very seriously and exercised their inherent penal jurisdiction by expelling them from the membership of the Houses to which they belong. Two Members of the Council of States (Rajya Sabha), who were recently expelled from the membership of the House as also those members of the House of People (Lok Sabha) who were expelled from Lok Sabha, have filed writ petitions in the Supreme Court/Delhi High Court challenging their expulsion and raising questions over the competence of the House to expel them. May be that the Supreme Court, which is hearing all the writ petitions together, this time adjudicates on the question as to whether the power vested in the House of Commons to expel its Members vests in the State Legislatures and Parliament in India."

Mr Anders FORSBERG, President, thanked Dr Yogendra NARAIN for his communication and invited members present to put questions to him.

Mrs Georgeta IONESCU (Romania) asked whether all precautions had been put into place to avoid this powerful judicial mechanism from being used, for example, to disadvantage Members of the Opposition.

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[20] *Hardwari Lal vs. the Election Commission of India* (ILR 1977 2 Punjab and Haryana 269)
[21] *Yashwant Rao vs. MP Legislative Assembly* (AIR 1967 Madhya Pradesh 95)

Mrs Claressa SURTEES (Australia) said that in Australia, a Member of Parliament could be removed from his position for several reasons: unjustified absence, allegiance to a foreign power (including the fact of holding dual nationality), treason, conviction for a crime which carried a possible sentence of over one year in prison, personal bankruptcy, having a paid job and holding interest in the commercial contract with the Commonwealth. The Member of Parliament or Senator to which any of these situations applies may not be elected and may be removed from their seat.

In the recent past, a Member of Parliament had had to resign because his nationality had been contested. It appeared that he had come from New Zealand. He therefore had been declared not eligible to stand and a by-election had had to be held.

Mr Xavier ROQUES (France) said that in France, there was a distinction to be drawn between the behaviour of a Member within the Chamber — a sort of "club" with its own rules and its own scale of punishments (whether moral or financial, expulsion etc) and the procedures which related to them — and his behaviour outside.

The sanctions which were available were rarely used. The last case had taken place over 20 years previously when a Member in an opposition party had made derogatory references to the behaviour of the then President of the Republic during the Second World War and the Government had taken offence and had decided to halve the Member's pay.

As far as corruption was concerned, the law in France on the financing of electoral campaigns imposed a limitation on cost and required proper accounting for campaign funds of candidates by a specialist committee. Nonetheless, it was for the Constitutional Council to decide, where appropriate, whether a candidate was able to be elected.

Mr John CLERC (Switzerland) said that in 1942, 4 members of a procommunist party had been excluded from the Chamber. It seemed that in India a certain number of expulsions might be for political reasons: he asked whether the expulsion of Mrs Indira Gandhi, daughter of Jawaharlal Nehru, was not absurd?

Dr Yogendra NARAIN, replying both to Mrs Georgeta IONESCU and to Mr John CLERC, said that the precautions relating to expulsion existed — for example, all political parties were represented on the bodies which had a power of punishment (or of proposing a punishment).

In the case of Mrs Indira Gandhi, he agreed that political reasons might have played a role. The power of sanction given to Parliaments themselves could create the risk that such procedures might be misused or used against the Opposition for political ends.

Mr Anders FORSBERG, President, thanked Dr Yogendra NARAIN for his communication as well as all those members who had put questions to him or who had contributed to the debate.

4. Speech by Mr Pier Ferdinando Casini, President of the Inter-Parliamentary Union, on relations between the Inter-Parliamentary Union and the ASGP

Mr Anders FORSBERG, President, said that the ASGP on Monday 16 October 2006 had discussed the ways of supporting cooperation with the Inter-Parliamentary Union and that it had also had an exchange with Mr Anders JOHNSSON and Mr Martin CHUNGONG.

Mr Pier Ferdinando CASINI, President of the Inter-Parliamentary Union, thanked Mr Anders FORSBERG for his welcome and his co-operation.

The Secretaries General of Parliament assured the continuity within the institutions beyond those which were available to those in political life and this was a task of fundamental importance. A fortunate Speaker was one who could rely on a competent Secretary General.

The role of the ASGP was essential for the IPU: strengthening the independence of Parliaments in relation to the Executive, their capacity for analysis and criticism of government decisions and administrative and financial autonomy meant that the IPU and ASGP were able to strengthen their exchanges of information and expertise in these areas. This was no small task.

The Union could not claim to have a single vision for good parliamentary governance, because each country had its own traditions. Nonetheless, there were a certain number of basic common principles which it was useful to defend and promote.

5. Administrative questions: election of two ordinary members to the Executive Committee

Mr Anders FORSBERG, President, said that the Joint Secretaries had only received two nominations for election as ordinary members of the Executive Committee, those of Mrs Georgeta IONESCU (Romania) and Dr Yogendra NARAIN (India).

As it was no longer necessary to hold an election, he declared that Mrs Georgeta IONESCU and Dr Yogendra NARAIN were elected as members of the Executive Committee of the Association.

6. Communication by Mrs Hélène Ponceau, Secretary General of the Questure of the Senate (France), on the search for pluralism in the internal management of the French parliamentary assemblies: the specific role of the Quaestors

Mrs Hélène PONCEAU (France) presented the following communication, entitled "The search for pluralism in the internal management of the French parliamentary assemblies: the specific role of the Quaestors":

“During our discussions together or in the context of my various communications, I have often mentioned the responsibilities of the Quaestors and of the Quaestors’ office. Many of you have asked what this term refers to, since the concept does not exist in your own parliaments.

My career as a parliamentary civil servant is now coming to an end after forty-three years, of which twenty have been devoted to the Quaestura of the Senate and ten of these to the post of Secretary General. It therefore struck me as worthwhile to draw on my own experience to present to you the institutional and functional role of the Quaestors. Their existence is specific to the internal organisation of France’s parliamentary assemblies and is closely intertwined with our long parliamentary history.

One could almost say that the function of Quaestor was born in France at the same time as our parliament itself. Eugene PIERRE, renowned for his treaty on parliamentary law, notes that “down the ages, the country’s representatives have chosen from among themselves the members entrusted with the task of ensuring that the progress of lawmaking is not impeded or disturbed.” The first National Assembly, which emerged from the Revolution of 1789, made five of its members responsible for its working conditions by entrusting them with the tasks of ensuring maintenance of the premises, procuring equipment and meeting operating costs, principally the payment to the parliamentarians of an indemnity and their travel expenditure.

This principle has since survived the vicissitudes of our political history which has been marked by changes of regime and of Republic, even though the number and title of the parliamentarians to whom this mission has been entrusted have changed many times before being set in their present form. These parliamentarians numbered up to eighteen during the early part of the Republic and possessed a wide range of colourful titles such as Commissioners, Inspectors of the Chamber or Secretaries. The title of Quaestor appeared with the reference to ancient Rome during the Napoleonic era along with such terms as Consul, Senate and even Republic. In Rome, the Quaestor was a magistrate entrusted with both financial and judicial functions. After the title was adopted in France, the number of its holders never exceeded five and, at times, was as low as two. Later, the second Chamber had its “praetors,” and the office of “chancellor.” Then for over sixty years came the post of “Grand Referendary.” This in turn, with the final establishment of the Republic gave way to the Quaestors.

The importance of the function grew in inverse proportion to the number of holders of the office. As a result, at the time when the second Chamber had given itself a Grand Referendary, he could be regarded as the most important person in the Chamber, seizing all influence for himself while leaving none to the President.

Why was the number of Quaestors finally set at three ? Today this question can not be answered. The rule has been applied for 130 years, under three Republics without any of the proposals made to abolish them, suppress them or reduce or increase their membership ever succeeding.

Reinforced by both the law and the statutes of the two parliamentary assemblies of the Fifth Republic, the trilogy of Quaestors is today considered as one of the important guarantees for the respect of pluralism in the administration of the Chambers' internal affairs. Indeed, according to a solidly established tradition, one of the three seats is attributed to the parliamentary minority. This guarantees that the material and financial means available to Parliament are not used to the sole advantage of the majority.

It is easy to understand that no administrative authority, regardless of its high level, would be able to intervene with the necessary power, a power which only a representative political body possesses.

One may think that the Standing Committee, which represents all political groups in proportion to their size, would be capable of exercising this task and thus make the institution of the Quaestors superfluous. In fact, the membership of the Standing Committee is too big for it to be convened at the rhythm required by daily decisions. The college of Quaestors, which is both light and pluralist, meets weekly and, in between, can take decisions at any time.

The definition of the powers attributed to the Quaestors and, more broadly speaking, their very existence, rests on the idea of a division of roles between distinct organs equipped with their own legitimacy. The legitimacy of the Quaestors, just like the legitimacy of the Speaker and the other members of the Standing Committee derives from their election by a session of the entire Assembly.

This principle is reflected most clearly in the Ordinance of 17 November 1958 on the functioning of the parliamentary assemblies, which was issued as an application of our Constitution and was consequently linked by the Constitutional Council to the Constitution itself. The Ordinance states that the Assemblies enjoy financial independence and confers on the Quaestors, and on them alone, the power of deciding what funds are needed for their Assembly to function.

Furthermore, the internal regulations of each Assembly define how the areas of competency are shared between the three administrative organs: the Standing Committee, the Speaker and the Quaestors.

As the supreme ruling body, **the Standing Committee**, headed by the Speaker of the Chamber, is composed of six deputy speakers, the three Quaestors and twelve Secretaries. The Standing Committee is elected, according to various procedures, by the entire Chamber and faithfully reflects its component units.

The Standing Committee exercises its authority over all the Assembly's departments by special regulations which set out the way they are organised, the rules under which they operate, and the status of their staff. It is also qualified to settle questions regarding the juridical status of the parliamentarians and the Senate's debates.

The Speaker presides over the debates of the Assembly which are also organised under his presidency by the Conference of Presidents. He is also responsible for the

legislative aspects of the work of the Assembly's departments. Responsibility for the financial and administrative management lies with **the Quaestors.**

The Standing Committee acts on their proposals in taking the decisions and setting the rules for which it is responsible. This division of authority determines the distinction within the administration of two departmental categories. These are the Legislative Departments which are placed under the authority of the Speaker, and the Administrative Departments which come under the authority of the Quaestors. At the head of the Legislative Departments, the Secretary General of the Speaker's Office assists the Speaker in this mission. In the same manner, the Secretary General of the Quaestors' Office, who heads the Administrative Departments, is entrusted with the task of helping the Quaestors.

Defined in this manner by the texts which constitute the basis of our parliamentary institutions, the missions exercised by the Quaestors cover five principal sectors:

- the budget, its preparation and management,
- real estate, its definition, maintenance and protection,
- the Departments and the status of the Staff,
- the material status of the Parliamentarians,
- social protection.

BUDGETARY ATTRIBUTIONS

The ancestors of today's Quaestors were appointed, with the title of "Inspectors of the Chamber," to ensure the maintenance and security of the premises where the sessions are held. As a result, they were responsible for the costs arising from this mission.

Thus was born the first and most important of the Quaestors' responsibilities: the management of the Assembly's funds, the incurrence of expenditure and above all the establishment of the budget, which the Assembly needs in order to function. Indeed, by virtue of the principle of power sharing, the Executive is required to make available to each Assembly the credits whose levels it has itself set.

Under the Fifth Republic, the Ordinance of 17 November 1958 on the functioning of the parliamentary Assemblies reaffirms the competence of the Quaestors to set the budget of their Assembly. Even though in reality the Quaestors consult the Speaker and the Standing Committee of their Assembly before they take their decisions, they do not derive their authority to act from a delegation on the part of these authorities, but directly under law.

For the implementation of the budget, the Quaestors have the exclusive right to give orders for expenditure. They define the financial and accounting methods which are then codified according to their own proposals in a set of Accounting Rules drawn up by the Standing Committee. They are accountable for their financial management solely to a special Auditing Committee set up to verify the accounts. The members of this Committee cannot belong to the Standing Committee. They are elected by proportional representation of the political groups and possess the same powers of investigation as

a Committee of Enquiry. It can be seen from this that the minority is able to express itself at each stage of this process, whose neutrality is thus guaranteed.

REAL ESTATE

The premises occupied by the Assembly, as we have already seen, are at the origin of the existence of the Quaestores. It was the unhealthiness of the place where it held its debates that spurred the first Assembly that emerged from the Revolution to entrust one of its members, and later several, with the task of finding a remedy for this situation. Today, the management of the premises assumes a number of aspects: the maintenance and restoration of our historic Palace; the real estate policy to be conducted in order to meet the need to find new space; the division of the premises between the Parliamentarians, the political groups and the Departments; the equipment of all these premises to match the use to which they are to be put.

The Assemblies are free to define and administrate their property. The Quaestors themselves are free to buy, sell or rent the premises that they deem necessary according to the Assembly's needs and their technical or financial obligations. The only rule set by law is the establishment of the official location of the Assembly. But, apart from the Palace itself, the Quaestors determine which premises are then attributed by the Standing Committee to the Assembly. It behoves the Quaestors to set the purpose for which the premises are to be used, according to the needs of the various components of the Chamber, to set a list of priorities and to foresee future changes in the space and equipment required. The Quaestors are also responsible for the contents of the premises, both furniture and supplies.

Thanks to their close contact with their colleagues, the Quaestors are in a position, in all these domains, to safeguard the principle of equality of treatment between the parliamentarians, the political groups and the departments, and to respect this principle in the way the requests of all concerned are handled. The Quaestors are also the guarantors in their decision process of respect for general principles. For example, the respect of the rights of third parties in matters of building work and of the rules of competition. In this respect, they assume responsibility for the allocation of contracts for building work and supplies.

The responsibility of the Quaestors for premises also covers the security of buildings and consequently the safety of the occupiers. The law entrusts to the Speakers of the Assemblies the task of keeping watch on the security of the Chamber, both within and without. The Quaestors are responsible for supervision on a daily basis. This covers checking of people admitted inside the premises, fire precautions, or even assistance for users in the event of accident or someone feeling unwell. Staff entrusted with these tasks are placed directly under the authority of the Quaestors. This applies also to staff specially recruited at the Senate to maintain public order in the Luxembourg Gardens.

The role of the Quaestors is also recognised by the law whenever the situation requires the requisitioning of extra security personnel, since provision is made for the Speaker to delegate his right of requisition to one or all of the Quaestors.

THE MANAGEMENT OF THE STAFF

As a result of their financial responsibilities, the Quaestors are responsible for the management of the administrative system with which the Assemblies have equipped themselves in order to fulfil their mission. From the outset, the Inspectors of the Chamber and later the Quaestors have had to recruit and pay the staff. We are now far beyond the handful of assistants available to the first Assemblies. Today, thousands of civil servants are attached to the two Houses of Parliament: 1,300 at the National Assembly and more than 1,100 at the Senate.

In full command of the organisation of their departments, the Assemblies themselves set the status of their personnel. This autonomous status is codified by the Standing Committee of each Assembly in a specific set of rules. Nevertheless, the framework of this autonomy is set by law. This states that the staff of the Assemblies are civil servants, recruited by an independent competitive examination, and their status must respect, under the judges' control, the general principles and basic guarantees enjoyed by the civil service as a whole.

The authority of the Quaestors is not confined to guiding the functioning of the administrative departments which have the task of assisting them. Because of their financial impact, all decisions regarding recruitment, career paths and salaries are the responsibility of the Quaestors. Called upon to carry out the provisions of the status they decide on the introduction of any changes. These are then adopted by the Standing Committee on their recommendation.

The pluralistic character of the Quaestors fits them particularly well for ensuring that, within the administration, civil servants are treated on an equal footing, particularly with regard to considerations of a political nature, contrary to the principle of neutrality which governs the parliamentary civil service.

THE MATERIAL SITUATION OF THE PARLIAMENTARIANS

All the logistical assistance provided to help each parliamentarian carry out his duties and to meet their cost is entrusted to the Quaestors. In the very early days, as soon as the Assemblies no longer depended on the executive, the Quaestors were made responsible for the payment of an indemnity to each parliamentarian and to refund his travel costs. These were essential to enable him to fulfil his mission in an independent manner, regardless of the level of his own resources.

As time has passed, the Quaestors have preserved this authority. The scope of their responsibilities has grown in line with the assistance sought by their colleagues, the handling of which now requires a full-blown logistics inherent to the parliamentary mandate.

For each type of activity there exists a special aid designed to supplement the basic remuneration. The Quaestors are responsible for setting the amount of these as well as the rules for benefiting from it, in a spirit of equal and neutral treatment.

Without drawing up an exhaustive list, one can quote the indemnity for costs of office holding which result in doubling the amount of the parliamentary indemnity, cover of travel costs between the parliamentarian's constituency and Paris as well as those incurred on missions on behalf of a Commission, a parliamentary friendship group, or an international meeting. Also covered are phone, postage and computer equipment, and the salaries of personal assistants. These rules have to be constantly adapted to meet the steady increase in the needs of the parliamentarians, but without exceeding the budget that has already been established.

The development of the political Groups has led the Quaestors to provide them with financial help proportionate to their membership. In this field as in the others, their role is to set rules of computation that respect both equal treatment and pluralism.

SOCIAL AFFAIRS

In the course of our meetings I have already had several occasions to explain that the French parliamentary Assemblies provide full social protection for elected officials in the same way as for civil servants. This applies to insurance for sickness, maternity, old age and death, as well as protection against accidents in the workplace and the payment of family allowances. Pension funds for parliamentarians have been introduced progressively since the beginning of the nineteenth century. Their special character is guaranteed by law and associated with the principle of Parliament's autonomy. The Quaestors are responsible for the operation of these pension funds because of their budgetary and financial aspects. In this field as in others, they are in charge of implementing special rules set by the Standing Committee according to their own recommendations. They are responsible to the Audit Committee for their financial management in the same manner as for budgetary affairs.

THE MEANS AVAILABLE TO THE QUAESTORS

This rapid survey of the domain of the Quaestors' responsibilities shows how far it has developed, diversified and become more complicated in parallel with the evolution of the concept of the parliamentary mandate and the position of Parliament among our institutions.

Parliament is no longer focused solely on debates within its commissions or at sittings of the full house. Parliament sets out to be the controller of the Government's actions not just in terms of political responsibility, but also as a technician equipped with the same means of evaluation as the executive. Besides this, Parliament seeks to play an active part in the various sectors of society and of economic, social and cultural life. It also seeks to play a role internationally, embracing diplomacy and co-operation with developing countries, both bilaterally and multilaterally.

The performance of these tasks requires means that are adapted for the purpose. This is why the Quaestors dispose of **a well staffed and structured administrative staff** and benefit from a **preeminent personal status.**

Speaking just of the Senate, the assembly that I best know of the two, the Quaestors direct **administrative departments** which represent sixty per cent of the entire administrative staff.

The presence at their side of a **Secretary General for the Quaestors' Office** provides a framework for this structure. On one hand, the Secretary General is in a position of authority over the Directors of these different units. He takes his instructions solely from the Council of the Quaestors' or from each of the three Quaestors by delegation. On the other hand, his role is to support the Quaestors in the decision process to relay the decisions taken and to report on the action taken on this basis. This provides the Quaestors with means of action over which they enjoy perfect control.

Simultaneously, the Secretary General of the Quaestors' Office facilitates the co-ordination of the Quaestors' action with other sources of authority, firstly by ensuring that information circulates between the Speaker and the Quaestors, and then by maintaining a permanent dialogue with the Secretary General of the Speaker's Office. This enables the viewpoints of the Speaker concerning the lawmaking departments to be reconciled with the administrative and financial requirements set by the Quaestors. The existence of two Secretaries General often causes surprise. But this guarantees adequate concertation with respect for the attributions of each party. A sole Secretary General would be interpreted rather as an instrument set to impose the Speaker's will on the Quaestors rather than that of the Quaestors on the Speaker.

In view of the responsibilities which they exercise, the Quaestors enjoy a **preeminent status** within their Assembly.

Each Quaestor has at his disposal an official office and a private secretary. In the Senate, a special administrative division, run by a departmental director, is put at their exclusive disposal.

The attribution of a residence to the Quaestors within the bounds of the Chamber was considered early on as necessary in order to ensure the surveillance and maintenance of the premises. This practice has been continued until present times, even though this grace and favour residence is increasingly designed for the parliamentarians to hold the receptions and meetings that their activities require. The position of Quaestor also involves a special indemnity and an official car.

CONCLUSION

Apart from the sentimental or conservative arguments linked to an institution that has been part of France's parliamentary history since its origins, the role of the Quaestors continues to be fully justified in a modern Parliament.

At a political level, the Assembly's minority shares the role of Speaker in public session with the majority. In the same spirit, administrative decisions are taken in a framework that permits the minority to discuss them and then to endorse them. At a technical level, empowered by their responsibility for the budget, the Quaestors monitor the

feasibility and consistency of the direction given by the Speaker. But this does not empower them to block it.

It is sometimes objected that this system is much too complex. But this probably reflects an excessively simplistic view of a single chain of command. In reality, the presence of the Quaestors guarantees the existence of concertation according to time-honored procedures. In final resort, it is up to the Standing Committee to arbitrate in the event of a disagreement.

In the traditions of other Parliaments, there certainly exist structures other than that of the Quaestors, inherent to French tradition, to achieve these objectives. The main objective, regardless of the method used, is to keep diversity and pluralism alive within Parliaments without damaging their effectiveness."

Mr Anders FORSBERG, President, thanked Mrs Hélène PONCEAU for her communication and invited members present to put questions to her.

Mr Brendan KEITH (United Kingdom) asked whether the Quaestors, once they were elected, had to present a plan of action for their period of office. Since the Quaestors had to work for the benefit of their colleagues, were any resources committed to evaluate their performance?

Mr Mamadou SANTARA (Mali) emphasised that the system of Quaestors did not exist within Parliaments which followed the Westminster model and thought that it was legitimate for a person in political life to take responsibility for the financial and budgetary matters relating to the Chambers. He asked what the reason was for the British tradition of using officials to deal with these matters who only had a legitimacy arising from technical expertise?

Mr Moussa MOUTARI (Niger) on the contrary thought that political management of the areas of responsibility of the Quaestors created difficulties leading to the risk that technical decisions might be compromised by politics — indeed that decisions might be impossible to make because of irreconcilable political differences.

He asked about the role and influence of the third Quaestor and his relations with his two colleagues from the majority side.

Mrs Helen IRWIN (United Kingdom) thought that the French system probably allowed the staff to avoid taking decisions which were sometimes painful — for example allocating rooms within the precincts.

She asked what the criteria were for fixing the pay of Members and Senators — in the United Kingdom both Houses decided for themselves after consulting an external authority.

Dr Yogendra NARAIN (India) asked for details on several points: what was the relationship between the Quaestors and the two Chambers? What were the links

between the Quaestors and their respective Speakers? What was the extent of the financial responsibility of Quaestors if specific problems were discovered?

Mr John CLERC (Switzerland) wanted to know about the "profile" of the Quaestors — were they particularly experienced in financial management? Were they Members of Parliament who had had a particularly rapid or brilliant career? Did disagreements sometimes arise between the Speaker and the Quaestors and what mechanisms for resolving these disagreements, other than informal ones, existed?

In Switzerland, the equivalent of the Quaestors was an Administration Committee of six members, made up of the Speakers, First and Second Vice Presidents of the two Chambers — although Parliament was bicameral it had a single administration.

Mrs I. Gusti Ayu DARSINI (Indonesia) asked how the budget of Parliament was prepared and how it accounted for its expenses.

Mr Abdeljalil ZERHOUNI (Morocco) said that the Moroccan Parliament also had the institution of Quaestors. The daily business of managing the administrative and budgetary affairs of the Chamber regularly threw up difficult situations with the Quaestors, which was often linked to their almost entire inexperience of the subject which had been entrusted to them.

Mr Anders FORSBERG, President, said that he had himself been the Director General of the Swedish Parliamentary Administration.

Mrs Hélène PONCEAU replying in the first case to Mr Brendan KEITH, said that the candidates for the Quaestorship presented their action plans within the political party groups. Discussions were in private and no public document was produced.

The decisions of the Quaestors were taken by consensus within the Council of Quaestors and the experience of the last 10 years showed that it had never been necessary to take the matter to a formal vote which would have allowed the two Quaestors from the majority to pose their point of view.

As far as evaluating performance was concerned, the Secretariat General regularly presented an account of the various services. As for evaluation of the Quaestors, the political parties themselves decided (or not) to re-elect their colleagues at the end of their periods of office. The current tendency was to limit the number of periods of office and to avoid a systematic renewal of the periods of service of the Quaestors.

Turning to the question from Mr Mamadou SANTARA, she said that the arrangement of having three Quaestors in each Assembly was fixed at the start of the Third Republic.

Turning to Mr Moussa MOUTARI, she said that the Quaestors were not specialists. Nevertheless, a practice had been established relating to the signature of contracts or engagement of expenditure: every three months a Quaestor known as the "delegated Quaestor" signed on behalf of the others — after the question had been previously discussed by the various colleagues and an agreement had been reached.

Then she turned to the questions put by Mrs Helen IRWIN, and agreed that the question of office space was a crucial one and that the Quaestors were constantly trying to find extra space for their parliamentary colleagues.

The pay of Members of Parliament was fixed by a basic law and indexed in relation to the higher pay of the civil service. In addition, Members had access to other remuneration (payment of costs relating to their work, specialist assistance) which doubled their basic pay.

In reply to Dr Yogendra NARAIN, she confirmed that the Quaestors remained Members of Parliament and members of committees.

In the financial area, the Quaestors did not act under the authority of the Speaker but under that of the law or under the authority of the Bureau. In cases of disagreement between the Speaker and the Quaestors, the Bureau decided.

At the end of the budgetary period, the Quaestors gave evidence to the Special Committee for Accounts. If there were any difficulties, the Quaestors were held responsible — and, indirectly, the administration was too.

In response to Mr John CLERC, she said that the Quaestors were generally experienced Members of Parliament within their Assembly (former Chairman of the Legal Affairs Committee, former Vice President etc) without, however, being specialists in a particular area.

Mr Anders FORSBERG, President, thanked Mrs Hélène PONCEAU for her communication as well as all those members who had put questions to her.

7. Communication by Mrs Halima Ahmed, Secretary General of the ECOWAS Parliament, on restructuring the ECOWAS Parliament

Mrs Halima AHMED (ECOWAS) presented the following communication, entitled "Restructuring the ECOWAS Parliament":

"The Community Parliament was established by the Authority of Heads of State and Government of ECOWAS on the 6th of August 1994 when the protocol on the Parliament was signed. The protocol came into force in March 2000 and the Parliament was inaugurated on the 16th November of the same year. The role of the Parliament as provided for in the Protocol is "a forum for dialogue, consultation and consensus for the representatives of the peoples of the Community with a view to promoting integration".

A transitional period was provided for during which Members of the Parliament are expected to be elected from the national assemblies of Member States. The duration of the transitional phase was initially envisaged to be the period of the first legislature. However, due to exigencies this aspiration could not be realized. The transitional period is expected to end when members are able to be elected by direct universal suffrage.

I THE PREVIOUS STRUCTURE

The governing bodies of the Parliament during the first legislature were the Plenary, the Bureau and the Conference of Chairmen. The Plenary was the assembly of the whole house and was the highest structure within the Parliamentary hierarchy. The Bureau was the principal administrative organ of the Parliament, while the Conference of Chairmen was charged with the responsibility of foreign relations, the competence of the Committees, parliamentary groups and the preparation of agenda for the Sessions.

The Bureau comprised the Speaker, 6 Deputy Speakers, 3 Treasurers and 6 Parliamentary Secretaries. The Conference of Chairmen comprised of the Speaker, The deputy Speakers and Chairmen of the Parliamentary Committees. The term of office for Bureau Members was one year with the exception of the Speaker; they were however eligible for re-election without limitation.

The Parliamentary Committees were run by their own Bureaux comprised of the Chairman, Vice Chairman and Rapporteurs. During the first legislature, there were 13 Committees in charge of;

1. Foreign affairs, Co-operation, Defense, and Security.
2. Laws, Legal and Judicial Affairs, Human Rights and Free Movement of Persons.
3. Rural Development
4. Transport and Communication
5. Environment and Natural Resources
6. Public Health and Social Affairs
7. Education, Training, Employment, Youth and Sports
8. Economy, Finance & finance
9. Industry and Mines
10. Energy, Technology and Scientific Research
11. Rights of women and Children
12. Tourism, Culture and Handicap
13. Budget control and Accounts.

The Parliamentary Secretariat was headed by the Secretary General assisted by a Deputy Secretary General. The appointments to both offices were political and made by the Speaker in consultation with the Bureau. Subsequently however, the ECOWAS Council of Ministers conferred statutory status on both the Secretary General and the

deputy Secretary General hence establishing a four year tenure for the officers, renewable once.

II THE CALL FOR REFORMS

The first legislature of the Parliament which begun 16th November, 2000 ended 15th November, 2005. There was therefore a period for stocktaking and reflection on the activities of the Parliament during its historic first legislature. The ambiguities and contentious issues arising from the interpretation of Community texts presented a serious challenge for the fledgling institution during this period.

There were differences in understanding the role of Council of Ministers (Executive) in relation to the Parliament. The Parliament maintained that Article 10(3) (f) of the Treaty which provided that the Council is to "adopt the Staff Regulations and approve the organizational structure of the institutions of the Community" had been qualified by Article 13(2) of the Treaty which provided that "the method of election of the Members of the Community Parliament, its composition, functions, powers and organization shall be defined in a protocol relating thereto."

Again the Parliament maintained that Article 48(1) of its protocol "parliament shall have financial autonomy" had qualified Article 69(3) of the Treaty which provides "A draft budget shall be proposed for each financial year by the Executive Secretary or by the Head of the institution concerned and approved by the Council or other appropriate body on the recommendation of the Administration and Finance Commission." thereby granting it financial autonomy.

There were differences as to the role of the Executive Secretary in relation to the Parliament. The Parliament maintained that Article 19(1) of the Treaty "Unless otherwise provided in the Treaty or in a Protocol, the Executive Secretary shall be the Chief Executive of the Community and all its institutions." had been qualified by Article 15 of its protocol which states "The Speaker shall direct the business of the Parliament and its organs. He presides over meetings and conducts the debates in accordance with the provisions of the Rules of Procedure."

Again, there were differences as to the appointment of the Secretary General and deputy Secretary General. The conferment of statutory status on the two officer brought into play Article 18 of the Treaty prescribing that only Council may appoint Statutory Appointees. The implication of this would have been that the Parliament would no longer have appointed the Secretary General and the deputy Secretary General which Parliament strongly objected to.

In addition to these, there were differences on the role within the Parliament of the political office holders in relation to those of the administrative office holders and the interpretation of the Community text in relation to the management of the Parliament in the period following the expiration of the first Legislature and before the commencement of the second Legislature. These differences bred misunderstanding which impacted adversely on the ability of the Parliament to deliver on its mandate.

The Parliament took these and other vexing issues to the Community Court of Justice for determination. The approving authorities of the ECOWAS Community were concerned about the dissipation of scarce resources on litigation and consequently began to accelerate the already planned review of all Community institutions with a view to also addressing the problems.

The 53rd Session of the Council of Ministers, "desirous of ensuring that immediate measures are employed to improve the administrative, financial and management procedures within the Parliament, enacted a regulation directing "the Executive Secretary with the assistance of the Financial Controller and the Secretariat of the Community Parliament to prepare a draft Organizational Chart showing management and departmental positions with clearly defined job descriptions, duties and lines of responsibility for each post". The draft Organizational Chart was to be submitted to the 55th Session of Council for approval. The legal basis for the reforms at the Parliament was therefore established.

The different Parliamentary practices being applied by the component Member States did not help matters. There were different French and British parliamentary practice and traditions within member states. In the more centralized French tradition the 'President/ Speaker has a prominent executive role as the leader of Parliament and would normally have a group of staff loyal to him in a Cabinet advising on a wide range of parliamentary matters, in addition to the usual personal assistants. The Secretary General in this set-up would be akin to one of his advisors.

However the British tradition adopts a more restricted role for the 'Speaker' who does not participate in administrative matters. Administrative functions are assigned to the non-political and independent "Clerk of Parliament" who is a senior civil servant. In both traditions the Parliament is supported by civil servants who provide support services over a wide range of administrative and technical areas. People from either tradition, on entering the ECOWAS Parliament, seem to be unaware of and surprised at the other's traditions." The dilemma of the Parliament was how to reconcile the two traditions. The question of how the Parliament would bring on board the Portuguese tradition also begged an answer! It was the consensus that the practice in the Community Parliament should be likened to other regional parliamentary practices than any of its national parliamentary practice.

It was surprising that despite the fact that the ECOWAS Parliament has adopted almost word for word the Rules of Procedure of the European Parliament, it had not adopted the administrative procedure of that Parliament. The EU Parliament Speaker is not resident at the seat of Parliament and neither does he perform any administrative function. The Secretary-General of the EU Parliament conducts all administrative functions of that Parliament. There is a perfect blend of traditions at work in the EU Parliament. There was therefore a feeling among some members that a blend of all the traditions was desirable for the ECOWAS Parliament.

In the Pan-African Parliament the "Clerk of the Parliament manages all administrative functions supported by two Deputy Clerks, one responsible for Administration (finance,

human sources, general administration, protocol, public affairs and communications) and the other for Legislative Affairs (support to parliamentary committees, official parliamentary proceedings, translation and interpretation, library services etc,). The whole can and must be reconfigured to work harmoniously under the leadership of the Speaker and accountable to the Bureau.

III THE PARLIAMENT TODAY

The Parliament since its humble beginnings had been able to establish all its components organs. The Plenary, the Bureau, the Conference of Chairmen and the Secretariat of Parliament had since commenced action in their various spheres of control and had been instrumental in the rapid growth of the Parliament.

The competence of the ECOWAS Parliament as clearly defined in its reviewed Protocol remains advisory and consultative. Parliamentary Committees which were established to take charge of the various matters that fall within the Parliament's authority have been reviewed and harmonized in line with the specialized Commissions of the Executive Secretariat of ECOWAS. These Standing Committees during the first legislature of Parliament were very visible throughout the sub region in their various fields. The Standing Committees which were previously 13 are now 10 covering Agriculture, Environment and Water Resources, Human Development and Gender, Infrastructure, Macro-economic policies, Political Affairs, Peace and Security, Trade, Customs and Free Movement of Persons Goods & services, Legal and Judicial Affairs, Communications and Information Technology, Administration and Finance and on NEPAD and African Peer Review Mechanism (APRM).

The meetings of the standing committees were in practice held outside the seat of the Parliament in any one of the fifteen ECOWAS Member States to exhibit the determination of the ECOWAS Members of Parliament to remain close to the people they represent and to give visibility to their actions. These meetings away from Abuja provided a good opportunity to introduce the citizens of the host countries to the work of the Parliament. The review of the activity of the Parliamentary Committees necessitated certain adjustments to their mandate in order to build on their enviable achievements. A comprehensive account of all the activities of the Parliament and its Committees will be contained in a special 1st Parliamentary Legislature publication soon to be widely circulated.

The approving authorities were of the view that within the current transitional period of Parliament and pending the election of Parliamentarians by direct-universal suffrage, the Speaker shall no longer be resident at the Seat of the Parliament. The Secretary General was converted into a career civil servant as opposed to being a statutory appointee. The authorities additionally conferred day to day administrative management of the Parliament on the Secretary General. The term of the Parliamentarians was reduced to four years from the previous five years.

The Plenary as an assembly of all representatives remained the highest body of the Parliament with its decisions binding on all other structures of the Parliament. The Bureau also retained its prominence as the governing body of the Parliament; however its membership which previously comprised 16 members has been reduced to 5 members pending the election of Parliamentarians by direct-universal suffrage. The 5 members are the Speaker and four Deputy Speaker. The term of office of all bureau members has been increase to four years and made uniform with that of the Speaker.

The Conference of Chairmen being the assemblage of the Speaker, the Deputy Speakers and the Committee's Chairmen was reconfigured to include the Committee's Rapporteurs and consequently renamed the Conference of Bureaux.

A significant departure from the old protocol was the separation of the political wing of Parliament from the administrative wing. Pursuant to this consideration was the inclusion of specific provisions for the establishment of the Secretariat of the Parliament; the new provisions as mentioned earlier, additionally charged the Secretary General with the day to day administration of the Parliament and its staff.

The structural adjustments were made based on the hard lessons learnt from the occurrences of the first legislature. The precise wording of the new text and specific attribution of duties to every organ of the Parliament will certainly go a long way to addressing the suspicions and difficulties generated from the ambiguity of the old text.

Other institutions of the Community were not left out in the restructuring exercise. The Community Court of Justice also benefited from the review with a clear distinction between the role of the Judges/political office holders and Registrar/administrative office holders. The Executive Secretariat has been transformed into a Commission with a President assisted by a Vice President and seven commissioners. The role of the Executive Secretariat/Commission has been strengthened in relation to other institutions to include a general supervisory and representative competence for the Community as a hole.

IV. Conclusion

The ECOWAS Community Parliament is admittedly, a fledgling institution. However, the constitutional powers conferred on it make it a pillar among the three Community institutions; it is an indispensable force in the building of an integrated West Africa. This political imperative made it incumbent on the stakeholders at the regional and national levels in all the countries of the sub-region to work together to nurture the institution.

Events during the first legislature demonstrated that the arrival of a new institution within the Community constitutes a big challenge, one which could be addressed only with the support and collaboration of the other institutions, the decision-making authorities, and the Members of Parliament themselves. The problems that the Parliament encountered were essentially due to inherent shortcomings in the basic texts relating to the Parliament and those that have governed the Community for more than

thirty years. The Community decision-making authorities felt the need to review these texts to enable the Parliament play its role effectively as a deliberative/legislative body.

The enhancement of the powers of the parliament did not form a part of the just concluded restructuring. However, by virtue of the restructuring of the Parliament, it is believed that the incoming Parliament would be able to successfully perform its function and ensure realistic, equitable and people-oriented integration in the sub-region. The first restructuring has laid a foundation for an institution whose operations will be governed by rules that are perfectly aligned with existing Community texts. However, this by no means precludes the Parliament from attaining its legitimate quest for the requisite powers that will guarantee that it functions as a legislative body.

The recommendation by the Council of Ministers adopted by the Authority has scheduled the transition to end 2010 at the conclusion of the new legislature. The 2nd Legislature during its life would be expected to complete preparations for the election of Parliamentarians by direct universal suffrage, conclude work on proposals for budgetary oversight, co-legislation and the right of censure amongst others considerations. The incoming ECOWAS Parliament can legitimately hope to find an institution endowed with the competent staff needed to accomplish its mission, and can, in particular, hope to attain its ongoing quest to enhance the powers of the Parliament and ensure the election of Members by universal suffrage. Already, there are positive signs that the new Parliament will be able to count on the understanding of the other Community institutions and decision-making authorities, who all view such matters as issues of common interest to the Community as a whole."

Mr Anders FORSBERG, President, thanked Mrs Halima AHMED for her communication and invited members present to put questions to her.

Dr Yogendra NARAIN (India) asked how the secretariat of this new community Parliament was made up: were civil servants recruited from each of the member countries on the basis of proportionality or, on the other hand, had "open" recruitment been held without reference to nationality? Moreover, what was the relationship between the administration of the Parliament of ECOWAS with the administrations of the Parliaments of the member states?

Mr Mamadou SANTARA (Mali) referred to the importance of the contribution made by Mrs Halima AHMED to the establishment of the Parliament of ECOWAS, had asked why the Bureau of the Parliament had shrunk from 16 to five members. In addition, he asked whether the Members of the community Parliament would be consulted on the process of restructuring which was currently happening?

He asked whether the reform process had already concluded or whether it still remained to receive the support of Members who would be the main people affected.

Mr Prosper VOKOUMA (Burkina Faso) thought that the difficulties encountered in the course of the last few years arose from the fact that the basic treaty on which ECOWAS was based had made no provision for the establishment of a Parliament, which it had been necessary to fit into the system of institutions which had already been created.

The next stage would be to establish a directly elected Parliament and to give it proper deliberative power and to endow it with a legally based administration. The European Parliament had been taken as an example but the process had unfortunately halted and it was necessary to start it up again.

Mrs Marie-José BOUCHER-CAMARA (Senegal) underlined the difficulty of establishing institutions which included so many States and which relied on people being able to sit around table and reach a consensus. It was necessary to maintain the will of the African states to establish an economic forum which could count for something in the international sphere.

Mr Samson ENAME ENAME (Cameroon) said that Central Africa had encountered problems which were similar to those of West Africa. He asked for details on the organisation of activities of ECOWAS and that of the Pan-African Parliament.

Mrs Halima AHMED agreed that bringing together 15 States which had such different traditions around the same table was a difficult exercise.

She said that although thre was not a strict recruitment of staff on the basis of their country of origin, recruitment had to be on an “equitable” basis.

In reply to Mr Mamadou SANTARA, she said that the choice had been made to establish an organisation which was closer to Parliaments within the British tradition.

As far as connection between regional Parliaments and national Parliaments was concerned, it was a matter for the Members of Parliament who were sent to the regional Parliament to account for their work on a national basis.

She thought that sub regional Parliaments could become pillars on which the Pan-African Parliament might rely.

Mr Anders FORSBERG, President, thanked Mrs Halima AHMED, as well as all those members who had put questions to her.

The sitting ended at 1.30 pm.

SIXTH SITTING
Wednesday 18 October 2006 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.10 pm

1. Presentation of a questionnaire by Mr Hafnaoui Amrani, Secretary General of the Council of the Nation (Algeria), on the role of Parliaments and parliamentarians in promoting reconciliation in society after civil strife

Mr Hafnaoui AMRANI (Algeria) said that during the CXIV session of the IPU in Nairobi (Kenya) in 2006, the subject of the role of Parliaments and parliamentarians in national reconciliation after civil strife had been the subject of a rich and varied series of contributions from all those who had participated in that session. Taking into account the very sensitive nature of this subject as well as its serious, long-term impact on society, several members of the Association, among them Mr Carlos HOFFMAN CONTRERAS, Mr Prosper VOKOUMA and Mr Anders FORSBERG, President of the Association, had decided that a questionnaire should be prepared and that this difficult but uplifting task should be given to him.

This questionnaire covered various subjects and would be improved by the various suggestions made by members of the Association and it would be the basis of an analytical report at the next session of the ASGP.

The questionnaire on national reconciliation had been based on previous research principally relating to those countries which had experienced such situations. It touched upon the various stages which these countries had gone through and how they had lived through serious internal conflict which had threatened the unity of the State and/or its territorial integrity. The nature of the events which had been lived through, the degree of violence which had been reached, the parties who had been in conflict had created many important questions which were aimed at identifying those reasons which led to such difficulties.

The questionnaire had been written in such a way as to allow other Parliaments, from States which had been protected from civil strife, to express their point of view on such painful events. Questions which were uncertain or which might embarrass some parliamentary institutions or place them in a delicate position had been avoided.

The questionnaire had been consciously general in its approach and precise in its questioning relating to the various phases which had been lived through or in the

description of actions which had been taken. Any reference to particular countries or communities had also been carefully avoided.

Moreover, an understanding of the nature of such conflict and its geographical extent and the correlation between possible previous injustice and the level of democratisation of the country, might lead to a general understanding of the type of suffering endured by the people concerned.

This was information which was important in understanding the causes of such situations. In such cases, it was useful to know whether the authorities in the countries concerned had been able to act in advance of the events which had been experienced and, in particular, what the role of Members of Parliament had been, acting as checks and balances within the constitution and the action which had been taken to limit the effect of the crisis and manage their repercussions.

Above all, it was important to find out whether, in such circumstances, Parliaments and Members of Parliament had lived up to their duties in putting forward proposals for laws relating to reconciliation and organising debates before they were agreed to, the composition of any reconciliation commission, its working practices and the law which related to it.

All of these elements, as well as the systems for establishing and monitoring recommendations, allowed one to see the ways in which some countries had managed to emerge from this kind of crisis and would help, where necessary, other countries which experienced similar trouble.

Moreover, since political systems differed, it was useful to find out about the route taken to reconciliation and if this had encountered obstacles. No country was immune from the possibility of such situations developing and there was a basic need to understand the nature of the measures taken to prevent such occurrences happening again. These might be steps relating to the constitution, changes to the security or the legal system, or again strategies for struggling against social exclusion and for supporting democracy.

Possible recourse to foreign experience, participation by NGOs and other representatives of civil society, the establishment of the commission of reconciliation as well as the preparation of a programme of reparations, were useful parameters for understanding the strategies established by certain countries. In many countries, conditions had been attached to reconciliation under the form of giving evidence, confessions or holding public hearings or question sessions. It would be useful to know the possible advantages which such initiatives had brought.

The question related to what was learnt from such experience was mainly for those countries which had lived through such dramas. Nonetheless, it was open to other Parliaments to express their opinions on the usefulness of various solutions or decisions taken.

The questionnaire had been prepared in such a way as to allow Parliaments which had not been affected the opportunity to bring their experience or knowledge to bear. The document was in no way exhaustive and any additional material from any source would be greatly appreciated. This could contribute to its worth and would enable it to become a source of information at the disposal of all Parliaments.

Mr Carlos HOFFMANN CONTRERAS (Chile) complimented Mr Hafnaoui AMRANI on the quality of the questionnaire. This was a very full document which covered all aspects of the question. It would be particularly interesting to note the various ways particular countries had proceeded — especially by way of legislation. It would also be useful to have an objective evaluation of the legal basis on which reconciliation had been pursued.

As far as question 18 was concerned, it would be possible to ask for the opinion of Parliaments on the efficacy of provisions relating to reconciliation or reparations.

2. Intervention by Mr Amjad Abdul Hamid, Secretary General of the Council of Representatives, on the situation in Iraq

Mr Amjad Abdul HAMID (Iraq) started by referring to the security situation in Iraq, where terrorist acts were increasing, creating fear among Members of Parliament and officials. Both groups of people were the target of terrorists.

The current situation in the country and the reality of terrorists were negative factors for the development of democracy in Iraq, where the State seemed to be progressively losing control of the situation. The existing militias had been disbanded in order to start the process of national reconciliation.

The various regimes which had followed each other since the creation of modern Iraq had been unable to create a true spirit of democracy and citizenship among the people, which had led to disastrous consequences — particularly in respect of ethnic and religious diversity within the country.

Democratisation of the country had for a long time been one of the most ambitious projects of the State. Iraq had for a long time lived under a fierce dictatorship which had led to tyranny and marginalisation of the people.

Strengthening of the spirit of citizenship in Iraq and the establishment of a political system based on equality and absence of racial or religious discrimination were necessary preconditions for the establishment of the Rule of Law. The Iraqi people and Government were on the right road despite obstacles and political problems which were encountered in Iraq today, confronted with anarchy and disorder arising from the multiplication of militias and terrorist groups who had entered from abroad.

As far as national reconciliation was concerned, Iraq had on many occasions tried to bring this about. On the initiative of the President of the Republic and the President of the Council of Ministers, a process of reconciliation had been started on the 25 June

2006, which was aimed at dealing with the consequences of terrorism, struggling against administrative corruption and establishing the basis for national unity.

As far as the practical provision for establishing national reconciliation was concerned, he had to mention the conference of tribes, the conference of a civil society, the agreement between the various political groups and parties and reconciliation between Shi'ite and Sunni leaders on the 20/21 October 2006.

Many complaints from the public had been expressed, relating to the denial of Human Rights. A report would be addressed to the Presidential Council, which would take the necessary steps to provide remedies and reparation to those who had a right to it.

In all these areas, the experience of the ASGP would be most useful.

Mr Jacques SAINT-LOUIS (Haiti) asked how the Presidential Council and the Council of Ministers were made up.

Mr Amjad Abdul HAMID replied that the Presidential Council was made up of the Speaker of Parliament, assisted by two Deputy Speakers, while the Council of Ministers was made up of the Prime Minister, assisted by two ministers.

3. Draft budget of the Association for 2007

Mr Anders FORSBERG, President, presented the draft budget of the Association for 2007.

He said that the Inter-Parliamentary Union had decided to reduce its contribution to the budget of the Association, as its budget had been in surplus in the course of recent years. This was explained by the fact that the Australian Parliament — when Mr Ian Harris had been President of the Association — and the Swedish Parliament — now — took over responsibility for a certain number of expenses (for example, travel costs). At the same time, the development and maintenance of the internet site was being undertaken without extra cost to the Association, thanks to assistance from Sweden and the United Kingdom.

The Executive Committee had therefore decided to send a letter to the Secretary General of the IPU, to draw his attention to the fact that it was in no way certain that further Presidents of the Association would come from Parliaments who are able to take direct responsibility for a certain number of expenses. Paradoxically, this reduction in support had come about at the same time that the IPU was making pressing demands on the ASGP to collaborate with it more closely and to take a more important part in its activities.

The draft budget was *agreed* to.

4. Examination of the draft agenda for the next meeting (Indonesia, Spring 2007)

Mr Anders FORSBERG, President, read the draft Orders of the Day for the next session in Indonesia (April/May 2007) which had been approved by the Executive Committee:

1. Communication by Mr Seppo TIITINEN (Finland): "Celebrating the Centenary of the Finnish Parliament"

2. Communication by Mr P.D.T. ACHARY (India): "Members of Parliament and freedom of speech"

3. Communication by Mr Carlos HOFFMANN CONTRERAS (Chile): "The use of official web sites in national Parliaments: developing trust in Parliaments"

4. Communication on freedom of information and Parliamentary Questions (to be confirmed)

5. Communication by Mr Marc RWABAHUNGU (Burundi): "The brain-drain in Africa: an important factor in under-development"

6. Questionnaires and Reports:

   Presentation of the responses to a questionnaire about "Parliamentary legal, financial and administrative autonomy" (Mr Alain DELCAMP - France)

   Presentation of the responses to a questionnaire about "The role of Parliaments and parliamentarians in promoting reconciliation in society after civil strife" (Mr Hafnaoui AMRANI - Algeria)

   Presentation of the responses to a questionnaire about "Parliamentary Relations with the Media" (Mr Xavier ROQUES, France)

   Presentation of the responses to a questionnaire about "Systems for transcribing official reports of parliamentary sittings" (Mr Abdeljalil ZERHOUNI, Morocco)

7. Intervention of the President of the Inter-Parliamentary Union

8. Possible subjects for general debate:

   - **"Parliamentary Scrutiny of the Defence and Secret Services"** (to be confirmed)
     (Mr. Hans BRATTESTÅ, Norway)

   - **"Mirroring Society in Parliament: representativity of parliamentary staff"**
     (Mr. Marc BOSC - Canada)

- **Induction of new Members of Parliament: the role of the Secretariat** (to be confirmed)

- **Transition from a one party system to a multi-party system** (to be confirmed)

9. Discussion of supplementary items (to be selected by the Executive Committee at the Spring Session)

10. Administrative and financial questions

11. New subjects for discussion and draft agenda for the next meeting in Geneva (Autumn 2007)

The Orders of the Day were *agreed* to.

Mr Jacques SAINT-LOUIS (Haiti) said that he wished to present a communication on the impact on the public of celebrating the bicentenary of the Haitian Parliament.

5. Closure of the Session

Mr Anders FORSBERG, President, thanked the interpreters, staff of the IPU in charge of organising the conference and the members of the Executive Committee.

He thanked members of the Joint Secretariat.

Speaking in French, he also thanked Mr Roland BEAUME, who was leaving the Joint Secretariat of the Association, for his devotion and efficiency in serving the ASGP and said that the French National Assembly would name his successor in the near future.

The sitting rose at 4.30 pm.