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MEXICO CITY

19-23 APRIL 2004

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2004

Mexico City
19 – 23 April 2004

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Artan Banushi	Albania
Dr Hafnaoui Amrani	Algeria
Mr Abderrachid Tabi	Algeria
Mr Valenti Marti Castanyer	Andorra
Mr Juan Hector Estrada	Argentina
Mr Ian Harris	Australia
Dr Georg Posch	Austria
Mr Khondker Fazlur RAHMAN	Bangladesh
Mr Georges Brion	Belgium
Mr René Sounon Koto	Benin
Mr Vedran Hadzovik	Bosnia & Herzegovina
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Samson Ename Ename	Cameroon
Mr Carlos Hoffmann Contreras	Chile
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Josip Sesar	Croatia
Mr Constantinos Christoforou	Cyprus
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Gilberto Vaca Garcia	Ecuador
Mr Heike Sibul	Estonia
Mr Asnake Tadesse	Ethiopia
Mr Seppo Tiitinen	Finland
Mr Jean Claude Bécane	France
Mrs Hélène Ponceau	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Felix Owansango Daecken	Gabon
Mr Wolfgang Zeh	Germany
Mr Kenneth E.K. Tachie	Ghana
Mr Mohamed Salifou Toure	Guinea (Republic of)
Mr G.C. Malhotra	India
Dr Yogendra Narain	India

Mr Daisal Djamal	Indonesia
Mr Arie Hahn	Israel
Mr Patrick Gichohi	Kenya
Mr Samuel Wawera Ndindiri	Kenya
Mr Sheridah Al-Mosharji	Kuwait
Mr Adnan Daher	Lebanon
Mr M G Maluke	Lesotho
Mr Mamadou Santara	Mali
Mr Jorge VALDES Aguilera	Mexico
Mrs Patricia FLORES Elizondo	Mexico
Mr Namsraijav Luvsanjav	Mongolia
Mr Abdel Jalil Zerhouni	Morocco
Mr Carlos Manuel	Mozambique
Mr Moses Ndjarakana	Namibia
Mrs Panduleni Shimutwikeni	Namibia
Mr Moussa Moutari	Niger
Mr Oluyemi Ogunyomi	Nigeria
Mr Hans Brattesta	Norway
Mr Mahmood Salim Mahmood	Pakistan
Mr Shahid Iqbal	Pakistan
Mrs Halima Ahmed	Parliament of the ECOWAS
Mr Vladimir Aksionov	Parliamentary Assembly of the Union of Belarus and the Russian Federation
Mrs Emma Lirio Reyes	Philippines
Mr Oscar Yabes	Philippines
Mr Adam Witalec	Poland
Mr Constantin Sava	Romania
Mrs Cecilia Paduroiu	Romania
Mr Alexander Lotorev	Russian Federation
Mr Petr Tkachenko	Russian Federation
Mr Anicet Habarurema	Rwanda
Mr Fidele Rwigamba	Rwanda
Mr Francisco Silva	Sao Tome & Principe
Mrs Marie-Josée Boucher-Camara	Senegal
Mr P.O. Ram	Singapore
Mr Manuel Cavero-Gomez	Spain
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mr Hans Peter Gerschwiler	Switzerland
Mr Pitoon Pumhiran	Thailand
Mr Montree Rupsuwan	Thailand
Mr Chinda Chareonpun	Thailand

Mr Mykola Mishchenko	Ukraine
Mr Michael Pownall	United Kingdom
Mr George Cubie	United Kingdom
Mr Mario Farachio	Uruguay
Mr Horatio Catalurda	Uruguay
Mrs MarGARITA Reyes Galvan	Uruguay
Mr Eustoquio Contreras	Venezuela
Mrs Doris Katai Katebe Mwinga	Zambia
Ms Helen Dingani	Zimbabwe

SUBSTITUTES

Mr José Antonio (for Mr Diogo De Jesus)	Angola
Mr Marc Van der Hulst (for Mr Robert Myttenaere)	Belgium
Mrs Marie-Andrée Lajoie (for Mrs Audrey O'Brien)	Canada
Dr Heather Lank (for Mr Paul Belisle)	Canada
Mr Sten Ramstedt (Mr Mr Julian Priestley)	European Parliament
Mrs Corinne Luquiens (for Mr Yves Michel)	France
Ms Cait Hayes (for Mr Kieran Coughlan)	Ireland
Mrs Maria Valeria Agostini (for Mr Antonio Malaschini)	Italy
Mr Tsuneo Sedo (for Mr Yoshiniro Komazaki)	Japan
Mr Choong Suk Kong (for Mr Yong-Sik Kang)	Korea (Republic of)
Mr Henk Bakker (for Mr Willem H De Beaufort)	Netherlands
Mr Bob Bunch (for Mr David McGee)	New Zealand
Atty Arlene Dada-Arnaldo (for Mr Roberto Nazareno)	Philippines
Mr Wieslaw Staskiewicz (for Mr K Czeszjeko-Sochacki)	Poland
Mr Joao Viegas Vilhete D'Abreu (for Mrs Isabel Corte-Real)	Portugal
Mr Olexander Fedrytskyi (for Mr Velentyn Zaichuk)	Ukraine
Mr Tom Duncan (for Mr Charles Johnson)	USA

ALSO PRESENT

Mr Yaba Pedro Alberto	Angola
Mr Gleb Bedritsky	Belarus
Mr Keorapetse Boepetswe	Botswana
Mr Jiri Krbec	Czech Republic
Mr Haris Karabarbounis	Greece
Mrs I Gusti Ayu Darsini	Indonesia
Mrs Ruth Kaplan	Israel
Ms Luisa Accarino	Italy
Mr Yuraka Nikaido	Japan
Mr Fayez Al-Shawabkeh	Jordan
Mr Il Kwon Kim	Korea (Republic of)
Mrs Isabelle Barra	Luxembourg
Mr Said Mokadem	Maghreb Consultative Council
Mr Vergard Benjamin	Mexico
Mr Arturo GARITA Alonso	Mexico
Mr Yadamsuren Bold-Erdene	Mongolia
Mr Paul Mupengue	Mozambique
Mrs Rahila Ahmadu	Nigeria
Mss Corazon Alano	Philippines
Mr Andrzej Januszewski	Poland
Ms Adriana Badea	Romania
Ms Cristina Dumitrescu	Romania
Mrs Irana Nistor	Romania
Mrs Cristina Sever	Romania
Ms Lulu Matyolo	South Africa
Mr Dhammika Kitulgoda	Sri Lanka
Mr Jovan Pejkovski	The FYR of Macedonia
Mrs Anita Ognjanovska	The FYR of Macedonia
Mrs Samonrutai Aksornmat	Thailand
Mr Pakpoom Mingmitr	Thailand
Mr Rauf Bozkurt	Turkey
Mr Emmanuel Bakwege	Uganda
Mr Vyacheslav Lokshyn	Ukraine
Mr Nguyen Sy Dzung	Vietnam

APOLOGIES

Mr Diogo De Jesus	Angola
Mr Robert Myttenaere	Belgium
Mrs Audrey O'Brien	Canada
Mr Julian Priestley	European Parliament
Mrs Mary Chapman	Fiji
Mr Yves Michel	France
Mr Xavier Roques	France
Mr Dirk Brouer	Germany
Mr Kieran Coughlan	Ireland
Mr Antonio Malaschini	Italy
Mr Francesco Posteraro	Italy
Mr Yoshihiro Komazaki	Japan
Mr Makoto Onizuka	Japan
Mr Yong-Sik Kang	Korea (Republic of)
Mr Claude Frieseisen	Luxembourg
Mrs Valérie Viora-Puyo	Monaco
Mr Willem Hendrik De Beaufort	Netherlands
Mr David McGee	New Zealand
Mr Roberto Nazareno	Philippines
Mr Rafael De Guzman	Philippines
Mr Krzysztof Czeszejko-Sochacki	Poland
Mrs Jozica Veliscek	Slovenia
Mr Christoph Lanz	Switzerland
Mr Valentyn Zaichuk	Ukraine
Mr Charles Johnson	USA
Mr Colin Cameron	Western European Union

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FIRST SITTING
Monday 19 April 2004 (Afternoon)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 2.30 pm

1. Opening of the Meeting

Mr Ian HARRIS, President, welcomed participants to the sitting of the ASGP as part of the 110th Assembly of the Inter-Parliamentary Union.

He thanked very warmly the team of colleagues who had been made available by the Mexican Parliament as well as the staff of the into Parliamentary union. With very little notice, they had accomplished a great deal and had shown great willingness and efficiency for which the members of the ASGP were extremely grateful.

He indicated that the election for three vacant posts on the Executive Committee would take place on Thursday the 22nd of April 2004, and that proposals of candidates had to be received in writing by the secretariat on the preceding day by 11 o'clock in the morning.

2. Orders of the Day

Mr Ian HARRIS, President, presented the Orders of the day adopted by the Executive Committee were as follows:

Monday 19 April (afternoon)

1.30 pm Meeting of the Executive Committee (Room D, 1st floor FIESTA INN HOTEL)

2.30 pm Opening session (Room B, 1st floor FIESTA INN HOTEL).

Orders of the day of the Conference

New members

Welcome by Mr. Jorge VALDÉS AGUILERA, Secretary General for Administrative Services of the Senate of Mexico

Presentations by Mr Arturo GARITA ALONSO, Secretary General for Parliamentary Services of the Senate and Mrs Patricia FLORÈS ELIZONDO, Secretary General for Administrative Services of the Chamber of Deputies on the Parliamentary System in Mexico

Tuesday 20 April (morning)

9.00 am Meeting of the Executive Committee

10.00 am Presentation by Mr Martin CHUNGONG (IPU), on recent activities of the IPU.

11.30 am General Debate on the Gender partnership in the parliamentary service

Moderator : Mrs Hélène PONCEAU, Secretary General of the Questure of the Senate of France

Tuesday 20 April (afternoon)

3.00 pm General Debate on the Relations between Parliament and Civil Society

1st part
Moderator : Mr Prosper VOKOUMA, Secretary General of the National assembly (Burkina Faso)

2nd part
Moderator : Mr Anders FORSBERG, Secretary General of the Riksdagen (Sweden)

Wednesday 21 April

Visit to Mexican Parliament and lunch hosted by the Senate

Folkloric ballet (8.00 pm – Palacio de la Bellas Artes)

Thursday 22 April (morning)

9.00 am Meeting of the Executive Committee.

10.00 am Communication from Mr G.C. MALHOTRA, Secretary General of the Lok Sabha (India), on Anti-defection Law in the Commonwealth: its Impact on the Stability of Government

11.00 am Deadline for nominations for the vacant post and the two new posts on the Executive Committee

Communication from Mr. Hafnaoui AMRANI, Secretary General of the National Council (Algeria) on Performing the duties of Secretary General in a country facing physical challenges such as earthquakes

Communication from Mrs Halami AHMED, Secretary General of the Parliament of the Economic Community of West African States on the Parliament of the Economic Community of West African States

Thursday 22 April (afternoon)

3.00 pm Communication from Mr Ian HARRIS, President of the ASGP, Clerk of the House of Representatives (Australia) on the Parliament of Birds

After 4.00 pm Elections to posts on the Executive Committee

Friday 23 April (morning)

9.00 am Meeting of the Executive Committee.

10.00 am Communication from Dr. Yogendra NARAIN, Secretary General of the Rajya Sabha (India) on Ethical concerns of the Indian Parliament : recent changes in electoral laws.

Discussion of any supplementary items (to be selected by the Executive Committee in Mexico).

New members.

Administrative and financial questions.

Examination of the draft agenda for the next meeting (Geneva, autumn 2004).

Closure.

The Orders of the Day were *agreed* to.

3. New Members

The President said that the following requests for membership had been received:

Mr Khondker Fazlur RAHMAN Secretary of the Parliament of Bangladesh
(replacing Mr Kazi Rakibuddin AHMAD)

Mr Josip SESAR	Secretary General of the Croatian Parliament (replacing Mrs Danica ORCIC)
Mr Jarmo VUORINEN	Deputy Secretary General of the Parliament of Finland (replacing Mr Jouni VAINIO)
Mr Abdel Jalil ZERHOUNI	Secretary General of the Chamber of Representatives of Morocco (replacing Mr Mohamed Rachid IDRISSI KAITOUNI)
Mr Mihai UNGHIANU	Secretary General of the Chamber of Deputies of Romania (replacing Mr Cristian IONESCU)
Mrs Cecilia PĂDUROIU	Deputy Secretary General of the Chamber of Deputies of Romania (replacing Mr. Gheorghe STAN)
Mr P.O. RAM	Secretary General of the Parliament of Singapore (This country was joining the ASGP for the first time)

The new members present were invited to stand and be identified.

The candidates were *approved* as new members.

4. Welcome by Mr Jorge VALDÉS AGUILERA, Secretary General for Administrative Services of the Senate of Mexico

Mr Ian Harris, President, invited Mr Jorge VALDES AGUILERA, Secretary General of Administrative Services in the Mexican Senate to speak.

Mr Jorge VALDES AGUILERA, Secretary General of Administrative Services in the Mexican Senate, thanked Mr Ian Harris for his kind words. He said he was very happy that Mexico was hosting the 110th conference of the Inter-Parliamentary Union and the parallel meetings of the Association of Secretaries General of Parliaments.

In the name of the Mexican Congress, he welcomed everyone to the conference.

5. Presentation by Mr Arturo GARITA ALONSO, Secretary General for Parliamentary Services of the Senate and Mrs Patricia FLORÈS ELIZONDO, Secretary General for Administrative Services of the Chamber of Deputies on the Parliamentary System in Mexico

Mr Ian Harris, President, welcomed Mr Arturo GARITA ALONSO, Secretary General of the Parliamentary Services of the Senate, and Mrs Patricia FLORÈS ELIZONDO, Secretary General of the Administrative Services of the Chamber of Deputies.

Mr Arturo GARITA ALONSO (Mexico) gave the following presentation, entitled "The Parliamentary System of the Mexican Senate":

"In this lecture, the general basis and juridical organization of the Mexican Senate are mentioned. First, a necessary description of the political regime to show briefly the structure of our democratic organization is going to be covered.

The topic of The Senate and its functioning is mentioned broadly. The fact of talking about the "Parliamentary System of The Senate" justifies setting apart issues of the House of Deputies that also conforms the Congress of the Union. Therefore, the topic of the House of Deputies will be covered separately by those who collaborate in said entity.

The last topic is related to the legislative process that not only covers mandatory application for the Senate but also demands continuous and orderly participation of both Chambers.

For a more precise and direct knowledge of the Legislative Power, printed brochures with information of the juridical framework will be handled, including the text of the Political Constitution of the United Mexican States, the Organic Law of the General Congress and the Ordinance for the Internal Government of the General Congress.

1. JURIDICAL MEXICAN REGIME

The Political Constitution of 1917, as main rule of the Mexican juridical regime, is the concrete expression of our Rule of Law. According to this Fundamental Law, national sovereignty in Mexico relies basically and originally in the people, where all public power comes from and is created for its benefit, who also has –at any moment the non-transferable right to alter or modify the structure of its government that is executed through the Powers of the Union.

The Political Constitution of the United Mexican States has the rules of organization of the State and defines our administrative and political regime as a representative, democratic and federal Republic.

As a consequence, the form of the State adopted by Mexico is one with Republican character and their governors are elected by the people through a free, universal, secret

and direct vote to be their representatives during a pre-established period. Likewise, our Republic is Federal because it is formed by an association of free and sovereign states regarding their form of internal government but subject to the main principles of the General Constitution of the Republic.

The Mexican Republic is formed by 32 political-administrative entities; out of them 31 are free and sovereign states and one has the constituency of a Federal District for being the residence of the Federal Powers. The 31 Federal states have their own constitutional autonomy and political institutions so in this way can reproduce internally the three powers acknowledged by the federation; recognizing the supremacy of our Political Constitution as a supreme pact of union.

Since its promulgation in 1917, the Mexican Constitution has experienced several modifications to respond at any moment to the political, social and economical environment of our country. Example of said modifications are the amendments of 1953, when the right to vote was given to women; the amendments of 1969 giving citizenship to all Mexican people older than 18 years; the following electoral amendments of 1977, 1986, 1989, 1990, 1993, 1994, and 1996 so as to guarantee legal and respectful elections; as well as the amendments of articles 27 and 28 regarding the property rights and economic rectory of the state. In this way, Mexico has nowadays -as basic element of democracy- a solid, transparent and electoral system, where participants of this process are proud of our democratic institutions; likewise, it has clear rules that allow peaceful life in community of all Mexicans.

2. THE POWERS OF THE UNION: EXECUTIVE, LEGISLATIVE AND JURIDICAL

The Constitution establishes the main principle of power division, distinctive feature of any presidential-type of government. Article 49 limits its division for the exercise of the Supreme Power of the Nation divided in Legislative, Executive and Juridical ones; also establishes that two or more of these powers cannot meet in only one person or corporation; nor allocate the Legislative in one individual, except in the case of extraordinary faculty concession to the Executive according to the specific and exceptional circumstances established in the Constitution.

A. Executive Power

The Executive has a unique character. Its titleholder is the President of the United Mexican States, acknowledged through direct election and by universal suffrage. The post lasts six years with no possibility of re-election. The titleholder of the Executive has functions of Chief of State and of Government. It has freedom to name and remove freely the Secretaries and high posts of its government; to design and execute the policies of the federal public administration through these officers and also to direct foreign policy and relations with the states of the Federation.

B. Legislative Power

The Legislative is formed by two Chambers, one of Deputies with 500 members and the other one of Senators, formed by 128 members; known as the Federal Congress. Immediate re-election is not allowed for its members.

C. Juridical Power

The Juridical Power is formed by the Supreme Court of Justice, the Collegiate Circuit Courts, the Unit Circuit Courts, the District Court, the Council of the Federal Judiciary and the Federal Electoral Court of the Juridical Power of the Federation. The Supreme Court of Justice of the Nation is the highest organ of the juridical power, it is formed by eleven ministries elected by the vote of two thirds of the members of the Senate, on proposals submitted by the President of the Republic.

The Juridical Power of the Federation is the last premise that assures the wide range of institutional main rights and criminal instruments that citizens, corporations and public powers of the state have. Previously, these should be named by the juridical premises of the states of the Federation.

Within the states of the Federation, the powers are divided in the same way as in the Federal Government: Executive, Legislative and Juridical. It is true that our legal framework has the power division for its exercise, and the institutional and legal net allows collaboration among them, giving an influence in a co-responsibility framework regarding definition of public policies designed and executed in our country. The power division constitutes the proper way so the three powers of the Mexican State can work properly with their given responsibilities granted by the Constitution with total respect of each one of them without invading the competence issues unfamiliar to them.

3. LEGISLATIVE POWER INTEGRATION

The Legislative power of the United Mexican States is allocated in a General Congress divided in two Chambers: one of deputies and the other one of senators who exercise the faculties granted by the Constitution.

The House of Deputies is formed by a total of 500 deputies, 300 out of them are elected by the principle of relative majority in a number equal to the nominal electoral districts and the other 200 are chosen by the principle of proportional representation through the closed lists and as a result of dividing the Mexican Republic in five circumscriptions. The House is renewed totally every three years.

The Senate is formed by 128 members. In each of the 31 federal entities and the Federal District, the senators are chosen, two out of them by the principle of relative majority and one more by the principle of first minority; meanwhile, the rest 32 seats of Congress are allocated according to the principle of proportional representation through the closed lists system, voted in only one circumscription at a national level. This organism is renewed totally every six years.

The legislative period of three years is known as a Legislature; the Federal Congress holds ordinary sessions during five months, beginning the first period of sessions on September 1st of each year and ending on December the 15th; its second period of legislative sessions is held from March 15th and ends on April 30th; during its recess, the Permanent Commission is formed, which is an organism of the Congress of the Union that performs functions granted by the Political Constitution. In the year 2003 the Congress approved an amendment to extend the second period of sessions so as to begin it on February 1st, extending the time in its sessions to six and a half months; this amendment is currently on process of discussion within the federal entities.

The internal rules of the Federal Legislative Power are regulated by an Organic Law and an internal Ordinance. The first Organic Law was issued in 1979; for twenty years -this law together with the ordinance issued in 1934- governed the debates of the Congress of the Union. The electoral and political evolution of our country gave birth in 1999 to a new Organic Law that has 135 articles that conformed the ordinance that rules the Congress nowadays.

4. CONSTITUTIONAL FACULTIES OF THE MEXICAN SENATE

In order to identify and know the Senate, it is necessary to precise its political nature as well as its character of organism and part of the Federal Supreme Power; taking into consideration the role granted by the Political Constitution and the Ordinances that nowadays govern the functioning and integration of the Congress.

Juridical framework

The set of laws that establishes the faculties and responsibilities of the Senate can be placed firstly in the Political Constitution and directly in the Organic Law of the Congress and the Internal Ordinance. It can also be included the parliamentary practices and agreements -the Senate has approved- that are useful to allocate procedures and specifications on those issues not covered in the Ordinance or those the Law leaves for its development in specific ordinances. However, functioning rules and performance of the Senate are exhausted not only in the previous provisions because there is an important number of complementary ordinances that give attributions and that particularly are identified as part of the political control faculties granted by this positive right.

A. Political Constitution

Faculties at a constitutional level are recognized to the Mexican Senate and exercises in a complementary way other faculties of same importance. In all of these it can be acknowledged a trend to establish a collaboration principle and of co-responsibility with the Executive. Besides the provisions related to the integration of the Legislative Power, the constitutional provisions of the Senate can be placed according to a classification of six topics.

i. Administrative: those provisions where the Senate has the faculty to name the Ministries of Court; the Governor and Vice-governors of the Central Bank; to choose the juries of the Electoral Court of the Juridical Power of the Federation; to name the president of the Human Rights National Commission and the members of its Consultative Council; to approve the promotions of high posts of the Army and the Navy and of superior officers of the Treasury Department; as well as to ratify the General Attorney of the Republic; to call the secretaries of state, directors or managers of the federal decentralized organisms or from enterprises of state majority participation so as to inform or study a business and to create committees to investigate public administration.

ii. Of Defence: those provisions that allow the Senate to authorize the President of the Republic to give permission to national troops to be out of the boundaries of the country; to authorize the entrance of foreign troops into national territory and the station of armed units from other countries for more than one month in Mexican waters; to give consent so the President can use the National Guard out of its respective states establishing the necessary authority.

iii. Of International Policy: those provisions that allow the examination of foreign policy; to ratify international agreements and instruments that Mexico signed with other nations; as well as to approve the naming of ambassadors and consuls.

iv. Jurisdiction: those functions that allow the Senate to be sentence jury in the cases of impeachment. Additionally, there is only one case that the Congress of the Union performs jurisdictional faculties and is the one “given to grant amnesty for crimes whose knowledge belongs to the courts of the Federation”.

v. Policies: The Senate, as representative of the Federation is authorized to declare the disappearance of the powers of a state and to name a provisional governor proposed by the President; to solve political issues between state authorities when they appeal to the Senate, or when said issues interrupt constitutional order by means of armed conflict; and to name and remove the Chief of the Federal District according to the provisions of the Constitution.

vi. Legislative: within the faculties of strict legislative nature, the Senate can act as Chamber of Origin or of Revision except in the case of public income. Exclusively approving and ratifying international treaties held by the Federal Executive. The legislative faculty sets its own rules. Constitutional Article 70 allows the Congress to issue the law to rule its internal structure and functioning; which can not be cancelled nor needs the promulgation of the Federal Executive to be valid. This provision is based in a parliamentary tradition within Mexican Constitutionalism that gives the legislative power the exclusive faculty to issue their internal rules, without the participation of any other power; this authority is known as “ruling autonomy” and gives strength to the power division as well as the authority of ruling itself.

The description of the Senate with regard to its activities as part of the Federal Congress can be found mainly in Article 73 of the Political Constitution. The topics mentioned in it cover national sovereignty regarding foreign issues and development of the Federation

regarding internal issues, peaceful life in the community and the application of the Rule of Law. As a conclusion, the Congress of the Union has expressed and limited federal competence; and the federal entities have the faculty to rule in all those matters not kept in the Constitution in favour of the Federal Legislative Power.

The faculties granted by the Constitution to the Legislative Power regarding its strict legislative nature are located mainly in sections 30 of Article 73 of the Constitution executed by both Chambers in a separate and consecutive way. However, there are two constitutional ordinances granting legislative faculties in other issues. A specific case can be Article 122 that gives the possibility to legislate in all the aspects related to the Federal District.

B. Organic Law of the Congress

The Organic Law of the Congress established that the Senate needs the support of the following premises to exercise its functions:

i. Dean Board. At the end of a Legislature, the senators finish their functions and the new members are the ones who create the constitution of its own organism; as for the establishment of the first one, known as “Dean Board”. This organism is formed by five members, one will be its president, two will be the vice-presidents and two will be the secretaries. The allocation system of its members depends on its experience as senators, age and in its case, of its legislative experience. This criteria came from the lists prepared by the General Secretary of Parliamentary Services as for the reception of written evidence to guarantee the chosen senators.

Once the Dean Board is established, its functions are: to carry out the constitutive session of the Chamber; to take the constitutional oaths and to choose the members of the Board of Directors of the first year of exercise per each Legislature. Its existence ends at the moment of fulfilling said responsibilities.

ii. The Board of Directors. Is a collegiate organism formed by eight members, one president, three vice-presidents and four secretaries. Its creation is formed in two ways: the first one, already mentioned during the constitutive session; and the second one for the following years, where the senators will continue fulfilling their post, where the installation is held through a “Previous Board” carried out within the 10 previous days to the opening of the sessions of the following legislative year. The Board of Directors is an organism with permanent character whose functions are held through the legislative year that can be in an ordinary or extraordinary period. The Organic Law oversees the possibility to re-elect the members of the Board of Directors.

iii. Parliamentary Groups. Are the type of organization adopted by the senators with same affiliation party, whose minimal number of members is five; the Organic Law instructs that can only be one political group per each party represented in the Chamber, allowing at the interior of the group to solve conflicts and to keep a proper management with the risk that if it is not the case, the benefits given by the law to the formed groups will be lost. The parliamentary groups determine the decision of constituency as such as

well as their name, members relation, name of the coordinator and other senators with directive functions and functioning rules. Within the benefits of the parliamentary groups it can be mentioned: those of budget and material character derived in working areas and of location within the legislative site. The resources allocation is subject to the criteria of budget availability and of members proportion regarding the total number of the Chamber.

iv. Political Coordination Board. Article 80 of the Law defines the Political Coordination Board as "the collegiate organism that fosters understandings and mergers to reach agreements that will allow the fulfilment of the faculties granted by the Constitution". It is formed by the coordinators of the parliamentary groups as well as by two senators of the majority parliamentary group and one of those that constitutes the first minority. The decisions of this collegiate organism are taken by examined vote from the parliamentary groups, as for the number of senators that each respective group has; the members of the two first forces that do not have the quality of coordinators, as well as people called to sessions will only have the right of voice but not the right to vote. The Presidency of the Board per Legislature corresponds to the coordinator of the parliamentary group that by its own has the absolute majority of the examined vote by the Board or whose parliamentary group constitutes said majority in the Chamber; on the contrary, the presidency of the Board will be exercised in an alternate manner and per each legislative year by the coordinators of the parliamentary groups that will have a number of senators representing less than the 25% of the total number of the Chamber.

The Organic Law grants the President of the Board the following: to promote the adoption of necessary agreements for the proper dismiss of the legislative agenda per each period of sessions; to propose the Board the project of legislative program per each period of sessions and the calendar of the same; to assure the fulfilment of the agreements of the Board; to represent the Board –within its competence- before the organisms of the own Chamber and to coordinate its meetings; and those that derive from the juridical ordinances and agreements in matter.

v. Report Committees. These favour the work division of the Chamber, due to the specialization of the same and the participation of its members. The Committees are formed by fifteen senators, their job is coordinated by a Direction formed by a President and two secretaries. Its decisions are taken by majority of votes and the reports should be signed by the majority of its members. The Chamber increases or reduces the number of the Committees or divides them; for the proper performance of their legislative tasks, the presidents may request information or documents to the premises and entities of the Federal Executive (except when it is confidential information) and can also interview public officers.

The Committees are classified as follows:

- Ordinary: Analyze and report the law initiatives or reports remitted to them as well as the issues regarding their field or area of competence. They will be in charge of issues related to their own matter of denomination and jointly with the Committee of Legislative Studies will analyze and report the law initiatives and reports.

- Jurisdictional: According to the Law, these deal in the responsibility procedures of public officers. It is formed by a minimum of eight senators and a maximum of twelve. From these, the Committee of Judgement is formed, according to the Federal Law of responsibilities of Public Officers where parliamentary groups should be represented.

- Research: Are created to investigate the functioning of decentralized organisms and enterprises with public majority participation.

Committees with transitory character can be formed so as to know exclusively the issue of purpose they were created for or to perform a specific task when determined by the Chamber; joint Committees can be created with the participation of both Chambers of the Congress of the Union to deal with issues of common interest. In the LIX Legislature, the Senate has 60 Legislative Committees both ordinaries and extra-ordinaries with five Committees of both Chambers.

vi. Technical and administrative organization. The Organic Law establishes in its Article 106 so the Senate can dismiss its legislative and administrative tasks the following premises: a) General Secretary of Parliamentary Services; b) General Secretary of Administrative Services from which the Treasury of the Chamber will be dependant of and c) the administrative units agreed by the Board of Directors. Their titleholders are proposed by the Board of Directors to the plenary and are elected by the majority of the senators present and last in their post all the Legislature, being able to be re-elected. The Law also considers the removal of said officers, proposed by the Board of Directors for serious cause considered by the absolute majority of the senators present at the plenary.

C. Ordinance for the Internal Government of the General Congress

Said ordinance was published on March the 20th 1934, including eleven amendments since then. Its constitutional basis was found in Article 73 section XXIII; however, in 1977 said section was cancelled. Therefore, this ordinance is still in force because the Organic Law of the Congress in its article 3 specifically gives effect; both exist as ordinances that rule the functioning of the Congress: the Organic Law of 1999, some provisions of the Ordinance of 1934 and several parliamentary agreements.

D. Parliamentary Agreements

Currently, several acts issued by organisms of the Senate are ruled under this denomination and the Organic Law mentions them in several articles. The Parliamentary Agreements are used among other issues for the creation of organisms or administrative units; for the creation of special committees; the naming of officers or ratification of others; positions taken or pronouncements and to consider some resolutions of internal factors.

5. THE LEGISLATIVE PROCEDURE IN THE MEXICAN SENATE

It is also known as procedure of law creation and it is understood as the order series of acts that the government organisms have the faculty to elaborate, approve and issue a law or executive order. The legislative procedure is detailed in articles 71 and 72 of the Constitution. Despite some differences in the Mexican application, the legislative procedure is formed by the following steps: initiative, discussion, approval or rejection, sanction, promulgation and beginning of the term.

A. Initiative

According to article 71 of the Constitution, the president of the Republic, deputies and senators of the Congress of the Union and the legislatures of the states have the faculty of initiative, and according to article 122 of that same ordinance, the Legislative Assembly of the Federal District has it too. The aforementioned means that the Supreme Court of Justice and the particulars do not have the faculty of legislative initiative. In the case of the Juridical Power, the Constitution separated clearly the function of interpretation of the law, including it in this power and the function to create the law pretending to assure impartiality in the function of judgement; mainly because in Mexico, the Federal Juridical Power is in charge of examination to the Constitutionality of the laws.

Regarding the particulars, despite of not having the initiative faculty, they have the right of petition -according to article 8 of the Constitution. For this reason article 61 of the Ordinance of the Congress -in effect for those issues that do not contradicts the Organic Law, allocates that all particulars' or general petitions who do not have the right of initiative will be sent to the president of the Chamber, to the corresponding Committee according to the nature of the issue in question; being able to report said committees, if the petitions are or not considered into account. In case the petition is considered into account, it is understood that the Committee adopts it and exercises its initiative faculty.

The initiative faculty of the president of the Republic is a clear sample of our functions coordination system and responds to the reason that the Federal Executive is the one that has the better possibilities to understand the situation and problems of the country; so, it is able to suggest its ruling implementation.

The President of the Republic is in charge of responding exclusively to the presentation of some initiatives such as: the federal income laws, the project of expenditure budget and the annual public account; despite the fact that the two latter ones are exclusive faculties of the House of Deputies. Also the Federal Executive is in charge of beginning exclusively the guarantee suspension procedure, according to article 29 of the Constitution; even though in this case it is not considered a law but an executive order.

Therefore, the initiatives of deputies and senators should be understood to correspond to only one deputy or senator or a group of them; instead, regarding the legislatures of the states, this faculty is given to the organism and not to one or several members. The proof that this entities have the right of initiative is evident because they represent popular will and its natural function is to legislate.

Second paragraph of article 71 of the Constitution grants that the initiatives submitted by the president of the Republic, by the legislatures of the states or by deputies of the same, will go through the Committee and those submitted by deputies and senators will be subject to the legal procedures established in the Ordinance of Debates. Regarding the particulars, it should be understood, current in article 56 of the Ordinance grants that the initiatives submitted by one or several members of the Chambers, will go through the Committees giving not distinction at all.

B. Discussion and approval or rejection

Article 72 of the Constitution has several hypothesis that could be submitted in the procedure of law creation. The initiatives could be submitted before any of both Chambers; the one that notices it first is call the Chamber of Origin and the other one is call Chamber of Revision. Letter h of article 72 grants that the initiatives to government loan, collections or taxes and troops recruitment shall be discussed firstly in the House of Deputies.

On the other hand, a general rule exists and establishes that the members of one Chamber can not promote initiatives before the other Chamber; therefore, the initiatives from deputies shall be discussed in said Chamber. The same happens regarding senator's initiatives. It is convenient to highlight that also aritcle 72 grants that law initiatives and executive orders will be discussed preferably in the Chamber submitted unless a month has elapsed, once they meet the reporting committee without submitting the report. In that case, the project can be submitted and discussed in the other Chamber.

It is possible to distinguish the following suppositions in article 72 of the Constitution:

a) Law project submitted before the Chamber of Origin and approved by it, turns to the Chamber of Revision who in case of approving it will remit it to the Executive so this one - in case there are not observations given, will publish it immediately.

b) If the law project is rejected in the Chamber of Origin it can not be submitted again until the following period of sessions.

c) If an approved law project in the Chamber of Origin is reported totally by the Chamber of Revision, the project will be remitted to the Chamber of Origin with its observations to be discussed again by that; therefore, the following suppositions can be submitted: i) that it should be approved by the majority of the present members, then the project will be remitted to the Chamber of Revision to review it again. If the Chamber of Revision also approves it, it will be remitted to the Executive for its sanction effects; and, ii) if in the second consideration, the Chamber of Revision rejects it again, the project can not be submitted again until the following period of sessions.

d) A law project approved in the Chamber of Origin but rejected partially, modified or added by the Chamber of Revision, the project should be remitted to the Chamber of Origin so it can be discussed again only with regards of the partially rejection, modification or addition; here, also can be considered two hypothesis: i) that the Chamber

of Origin approves the observations of the Chamber of Revision by absolute vote majority; therefore, the project is sent to the Executive, and, ii) that the Chamber of Origin does not agree with the observations given by the Chamber of Revision; therefore, the project shall be remitted to the Chamber of Revision for a second consideration. If the Chamber of Revision does not insist with observations, the project is sent to the Executive but if the Chamber of Revision insists on partial rejection, modification or addition by absolute majority, the project can not be submitted again until the following period of sessions. In this latter hypothesis, both Chambers can agree by absolute vote majority of its members to publish the law only with the articles approved by both Chambers.

e) When a law project has been approved by the Chambers it shall be sent to the Executive for its sanction effects. This step corresponds to the veto right. According to letter b) of article 72, any law project not remitted with observations to the Chamber of Origin will be considered approved by the Executive within the following useful 10 days of its reception; unless, that after this term the Congress had concluded the period of sessions. In such case, the devolution shall be done the first working day of the Congress.

If the Executive rejects a law project, this will be remitted to the Chamber of Origin to be discussed again; if it is confirmed by this Chamber, meaning that it is not agreed with the observations given by the Executive by to thirds of the total number of votes, the project will be sent to the Chamber of Revision and if this one also confirms it with the same majority, the project will be sent again to the Executive only for its publication effect.

It is convenient to point out some main aspects of the discussion and approval of a law overseen in the Ordinance. Article 95 grants that once open the discussion, a lecture will be given to the initiative and afterwards to the report of the corresponding committee will be read as well as the particular vote, if it is so. Second step and after the debate begins, the president of the Chamber will integrate a list of individuals who will like to talk in favour and against the project. The law project will be discussed in general, talking about the whole project; and afterwards it will be discussed in particular, each one of its articles. The members of the Chamber will speak alternately in favour and against the project; the discussion will begin with those who signed it to speak against it.
According to article 114 of the Ordinance, before closing the general and particular discussion, six individuals can talk in favour and six individuals can talk against it, besides the members of their respective committee.

Once all the signed individuals had spoken, the president will ask if the topic is sufficiently discussed; if so, the voting will continue. If not, the discussion shall continue. In this case, only one individual will be necessary to speak in favour and one against it. When a project is considered to be not sufficiently discussed, a show of hands shall be considered to send the project to the Committee to amend it; if the project proposal is not accepted it will be considered as rejected.

The projects that go through one Chamber to another for its revision effects shall be signed by the president and two secretaries, together with its respective discussion file and backgrounds so the co-legislative Chamber can have them easily seen.

The Chamber of Revision will not be able to make public the topics mentioned secretly in the Chamber of Origin but it can give a secret treatment to those the Chamber of Origin treated publicly.

C. Promulgation and publication

One a law is approved and sanctioned, the Executive is obliged to give instructions of its publication so it can be known by those who must fulfil it. The publication of the law is done in the Federal Official Diary.

FINAL NOTE

As previously mentioned in the introduction of this lecture, a general outline of the organization, structure and functioning of the Senate was mentioned.

The goal of the aforementioned has been only to describe without giving judgements or values.

We hope that the information given of the Senate as well as information given regarding the House of Deputies has been useful so you can get acquainted with the reality of the Mexican Legislative Power.

It has been of great satisfaction to participate in the activities of the 110 Assembly of the Inter-Parliamentarian Union. The exchange shared gives us an important personal experience and will be useful to fulfil our responsibilities."

Mrs Patricia FLORÈS ELIZONDO (Mexico), made the following presentation, entitled "The Parliamentary System of the Chamber of Deputies":

"Mexico is organized as a representative, democratic and federal republic, composed of states that are free and sovereign in all their internal affairs, but united in a federation under the principles of our fundamental law. The nation's form of government is presidential.

The exercise of the highest power is divided into three branches: the executive, judicial and legislative. Two or more of these branches cannot join in a single entity or body, nor can the legislative power be deposited in an individual, except in the event of extraordinary authority in the federal executive.

NATIONAL CONGRESS

The legislative power of the United States of Mexico is deposited in a General Congress that is divided into two Chambers: the Senate and the Chamber of Deputies.

The idea of a legislative branch formed by two chambers, one based on the population and the other on equal representation for each state—deputies and senators, respectively—has been a constant in the development of Mexican constitutionalism.

Senate

The Senate is the legislative body that historically has had the purpose of balancing legislative activity, as well as safeguarding the federal contract, by assigning the 31 states and the Federal District the same number of seats, regardless of geographical size, population or economic importance.

At present, the Senate has 128 members: two are elected by each state and the Federal District according to the principle of the relative majority vote, and one is assigned to the first minority. The 32 remaining senators are elected by proportional representation, through a system of ballots in a single, pluri-nominal national district.

The Senate of Mexico is elected in its entirety every six years. Its members serve on two legislatures and cannot be reelected for the immediately following term.

Chamber of Deputies

The Chamber of Deputies consists of national representatives elected for a term of three years, the duration of one legislature.

Three hundred deputies are elected by the relative majority vote in electoral districts containing a single state; and two hundred deputies are elected by proportional representation, on regional ballots in districts containing more than one state.

Deputies may not be reelected for the immediately following term.

To resolve matters under their authority, both chambers of the General Congress meet during two ordinary sessions each legislative year. The first session begins on the 1st of September and may not extend beyond the 15th of December, except during the years of presidential succession, when, according to the Constitution, the session must last until the 31st of December. The second ordinary session starts on the 15th of March and must conclude by the last day of April.

The Chamber of Deputies has the authority to legislate, in a successive manner with the Senate, on the matters foreseen primarily in Constitutional Article 73, as well as to exercise the functions of control conferred on it by the Constitution.

In addition to these powers, the Chamber of Deputies has the following exclusive responsibilities:

a) To issue the solemn decree to declare the president-elect determined by the electoral court of the national judicial branch;

b) To coordinate and evaluate the performance of the functions of the federal audit, the technical body responsible for inspecting the use of federal resources;
c) To examine, discuss and approve the federal budget each year;
d) To review the public accounts of the previous year, and
e) To substantiate the process that establishes whether or not to proceed judicially against any public servant charged with wrongdoing, except in the case of the president, which corresponds to the Senate.

Currently serving is the 59th Legislature, which took office on September 1, 2003, and will finish its term on August 31, 2006. This Legislature is broad-based, with legislators from six political parties: the Partido Revolucionario Institucional with 224 deputies; the Partido Acción Nacional with 151 deputies; the Partido de la Revolución Democrática with 97 deputies; the Partido Verde Ecologista de México with 17 deputies; the Partido del Trabajo with 6 deputies and the Partido Convergencia por la Democracia with 5 deputies.

THE INTERNAL ORGANIZATION OF THE CHAMBER OF DEPUTIES

The internal organization of the Chamber of Deputies in Mexico has the five fundamental divisions stipulated by the Organic Law: parliamentary groups; governing bodies (the board of directors, the political coordination board, and the conference for the direction and programming of legislative work); commissions and committees; the technical and administrative organization (the Secretary General); and other technical bodies (the controller, coordinator of social communication and the training unit).

Parliamentary Groups

Article 70 of the Mexican Constitution guarantees the grouping of deputies by party affiliation in order to ensure the free expression of ideologies represented in the Chamber of Deputies.

Such a grouping of deputies is also defined in the Organic Law of Congress, which establishes them as Parliamentary Groups.

Each Parliamentary Group in the Chamber of Deputies must have at least five deputies. There is only one Group for each national political party with deputies in the Chamber.

Each Parliamentary Group is directed by a “Coordinator”, who expresses the will of the Group and participates on the Political Coordination Board and the Conference for the Direction and Programming of Legislative Work.

Deputies who are not enrolled in a Parliamentary Group or cease to belong to such a Group are considered to be “deputies without a party”.

Governing Bodies

The Chamber of Deputies contemplates three governing bodies: the Board of Directors, the Political Coordination Board and the Conference for the Direction and Programming of Legislative Work.

(a) Board of Directors

The Board of Directors directs the sessions of the Chamber of Deputies and ensures the proper procedures for debates, discussions and plenary voting. It guarantees that constitutional and legal indications prevail during legislative work.

The Board if Directors is elected by the plenary session of the Chamber, with at least two-thirds of the votes of the members present.

It is formed by a president, three vice presidents and three secretaries.

The Board of Directors serves for one year and may be reelected. Its president is the "President of the Chamber of Deputies" and at joint meetings with the Senate is the "President of Congress".

In addition, the president of the Board of Directors conducts institutional relations with the Senate, the other branches of the federal government, the branches of state governments and the authorities of the Federal District, in addition to having protocol representation in parliamentary diplomacy.

The vice presidents assist the president of the Chamber in carrying out his functions. The secretaries assist the president in conducting sessions.

(b) Political Coordination Board

The Political Coordination Board represents the expression of plurality in the Chamber of Deputies. It is the body that promotes understanding and political convergence among entities, in order for the Chamber to be able to adopt resolutions according to its constitutional and legal authority.

The Political Coordination Board is composed of the coordinators of the Parliamentary Groups. For the duration of the legislature, it is presided over by the coordinator of the Parliamentary Group having the absolute majority in the Chamber. If no Group has the absolute majority, the president's post has a one-year term and is filled successively by the group coordinators in decreasing order of the size of their membership.

One of the Board's responsibilities is to propose committee membership to the Chamber, as well as to designate delegations to attend inter-parliamentary meetings with representative bodies from other nations or bodies of a multilateral nature.

The Political Coordination Board presents the Chamber's proposed annual budget at the plenary session, and analyzes and approves the budgetary report presented by the Secretary General.

In addition, the Board assigns, according to law, the human, material and financial resources, as well as the spaces for parliamentary groups.

The Board has the authority to propose the creation of friendship groups to the Chamber, in order to follow up on bilateral accords with representative bodies from countries with which Mexico has diplomatic relations.

(c) Conference for the Direction and Programming of Legislative Work

The Conference for the Direction and Programming of Legislative Work is formed by the president of the Chamber of Deputies and the members of the Political Coordination Board. Presidents of commissions may attend Conference meetings that deal with matters within their sphere of authority.

The Conference's responsibilities include the following:

- To formulate the legislative program for the Chamber's sessions
- To prepare the calendar to cover the legislative program
- To determine the procedures to be followed by debates, discussions and deliberations
- To propose to the plenary session the statute that will guide the technical and administrative organization of the Secretary General and the Secretaries of Parliamentary, Administrative and Financial Services
- To promote work on commissions to prepare and comply with legislative work
- To present to the plenary session the proposed designations for the Secretary General and Internal Controller of the Chamber of Deputies.

Commissions and Committees

(a) Commissions in the Chamber of Deputies

The commissions, established by the full Chamber, contribute to the Chamber's compliance with its constitutional and legal responsibilities by preparing rulings, reports, opinions and resolutions.

The Chamber has the following types of commissions:

Ordinary Commissions:

Ordinary Commissions, which currently number 38 by Organic Law, are maintained from legislature to legislature. They may have up to 30 members. Deputies may serve on a maximum of three commissions, with the exception of the jurisdictional and investigative commissions.

Ordinary Commissions with specific tasks:

- The Commission of Rules and Parliamentary Practice is in charge of matters related to the norms that guide the Chamber's parliamentary activity.

- The Commission of the Federal District is responsible for legislative rulings and information related to the powers conferred on the Chamber by the Constitution.

- The Commission of Federal Supervision and Auditing carries out the tasks stipulated by the Constitution and applicable law.

- The Jurisdictional Commission forms the Instructive Section that is in charge of substantiating matters related to the responsibilities of public servants, in accordance with the Constitution.

Investigative Commissions

Investigative Commissions are formed with a transitory nature to carry out the functions referred to in the third paragraph of Constitutional Article 93.

Special Commissions

Special Commissions are formed by the Chamber to take responsibility for specific matters as deemed pertinent.

(b) Committees of the Chamber of Deputies

The Committees, established by the full Chamber, provide assistance in Chamber activities by carrying out tasks other than those of the Commissions. Committees serve the terms indicated at the time of their creation.

By law, the Chamber has a Committee of Information, Administrative Procedures and Complaints to attend to citizen requests, and an Administrative Committee to assist the Political Coordination Board in its administrative functions.

Technical and Administrative Organization of the Chamber of Deputies

THE SECRETARY GENERAL

The Secretary General of the Chamber of Deputies is responsible for coordinating and performing the duties that permit optimal compliance with legislative functions and efficient attention to the Chamber's administrative and financial needs.

The Secretary General provides the setting for coordinating and supervising the Chamber's services. The Secretary of Parliamentary Services and the Secretary of Administrative and Financial Services are responsible for providing these services.

The Secretary General is designated by the plenary session of the Chamber of Deputies, with the approving vote of two-thirds of the deputies in attendance, as proposed by the Conference for the Direction and Programming of Legislative Work.

The responsibilities of the position include directing and supervising the correct functioning of parliamentary, administrative and financial services, the formulation of annual administrative programs, and the execution of policies, guidelines and Conference agreements.

THE SECRETARY OF PARLIAMENTARY SERVICES

The Secretary of Parliamentary Services provides unity of action in parliamentary services. This position ensures impartiality in the services it oversees, and compiles and registers agreements, precedents and parliamentary practices.

The services provided by the position include assisting the president of the board of directors, offering support at Chamber sessions and for Commissions, and maintaining the registry of debates, in addition to archives and libraries.

THE SECRETARY OF ADMINISTRATIVE AND FINANCIAL SERVICES

The Secretary of Administrative and Financial Services provides unity of action and supervises the efficient functioning of the services for which the position is responsible.

The services provided by the Secretary of Administrative and Financial Services include supplying material and human resources, information services, and legal, safety and medical resources.

The Organic Law of Congress as relative to the Chamber of Deputies has a Statute for the organization and functioning of the secretaries and services, and thus establishes the norms and procedures for their creation.

Other Technical Bodies of the Chamber of Deputies

THE INTERNAL CONTROLLER

The Internal Controller is in charge of receiving complaints, carrying out investigations and audits and applying the procedures and sanctions inherent to the administrative responsibilities of public servants. The Controller works within the Conference and is proposed by the plenary session.

COORDINATION OF SOCIAL COMMUNICATION

The Coordination of Social Communication is in charge of making known the activities of the Chamber of Deputies. It serves as a liaison with the mass media and is responsible

for the publications program. The Coordination of Social Communication depends on the president of the Board of Directors and its organizations, functions and designated head are governed by the applicable Statute.

UNIT OF TRAINING AND CONTINUING EDUCATION

This unit is responsible for the training, updating and specialization of candidates and career officials in parliamentary, administrative and financial services.

PERMANENT COMMISSION

During the recesses of the Chamber of Deputies and the Senate, the Permanent Commission of Congress is installed. This government body consists of 19 deputies and 18 senators.

The members of the Permanent Commission are named by their respective chambers during the last ordinary session, and remain on the commission during the legislative recess. There is no legal impediment to their reelection.

The responsibilities of this body are rigorously determined in the Constitution and in general are of an administrative nature. The Permanent Commission has no legislating functions.

Its authorities include the following:

i. To provide consent for the use of the National Guard in cases foreseen by the Constitution;

ii. To receive, if necessary, the presidential oath;

iii. To resolve matters under its authority;

iv. To declare on its own, or according to presidential proposal, the calling of extraordinary sessions for one or both chambers of Congress;

v. To grant or refuse the ratification of the Attorney General proposed by the president;

vi. To authorize presidential absence for up to 30 days, and to name an interim replacement;

vii. To ratify presidential assignments of cabinet members, diplomats, consuls, upper positions in the finance ministry, and other high posts in the national armed forces;

viii. To receive and resolve requests for leaves of absence from members of Congress; and

ix. To remove the head of the Federal District from office in the event of serious reasons that affect relationships with federal powers or public order in the Federal District.

Each legislative year has two recesses. During the first recess, the Permanent Commission meets in the Chamber of Deputies, and during the second recess, in the Senate.

Mr Ian HARRIS, President, thanked Mr Arturo GARITA ALONSO and Mrs Patricia FLORES ELIZONDO for their most interesting and very full presentations. He invited those present to put questions to the speakers.

Mr Yogendra NARAIN (India) asked whether the Mexican courts and tribunal could declare a law unconstitutional. And, if so, on what basis. He also wanted to know what the powers of the Senate were to work in relation to examination of and voting on the Budget.

Mr Arturo GARITA ALONSO said that only the Supreme Court, and no other, could make a judgement on the constitutionality of a law.

Mrs Patricia FLORES ELIZONDO said that examination and vote on the Budget was solely within the powers of the Chamber of Deputies.

Mr Moses NDJARAKANA (Namibia) asked for details about the legal status of Secretaries-General in particular from the point of view of how they were appointed and the length of their mandates.

Mr Arturo GARITA ALONSO said that the Mexican Senate had two Secretaries-General, although there was only one at the Chamber of Deputies. As far as the Senate was concerned, the Bureau nominated Secretaries-General in plenary assembly and the question was decided by simple majority. The length of the mandate was that of the legislative period, that is three years, but the mandate was renewable.

Mrs Patricia FLORES ELIZONDO said that in the Chamber of Deputies, the Secretary-General was proposed by the Bureau for Programming Bills.

Mr Moses NDJARAKANA (Namibia) asked what the legal basis was for these arrangements.

Mrs Patricia FLORES ELIZONDO said that they were part of the Basic Law.

Mme Hélène PONCEAU (France) asked for further details on the service which managed staff careers, on the internal inspection mechanisms in each Chamber and for details of

the relative powers of the Council for Political Coordination and the Administrative Commission.

Mr Arturo GARITA ALONSO said that the service which managed staff careers guaranteed staff members a civil service career and evaluated their performances. The service enabled staff to be protected from political influence.

The Administrative Commission included Senators who were responsible for assisting the Bureau, notably in relation to supervising works, the budget, controlling expenditure etc.

As far as internal control was concerned, its principal responsibility was to carry out an audit of expenditure, to ensure its propriety and transparency.

Mr Hans Peter GERSCHWILER (Switzerland) wondered about the appointment of Senators for a non-renewable mandate of six years, which seemed to him a way of weakening Parliament. He also wanted to know what happened to elected Members at the end of their mandates.

Mr Arturo GARITA ALONSO said that Senators could not be re-elected to the same post, but they could stand for another elected post -- for example that of Deputy. This rule against immediate re-election to the same post was supposed to guarantee a minimum renewal of elected people. Nevertheless, it was true that this rule was much debated in Mexico.

In addition, unless such work was incompatible with their duties, many elected Members retained some outside professional activity which they could take up again at the end of their mandate.

Mrs Maria Valerie AGOSTINI (Italy) asked how the Standing Committee was elected and made up.

Mrs Patricia FLORES ELIZONDO said that the Standing Committee on which Deputies and Senators sat continued to sit during Parliamentary vacations, which guaranteed the permanence of the Chambers in certain areas.

Mr Petr TKACHENKO (Russian Federation) asked whether the Senate had various specialist groups which could examine draft bills in order to understand how they should be financed.

Mr Arturo GARITA ALONSO said that the Senate had a legal counsel, who gave a purely technical opinion on the Bills which were being discussed.

Mr Jorge VALDES AGUILERA said that as far as the budget of the Senate was concerned, the administration decided what it needed within the framework of a Committee on Planning Resources, which prepared proposals that were sent to the Ministry of Finance.

Mr Wolfgang ZEH (Germany) asked how long elapsed on average between the preparation of a draft bill and its presentation before both Chambers, as well as the average number of laws agreed within a three-year legislative period. He also asked the speakers to comment in general on the legislative procedure in Mexico.

Mr Arturo GARITA ALONSO said that the time required to agree a draft bill was entirely variable, according to political reality. More fundamentally, this was not a criterion for quality and the only basis for judging laws was their acceptability among citizens.

Mr Michael POWNELL (United Kingdom) asked whether any services for Members, such as the Library or databases, were common to both the Chamber of Deputies and the Senate.

Mrs Patricia FLORES ELIZONDO said that all services were run separately.

Mr George CUBIE (United Kingdom) wanted to know how often members of the Government replied to Questions from members of the Parliament; whether both Chambers held extraordinary sessions; and how they organised the reception of 300 new members every three years.

Mr Arturo GARITA ALONSO first of all said that a member of the Executive in practice would never address the Chambers, even if the means existed for him to do so. Although on the basis of an agreement between both Chambers it was theoretically possible to summon a member of the Executive to hear him on a particular topic, this procedure was rarely used.

Extraordinary sessions were decided upon by the Standing Committee whenever required.

Informing newly elected Members was a very great burden for the administration, which affected all members of staff.

Mr Mario FARACHIO (Uruguay) asked whether the Supreme Court could decide on the constitutionality of laws on its own initiative or whether it had to be asked to judge on such issues by a party to an action in front of it. He also asked what exactly the Standing Committee did during the Parliamentary vacations; and also whether there was a legislative research service in the two Chambers.

Mr Arturo GARITA ALONSO said that the Supreme Court only acted at the request of a party; the Standing Committee only had limited powers -- since it could summon Parliament to sit in extraordinary session only when necessary; and that each Chamber had its own legislative research departments.

Mr Khondker Fazlur RHAMAN (Bangladesh) asked what the quorum was for the Chamber; and whether an elected Member who was often absent could be expelled.

Mr Arturo GARITA ALONSO replied that the quorum was a simple majority of members of the Chamber, and that the law laid down a maximum number of permitted absences - on the basis of allowed reasons – and the penalty for exceeding this was partial loss of pay.

Mr Abdel Jalil ZERHOUNI (Morocco) asked whether either Chamber had a service which occupied itself specifically with the careers of deputies or senators. He asked whether it was the practice to change Secretary-General at the start of each new legislative period, or whether a consensus between the parties allowed a certain continuity.

Mr Arturo GARITA ALONSO said that such a service did not exist and that it was a matter entirely for each legislator to decide about such matters. In the Senate, the Secretary-General was elected for the period of the legislature, but could be confirmed in his or her functions by a supplementary mandate given by a newly elected Chamber.

Mrs Patricia FLORES ELIZONDO said that a change of Secretary-General required a two thirds majority, which meant that there had to be agreement between various political groups.

Mr Samson Ename ENAME (Cameroon). Asked how security was ensured within each Chamber and whether that was a matter within the responsibility of the Secretary-General. He also wanted to know whether the right to vote could be delegated -- and if that was the case under what conditions -- and to know what proportion there was between bills proposed by the government and bills proposed by a private members.

Mr Jorge VALDES AGUILERA said that security within both Chambers was within the prerogative of their respective Presidents and that this responsibility was delegated to each Secretary-General.

Mrs Patricia FLORES ELIZONDO said that delegating the right to vote was impossible, since that was a personal right.

Mr Arturo GARITA ALONSO said that up to the year 2000, more or less, nine out of 10 bills agreed by Parliament came from the Executive. At the moment, bills with a Parliamentary and bills with a governmental origin were more or less in equal proportions, which indicated a welcome change in favour of Parliament.

Mr G.C. MALHOTRA (India) noticed that since there were six political parties represented in the Chamber, it presumably followed that there were alliances between the various parties. He wanted to know whether in Mexico elected Members suddenly changed their partisan loyalty and whether there were laws to combat such changes. He also asked for what reason the Chamber of Deputies, which was supposed to be the more powerful Chamber, only had one Secretary-General, whereas the Senate, which was smaller, had two.

Mrs Patricia FLORES ELIZONDO said that was no law in Mexico which forbade an elected Member from changing his political allegiance.

Mr Arturo GARITA ALONSO said that both Chambers were equally responsible for the examination and agreement of laws, both were on the same political level and therefore worked on an equal footing.

Mr Carlos Hoffmann CONTRERAS (Chile) asked whether the Secretaries General had to be members of the staff of the Chamber before they were able to be nominated to the duties of Secretary General and whether they were indefinitely re-electable.

Mr Jorge VALDES AGUILERA said that Secretaries General could either have belonged to the staff of either Chamber or be selected from outside that staff. The current Secretaries General had previously been members of their respective staffs.

Secretaries General were re-electable. When their mandates ended, those concerned took up responsibilities within the administration which had to be different from those which they previously had carried out.

Mrs Emma Lirio REYES (Philippines) wanted to know why it was currently envisaged that the length of sessions would be longer; and also what the average time was for the agreement of a simple draft government Bill, approximately.

Mrs Patricia FLORES ELIZONDO said that the principle of lengthening the sessions had been agreed to easily, since the current length seemed insufficient to everybody. In order to achieve this, there would have to be an amendment to the Constitution, on which Congress had already given a positive opinion.

Mrs Marie-Andrée LAJOIE (Canada) wanted to know how many staff there were in each Chamber, as well as their rate of turnover.

Mr Jorge VALDES AGUILERA said that staff members only recently had gained a formal status, four years ago in the Chamber of Deputies and only two years ago in the Senate. Turnover was fairly small: the great majority had worked for one or other Chamber for 20, 30 or even 40 years. On that basis, the legal status only made official what had been a long established state of affairs.

The Senate had about 230 staff members; the Chamber of Deputies had about 550.

Mr Henk BAKKER (Netherlands) asked whether the Government could unilaterally reduce the budget of one or other Chamber.

Mrs Patricia FLORES ELIZONDO said that it did not have that power, because it was the legislative power which, in Mexico, decided on Appropriation for the country and for itself. In that area the Government could only put forward proposals.

Mr Ian HARRIS, President, thanked the members present for the numerous questions which were very relevant to the subject.

The sitting adjourned at 5.30 pm.

SECOND SITTING
Tuesday 20 April 2004 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

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

2. Communication from Mr Martin CHUNGONG on recent activities in the IPU

Mr Ian HARRIS, President invited Mr CHUNGONG to speak.

Mr Martin CHUNGONG thanked the President and introduced his colleague Karin JABRE. He said that he was pleased to be at the ASGP plenary meeting. As usual, he was required to present a detailed review of the IPU's work to the Executive Committee of the IPU and he used this as a basis for his remarks. He regretted that time constraints meant that he had to leave at 11 a.m. If there were any outstanding questions he would respond to them in writing.

On democracy and human rights, the IPU had increasingly been adopting an integrated approach. Parliament was a key part of the promotion of human rights. It was also central to promoting democracy. These questions included the capacity of Parliament to tackle issues of concern. This involved a two-pronged approach: improving procedure and improving the capacity to handle political issues. Human rights involved insuring equity between the sexes.

He referred to the Secretary General's report 2003 , which gave details of the support provided by the IPU for Parliamentary institutions. These involved about 10 parliaments in Africa and Asia and Latin America. It also involved assisting the Albanian Parliament. In addition, a seminar had been held in Djibouti on gender equity. Other projects were listed in the report including training for officials in Parliament. The IPU counted on the ASGP for human resources to implement this programme. Expert help had been given to Rwanda in forming its constitution. Continued support was given for East Timor. In Uruguay training had been given to committee staff.

Significant work had been done in Zambia on strengthening the resources given to delegates to parliamentary to bodies such as the Commonwealth Parliamentary

Association. He took the opportunity to thank the clerk of the Zambia National Assembly for her hospitality.

There had been significant co-operation with UNDP in various areas such as Sri Lanka where Parliament was key in the process of reconciliation. The IPU wished to be involved with projects in Afghanistan. He had undertaken a preliminary visit last year to see what might be done, especially to assist the new Constituent Assembly.

He had worked with the United Nations Institute for Training and Research to organise seminars for MPs. The training was in the area of environmental management. A questionnaire would be sent out to members about the main environmental questions which affected them and which could then be included in this training programme.

The IPU had been thinking about countries which were in transition or in conflict such as Iraq and Syria. The French Senate was interested in assisting the Parliament of Syria.

The IPU was developing regional and global programmes by way of seminars to allow parliaments to share their experience. For example, a seminar had been held in Colombo in the previous year. In March 2004 there had been a seminar of human rights chairman in Geneva. He hoped that this would become a permanent institution.

A great deal of work had been done on electoral systems, in particular electoral rights for the disabled. He wanted to develop model legislation on the rights of disabled people to vote. The fifth conference had been held for new and restored democracies in Ulaanbaatar. At that conference action had been requested on defining indicators of how far countries had progressed towards democracy. He expected that the IPU would call on help from the ASGP in connection with this.

The report listed further work which the IPU had carried out in the area of promoting democracy. One aspect of this was developing tools such as handbooks. The previous year a procedural handbook on control of the security sector by Parliament had been produced. This was much referred to especially in Eastern Europe. This handbook had been translated into many languages. Also the IPU had prepared a book on the gender perspective of budgetary control. The IPU had produced a handbook for UNESCO aimed at informing international organisations about the work of Parliament: how they functioned and how NGOs could access them and use their services. The IPU had also prepared a handbook on human rights.

The IPU was increasingly involved in work in conflict situations such as Rwanda, Sri Lanka and East Timor. He invited suggestions from the ASGP members for developing relevant programmes in these areas.

Funding for these projects came from various international development agencies. Most of the funding came from the UNDP. He called for support from members of the ASGP to obtain more resources for this important work. He wanted to create a general fund for the main areas of activity from a wider range of sources.

He praised the ASGP for providing unstinting support to the IPU in terms of human resources and also for its generosity in hosting delegations. He noted in particular the work of the President in making the ASGP much more engaged with the IPU. The past year had shown much greater cooperation between the ASGP and the IPU than ever before. And this message had been transmitted to the Governing Council of the IPU.

Despite the continuing absence of the USA among the membership of the IPU the finances of the IPU were improving. There was now surplus in funds. Nonetheless, more resources were needed for the extra work which was planned to be undertaken.

The Executive Committee had discussed the various reforms to the IPU which had been proposed. There were some hitches in implementing these reforms. Some of the meetings were too short. Three days only in Geneva was clearly not enough to transact all the work. It was also thought that the contribution of women parliamentarians were still insufficient. A decision had been made to expand the next assembly from three days to four days. He asked the ASGP to think about the impact of this on its own business.

The Second Conference of Presiding Officers was planned. The general theme would be the role of parliaments in international cooperation. He thought there might be interest on the part of the ASGP in organising a side event. This would be in Budapest.

The dates of the Geneva conference were 29 September to 2 October 2004 subject to agreement by the Executive Committee. The dates for the conference in Manila were 3 to 8 April 2005.

As a last point he wished to mention co-operation with the United Nations. The IPU was actively involved in co-operation with the United Nations and now had observer status in the General Assembly. Nonetheless, there had been disturbing developments in recent months. A panel had been set up by the United Nations to examine civil society and Parliament. It had been pointed out that this was not a particularly good idea. The preliminary conclusions of the panel were that the United Nations should create its own mechanisms to deal with parliaments and not use the IPU. This went against the Millennium Declaration that named the IPU as a vehicle for connecting the United Nations with parliaments. A meeting was planned with the Secretary-General of the United Nations to point out to him that this decision went against previous commitments.

Mr Ian HARRIS, President, thanked Mr CHUNGONG and invited questions.

Mr Anders FORSBERG (Sweden) said that it was always a pleasure to cooperate with the IPU. He asked whether the situation relating to the US membership of the IPU remained unchanged.

Mr Martin CHUNGONG said that as far as the US was concerned there had been no positive change. The feeling was that the US preferred to have bilateral co-operation. There had been some individual contacts. One congressman was attending the conference privately. He also understood that a member of Congress staff was attending

the ASGP. A recent meeting on human rights had been held in Washington and Congress had been interested in this.

Mr G.C. MALHOTRA (India) referred to the alternative Parliamentary dimension in the United Nations as proposed by the panel. He asked what the possible reasons were for this.

Mr Martin CHUNGONG said that this was a very delicate question. There were some reasons for this he preferred not to go into. One particular concern was that more or less 40 parliaments were not members of the IPU. This had been explained as a financial problem. It had been resolved that members of the Executive Committee would deal with this concern by travelling to those countries to encourage them to join the IPU and to consider ways of alleviating the financial burden of membership and participation in meetings.

Mr Hans BRATTESTÅ (Norway) noted that it was a common concern expressed at the Scandinavian and Baltic meeting of heads of government about the lack of concern shown by the USA in international bodies.

Mr Martin CHUNGONG, thanked Mr BRATTESTÅ for his remarks and said he would convey this information to the Secretary-General of the IPU.

Mr Ian HARRIS, President, thanked Mr CHUNGONG and invited Karin JABRE to speak on gender partnership.

Karin JABRE thanked the President. She would describe the latest activities of the IPU on equal participation of men and women in politics. The IPU was strongly involved in the promotion of this and had reached recently adopted sanctions on those parliaments which sent no women delegates for three conferences in a row. There was still much to do in this area. On average only 15% of the membership of parliaments were women.

The IPU had concentrated on the situation of women post-conflict in Rwanda. Three years ago the IPU had gone to the National Assembly in Rwanda to assist in drafting a gender sensitive constitution and had organised seminars to educate MPs. As a result, the Constitution in Rwanda was very gender sensitive and quotas had been adopted as well as other initiatives. The IPU trained women candidates for election. Today Rwanda had 49% women membership in Parliament. This was the largest proportion in the world (it had even overtaken Sweden). Similar action was planned for Burundi.

The IPU had assisted women in East Timor. It had held a seminar on the gender effects of the budget. The East Timor Parliament had about 27% women members.

The IPU had produced handbook on implementing women's rights at the national level, with the assistance of the Swedish and Canadian governments. It was planning national seminars on the Convention on Women's Rights.

The IPU had also focused on how to present a gender sensitive budget. Its work up to now had only been published in English and French. Translation into Arabic was being undertaken, but it was hoped to have the document translated into other languages as well. This was a new concept based on women's rights and economic efficiency.

The EU's work on in the situation of women in national parliaments involved collecting statistics which were updated on a monthly basis. These statistics were published on the IPU's web site. A brochure had been produced setting out progress with the purpose of increasing the proportion of women in parliaments. This was to be updated annually.

Nine parliaments had no women at all. The IPU took this very seriously. There were some jurisdictions where women still could not vote such as Kuwait and others where the obstacles were cultural or economic. These tended to be Arab or Pacific island parliaments. The IPU had called on Saudi Arabia to change its law in respect of this. The IPU had received requests from Bahrain and Djibouti for assistance in this area; as a result 10% of the membership of Djibouti's Parliament were now women.

Mr Anders FORSBERG (Sweden) on a point of information said that 45% of the membership of the Swedish Parliament was female, but it was important to remember that you should not just look at the number. Many Swedish and female MPs thought they did not receive equal treatment with men. This was a matter of attitude. They had asked the administration and the Secretary-General, in particular, to prepare an academic study on this. This had been a very sensitive exercise since researchers had had to attend internal meetings within Parliament.

Karin JABRE was very interested in this. She asked receive a copy of the study. She thought that this indicated a sign of a very common problem, which still had to be addressed in Rwanda and Djibouti.

Mr Ian HARRIS, President, noted that Australia had been the first country in the world to allow women to be elected to Parliament, but that it took 40 years for a woman to be elected. Until the rules were changed, women had their first name rather than their initials on the ballot paper, so it was clear what the sex of each candidate was.

Ms Lulu MATYOLO (South Africa) asked about IPU training. What measures were in place to assist women MPs to cope with the subtle discrimination in countries which had just allowed women to take part in Parliament. She noted that there was a party difference in South Africa. The ruling party women MPs were very effective, but the women MPs in other parties were not. She asked whether the IPU training was customised to deal with particular cultural attitudes.

Karin JABRE said that in Rwanda training was in place for women in Parliament to ensure that they pushed forward for change. She did not think that the efficiency of women should be measured, because the efficiency of men was not measured. She thought that the emphasis should be placed on examining how parliaments pushed forward equality laws.

Training did reflect the cultural environment. The IPU had made sure in Djibouti that experts came from similar cultural backgrounds and so had sent women trainers from Niger.

Mr Yogendra NARAIN (India) thanked Karin JABRE for her interesting presentation. In 1992 the Constitution of India reserved 30% of seats at grassroots level of democracy for women. This meant that five million women were elected and this was very effective in ensuring that women were represented in the democratic process. The national policy on the full development of women had been agreed in 2001. He asked what the IPU's thoughts were on how to ensure the presence of women in Parliament.

Karin JABRE said that a quota mechanism was not accepted by everybody. There was no straightforward answer as to what the best mechanism was.

Ms Keoropetse BOEPETSWE (Botswana) said that in Botswana there were only 44 members of Parliament. In the current session only seven were women. Cabinet ministers did not take part in international organisations. Out of the seven women only two were not cabinet ministers. Therefore only two were able to take part in the IPU and this was a problem. She asked how the IPU could help. Women were not necessarily interested in forming a women's caucus. Perhaps this was because so many of the women were cabinet ministers.

She noted that it was likely that there would be fewer women in Parliament in the future, even though they had increased the number of constituencies in Botswana.

Karin JABRE said that the IPU could not do other than invite delegations to send a mixed delegation. The Secretary-General wrote to delegations to ask about the gender balance. Otherwise the IPU could not help.

She noted that this was not the first time that difficulty had been mentioned in forming a women's caucus because of the strong party caucus in a particular country. It was important to have the support of the Speaker and of the male members of Parliament when forming such a caucus. Perhaps the solution was to create a gender equality caucus instead.

Mr Ian HARRIS, President, said that he was going to attend a seminar in Vanuatu and that he would pass on to the people attending the conference the views of the IPU on gender issues.

Mr Ian HARRIS, President, registered the collective thanks of the association to Mr Martin CHUNGONG and to his assistant for attending the meeting as well as to the IPU staff who had assisted in setting up the ASGP meetings.

The President asked members if they would provide further subjects for communications, questionnaires or topics for general debate for Geneva. These should be given to the joint secretaries as soon as possible so that they could be included in the draft Agenda to be adopted later.

The President reminded members of the deadline for nominating candidates for election to the Executive Committee, which was 11 am on Thursday 22 April.

3. New Members

Mr Ian Harris, President, read out the list of the candidate members of the Association:

Mr Boniface CHACRAN	Secretary General of the National Assembly of Benin (replacing Mrs Noële AVOGNON-DETINHO)
Mr René SOUNON KOTO	Deputy Secretary General of the National Assembly of Benin (replacing Mr. Marcel ODUNLAMI)
Mr Fidele RWIGAMBA	Secretary General of the Senate of Rwanda

The membership of the candidates was *agreed* to.

4. General Debate On Gender Partnership in the Parliamentary Service

Mr Ian HARRIS, President, invited Mrs Hélène PONCEAU to open the debate on the partnership between men and women in the Parliamentary service.

Mme Hélène PONCEAU (France) said that the subject of the partnership between men and women had been at the centre of the thoughts and actions of the Inter-Parliamentary Union for several years.

The question of the role of women in the Parliamentary service raised wider questions which went beyond the Parliamentary service and included the place of women in public life, whether as elected officials or public servants.

The remarks which everyone could make about the current situation in their own country or Parliament had to be related to a wider process of evolution, because this was an area where considerable change had occurred in a very short time: apart from the force of public opinion, there had been international agreements -- Universal Declaration of the Rights of Man of 1948 (which proscribed discrimination based on sex at the same time as discrimination based on language, race , religion or opinion), Convention on the Political Rights of Women of 1953, The New York Convention on the Elimination of all Forms of Discrimination with regard to Women of 1979 -- and also European agreements – the Convention on the Council of Europe of 1950, the Charter of Rome of 1996 -- and these agreements were being added to each day.

Nonetheless, there was a considerable problem in that the daily reality experienced by women was often very different from the principle of equality as set down in international agreements.

In the first instance, as far as public political life is concerned (that is to say equality between the sexes in elected office) , as a general rule the situation appeared rather unfavourable. In France, the poor outturn had provoked change of ideas and laws: until quite recently only between 5% and 10% of Members of Parliament and about 8% of members in departmental assemblies had been women. Therefore, in France the question of the place of women had been the subject of lively debate around the idea of positive discrimination and the fixing of minimum quotas imposed on political parties for candidates. Such measures offended against to Constitutional principles which forbade any separation of electors into categories, whatever the elections might be. As a result, a distinction between candidates based only on their sex was only possible after an amendment of the Constitution, which happened in 1999 at the end of the process of over one year of strong debate. The French Constitution now affirmed that " the law favours the equal access of women and men to electoral mandates and elected office" and that "political parties contribute to the putting into action of this principle".

As a result, laws had been made which imposed on the lists presented to the electorate a strict alternation between men and women, that was to say an equal number of people of both sexes by groups of candidate. Furthermore, public money given to political parties was adjusted in proportion to the efforts made to present an equal number of men and women for election.

It was undeniable that these measures had had an effect in France, even though there was still opposition in principle to the authoritarian character of these measures: the evidence showed that only such affirmative action in elections where they had been put into effect had been able to produce such convincing results.

In the second instance, as far as the place of women in public as service was concerned (that is to say equality at work) the principle of equal access to employment in France was demonstrated by the rule establishing competitions which were open equally to men and women. The principle of equal pay was based on the existence of salary scales, which were identical for everybody.

In same way as elected office, the position was shown by the numbers -- namely the proportion of men of women in different sectors of the administration on the one hand and the proportion of women in posts with responsibility on the other. The two proportions often were inverse to each other, and this was the case in France where there was often a concomitant strong presence of women in certain sectors but a weaker presence of women in the higher administrative levels.

Access to public employment by competition and the existence of salary scales were the basis of professional equality, but by themselves they were not sufficient. As a result, legislation had been adopted to accelerate the rate at which women took on posts of

responsibility, although the results of this legislation were yet to be seen, even though there had been some early progress , notably because of the law of the 9th May 2001 on professional equality (composition of appointment boards, establishment of long-term plans for harmonisation on the basis of types of employment, etc).

In the third instance (and finally) as far as women in Parliamentary administration were concerned, there was a noticeable difference in France between the Parliamentary administration and other areas of the public service. Although the Parliamentary assemblies had a lower proportion of women on their staff in comparison to the Government, nonetheless they had a far greater proportion of women in senior positions. The improvement of the position of women in the upper management in Parliament was explained by the determination of the political authorities who were interested in setting an example rather than any legal changes.

Mme Hélène PONCEAU (France) made the following presentation, entitled "French Legislation on Parity Between Men and Women in Politics":

"I. A long delayed reform

The French legislation on parity was preceded by a long debate which reached its climax in the middle of the 1990s.

There is unanimous agreement about the present situation:

France is one of the least advanced countries regarding the position of women in public life, in particular in elected assemblies. The level of representation of women in the French parliament is lower than in all other European Union countries except one. Worldwide, according to *Men and women in politics: democracy still in the making*, an IPU report published in 1997, France ranks only 72nd in terms of the percentage of women deputies.

Moreover, **in no way do the available data support the optimistic notion that the situation is likely to improve with time.**

While notable progress has been made, at the regional and local level only 22% of town councillors and 27% of regional councillors are women.

Meanwhile, in departmental councils the percentage of women councillors remains extremely low – at barely 8% - following the 1998 elections.

But nowhere are the persistence of inequality between women and men and the slow pace of progress more obvious than in Parliament.

NATIONAL ASSEMBLY

Date of election	Women candidates to the National Assembly since 1945			Women elected to the National Assembly since 1945		
	Women	***Men and women***	***% of women***	***Women***	***Men and women***	***% of women***
21 October 1945 (*)	281	2,912	9.6	33	586	5.6
2 June 1946 (*)	331	2,762	12	30	586	5.1
10 November 1946 (*)	382	2,801	13.6	35	618	5.7
17 June 1951 (*)	384	3,962	9.7	22	627	3.5
2 January 1956 (*)	495	5,372	9.2	19	596	3.2
23/30 November 1958	65	2,809	2.3	9	586	1.5
18/25 November 1962	55	2,172	2.5	8	482	1.7
5/12 March 1967	70	2,190	3.2	10	487	2.1
23/30 June 1968	75	2,265	3.3	8	487	1.6
4/11 March 1973	200	3,023	6.6	8	490	1.6
12/19 March 1978	706	4,266	16.5	18	491	3.7
14/21 June 1981	323	2,715	11.9	26	491	5.3
16/23 March 1986 (*)	1,680	6,804	24.7	34	577	5.9
5/12 June 1988	336	2,896	11.6	33	577	5.7
21/28 March 1993	1,003	5,139	19.5	35	577	6.1
25 May/1st June 1997	1,464	6,360	23	63	577	10.9

(*) Election by proportional representation. For later elections, at first-past-the-post system, the numbers refer to first-round candidates.

Source : Parité-Infos

SENATE

Date of election	Total number of Senators	Number of women Senators	Percentage of women
June 1947	314 Councillors of the Republic	22	7.0 %
May 1949	317	12	3.78 %
July 1952	317	9	2.84 %
July 1954	317	9	2.84 %
November 1956	317	9	2.84 %
July 1958	314	6	1.91 %
October 1960	307	5	1.63 %
December 1962	271	5	1.85 %
October 1964	273	5	1.83 %
October 1966	274	5	1.82 %
September 1968	283	5	1.77 %
September 1971	282	4	1.42 %
September 1974	283	7	2.47 %
September 1977	295	5	1.69 %
September 1980	304	7	2.30 %
September 1983	317	9	2.84 %
September 1986	319	9	2.82 %
September 1989	321	10	3.11 %
September 1992	321	16	4.98 %
September 1995	321	18	5.60 %
September 1998	321	19	5.92 %

Not only has progress been extremely slow – except, perhaps, in the 1997 legislative election, when the percentage of women elected rose from 6.1% to 10.9% - it has also been discontinuous: fewer women were elected to the National Assembly in 1968 and 1977 than in 1962 and 1967. As regards the Senate, the number of women elected dropped from 7% in 1947 to 1.42% in 1971, before slowly coming back up to 5.9% in 1998.

The great majority of political leaders and citizens agree that this under-representation of women is abnormal. But they differ on how to correct it.

Some expect change through the natural evolution of mindsets, arguing that the growing role played by women in municipal and regional councils is indicative of a “breeding ground” that will pave the way for future progress. They call for positive action from political parties, notably in terms of nominations, while ruling out any kind of positive discrimination. The concept of universalism in political representation, they argue, is too deeply rooted in the French psyche to allow any distinction among citizens, whether they are voters or candidates.

Others recommend positive discrimination, at least as a temporary step. Their number seems to be growing since France's President, Jacques Chirac, created in 1995 the "Observatoire de la parité", a body designed to monitor gender inequalities and report them to the Prime minister.

In June 1996, ten prominent women politicians from both sides of the political spectrum – all of them former government ministers - published a highly-publicised manifesto calling for 1) determined action from the government and political parties, 2) a strict limit to the number of mandates that may be held concurrently by elected officials, and 3) positive discrimination. The signatories also said that the level of public financing awarded to political parties should reflect their record in terms of providing equal opportunities to both sexes.

In Parliament too, the issue of parity has been on the agenda. In early 1997 the Senate set up a fact-finding mission on the position and role of women in politics. In March of the same year, the National Assembly held a debate on this topic, which revealed a certain amount of agreement among all major political parties.

In particular, the party of Prime minister Alain Juppé, the Rassemblement pour la Republique (RPR), which until then had held that the promotion of women in politics should result solely from voluntary action by political parties, decided to launch a "decade for parity" that would include binding regulations aimed at guaranteeing equal opportunities for women in public life.

This, however, required amending France's constitution, since two previous attempts by lawmakers to impose greater parity had been rejected by the Constitutional Council. One was a 1982 bill stipulating that lists of candidates for municipal elections in towns of more than 3,500 should not "include more than 75% people of the same sex".

The second attempt, aimed at imposing parity between men and women on lists of candidates for regional elections, was rejected by the Constitutional Council in 1999.

In June 1998, the Government therefore tabled a constitutional reform bill on equal rights for men and women. It took over a year of lively debate and three readings by the National Assembly and Senate before Parliament, convened in Congress (a joint session of the two chambers) passed the bill by a large majority. It was finally promulgated on July 9, 1999.

The revised French constitution formally declares that *"statutes should promote equal access by women and men to elective office and elected positions"*, and that political parties are *"to contribute to the implementation of this principle"*.

II. A system that combines incentive and constraint, with mixed results

Once the constitutional hurdle was lifted, a new bill was passed on June 6, 2000, creating a system aimed at favouring equal access for women and men to nominations for election and elected positions. This system includes two mechanisms.

One makes men/women parity compulsory in all elections held by proportional representation, with the manner of implementation dependent on the kind of election:

For **elections to the Senate** by proportional representation (this is the case in certain departments) and for European elections, lists of candidates must strictly alternate between men and women. A bill passed on April 12, 2000, sets the same rule for regional elections.

For **municipal elections** in towns of more than 3,500 people, the system is more flexible: parity is ensured by dividing each list, from top to bottom, into blocks of six candidates of whom three must be women.

The second mechanism provides a financial incentive, by linking public financing for political parties to their record in nominating equal numbers of men and women as candidates for legislative elections. If a party exceeds by more than a set proportion the equal number of male over female candidates, its public financing, which normally reflects its share of the vote, is reduced by a percentage equal to half the gap.

An early appraisal of this set of measures points to mixed results.

Compulsory alternating of men and women on lists of candidates turned out to be very effective in terms of promoting parity both times it was used.

In the first instance, in the March 11 and March 18, 2001 municipal elections, the percentage of women elected as town councillors in towns of more than 3,500 people rose to 47.4%, from 25.7% previously. The impact was similar in smaller municipalities, where parity was not compulsory: the proportion of women elected increased by nearly ten percentage points. Regarding executive positions, the proportion of female mayors also rose, albeit more modestly, to 10.9% from 7.5% in 1995.

An election held on September 23, 2001, to renew 102 of the Senate's members, or one-third of the total, confirmed the effectiveness of the new rules.

The number of women elected more than quadrupled, to 22 women senators compared with five in a previous poll in 1992. The overall proportion of women among senators almost doubled, to 10.9% from 5.92% in 1998.

Quite obviously, the positive impact of having to alternate men and women is much stronger in large departments than in smaller ones, where elected officials are sometimes tempted to draw up separate lists in order to avoid facing the consequences of this obligation.

On the contrary, the financial incentive, created by a bill passed on June 6, 2000, has yielded extremely disappointing results in terms of parity - although it has been applied only once so far.

In the legislative election held on June 6 and June 9, 2002, the two leading parties, the Union pour la majorité présidentielle (UMP) and the socialist party, made a significant effort compared with the previous election in 1997: the proportion of women candidates increased to 19.93% from 7.7% for the UMP and to 36.13% from 27.8% for the socialist party.

This, however, left both parties still falling far short of parity. Besides, because of party leaders' propensity to present women in the most difficult constituencies, the proportion of women elected was even lower than that of female candidates.

The big parties faced major financial penalties for their lack of enthusiasm in nominating women: the UMP forfeited 4.26 million euros as a result, and the socialist party 1.65 million euros.

Those political parties that did enforce parity between women and men were mostly small groups aware that they were likely to win few – if any - seats.

As a result, the number of women elected to the National Assembly did not increase significantly: out of 577 deputies elected in 2002, only 71 were women, compared with 63 in the previous chamber.

PARITY BETWEEN MEN AND WOMEN IN THE SENATE ADMINISTRATION

The application of the principle of parity between men and women in the French administration displays certain characteristics when compared with the private sector. The issue of equality between women and men focuses on access to certain professions traditionally seen as either male or female, and access to senior positions, rather than on remuneration and salary levels.

In order to better understand the Senate's own situation, it is a good idea to start with an outline of the overall situation in the French administration.

I. Applying the principle of parity between men and women in the French administration

It is often observed that, while women make up a large proportion of those employed by the French state, at the level of senior civil servants their number drops off steeply. Active steps have been taken recently to promote equal opportunities for men and women in the civil service.

A. A twofold situation

1. A high proportion of women in the civil service

The French administration is characterised by a high proportion of women employees, who make up 57% of the total workforce.

In some professions, the proportion of women is particularly high, and has been so for a long time (for instance in nursing); in other occupations (such as teaching) the dominance of women is more recent yet just as strong.

Moreover, many traditional male preserves are opening up: women now make up 12% of the workforce of the ministry of defence, compared with 6% in 1995; some women have been appointed prefects, now accounting for 5% of the total; an increasing number of women are joining the prison administration, where they now represent 13.3% of ranking staff and warders.

2. Few women at senior levels

Secondly, **few women are appointed to the most senior positions in the civil service**. Several statistics bear this out :

- women make up 53% of middle management (*cadres*) and the higher intellectual professions (38% excluding researchers and teachers). Yet they account for less than 15% of senior civil servants. Ministries responsible for social affairs traditionally employ the highest numbers of female senior civil servants;

- women constitute only 18% of the *grands corps de l'Etat* (the senior branches of the civil service)

- and 18% of the *grands corps* and in the body of territorial administrators;

- while the proportion of women among hospital directors is higher, at 30%, surveys have shown that they usually hold assistant director positions; only rarely are they in charge of the largest hospitals.

The medium term trend, however, is favourable to women: in 1998, women represented only 15.3% of the *grands corps*, compared with nearly 18% today.

In this context, the fact that women, while making up 57% of the total workforce, only account for 15% of senior civil servants, should be interpreted not so much as an instance of discrimination as an indication of a cultural evolution which is gradually encouraging women to pursue the same studies, and hence aim for the same carriers, as men.

B. Active steps to speed up the rise of women to senior positions

To speed up the ascent of women, active steps have been implemented:

- a steering committee to promote equal access to senior positions in the civil service for women and men was created (in November 2000); its role is to commission studies, to publish reports and to make recommendations;

- a bill on equal professional rights, some of whose provisions directly concern the civil service, was passed on January 9, 2001; this bill provides for greater representation of women on juries presiding over competitive entrance examinations as well as *organismes paritaires*, the bodies on which management and unions are equally represented (a decree set the minimum proportion of women at 30%); it also reinforces protection against sexual harassment and reaffirms the banning of any discrimination based on gender;

- an instruction from the Prime minister issued on March 6, 2002, announcing multi-year plans to increase the proportion of women in government departments and setting 3 to 5 year targets for each category of management and senior management positions;

- the ministry in charge of the civil service now breaks down by gender the data it publishes in order to improve follow-up;

- a network of coordinators in charge of promoting the position of women in the civil service has been set up in other facilitate the exchange of experience and good practice.

II. The application of the parity principle in the Senate Administration

The employees of the two houses of Parliament are civil servants; as such they are recruited through specific competitive examinations that are open to both men and women, whatever their category, in line with the general principle of French law that there should be equal access to State administrative positions, with no distinction other than knowledge and ability.

1. The number of women in the civil service is still low

Compared with the overall civil service, the Senate Administration includes **traditionally fewer women**: only **32%** of all Senate staff are women. This figure however covers wide variations, since many professions at the Senate were traditionally staffed solely by men:

- some occupations are traditionally female: for instance, secretaries of departments, of whom 152 are women for only one man; similarly, only one of the laundry's eight staff is male;

- on the contrary, 100% of palace overseers are men, as are a majority of gardeners (95%), grounds overseers (94%), gardeners' helpers (93%) and agents (87%).

However, with each new wave of recruits, all fields of employment are increasingly opening up to both sexes:

- the proportion of women overall has risen from less than 25% in 1986 to 32% today;

- in recent years, the number of women has increased at almost all staff levels, sometimes very quickly: in 1986, 98% of agents were men, compared with only 87% today; at the last competitive examination to recruit general staff, 10 of the 35 successful candidates

admitted on the principal and additional lists were women, making up nearly 30% of the total;

- the first female gardener was recruited in 1999, the first female grounds overseer in 2000;

- one staff category – assistant administrators – consists of a majority of women (more than 57%) although there is nothing about their duties that could be construed as "feminine".

2. Women in senior positions

The proportion of women within the top ranks of the Senate's staff is high. The many women holding senior positions include:

- 1 of 2 secretaries general (50%);

- 5 of 22 directors (23%);

- 3 of 6 heads of Committee secretarial staff (50%).

In total, 27% of the Senate's management positions are held by women, or twice the overall percentage for the French civil service.

This percentage is due to rise even further since many women who have reached a rank sufficiently high to be eligible for the most senior positions: today, of 29 administrators eligible for appointment as directors (i.e. who have held the rank of councillor four years or longer), 14 are women, or 48% of the total. This means that the number of women holding senior administrative positions at the Senate is likely to rise even higher in the short term.

In the longer term, a growing number of the French Senate's management positions should be held by women, since they make up an increasing proportion of the corps of administrators. Today, 67% of administrators are men. Yet in the competitive examinations held in 1997-1998, 1999-2000 and 2001-2002, respectively 60%, 43% and 43% of the successful candidates were women. (These rates are higher than those of the *Ecole nationale d'administration*, ENA, which recruits and trains senior civil servants working for the central government).

3. The presence of women in the Senate's management/union bodies (*organismes paritaires*) and competitive examination juries

Women also play an important role in **bodies where both management and union representatives are represented**, sometimes beyond their actual weight within the Senate's workforce (32%).

Women also sit on **juries presiding over competitive entrance examinations for Senate posts.** For instance, four of the nine members of the jury for a competitive exam now open to recruit gardeners are women, making up nearly 45% of the total. Predominantly male juries cannot be accused of discriminating against women: the all-male jury for the latest competitive examination for the post of verbatim records keeper for the Senate's sittings nominated three women in the main and additional lists.

The proportion of women jurors in these examinations is also increasing. A survey of competitive examinations for Senate administrative staff held since 1964 shows that the first woman juror was appointed in 1974. Between 1974 and 1989, every other jury on average included one woman. The number of women jurors then rose to three in the 1991-1992 exams, and to eight (out of 27 jurors) in 2001-2002.

4. Regulatory measures in favour of women

The French Senate has also adopted **many regulations** (as has the civil service overall) in order to improve the career prospects of women; these rules sometimes amount to positive discrimination:

- for women who are raising or have raised a child, the age limit for entering a competitive examination is 45 instead of the usual 35 (men, meanwhile, are granted at most one extra year for each dependent child);

- there is no age limit for mothers of three or more children, widows and divorced women who have not remarried, legally separated women, and for single women with at least one dependent child who need to work to support themselves. For men, the age limit is removed only if they are single with at least one dependent child and if they have to work to support themselves.

Women taking sports tests as part of competitive examinations for Senate posts are marked separately, and a lower height is required for those applying for agents, grounds overseer and palace overseer positions: 1.57 metre (5.15 foot), instead of 1.67 metre (5.48 foot) for men, according to article 34 of the Standing Rules.

To promote reverse parity, the Senate also offers paternity leave to men with new born children. Both men and women are entitled to adoption leave and parental leave in order to bring up children, and to work part time after the birth of a child.

It is also interesting to look at how the principle of parity is implemented within the Senate's pension fund and its system of social security for staff. Some legal changes have been made, in particular to reflect new legislation from the European Union.

The Senate's managing board has recently adopted two measures to ensure that its pension fund regulations conform with case law from the European Union's Court of Justice. The Court has laid down that pensions paid by civil service pension funds amount to remunerations, as defined in the Treaty of Rome; both sexes must therefore receive the same treatment.

The Senate has therefore aligned its survivors' pension scheme for widowers on its scheme for widows, which in the past had been more advantageous because widows were likely to have had no professional activity, and hence no resources.

The Senate's managing board also took advantage of a new pension reform bill passed on August 21, 2003, to significantly change its family benefits scheme.

In line with rules for the overall civil service scheme, both male and female Senate staff who have raised three children or more have always benefited from the same supplementary pension.

To implement the principle of equal treatment for men and women, the French Senate has decided to grant the same bonus for children to both men and women. Women receive an additional bonus for the period corresponding to child delivery, and for the periods when they stop working or work part time in order to bring up a child, up to a maximum of three years.

As regards social security, the **removal** in 1986 **of the notion of "head of family"** enables female staff to obtain benefits from the Senate's social security scheme for their children, even if their husbands come under a different scheme.

* * *

In conclusion, while women are still relatively few in what remains a traditionally more male-oriented administration, they are already acceding to senior positions on the same terms as men. Without any internal demands, a "natural" move towards greater parity in the Senate Administration has got under way -- smoothly, and without any restrictive regulations.

PARLIAMENTARY DELEGATIONS FOR WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES FOR MEN AND WOMEN

Parliamentary delegations for women's rights and for equal opportunities for men and women in both the Senate and the National Assembly were created by the July 12, 1999, bill.

This law, drafted from private bills tabled by Socialist and Communist senators and deputies, finds its origin in the following statement made during public debate: « *Equality before the law, established by the Constitution, has not sufficed to establish full equal opportunities between men and women* ». The legislator therefore decided to create a permanent delegation in each house of parliament to monitor the enforcement of equal rights in every field.

The **composition** of the delegations for women's rights reflects the overall chamber's political balance as well as its members' diverse technical competences. Each delegation is made up of 36 parliamentarians, reflecting the respective weight of the political parties. The National Assembly's delegation is appointed at the beginning of each term of office, while the Senate's delegation is appointed every three years, after each partial renewal of its membership. Lawmakers also wanted to ensure a variety of technical competences within the delegations. For this reason the different parliamentary committees must be *"represented in a balanced way"* within the delegations. Women too must be represented: for this reason, the Senate's delegation today includes 16 men and 20 women, while the National Assembly's delegation has 10 men and 26 women.

Each delegation has adopted Standing Rules, which, among other things, specify the make-up of its managing board, which is also expected to ensure the proportional representation of political parties.

The parliamentary delegations for women's rights have the following distinct **missions**:

► First, they **monitor bills tabled in Parliament**.

The delegations monitor bills and private bills as well as EU legislation submitted to Parliament in line with Article 88-4 of the Constitution, looking at their impact on women's rights and equal opportunities for men and women.

To this effect, the delegations may be asked to intervene by :

- the managing board of their respective chamber;

- any one of the chamber's Committees, as song as the bill or private member's bill falls under its sphere of competence;

- the delegation for the European Union, concerning EU legislation submitted to each house of parliament, in line with Article 88-4 of the Constitution .

When either of the two delegations **wishes to be seized** of a bill, its chairperson must send a request to that effect to the chairperson of the Committee competent for the bill or private bill's core issue, or to the chairperson of the delegation for the European Union.

This mission of monitoring legislation must be carried out *"without prejudice of the competences of standing committees or the delegations for the European Union"*.

Therefore the intervention of the delegations for women's rights and equal opportunities for men and women in no way modifies the current procedure for examining legislation, whether at Committee meetings or in a public session, but simply complements it. The delegations as such have no right to amend legislation: they simply make recommendations. The delegations' rapporteurs present their report and the recommendations therein to the Committee competent for the core issue at the opening of the committee sitting devoted to examining the bill at stake. Similarly, if the delegations'

rapporteurs present their recommendations during a public session; they speak just after the rapporteurs of the competent Committee(s).

It should be noted, however, that if the delegations have no right of amendment, any one of their members is free to draft an amendment based on any of the delegations' recommendations and table it in his or her own name.

► Secondly, the delegations **inform Parliament of the Government's action.**

The delegations for women's rights and equal opportunities must also inform their respective chamber of the Government's policies in all fields related to women's rights and equal opportunities, including professional opportunities.

In order to fulfil this mission, the delegations may hear ministers and they receive all information likely to facilitate their mission.

Aside from reporting on any issues that have been referred to them, the delegations publish **annual reports** reviewing their action and including, if need be, proposals to improve legislation in their field of competence. In the Senate, it is the delegation's chairperson's responsibility to draw up this report. In the National Assembly, at the beginning of each ordinary session or each time its membership is renewed, the delegation appoints one of its members to draft the annual rapport.

The topics chosen by the National Assembly's delegation for women's rights since its inception for its annual report are: contraception, the enforcement of the law on the termination of pregnancy and the monitoring of the May 9, 2002, bill on equal professional rights. The topic chosen this year is part-time work.

The Senate delegation meanwhile has dealt with the following topics: public policy on prostitution, and implementation of programmes aimed at ensuring steady employment and equal pay for troubled youths through training and professional integration. The next report will be devoted to equal opportunities for both sexes in France today, particularly at school."

Mr. Petr TKACHENKO (Russian Federation) presented the following contribution, entitled "Gender Partnership in the Federal Assembly of the Russian Federation":

"Distinguished colleagues,

The main feature of the 21st century is the formation of the new social relationships based, inter alia, on the principles of gender partnership.

It is known that at the Millennium Summit the leaders of the countries of the world adopted the UN Millennium Declaration, wherein the equality of men and women is defined as simultaneously a goal in itself and a means to reach the aims that the world community has set for itself.

The theme of the gender partnership in the parliamentary activities is not new to the Council of Federation of Russia. Those issue more or less correspond to the field of competence of a whole number of the leading committees of the chamber, such as the committees on social policies, science, culture, public health, education and environmental protection, youth affairs and sports.

Presently the quality of the legislation to be passed, its systemic nature and its lack of intra-controversies is a matter of principle for the supreme law-making body of the country. One may dare to call its conformity to the principles of gender partnership a feature determining the quality of the legislation. To that end the gender-relevant examination of draft laws has been carried out at the Council of Federation. A significant work has been carried out to examine the labour and family legislation in a close contact with the women's non-governmental organisations.

The gender problems have become a directions of interaction between the civil society institutions and the Russian parliament. With an active support of non-governmental organisations the women parliamentarians have been rendering an active influence on the political process and the shaping up of the public opinion as regards the women's participation in the political life and the representative authority bodies.

The activities of the Public Commission to ensure equal rights and equal opportunities for men and women in Russia, created within the Council of Federation under the auspices of its Chairman, have become a real result of such interaction. The Commission has been joined by members of the Council of Federation, representatives of legislative bodies of the subjects of the Russian Federation, scholars, experts, as well as leaders of non-governmental organisation. There is a growing awareness in Russia today of the necessity of a transition from simply ensuring women's rights toward a parity-based democracy, an understanding of the necessity to consider the gender asymmetry from the positions of interests of not solely women, but men as well.

As an important element of the national mechanism to promote human rights, the Public Commission carries out a wide negotiating and consultative process with women's non-governmental organisations and representatives of business circles and civil society institutions. In accordance to the division of the Russian Federation into the seven federal districts the Public Commission has established seven sections that hold their meetings and do their work directly in the federal districts, as well as at the regional parliaments. Following the example set by the Council of Federation many regional bodies of legislative authority create similar commissions.

The holding of large-scale events with the participation of representative delegations from all subjects of the Russian Federation, at which the theme of gender partnership is the priority, has become a remarkable phenomenon in the country's public life. Those have included the All-Russia Women's Forum dedicated to the Mother's Day, the "Russian Family" International Congress dedicated to the 10th anniversary of the International Year of Family and a conference of the theme "Integration of the gender partnership policies into activities of the legislative authority bodies of the subjects of the Russian Federation and the regional ombudsmen".

Following the strategy elaborated by the United Nations Organisation to promote women to all decision-making levels, the Russian parliament has been pursuing consistent policies to implement the gender equality.

Despite the fact that there are fewer women in the Russian parliament than we wish there were, they hold key positions in it and make substantial contribution to the work of both chambers.

A woman has been elected one of the three deputies to the Chairman of the chamber. Women preside over or are members of the ruling bodies of 4 committees and commissions of the Council of Federation.

Talking about the composition of the Administrative Staff of the Council of Federation in terms of the problem under the discussion, I feel entitled to say that as a result of balanced personnel policies we have managed to achieve optimal indices. Thus, the women working in the Administrative Staff of the Council of Federation account for 56% of the staff, with 81% of them having higher education diplomas and 10% having academic degrees and academic ranks. Given that, the women hold dominating positions in the leading departments of the apparatus, such as the Legal Department and the Analytical Department, wherein they account for 75% and 50% of the employees respectively. There is a high share of women among the chiefs and deputy chiefs of the administrative staff of the committees and commissions of the chamber, as well as among the chiefs and deputy chiefs of the divisions of the departments of the Administrative Staff of the Council of Federation.

Nowadays both Russia and the other countries, including those which have attained the greatest successes in the promotion of gender equality, have to admit that there is still a lot to be done on the path to equality, without which the full-fledged partnership is impossible.

The Inter-Parliamentary Union has been elaborating new initiatives to enlarge the partnership. The Meetings of Women Parliamentarians have become a special institution within the framework of the Inter-Parliamentary Union. The national parliaments keenly respond to the new ideas proposed by the world community. I wish to stress that in Russia all prerequisites have been created to realise the principle of gender equality in the majority of political institutions and the parliament has assumed the leading role in the promotion of that principle and putting it into practice."

Mr Arie HAHN (Israel) said that Secretaries-General of Parliaments were all very careful to promote equality between the sexes within their services.

In the Knesset, women were in the majority and held down the most important jobs: most of the departments were directed by women, such as human resources, protocol, the stenographers, research et cetera. Therefore there was no particular policy necessary to favour equality.

Mr Hafnaoui AMRANI (Algeria) said that in Algeria a woman had presented herself as a candidate for head of state for the first time at the presidential election of 8th April 2004. It was symptomatic that all the candidates at the election had had a policy on equality between men and women.

In Parliament women were not well represented -- there were only four women among the 144 members of the Council of the Nation -- which was different from the administration where the proportions were much more equal -- 44% of the staff were women.

Mme Valeria AGOSTINI (Italy) presented the following contribution, entitled "Committees promoting equal opportunities in the Italian Parliament":

"In the past parliamentary term, each of the two Houses of the Italian Parliament established a committee on equal opportunities composed of MPs and parliamentary staff. Significantly, the date chosen to create the Senate Committee on Equal Opportunities was 8 March 1999 (i.e. Women's Day).

In both Houses, membership of such bodies ensures representation of all political, administrative and union components. The Committee on Equal Opportunities of the Chamber of Deputies includes 4 women MPs, 4 female employees designated by the Secretary General, who acts as secretary to the committee and represents the Administration. The Committee on Equal Opportunities of the Senate is composed of 3 women Senators, 3 female employees and 1 female parliamentary official, appointed by the President of the Senate, who acts as secretary to the committee and represents the Senate Administration.

In order to promote and ensure equal opportunities for men and women in the workplace, the Committees of both Houses submit proposals and opinions to the respective Bureaux concerning work organisation, working hours, training programmes and support services. The Committee on Equal Opportunities of the Senate – I shall refer to it because I know it better – started its activity by sending a questionnaire to all female employees containing 25 questions on their work experience in the Senate. The questionnaire results were then assessed by the Senate Administration and Bureau.

Among the initiatives taken by the Committee during its first years of activity, one of the most significant has been a request to the Bureau to apply to the Senate Administration a law that came into force in Italy in 2000, entitled "New rules on the protection of parenthood" and concerning both fathers and mothers. Personally, I believe that this law is far more effective in promoting equal opportunities than previous measures specifically meant to women. It broadens existing legislation and extends some provisions on the protection of parenthood to working fathers. In particular, it established that fathers too may take parental leave, for limited periods, in order to take care of their children under 3 or 8 years of age, depending on circumstances.

Both parents are thus placed on an equal footing. On the one hand, fathers can – if they so wish – establish a stronger bond with their children during their early childhood; on the other, women are not necessarily the only ones whose career is affected by parental

leaves. According to statistics, in Italy the female component of the labour force has strongly increased, but men still largely outnumber women in the most demanding jobs and in top positions. At the Senate, women employees account for 41% of total staff, but only 25% are senior officials.

Following the request addressed to the Bureau by the Committee on Equal Opportunities, the above-mentioned law on the protection of parenthood has been applied to the Senate Administration, with some modifications aimed at preserving the most favourable conditions, through an amendment to art. 39 of the consolidated text of Administration Rules on the Senate Staff.

It is worthwhile noting that since the introduction of the above amendment the number of male employees taking parental leave to look after their children has strongly increased. Their percentage, previously negligible, had already reached 20% in 2001 and has constantly grown, reaching 28% early this year."

Mr Ian HARRIS, President, thanked the speaker for her contribution and invited members to ask questions.

Mme Marie-Andrée LAJOIE (Canada) said that in the House of Commons there were 55 % men and 45% women among the non-political staff, that proportion being 60% 40% for managerial staff and 50% 50% at the level of secretary-general.

The policy followed was based on the law on equality at work, which was aimed also at protection minorities, disabled et cetera. The Parliamentary administration was not formally subject to that law, but it respected the spirit of it.

Ms Heather LANK (Canada) said that the Canadian Senate was not elected, but nominated by the Governor General on the recommendation of the Prime Minister. A policy of nomination in favour of women had been deliberately followed in the course of the last few years.

In terms of staff management, the administration tried to reconcile equality between men and women and the necessity to promote on the basis of merit. On this basis there were advantageous rules for parents, which allowed them to have up to 12 months parental leave on 93% of their salary, and therefore to have an easier family life.

Mrs I Gusti Ayu DARSINI (Indonesia) said that progress could only be said to have been made from the moment when proper strategies based on the partnership between men and women were put in place. The Indonesian election law reserved 30% of seats for women but that was not always put into application. In recruitment, no discrimination was possible in theory, but in fact inequality persisted.

Mr Emmanuel BAKWEGE (Uganda) , said that in Uganda the strong inequality in favour of men had led to the adoption of vigorous measures, as for example the quotas for women in political elections. In civil service competitions, female candidates were deliberately given an advantage over men in the form of a bonus number of points.

At the current moment 40% of the parliamentary staff were women. It would be difficult to increase that proportion in the short term, because recruitment had to be based on ability and qualifications of candidates rather than their sex.

Mr Khondker Fazlur RAHMAN (Bangladesh) said that in Bangladesh equality between men and women was recognised by the Constitution, the law and in all spheres of public life. In 1973 15 seats in Parliament out of 315 were reserved for women , which had not at that time been acted upon; in 1986 32 women had been elected. In the near future the Constitution would be amended to reserve 45 seats for women, which would be near the 10% of seats reserved for women within the Government.

Mr Yogendra NARAIN (India) said that in India there were various constitutional provisions in favour of women, which applied to the parliamentary service. In particular, the Constitution allowed discrimination in favour of women, and also set down the principle of absence of any discrimination into terms of hiring or pay.

In 1990 a Parliamentary Committee on the Rights of Women had been established. In 1993 India had ratified the Convention prohibiting any discrimination against women , as well as other international agreements.

Mrs Lulu MATYOLO (South Africa) said that equality between men and women was laid down in the South African Constitution, and that within the framework of affirmative action it was possible to put in place positive discrimination in favour of women. Nonetheless it was true that apart from the sex of the person who was a candidate for a job merit should be the criterion.

In Parliament , where the Council of Provinces was directed by women, every manager had to ensure the equality of men and women within his or her service and was checked on that point by an audit of who had been hired. Managers were also educated in the necessity of discouraging sexual harassment

The situation in South Africa showed that in addition to a simple headcount and a policy based on quotas, voluntary practices existed in favour of women and these were put into effect with determination.

Mr Anicet HABARUREMA (Rwanda) said that the approach to the question of equality was necessarily different in rich countries and developing countries. In developing countries difficulties frequently arose because of national culture, but also because of differences in education linked, among other things, to the colonial past.

Nonetheless, in Rwanda equality of men and women was a fact.

Mrs Panduleni SHIMUTWIKENI (Namibia) said that Article 10 of the Namibian Constitution laid down equality before the law, and that various laws had been agreed to which specifically dealt with these questions (the law on civil service, the law on employment et cetera). At the present moment a third of candidates at elections had to be women.

A Bill was being discussed on the problem of rape and the struggle against domestic violence.

She added that an entire section of the National Development Programme dealt with women and the struggle against illiteracy.

Mr Michael POWNALL (United Kingdom) said that in United Kingdom men remained in the majority in key posts. Nonetheless, the situation was rapidly changing thanks to a voluntary policy on recruitment of women.

One issue arose from spouses working together in the same office. Official guidance had been established to apply in these circumstances. Amongst other things, this would prevent situations arising in which a married couple or partners worked closely together or where an individual supervised and reported on his or her spouse or partner.

Mme Hélène PONCEAU (France) summed up the debate by saying that three main points seem to have emerged:

- the first was the contribution of the law in the widest sense in bringing about change in political life (access to electoral mandates), as well as in professional life;

- the second was that parliamentary administrations seemed to be privileged areas; this was linked with a desire on the part of political authorities to show an example and go beyond the letter of the law;

- the third was the importance of public opinion in solving problems and the view of society on the role of women.

Mr Ian HARRIS, President, thanked Mme Hélène PONCEAU and all participants in the debate.

The sitting was adjourned at 5:30 p.m.

THIRD SITTING
Tuesday 20 April 2004 (Afternoon)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

Mr Ian HARRIS, President welcomed members to the third sitting

2. General debate on Relations between Parliament and Civil Society

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

Mr Prosper VOKOUMA presented the following contribution:

"**National Representation and public participation: What is the machinery for dialogue between the National Assembly and civil society?**

The experience of the National Assembly of Burkina Faso

Introduction

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

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

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

Good governance has various objectives, including:

- The establishment of an overarching State, which can effectively carry out its directional role carrying forward socio-economic development.

- Promotion of a civil society, which is able to influence the various political and economic decisions and to constitute social balance.

- Reinforcement of the organisational technical capacity of the legislative and consultative institutions with a view to their making a more effective contribution to the democratic process.

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

- Participation of all citizens (men and women) in decision-making.

- Transparency, equity and responsibility in the conduct of public affairs.

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

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

- The three constitutional Powers (executive, legislative and judicial);

- All the consultative organs (Social and Economic Council, Mediator of Faso, Superior Council for Information).

- Civil society, essentially non-governmental organisations, human rights organisations, trade unions, women's associations for the defence and promotion of women's rights, customary and religious communities, press and media organisations, etc.

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

In order to play its part in this process the National Assembly has put into effect its own programme. Therefore it signed with the United Nations Programme for

Development (UNDP) a cooperation project called "Project for the improvement of the capacity for dialogue in Parliament on strategies and policies for development." (Project BKF/03/001/MT).

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

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

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

As indicated above, project BKF/03/001/MT " Project for the improvement of the capacity for dialogue in Parliament on strategies and policies for development" is the fruit of a partnership between the National Assembly and the UNDP, with the aim of establishing a policy on dialogue with the population based on co-ordinated action. This is within the general framework of the programme for support for good governance in Burkina Faso, in which most of the multilateral and bilateral partners in the country have intervened.

This project has two main objectives:

1. To strengthen the technical capacity for dialogue within Parliament and the Parliamentary administration with a view to increasing the efficiency of their involvement in development questions.

2. To facilitate the creation of an area of dialogue and partnership between Members of Parliament and civil society. This would increase the efficiency and improve the performance of Members of Parliament in the exercise of their duties in connection with legislation and control of government action.

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

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

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

- The overall objective of the pilot study was to facilitate the creation of an area for dialogue and partnership between Members of Parliament and civil society.

- The particular objectives of the study were to collect data in order to construct a framework for a dialogue involving the process of valorisation of experience and ideas among the population. The information which was collected would allow the preparation of relevant proposals for:

    - improving the visibility of performance of duties and improving public opinion relating to the exercise of responsibilities by Members of Parliament;

    - Better identifying and promoting the participation of the public in Parliamentary work;

    - Better integration of questions relating to daily life and development in the work of Parliament;

    - Organisational interaction between Parliament and the public with a view to creating areas and mechanisms appropriate for dialogue with civil society;

    - Opening the National Assembly to the public more.

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

- The National Assembly and the demands of society;

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

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

a) The National Assembly and the demands of society

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

The demands of society were addressed from two angles:

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

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

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

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

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

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

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

- In terms of politics, for example, among the public there is a widespread misunderstanding of the constitutional role of the National Assembly and duties of the Member of Parliament.

- In terms of society, the image of the Member of Parliament is not always that of an impartial elected official.

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

- In political terms:

  - ❖ Members of Parliament have a good understanding of their constitutional duties;

  - ❖ Members of Parliament are considered as privileged interlocutors in the search for solutions to daily problems;

- ❖ Members of Parliament make the effort to appear as those taking direct action in relating relation to development.

- In terms of society:

there are many occasions when Members of Parliament and public meet.

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

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

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

- The establishment of formal frameworks for dialogue, such as the convocation of a national forum which would meet concurrently with the legislature;

- The establishment of channels of communication;

- The opening up of the National Assembly to the public by:

  - An improvement in the flexibility of the conditions for public access;

  - The taking into account of national languages in Parliament;

  - Better publicity for the work of Parliament.

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

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

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

The conference resulted in an exchange of experience and information between Members of Parliament and former Members of Parliament and enabled the collection of information

and the establishment of photographic and audiovisual archives with a view to creating a gallery within the National Assembly.

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

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

- Matthias SORGO: President of the Territorial Assembly from 1945 to 1957;

- Gerard Kango OUEDRAOGO: President of the National Assembly from 1978 to 1980;

- Bongnessan Arsene YE: President of the Assembly of People's Deputies from 1992 to 1997;

- Melegue TRAORE: President of the National Assembly from 1997 to 2002;

- Abdoulaye Abdoul Kader CISSE: President of the Chamber of Representatives from 1995 to 1998;

- Moussa SANOGO: president of the Chamber of Representatives from 1999 to 2002.

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

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

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

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

The Forum for the National Assembly and organisations of civil society was held on the 2nd, 3rd and 4th December 2003 at Ouagadougou on the theme “National Representation

and public participation: what are the mechanisms for dialogue between the National Assembly and civil society?"

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

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

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

I. THE OBJECTIVES OF THE FORUM

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

The context is the putting into action one of the objectives of the project to "facilitate the creation of areas for dialogue and partnership between Members of Parliament and civil society". Through this forum, the National Assembly aims to have greater openness to the public and to all the actors involved in development, since dialogue between the two entities is indispensable for the deepening of democracy in our country.

Seven objectives were given to the forum. They were:

1- to facilitate participation and involvement of all citizens in the political and decision-making process;

2- to reinforce the representative nature of the political institutions, in particular that of the National Assembly, by greater involvement of citizens in Parliament's work and the work of Members of Parliament as the legislative power;

3- to assess all those mechanisms for dialogue which exist institutionally or under the constitution;

4- to create a favourable climate of confidence between the National Assembly and organisations in civil society with a view to building a responsible and productive partnership;

5- to encourage organisations in civil society to play to the full and with complete independence their role of permanent scrutiny and representation;

6- to broaden the popular base of support for the National Assembly with a view to consolidating democracy;

7- to construct new working practices for consultation, coordination and planning between the National Assembly and organisations in civil society with respect to the nature, the role and the mission of each of the parties represented in the dialogue.

II. THE WORK OF THE FORUM

The work of the forum was carried out in two ways:

- Plenary sessions;

- Committees.

II.1 – Plenary Sessions

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

II.1.1 – Communications

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

a) Presentation of Parliament and Parliamentary work:

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

In dealing with the constitutional powers of Parliament, the speaker opened by saying that the National Assembly was one of the seven institutions established by the Constitution. It was an institution which was characteristic of the democratic system and an essential actor in political life. It voted laws, agreed to taxation and scrutinised government action. Each member of the National Assembly was a representative of the entire nation.

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

b) The identity and missions of the organisations in civil society in Burkina Faso.

This presentation was made by Professor Augustin Gervais LOADA, Executive Director of the Centre for Democratic Governments. The speaker began by defining civil society as “any form of organisation outside the family and the state, or any form of

organisation between the domestic and public spheres." He then described the classification of organisations in civil society and identified the essential criteria for recognising the most significant ones, which were that they should be apolitical and non-partisan and should be independent of public authority.

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

c) Communication on the results of the pilot study.

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

II.1.2 – Debates

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

The organisation of Parliament: the conference discussed what possibilities might be available for representing views within the system of communication between the National Assembly and organisations in civil society, possibilities for the public to take part in open sessions, difficulties with using the system of petitions.

Identification of civil society: during the debate it became apparent that it would be necessary to clarify the concept of civil society, in order to prevent it emerging as a general catch-all category.

Pilot study: the debates mainly focused on the conceptual analyses of the studies.

II.2. – Work in committee

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

1 – Committee 1: connection between the National Representatives and the general public;

2 – Committee 2: system for dialogue between the National Assembly and civil society.

II.2.1 – Connection between the National Representatives and the general public

Those attending the conference first of all recognised that the constitutional duties of Members of Parliament were not well understood by the general public, for whom the Member of Parliament appeared as an agent for development, able to satisfy their needs.

Electoral promises gave birth to expectations which were difficult for elected politicians to satisfy, a situation which created a sense of general frustration.

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

The establishment of civic instruction and education for all citizens in all establishments for education and training;

The popularisation of the constitution by means of organisations in civil society;

The creation of opportunities for meetings between Members of Parliament and the public;

The organisation of education campaigns;

Reinforcement of the use of ICT by the National Assembly to popularise its work and to make itself accessible to the greatest number of people (a web site of the National Assembly, electronic addresses for members of Parliament ....);

The establishment of a system for giving and receiving information, notably by:

The use of existing media (transmission of Parliamentary debates on the national radio).

Better use of Parliamentary groups

Establishment of a radio station with in Parliament.

To put these suggestions into action the committee suggested:

- better grass-roots scrutiny of government action and cooperation among Members of Parliament in all parties;

- the permanent search for efficient information systems;

- continued promotion of a culture of tolerance in all political action.

II.2.2 - System for dialogue between the National Assembly and civil society

This theme was examined by the second committee, concentrating on the areas listed below:

inventory of the means of dialogue laid down by law;

inventory of the means of dialogue engaged by civil society;

use of the system of dialogue laid down by law.

a) when examining the inventory of the means of dialogue laid down by law the committee set out the formal and informal systems:

-formal systems:

- right to petition laid down in the Constitution in articles 30, 98 and 161, as well as by the rules of the National Assembly;
- The public nature of the plenary sittings of the National Assembly laid down by article 80 of the Constitution;
- The frameworks for communal, departmental or provincial cooperation laid down by laws on decentralisation.

-among the various informal systems are principally the following:

- The ability of the general committee of the National Assembly to hear from the component part of civil society within the examination of the draft bill;
- The ability of the National Assembly to establish ad hoc committees to look into topics of national interest.

b) inventory of the means of dialogue engaged by civil society

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

Women's organisations prepared and introduced into the National Assembly a dossier on the rights of women;

Trade unions were heard in evidence by Members of Parliament during the revision of the Code on Labour law;

A collective of organisations within civil society laid before the National Assembly report on the framework of the revision of the Code on Elections;

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

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

Participants of the conference deplored the weak use of these systems. They cited the example of the Burkinabe Movement for Human Rights and Persons, which had started a

petition on the revision of the Code on Information, but that petition had never been completed.

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

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

- The permanent continuation of the forum between the National Assembly and organisations of civil society;

- The creation of areas of dialogue with organisations in civil society through the intermediary of the Parliamentary network or general committees of the National Assembly;

- The establishment of open days in the National Assembly;

- The creation of a suggestions box with a view to allowing all citizens to make proposals to the national representatives;

- The use of traditional means of intercommunity dialogue;

- Improvement of the means of communication of the National Assembly.

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

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

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

- Strict respect for the rule of law;

- The establishment of a climate of confidence between political society and civil society by a better and mutual understanding between those involved;

- The respect for the roles, duties, tasks and powers of each of the partners.

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

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

Mr Ian HARRIS, President, invited Mr Anders FORSBERG, Secretary General of the Riksdagen of Sweden to present his contribution.

Mr Anders FORSBERG presented the following contribution:

"**Parliamentary activities with regard to current issues affecting society-**

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

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

Generally speaking, it also seems to be the case that confidence in the Riksdag is greater when citizens have had contact with a Member of Parliament. There is also good reason to view confidence in the Riksdag in the light of how the Riksdag is seen to be handling different tasks. From this it might be possible to draw the conclusion that confidence might increase if we created a broader interface between voters and politicians, if we can show what the Riksdag does, and if we get better in areas where voters do not think we have done enough.

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

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

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

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

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

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

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

I would now like to turn my attention to the subject mentioned in the title of this address. *Parliamentary activities with regard to current issues affecting society.* These activities can of course be seen as being an element of all the tasks facing the Riksdag but I should like to limit myself to the quality and opinion-moulding functions. Our MPs do not consider that the Riksdag carries them out in the best way, while citizens consider that the Riksdag is worst at foreseeing future problems. So here there is room for improvement. And why not also take into account other studies showing that confidence increases with increasing contact between citizens and their political representatives?

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

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

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

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

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

For it is the MPs themselves who are the most important bearers of the democratic message. Our contribution as an administration is to create high-quality conditions for

MPs and parties to carry out their work. This covers practical and technological preconditions, sound information, high quality briefing materials, and institutional reforms that promote and develop this work.

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

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

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

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

Mr Ian HARRIS, President, thanked Mr FORSBERG for his contribution.

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

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

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

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

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

1) the information reaching the parliament from the civil society;
2) the communication of parliamentary activity to the civil society;
3) the symbolic function of parliamentary institutions and buildings.

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

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

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

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

Today's dedicated Internet sites and TV channels follow parliamentary proceedings in real time. The activities of individual Parliament Members – including how they vote on major issues – can be consulted instantaneously on-line. The two Houses of the Italian Parliament have also set up information centres in Rome and periodically participate in the country's major trade fairs in the sector of public communications. Further developments

can be seen in the form of peripheral information networks inter-connecting regional administrative offices or itinerant information initiatives (e.g. the German Bundestag's parliamentary van). Nevertheless, the most widespread instrument – especially in areas where computer literacy is still only partial – remains the broadcast of the principle parliamentary debates ("question time") over national television networks.

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

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

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

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

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

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

a) the boosting of services and offices concerned with relations with the public;
b) the training of personnel in contact with citizens;

c) cooperation with the parliamentary press and the media;
d) the use of specialised consultants.

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

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

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

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

The Assembly of the Republic of Macedonia in the present parliamentary composition is concentrated on the adoption of laws in three areas of priority: economic development, security and fight against corruption and organised crime. Care is taken for consistent implementation of the provisions of the Ohrid Framework Agreement, as well as for the harmonisation of the legislation with that of the European Union and to the approximation to the NATO standards. Concerning these issues we have a consensus among the political players in the country, since they are the foundation for stability and continuous democratic and economic development.

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

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

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

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

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

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

We should also mention the formation of the Coalition of the non-governmental organization – the NGO Parliament – that works on establishing closer co-operation between the governmental and the non-governmental sector. To that aim it prepared a

Platform on the relations between the Assembly of the Republic of Macedonia and the NGO Parliament. The principles of the Platform are the apolitical character of the activities, co-operation with all the non-governmental organizations, the society in general and with the media, and its main goal is the strengthening of the civil society.

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

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

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

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

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

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

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

The co-operation with the National Democratic Institute (US NGO) has been continuously developed for several years and, according to programs prepared in advance, young people (law, economy and other graduated) have the chance to work as interns and build skills in the field of parliamentary work and the parliamentary groups. This establishes a solid knowledge fund for persons that shall have the opportunity to be engaged in the parliamentary work in the future.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **To survey (monitor)** the way the public power is managing the public affairs, the national patrimony, the destiny of the country. This function of surveying, requires an innovator and flexible participation of the civil society to the social and economic dialog – as a source of new solutions of the complex issues related to the transition.

2. **To sanction the power**. The civil society shall represent a factor of pressure over the public power, able to determine it to respect its political programme, to be transparent in its actions and opened to dialogue and communication. The legal means used by the civil society in this regard are: street demonstrations, strikes, public debates on issue of great interest for the citizens, using as an efficient tool the mass – media. Certainly, the function of sanctioning the power gains its maximum visibility, at the time when citizens are all called upon to exercise their right to vote.

3. **The educational function**. Through group activity, a process of social learning takes place, enhancing those attitudes, knowledge and skills on which democratic processes are based, making their members more effective citizens.

III. PUBLIC INSTITUTIONS AND MEANS OF PUBLIC ACTIONS CONSTITUTIONALLY CONSECRATED

The improvement of the role and activities of the **public institutions** represents a constant preoccupation of the Romanian authorities in the process of enforcing the democracy, according to the principle that the power, in all its forms (legislative, executive and legal) has to serve the people, the society and the national interest.

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

1.1. The President of Romania – mediator among public authorities, society and state;
1.2. The Parliament – which relation with the civil society will be detailed at item IV;
1.3. The Public Ministry – representing the general interests of the society and defending the state of law but also the rights and liberties of the citizens;

1.4. The Advocate of the People - constituting the interface among the rights of the citizens and the authority of the state – which appointment belongs to the Senate;
1.5. The Constitutional Court- the guaranty of the supremacy of Constitution;
1.6. The Court of Counts;
1.7. Additionally, among the new provisions of the new Constitution it is important to mention that:

a. Art. 139[1] constitutionally consecrates for the very first time the **Economic and Social Council** as a consultative body of the Parliament and of the Government in the scope of establishing the legal ground for dialog with syndicates and employers in specific issues established by organic law. (Law No. 109/1997)
b. Art. 9 constitutionally consecrates the employers and the professional associations, together with syndicates, all of them developing their activities according to their statutes, in the framework of the law. These associations have the mission to contribute to the safeguarding of the rights and to the promotion of the professional, economic and social interests of their members.

1.8.Other Romanian public institutions of partnership with the civil society are: The National Agency for Regional Development, the National Council for Environment and Sustainable development, Council of National Minorities, National Council Professional Training of Adults, etc.

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

1. **The legislative initiative** which shall lie, as the case may be, with the Government, Deputies, Senators, or a to number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative. (The Constitution of Romania, Art. 74 (1))

2. **Referendum**. The President of Romania may, after consultation with Parliament, ask the people of Romania to express, by referendum, their will on matters of national interest. (The Constitution of Romania, Art. 90 (1))

3. **Right of petition**. Citizens/legally established organizations have the right to address the public authorities by petitions formulated only in the name of the signatories/the collective body they represent. The public authorities are bound to answer to petitions within the time limits and under the conditions established by law. (Constitution of Romania, art. 51(1), 51(2), 51(4)).

4. **Right of a person aggrieved by a public authority**. Any person aggrieved in his/her legitimate rights or interests by a public authority, by means of an administrative act or by the failure of a public authority to solve his/her application within the lawful time limit, is entitled to the acknowledgement of his/her claimed right or legitimate interest, the

annulment of the act and reparation for the damage. The State shall bear patrimony liability for any prejudice caused as a result of judicial errors. The State liability shall be assessed according to the law and shall not eliminate the liability of the magistrates having exercised their mandate in ill will or grave negligence. (Constitution of Romania, art. 52(1),52 (3)).

5. **The right to attend the sittings of the Parliament**. The sittings of both Chambers shall be public. (Constitution of Romania, Art. 68(1)).

V. RELATIONS BETWEEN PARLIAMENT AND CIVIL SOCIETY

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

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

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

In this regard, is important to firstly mention the contacts of the President of the Senate and of the members of the Standing Bureau with the representatives of the economic and social life, of the syndicates, of the students, and of the different non-governmental bodies. They are all benefiting by audiences to the decisional structures of the Senate and the memorandums, documents or proposals submitted by them are transmitted, in order to be discussed, to the respective specialised committees.

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

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

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

- ❖ Government Ordinance No. 26/2000, which refers especially to the procedure of registration of the NGO' s, their management and their relations with the public administration and non – profit organisations;

- ❖ Law no. 576/2001- which stipulates that a sponsor benefits by an attractive reduction for the profit tax equalling 5% of his donation to an NGO, level which is comparable with the one established in other UE' s countries;

- ❖ Law 544/2003 – regarding the free access to the public interest information;

- ❖ Law 52/2003 - regarding the transparency of the decisional process;

- ❖ Additionally, although in Romania there is not yet in force a specific legislation settling lobby activities, the claims of different social categories interested to promote some amendments or specific legislative regulations were and are, constantly taken into account.

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

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

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

The relation Senate - civil society is carried out by:

a. *The Office for Public Relations* within the structure of the General Secretariat, which main responsibilities are:

- To ensure the link between the Senate and the citizens, their associations or their different organisations;
- To receive the petitions and the other documents addressed to the Senate, and to submit them to the Committee for Inquiry of Abuses and Petitions, to the respective Standing Committees or to the senators and to inform petitioners on the manner their petition is solved;
- To inform citizens with respect to the legislative process of the Senate, offering data and information concerning the institution of the Senate;
- To intermediate and to support the access of the interested persons to the Services of the Senate, to the committees or to the senators;
- To organise the access of the Romanian of the foreign citizens, individually or in group, to the Senate meeting hall during the debates in plenary session or to visit the building of the Senate; in collaboration with the Division for protection and guard;
- To table regularly reports on the fulfilment of the above-mentioned activities and to ensure the set up of the current archive of the office.

b. *The Press and Image Office of the Senate*, subordinated to the Standing Bureau and to the Secretary General of the Senate, which:

- Up-dates the information available on the web-site of the Senate at rubric of the Press and Image Office, putting at disposal of the citizens and mass-media all the public information on the daily activities of the Senate, working agenda of the Standing Bureau of the Senate; the order of business of the Standing Committees and of the plenary sittings, responses to the articles published by mass-media;
- Organises the briefings and the press conferences of the members of the Standing Bureau, Standing Committees, Parliamentary Groups, of all the members of the Senate as well of the Secretary General;
- Is involved in the organisation of some international meetings, national symposiums and in the creation of some mass-media audio-visual materials on parliamentary subjects;

c. The Division for the Computerisation of the Parliamentary Activity

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

- The direct, rapid and easy access of citizens to the political making process, to the different phases undergone by a draft law in the debates of the committees and in the plenary sessions. The drafts of law or legislative initiatives will be consulted by

citizens and media, which will have at their disposal a supplementary channel of information and communication via E-mail.

- The management of the activity of Senators;
- The management of the information on the sittings of the Standing Bureau of the Senate and joint sittings of the standing Bureau of the Senate and of the Chamber of Deputies.
- The management of Questions and Interpellations;
- The management of the short-hands of the Senate Plenary Sittings;
- The management of the Petitions. Citizens will have an additional communication channel at their disposal to submit a petition and follow up the process of its solution from the very first discussions on the respective matter by the specialised Committee, to the final report on it.
- The electronic cassette of the Senator;
- Set up and management of the archives of documents in electronic format.

V. PROSPECTS OF DEVELOPMENT OF A INTERNATIONAL CIVIL SOCIETY.

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

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

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

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

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

The available means for setting up this contact included the media, web sites, official visits to Parliament and the establishment of a Parliamentary Channel -- a Parliamentary

Channel would be set up on 2nd May in Israel by the Knesset in collaboration with a private TV station.

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

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

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

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

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

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

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

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

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

In the United Kingdom an association known as the Hansard Society had given itself the task of educating the citizen in the ways of democracy. It organised visits to Parliament

for electors, explained how this institution worked and carried out surveys of their opinions.

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

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

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

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

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

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

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

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

Mrs Marie-Andrée LAJOIE (Canada) when dealing with the problems with which the Parliamentary institution was confronted, it was necessary to think about the expectations

of society in respect of Parliament, because the separation of the link between the one and the other raised problems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The sitting was adjourned at 5:30 p.m.

FOURTH SITTING,
Thursday 22 April 2004 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Ian HARRIS, President, welcomed members to the fourth plenary sitting of the Association.

2. Communication from Mr G. C. MALHOTRA (India) On Anti-Defection Law

Mr Ian HARRIS, President, called Mr G. C. MALHOTRA to speak on Anti-Defection Law in the Commonwealth: its impact on the stability of government.

Mr G.C. MALHOTRA (India) spoke as follows:

"The importance of stability of a government to facilitate and promote growth and development of the people and the nation as a whole cannot be overemphasised. In order that there may be growth and development, there should be continuity of governance for a reasonable period of time to facilitate continuity of policies and programmes of the government and their implementation.

In countries like the USA, where there is presidential form of government, there exists a constitutional mechanism to ensure stability, as the term of the Executive is fixed. However, in countries having the parliamentary form of government, where the Council of Ministers is drawn from Parliament and its tenure is dependent on the support of the majority of Parliament, there is always a threat to the stability of the government, because the moment the government loses the majority support, it has to go out of office.

In parliamentary democracies, political parties play a very crucial role. The leader of the party or a coalition of parties commanding the support of majority in Parliament is invited by the Head of the State to become the Prime Minister and form the government. The members of the Council of Ministers are drawn from Parliament. A 'no-confidence' vote by the popularly elected House can bring down the government. Any change in the party affiliation of some members belonging to the ruling party or coalition may reduce its majority and lead to the fall of the government. It is not that defection always takes place from the Ruling to the Opposition Benches. On occasions, members also defect from Opposition parties to ruling party or coalition of parties for various considerations. It is in this background that the anti-defection laws, which are known by different nomenclatures

in different parts of the Commonwealth*, assume importance in the context of parliamentary democracies, which may have a two-party system or a multi-party system with a single-party government or a coalition government.

The objective of anti-defection laws is to regulate the shifting of party allegiance by legislators. The constitutional provisions, laws and rules regulating political defections vary from country to country in the Commonwealth. While in some countries defections are a non-issue and not perceived as a problem, in some other countries they have threatened the very stability of governance as happened in some of the States in India.

According to a study covering the period between the Fourth and Fifth general elections in 1967 and 1972 in India, from among the 4,000 odd members of the Lok Sabha and the Legislative Assemblies in the States and the Union Territories, there were nearly 2,000 cases of defection and counter-defection. For sometime, on an average almost one State Government was falling each month due to defections. In the case of State Assemblies alone, as much as 50.5 per cent of the total number of legislators changed their political affiliations at least once.

It was in the backdrop of the situation mentioned above and the efforts made in various quarters to check defection that the anti-defection law in India was enacted in 1985 through the Constitution (Fifty-second) Amendment Act. Earlier, Kenya had also amended its Constitution in 1966 to incorporate anti-defection provision therein. Over the years, based on their experiences, other Commonwealth countries also enacted appropriate legislation and framed rules in this regard. This Paper aims to throw some light on the experiences and the laws and rules relating to defections in some of the Commonwealth Parliaments. While efforts have been made to make the Paper comprehensive, it is not exhaustive because of constraints of time and availability of information. The information was collected during the last few years and hence it may be dated in some cases. Any correction or updating of information by the concerned authorities will be highly appreciated and gratefully acknowledged.

Out of the 52 Commonwealth (National) Parliaments, which were requested to provide information relating to political defections and anti-defection laws, if any, in their countries, 34 responded and supplied the information. Out of them, 25 Parliaments have been found to have experienced political defections. While 18 of the 34 Parliaments which responded have framed laws to deal with defections, 16 have not framed such laws and rules and they tackle such cases with the help of usual practices, procedures and conventions.

Countries having no anti-defection law

There are a few countries like Anguilla, Cyprus, Samoa and Seychelles which do not have any laws or rules in this regard. There are several other countries which have not made

* While dealing with the problems of changing party affiliation by members, many Parliaments do not use the term 'defection', rather they call it 'floor crossing'. In Nigeria it is called 'carpet crossing' and in Bangladesh it is referred to as 'dispute'. The term defection is used in this Paper uniformly to describe the phenomenon of changing the party affiliation.

such laws or rules, but they deal with defections with the help of usual practices and procedures.

United Kingdom

In the United Kingdom, there is no bar on members changing their party affiliations. There are no laws or Standing Orders against change of party. A member who changes his party is not required to resign. Similarly, a member expelled from his party retains his seat. Seating in the House of Commons is governed by conventions, and not rules, but such a member would normally sit separately from party members.

Australia

The Australian Parliament has had a few instances of political defections. Since the party control over members has tended to be strong, the few political defections that took place have had little effect on the balance of parties or the operation of the House. There are no laws or rules governing such occurrences, other than internal party arrangements. A member changing party allegiance retains his seat in the Parliament regardless of such action.

Canada

In the Parliament of Canada, a member who changes party allegiance is under no obligation to resign his seat and stand for re-election. His entitlement to sit as a member in the House is not contingent upon political affiliation. There is no prohibition – legal or constitutional – against the practice of crossing the floor. The Whip makes changes in the seating of a member or members within a party and notifies the Speaker. Where a member decides to cross the floor and sit with another party, his new Party Whip determines the seating arrangement for him. Splits are deemed to have taken place when members request the Speaker to change the seating arrangements in the House so that they may sit opposite their former party or outside its bloc of seats.

Barbados

In Barbados, there is no anti-defection law though there are cases of defection. A Constitution Review Commission had recommended that an anti-defection law be enacted. However, no such law had been framed till November 2002. There is, however, a consensus that if a member defects, his seat should be declared vacant thereby paving the way for a by-election. As regards a member abstaining on a vote in defiance of his party, it is left to the discretion of the party to opt for censorship and sanctions.

Nauru

The peculiarity of the Parliament of Nauru is that it has no cohesive force in the form of political parties. The members are elected on the basis of adult suffrage and are free to act according to their conscience. Once elected they either become the members of the ruling group called 'caucus' or the opposition called 'backbenchers'. In the backdrop of such a scenario, the Parliament of Nauru has not faced the problem of defections in the true sense of the term. Here the problem is such that members of the 'caucus' often shift their allegiance to backbenchers to form coalitions and bring down the government of the day by moving No-confidence Motion as provided in article 24(1) of the Constitution of Nauru.

On the other hand there are a few countries like Bermuda, Grenada and Jamaica where there are no laws or Rules dealing with defection, but there have been cases of defection.

Anti-defection Laws/Rules in some Commonwealth Countries

While the countries mentioned above have neither enacted any legislation nor framed rules to deal with cases of defection, there are several other countries which have enacted legislations and framed rules in this regard. Instead of dealing with the laws and rules country wise, it is proposed to deal with the provisions as per relevant parameters and thereby elucidate the position prevalent in different countries comparatively. The position in India is taken as the reference point to facilitate a comparative picture. It may not to be taken as a benchmark.

Voluntarily giving up membership of the Party

The anti-defection law in India was originally enacted by the Constitution (Fifty-second Amendment) Act, 1985. It has recently been amended by the Constitution (Ninety-first Amendment) Act 2003. The law *inter alia* provides that an elected member of Parliament or a State Legislature, who has been elected as a candidate set up by a political party would be disqualified for being a member of the House, on the ground of defection if he voluntarily gives up his membership of such political party.

Bangladesh, which passed the law on the subject in 1980, has a provision contained in article 70 read with article 66(4) of the Constitution, stipulating *inter alia* that a person elected as a member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he resigns from that political party. The word defection is not mentioned anywhere in the law, rather such matters are termed as 'dispute'.

In Belize the term 'defection' has not been formally defined under the law which came into force in January 2001. It provides that a person ceases to be a member by reason of crossing the floor.

In Guyana, which has a system of proportional representation, a Constitution Amendment Act was brought about in 2000, to insert a paragraph in article 156 of the Constitution providing for disqualification of those members who declare that they would not support the list from which their names were extracted, or abstain from supporting the list or declare support for another list.

Kenya has also a similar provision. Section 40 of the Constitution of Kenya provides that a member of the National Assembly who, having stood at his election as an elected member with the support of or as a supporter of a political party, or having accepted appointment as a nominated member as a supporter of a political party, either (a) resigns from that party at a time when that party is a parliamentary party: or (b) having, after the dissolution of that party, been a member of another parliamentary party, resigns from that other party at a time when that other party is a parliamentary party, shall vacate his seat forthwith unless in the meantime that party of which he was last a member has ceased to exist as a parliamentary party or he has resigned his seat.

In Lesotho, an amendment to the Electoral Act, 1968, was passed in 1984 paving the way for disqualification of a member if he defected from the party which had supported his candidature. The Act was, however, repealed after the Army took over in 1986. Prior to the Sixth General Elections held on 25 May 2002, the Lesotho Constitution was amended to provide for Mixed Member Proportional Electoral System (comprising 80 constituency seats and 40 proportional seats: total 120 seats). The 1984 amendment of the Electoral Act, 1968 was revived in 2001 in respect to the National Assembly Elections Act, 1992. The provisions of this law are now applicable only to the proportional representation members, if they cross the floor or resign from their party but not to the members having constituency seats.

In Malawi, the practice is that the Speaker declares vacant seats of those members who have voluntarily ceased the membership of their party or joined another party or association or organisation whose activities are political in nature.

The Parliament of Mozambique has a law, i.e. Law 2/95 of 8 May 1995, to prevent the phenomenon of defection. Under the law, a Deputy loses his seat when during that particular Legislature he becomes member or carries out duties of another party than the party through which he was elected.

In New Zealand, the parliamentary reforms brought about in 1996 introduced the German system of proportional representation in place of the British system of "first-past-the-post". Such a change witnessed an unprecedentedly large number of defections colloquially known as wakka jumping. In 1999, after the election and formation of a coalition Government, the Electoral (Integrity) Amendment Act 2001 was passed, which came into

force on 22 December 2001. The law inter alia provides that a member's seat falls vacant if he ceases to be a parliamentary member of the political party for which the member of Parliament was elected. It is a temporary law and will automatically expire at the time of general election due in 2005.

In Nigeria, political defection is popularly known as 'carpet crossing'. Though the term has not been defined anywhere in the Constitution/Law/Standing Orders or Rules, Section 68(1)(g) of the 1999 Constitution provides that a member of the Senate or the House of Representatives shall vacate his seat in the House of which he is a member if being a person whose election to the House was sponsored by a political party, he joins another party before the expiration of the period for which that House is elected.

The Constitution of Sierra Leone, provides that a member of Parliament shall vacate his seat in Parliament if he ceases to be a member of the political party of which he was a member at the time of his election to Parliament and he so informs the Speaker, or the Speaker is so informed by the Leader of that political party; or if by his conduct in Parliament by sitting and voting with members of a different party, the Speaker is satisfied after consultation with the Leader of that member's party that the member is no longer a member of the political party under whose symbol he was elected to Parliament.

Article 46(2)(b) of the Constitution of the Republic of Singapore provides that the seat of a member shall become vacant if he ceases to be a member of, or is expelled or resigns from the political party for which he stood in the election.

In South Africa, as in other countries having proportional representation system, members represent not only the electorate but also specifically their parties in the Legislature. It is because of the system of proportional representation that the voters first vote for the party of their choice – both at the national and provincial levels and after that parties nominate persons from the party lists to fill the seats in the Legislature.

Item 23A of Annexure A to Schedule 6 which was originally part of the Interim Constitution (1993) of South Africa, and continued to apply as part of a Schedule to the Constitution (1996) inter alia stipulated that a person would lose membership of a Legislature to which the Schedule applied if that person ceased to be a member of the party which nominated that person as a member of the Legislature. It also provided that an Act of Parliament may, within a reasonable period after the new Constitution took effect, be passed in accordance with section 76(1) of the new Constitution to amend this item and item 23 to provide for the manner in which it will be possible for a member of a Legislature who ceases to be a member of the party which nominated that member, to retain membership of such legislature.

It was against this backdrop that the package of four bills which made provision for public representatives at national, provincial and local government levels to change party allegiance without losing their seats were assented to by the President on 19 June 2002. Immediately thereafter their constitutionality was challenged in the Constitutional Court by several political parties. On 4 October 2002, the Constitutional Court ruled only the Loss or Retention of Membership of National and Provincial Legislatures Act to be inconsistent

with the Constitution and invalid. The Court ruled that if the government wanted to proceed with providing for floor-crossing at national and provincial levels, it could do so only by way of introducing an amendment to the Constitution.

Thereafter, on 12 November 2002, the Minister for Justice and Constitutional Development tabled in Parliament the Constitution of the Republic of South Africa Fourth Amendment Bill. The bill was subsequently referred to the Portfolio Committee on Justice and Constitutional Development. On 25 February 2003, the bill was adopted by the Assembly after a division and by the National Council of Provinces on 18 March 2003. The President assented to the Constitution of the Republic of South Africa Amendment Act, 2003 which was published in the Government Gazette on 19 March 2003.

Section 47 of the Constitution, as amended, provides inter alia that a person loses membership of the National assembly if that person ceases to be a member of the party that nominated that person as a member of the Assembly, unless that member has become a member of another party in accordance with Schedule 6A which *inter alia* provides for a mechanism of window period. The main purpose of the legislation *inter alia* is to provide for a mechanism during the 15-day window period in terms of which members of the National Assembly or a Provincial Legislature could change their party membership only once by written notification to the Speaker of the legislature without losing their seats; a party could merge, subdivide, or subdivide and merge only once by written notification to the Speaker of the Legislature; a member could resign from a party to form another party by written notification to the Speaker of the Legislature. In such cases, members/parties are governed by the terms laid down in paragraphs 2 and 3 of Schedule 6A.

The provision for 15-day window period appears to be something unique. The window period is reckoned from the first to the fifteenth day of September in the second year following the date of an election of the Legislature and from the first to the fifteenth day of September in the fourth year following the date of an election of the Legislature.

As a transitional arrangement, it was also envisaged in the Act that during the first 15 days immediately following the date of the commencement of this Schedule, the provision of the Act will be operative.

Thus, immediately after the Gazette notification on 19 March 2003, on the same day, the Speaker and the Chairperson of Committees made announcements in the House regarding the implementation and the commencement of the Act. The President by a proclamation published in the Gazette set 20 March 2003 as the date of commencement of the Act. Accordingly, the window period for members to change party allegiance in terms of the legislation opened at midnight of 21 March 2003, as it had to be commenced immediately on the day following the date of commencement of the Act.

At the close of the window period, 4 new parties had emerged thereby increasing the total number of parties in the National Assembly from 13 to 17.

In Sri Lanka, under article 99(13) of the Sri Lankan Constitution, a member who ceases to be a member of his political party or independent group by way of resignation, expulsion or otherwise, loses his seat in the Legislature upon the expiration of a period of one month from the date of his ceasing to be such member.

Article 71(1)(e) of the 1977 Constitution of Tanzania provides that a member of the National Assembly shall cease to be a member and shall vacate his seat in the National Assembly if he ceases to be a member of that political party to which he belonged when he was elected or appointed as a member of Parliament.

In Trinidad and Tobago, as per section 49A(1), of the Constitution where a member resigns from or is expelled by a political party, the Leader of the concerned party in the House of Representatives is required to inform the Speaker about the same in writing. After being so informed, the Speaker at the next sitting of the House makes a declaration about the resignation/expulsion of the member.

It also provides that a member who has been declared as having resigned from or expelled by the party, has a right to institute legal proceedings challenging his resignation/expulsion. Section 49A(2) provides that where within 14 days of such a declaration by the Speaker, the concerned member does not challenge the allegation of his resignation or expulsion, he shall vacate his seat at the end of the said period of 14 days.

Section 49A(3) provides that if within the stipulated period of 14 days, the concerned member institutes legal proceedings challenging his resignation/expulsion, he is not required to vacate his seat until – (i) the proceedings instituted by him are withdrawn or (ii) the question has been finally determined by a decision upholding the resignation or expulsion.

However, the Standing Orders of the House of Representatives have not been amended to give effect to section 49A(5) of the Constitution till April 2002.

In Uganda, article 83(1,g) of the Constitution provides that any member of Parliament who leaves the political party of which he stood as a candidate for election to Parliament and joins another Party or remains in Parliament as an Independent member shall vacate his seat.

Similarly, in the Zambian Parliament also a member of the National Assembly who becomes a member of a political party other than the party of which he was an authorized candidate when he was elected to the National Assembly loses his seat in the Parliament.

The Constitution of Zimbabwe provides that if a member “ceased to belong” to his political party and the party writes to the Speaker declaring that they have since parted ways with the member, the member ceases to be the member of the Legislature. The circumstances under which a member can cease to belong to his party are not defined which means it can be through resigning, being expelled or defection.

Violating Party Directions/Whip

A member of Parliament or a State Legislature in India also comes under the rigour of anti-defection law if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Similarly in Bangladesh, article 70 of the Constitution provides that a member of Parliament shall vacate his seat if he votes in Parliament against the Party. It further provides that if a member of Parliament (a) being present in Parliament abstains from voting, or (b) absents himself from any sitting of Parliament, ignoring the direction of the Party which nominated him at the election as a candidate not to do so, he shall be deemed to have voted against that Party. Thus, he comes under the rigour of anti-defection law.

As mentioned earlier, in Sierra Leone also a member of Parliament is required to vacate his seat for sitting and voting with members of a different party.

Interestingly, in Malawi, Section 65(2) of the Constitution provides that all members of parties shall have the absolute right to exercise a free vote in any and all proceedings of the National Assembly, and a member shall not have his seat declared vacant solely on account of his voting in contradiction to the recommendations of a political party, represented in the National Assembly, of which he is a member.

Split/Merger

In India the anti-defection law as contained in the Constitution (Fifty-second Amendment) Act, 1985 provided that no disqualification would be incurred in cases where split in a party or merger of a party in another is claimed provided that in the event of a split in the Legislature Party not less than one-third of its members decide to quit the party and in case of a merger the decision is supported by not less than two-thirds of the members of the Legislature Party concerned.

The provision relating to split had been severely criticized on the ground that while individual defection was punished, collective defection was condoned. In view of this lacuna, the provision relating to split has, recently, been deleted by the Constitution (Ninety-first Amendment) Act 2003.

In Bangladesh, there is no specific provision for valid splits and mergers in the Constitution or in any law or Rules of Procedure. In cases of split and merger, the members of Parliament continue to be the members of the party unless there is a dispute.

In case of any dispute, the matter is referred to the Election Commission for determination of membership. In Nigeria, exemption is given in cases of valid splits and mergers. However, there is no prescribed number as to what constitutes a valid split or a merger. In Sierra Leone, both collective as well as individual defections are penalized. In South Africa as mentioned earlier a party could merge, sub-divide or sub-divide and merge only once by written notification to the Speaker of the Legislature during the 15-day window period.

In Belize, Guyana, New Zealand, Sri Lanka, Trinidad and Tobago, there are no legal provisions for splits and mergers. In Mozambique, splits within the parties or parliamentary coalitions are not formally recognized by law. In Zambia, split amounts to a change in party affiliation and is dealt with as such under the provision of law. In Zimbabwe, no exemption is given in cases of splits and mergers.

Independent and Nominated members

Yet one more important provision relating to anti-defection law pertains to the status of Independent and nominated members in the event of their joining a political party. In India an Independent member of Parliament or a State Legislature is disqualified if he joins any political party after his election. A nominated member of Parliament or a State Legislature who is not a member of a political party at the time of his nomination and who has not become a member of any political party before the expiry of six months from the date on which he takes his seat in the House, is disqualified if he joins any political party after the expiry of the said period of six months.

In Bangladesh, if a person after being elected a member of Parliament as an Independent candidate joins any political party he is deemed to have been elected as a nominee of that party. There is no provision of nominated members in Bangladesh Parliament. In Belize and Guyana, there are no provisions in respect of Independent and nominated members. Similarly, in Mozambique, there is no provision for Independent candidates for Deputies of the Assembly of the Republic. In Sierra Leone, a member of Parliament shall vacate his seat in Parliament if having been elected to Parliament as an Independent candidate, he joins a political party in Parliament. There are no nominated members. In Lesotho, Malawi and New Zealand, Independent members would not lose their seats if they join any political party after election. As mentioned earlier, in Kenya also a member of the National Assembly having accepted appointment as a nominated member of a political party shall vacate his seat. In Singapore, a nominated member's seat becomes vacant if the member stands as a candidate for any political party in an election or if he is elected a member of Parliament for any constituency. In Sri Lanka, Independent candidates cannot contest individually. But they can contest under the symbol of an independent group and they would be subject to the provisions of anti-defection law. In Trinidad and Tobago there are no provisions with respect to Independent or nominated members. In Uganda, as pointed out earlier, any member of Parliament who leaves the political party of which he stood as a candidate for election to Parliament and remains in Parliament as an Independent member shall vacate his seat.

In Zambia, if an Independent member joins a political party, he automatically loses membership. Cases where members have changed their party or Independent status are dealt with by the Standing Orders Committee whose report is submitted for adoption by the House.

In Zimbabwe, however, Independent and nominated members of Parliament are not debarred from joining a political party of their choice after election or nomination.

Expelled members

The position with regard to members who have been expelled from their original political parties differs from country to country. The anti-defection law in India does not state the position and status of the members who are expelled from their political parties. Such a member, however, continues to be a member of the House and is seated separately from the bloc of seats earmarked for his original political party. In Bangladesh, if a member is expelled from his political party, the 'dispute' is referred to the Election Commission whose decision is final and no appeal can be made against it. In Lesotho, in case a member is expelled from his political party, he is not disqualified from the membership of the House. He continues to remain a member of the House belonging to the same party but is seated separately in the House as is the case in India. In Belize and Guyana, the Constitution does not have any provisions dealing with the members expelled from their parties. In Malawi, a member who is expelled by his party for reasons other than crossing the floor does not lose his seat. He remains a member but sits on a row of seats reserved for Independents. In Mozambique, if a Deputy is expelled from his party, he keeps his seat and status as Deputy of Parliament for the full tenure of the Legislature as a representative of his voters.

In New Zealand a member's seat falls vacant if he is expelled from the membership of his political party. In Sierra Leone, the practice is that when a member is expelled from the party, the Speaker sets up a committee which enquires into the matter and reports to the Speaker and the Speaker takes a view in the matter. The Speaker's decision is however appealable in a Court of law. In Singapore and Sri Lanka, if a member is expelled from his party, he will loose his seat in Parliament. In Zambia, where the Speaker receives intimation from a political party regarding the expulsion of a member from the party, he has the mandate of the law in such a situation to inform the President and Electoral Commission that a vacancy has occurred in the membership of National Assembly.

Exempting the Presiding Officer

In order to facilitate the neutrality of the Presiding Officers, they need to be exempted from the rigour of the law if they sever their political connection with the original political party. Under the anti-defection law in India, a special provision has been made in respect of Presiding Officers and Deputy Presiding Officers which enables them to sever their connections with the political party they originally belonged to, without incurring any

disqualification. They can rejoin the political party after laying down the office. Under the relevant law in Bangladesh, Guyana, Nigeria, Singapore and Sri Lanka no such provision for exemption is available to the Speaker or Deputy Speaker. In Belize, the Speaker is also subject to disqualification as a member of the House of the Representative by reason of crossing the floor. In Kenya, exemption is given to any member who is elected as Speaker and he does not attract the provision relating to the law in this regard. In Mozambique, the Speaker and the Deputy Speaker of the Assembly are not required to exercise any impartiality or dissension from the political parties they belong to. Further, they have the right to vote, which in principle, would be effected in compliance with the party through which they were elected. In New Zealand, Presiding Officers (unless originally elected as independent members) are not treated differently from other members of their parliamentary party. In Zimbabwe, the question of defection or change of party affiliation in the case of the Speaker does not arise because the Speaker is not a member of the Assembly. Article 69(1) of the Constitution of Zimbabwe provides that there shall be a Speaker of the National Assembly who shall be elected by the members of the Assembly from among persons who are qualified to be elected as members of the Assembly but are not members of the Assembly.

Presiding Officer as Deciding Authority

While in several Parliaments Presiding Officers are competent and the final authority to take a decision with regard to defection cases, in some countries an appeal can be made to the Court or the Election Commission. The position in India is that the question as to whether a member of a House of Parliament or a State Legislature has become subject to disqualification is determined by the Chairman or the Speaker of the respective House. The Presiding Officers, however, cannot take any initiative suo moto. It has to be on the basis of a petition to be filed by a member. Where the question is with reference to the Chairman or the Speaker himself, it will be decided by a member of the concerned House elected by it in that behalf.

Although the anti-defection law in India envisaged that no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under the law, the Supreme Court of India has held this provision, which bars the jurisdiction of courts in such matters, as ultra vires. Hence, members on many occasions have moved the concerned courts challenging the orders of the Speaker. The court's judgments have been implemented also.

In Bangladesh all the decisions given by the Election Commission shall be final and no provision for appeal lies against such decisions. However, unlike in India, in Bangladesh any person or a member can bring the dispute to the notice of the Speaker. The Speaker then prepares a statement containing all details and sends it to the Election Commission.

In Belize the Speaker is competent to take decision in cases relating to floor crossing. However, the decision of the Speaker is appealable in the Supreme Court. In Lesotho, a question regarding disqualification of members under the anti-defection law is taken up by

the Presiding Officer suo motu. In Malawi, the practice that has developed over the years is that the Speaker's decision is preceded by a motion from another member. The Presiding Officer cannot act unless there is a motion for the removal of a member. In Mozambique, the loss of the mandate of the deputy is declared by the Standing Committee, which should be announced in the plenary and published in the Government Gazette. It is upon the Standing Committee to discuss the sanctions in consultation with the Chief Whip of the bench the deputy belongs to. The same law ensures that the sanctions are preceded by a set of instructions and guaranteeing the right for the deputy to protest his or her innocence. Further, it provides the choice to appeal against the sanctions for the plenary within 8 days after notification.

In New Zealand, the Speaker acts only upon a written notice received either from the member himself in case of his resignation from the parliamentary membership of a party or from the parliamentary leader of a party in case of member's expulsion from that party. The Speaker cannot raise the issue on his own initiative. In both the eventualities, the Speaker is concerned only with whether a notice in the correct form has been given. As advice in the case of resignation can only come from the member himself, there is unlikely to be any conflict. In the case of expulsion, the Speaker has no power to review a parliamentary party's decision to expel a member. However, a member can only be expelled if at least two-thirds of the parliamentary members of the party support the member's expulsion. In Singapore, the Constitution gives Parliament the power to decide any question relating to the disqualification of a member. The decision of the Parliament in such cases is final.

In South Africa, a member could resign from a party to form another party by written notification to the Speaker of the Legislature. A "new" party within the Legislature which had not been registered in terms of applicable law needed to formally apply for registration within the window period. Registration of the "new" party needed to be confirmed by the appropriate authority (i.e. the Independent Electoral Commission) within 4 months after the expiry of the window period. Within 7 days after expiry of the window period, the Speaker would publish in the Gazette details of the altered composition of the Legislature. Where applicable, a party is required within 7 days after the window period to submit to the Secretary of the legislature a new list of candidates.

In Sri Lanka, there is no provision to enable a member to file a petition for disqualification against another member. Similarly the Presiding Officer has no authority to take up a matter relating to defection. However in case of the expulsion of a member, his seat shall not became vacant if prior to the expiration of one month he applies to the Supreme Court by petition in writing, and the Supreme Court upon such application determines that such expulsion was invalid. Such petition shall be inquired into by three Judges. If the Supreme Court determines that the expulsion was valid, the vacancy shall occur from the date of such determination.

Time Limit

Under the anti-defection law in India, no time limit has been stipulated for deciding the cases relating to defection. There is a feeling in some quarters that there should be a reasonable time frame within which decisions under the anti-defection law should be given.

Unlike in India in Bangladesh, the Speaker shall, within thirty days after a dispute has arisen, prepare a statement and send it to the Election Commission to hear and determine the dispute. Where a dispute has been referred to the Election Commission by the Speaker for hearing and determination, the Commission shall, unless it is of opinion that a reference on any point regarding the dispute is required to be made to the Speaker, communicate, within fourteen days of the receipt of the statement, the statement to the parties to the dispute asking them to submit statements in writing, if any, on the dispute within such time as may be specified by it. The Election Commission decides the case and communicates its decision within one hundred and twenty days of receipt of the statement. The decision of the Election Commission is final and no appeal lies against such decision.

The position in Belize is that where a person is subject to disqualification for crossing the floor, the Leader of his party in the House of Representatives shall, within seven days of such crossing of the floor, notify the Speaker in writing of such member crossing the floor. Upon receipt of the notice the Speaker shall, if satisfied, make a declaration at the next sitting of the House of Representatives after receiving the notice that the member has ceased to be a member by reason of crossing the floor. The member may, within twenty-one days of making the declaration by the Speaker regarding disqualification, appeal against the declaration to the Supreme Court whose decision on the matter shall be final.

In New Zealand, when a member is expelled he is given twenty-one working days time to respond and after considering the response (if any), at least two-thirds of the parliamentary members of that party shall agree that the leader should give notice to the Speaker that the member has been expelled from the party.

In Sri Lanka, where a member of Parliament ceases by resignation, expulsion or otherwise, to be a member of a recognized political party or independent group on whose nomination paper his name appeared at the time of his becoming such member of Parliament, his seat shall become vacant upon the expiration of a period of one month from the date of his ceasing to be such member.

As mentioned earlier, in Trinidad and Tobago, a member who has been declared as having resigned from or expelled by the party, has a right to institute legal proceedings challenging his resignation/expulsion. However, if within 14 days of such a declaration by the Speaker, the concerned member does not challenge the allegation of his resignation or expulsion, he shall vacate his seat at the end of the said period of 14 days.

If within the stipulated period of 14 days, the concerned member institutes legal proceedings challenging his resignation/expulsion, he is not required to vacate his seat until – (i) the proceedings instituted by him are withdrawn or (ii) the question has been finally determined by a decision upholding the resignation or expulsion.

Stability vs Accountability

Instability in governance brought about by defection is usually a cause of great concern. There are numerous instances where governments have fallen due to political defections.

In United Kingdom, in 1886, there was a mass defection from the Liberal Party. Joseph Chamberlain was strongly opposed to the Irish Home Rule Bill and he crossed the floor along with 93 other Liberal and Whig MPs. The defectors formed an independent group called the Liberal Unionists, but they voted with the Conservatives. The Home Rule Bill was defeated at the second reading stage and the Gladstone Ministry had to resign. To cite one more instance, in May 1976 the Labour Party lost its majority in the House of Commons, which was not only due to by-election defeats but also due to one member changing party.

In Bermuda, where there is no provision in the law or in the rules of the House of Assembly concerning political defections, in 1998, the government lost its majority when a member crossed the floor of the House and took a seat on the Opposition side. This led to dissolution of the House and the general election.

In Grenada, there have been a few instances of members of the House, after being elected, deciding to change party affiliation. In the 1995 general election, the National Party (N.N.P) won 8 of the 15 seats in the House. The Grenada United Labour Party (G.U.L.P) won 2 seats and the National Democratic Party (N.D.C) won 5 seats. The 2 GULP members later formed an alliance with the NNP. The relationship did not last the term because general elections were called 18 months early when one of the original National Party member decided to leave the party.

In Kenya also, alarmed at the incidence of political defections the government necessitated the initiation of legislation to curb defections. The law on defection was, therefore, enacted on 28 April 1966 by an amendment to the Constitution.

The magnitude and severity of this problem in Nauru are such that there have been thirty-five censure motions in the last twenty-seven years. Out of these, motions were carried successfully in the Parliament on 18 occasions, resulting in the removal or resignation of the Presidents and the Cabinets on all these occasions.

New Zealand, which enacted its anti-defection law in 2001, had also experienced shifting of party allegiance by legislators.

In Sri Lanka, defections have taken place on several occasions over the years. On two occasions they even led to the fall of the governments. In 1964, a group of government members crossed over to the Opposition and in 2001, 13 Government members crossed over to the Opposition. On both the occasions the governments collapsed.

Such instances have necessitated enactment of anti-defections laws in many countries. However, while stability of the government is important, equally desirable is its accountability to the House which consists of members who in turn are accountable not only to their political parties but also to the electorate. It is against this backdrop that anti-defection laws should aim to harmonise the need of stability of the government, with the need to ensure executive accountability to Parliament and party discipline amongst members and protect the members' right to freedom of speech and expression in Parliament.

Conclusion

Anti-defection laws in the Commonwealth are evolving, and dynamic as can be seen from the above discussion. In India, the anti-defection law as enacted in 1985 succeeded to some extent in checking the menace of defections. The Constitution (Ninety-first Amendment) Act, 2003, which has omitted the provision regarding split has also effectively put an end to the unhealthy practice of engineering split for facilitating backdoor merger with another party on the strength of one-third members of a legislature party instead of the required strength of two-third members. This, it is hoped, will go a long way in curbing defections. The other provisions of the recent Act viz. placing a limit on the number of Ministers in the Council of Ministers and debarring a defector from holding the office of Minister or any remunerative political post for the specified period will not only check the evil of defection but also facilitate stability of the government.

It augurs well that while many Parliaments have addressed the issue with the help of parliamentary customs and conventions, some have passed laws and framed rules to cope with the issues relating to changing party affiliation by members. The governing principle should be to harmonise the need for party discipline and stability of governance with the democratic right of members to express their views and ensure executive accountability."

Mr Ian HARRIS, President, thanked Mr MALHOTRA for his communication. He said that Papua New Guinea had not yet replied, but that it did have an Anti-defection law. He noted that Mr MALHOTRA referred to "wakka" jumping. The President explained that in New Zealand , a " wakka " was a Maori canoe. He said that in New Zealand members would be expelled from Parliament not only for voting against their party, but also for abstaining without authority. He said that this was because of the electoral system there.

Mr Hans BRATTESTÅ (Norway) said that defection or floor crossing was rare in Norway. Members were elected for four years and Parliament could not be dissolved. So sitting in Parliament was both a right and a duty, unless a member became an employee of the government or lost his or her civil rights. Membership of Parliament was unaffected by the loss of party status. This had happened in Norway, and it had a minor impact on the financial situation, since there were allowances paid to particular party groups. It might also affect speaking rights of a member as these were divided by the size of party on a pro rata basis. Independent members had precedence in speaking in debate. There would be no impact on seating arrangements.

Mr George CUBIE (United Kingdom), thanked Mr MALHOTRA for a very clear exposition of what might seem a Draconian law, but which had arisen from political necessity. The British experience was based on a long tradition of political action. In fact, in recent years removal of the party whip had become something of a national sport. He noted that the Labour government which fell in 1979 had involved a vote of no confidence at which a famous Independent Member of Parliament had come to abstain in person. The Standing Orders of the House of Commons had very few references to political parties, which echoed Hans BRATTESTÅ's point about members.

Mr Mamadou SANTARA (Mali) congratulated Mr MALHOTRA on his communication. He said that Mali had no Anti-defection law. He noted that page five of the Communication indicated that few Commonwealth countries had no Anti-defection law. He asked whether this was a problem association with the Westminster system.

In Mali there was a presidential system with "rational parliamentarianism". Crossing the floor did not affect the Government. All Deputies were Deputies of the Nation. If they quit their parties any impact was confined to the career of the particular Member of Parliament.

Mr G. C. MALHOTRA (India) entirely agreed that the Anti-defection law was a product of the Westminster system. It was based on the balance of convenience. One way of modifying the impact of the law was to allow a split, so that if a third or more of Members left their party then they were allowed to set up a new party. This provision had been in force in India, but it had been open to abuse and so it had had to be removed from the Constitution. Essentially, a balance had to be struck between the right to freedom of speech and voting on the one hand and on the other hand the need for stability in government.

Mme Corinne LUQUIENS (France) noted the interesting contribution from Mr MALHOTRA. She said that in France such legislation would be contrary to the Constitution. Members of Parliament were elected by majority ballot and their election was a personal one rather than based on their party. Once elected, they were free to vote as they saw fit. There was no clear match between political parties and groups in Parliament. Of course, if members changed their party then they did that at their own peril.

Mr Owansango DAEKEN (Gabon) thanked Mr MALHOTRA for his interesting Communication. He said that in Gabon the Anti-defection principle was in the

Constitution. Article 39 laid down that if a party member was expelled from his party his seat in Parliament would be vacated and there would be a by-election within two months. This provision had been inserted because it was seen that floor crossing had become a common practice. A large number of party members had rebelled and this had created political instability. Therefore the various parties agreed that stability should take precedence over the right of Members of Parliament to remove their support.

Mr Ian HARRIS, President, intervened and announced that two members had been nominated for election to the Executive Committee. The two nominees were:

Mr Arie HAHN, Secretary General of the Knesset of Israel and Mr Hafnaoui AMRANI, Secretary General of the Council of the Nation of Algeria.

Therefore no election would be needed. Both members were automatically elected to the Executive Committee. The third vacancy for membership of the Executive Committee would be dealt with in Geneva and he noted that a further vacancy would arise which would be dealt with in the Philippines in 2005.

Mr Joao Viegas Vilhete D'ABREU (Portugal) said that the law in Portugal was very clear. If a member of Parliament made any voluntary change in his or her membership of a political party then his or her mandate as a Member of Parliament was lost. However, if the Member was expelled from the political party then he or she did not lose their mandate as a Member of Parliament. That mandate was personal.

Mr Shahid IQBAL (Pakistan) said that the Anti-defection clause had arisen because of serious experience in political life. He referred to the recent election in 2002 as a result of which there had been no clear majority in the Lower House. Problems had arisen because various factions of the party groups had been elected under different party symbols. The matter had been referred to the courts and to the Election Commissioner. It was ruled that the rule against defections only applied in the case of Members of Parliament who left a party to join the government party. This did not affect the freedom of speech in debate.

Mr Ian HARRIS, President, thanked Mr MALHOTRA for his contribution.

3. Communication from Mr Hafnaoui AMRANI on Performing the Duties of Secretary General in a Country facing Physical Challenges such as Earthquakes

Mr Ian HARRIS, President, invited Mr Hafnaoui AMRANI to present his communication.

Mr Hafnaoui AMRANI spoke as follows:

"The Parliament, as an official institution, is, following the example of the State's

structures, concerned with all questions related to the country's national life.

This obvious fact is more and more faced, as regards the nature of the missions of the Parliament, on the basis of its place as well as its role as part of the country's institutional system.

In effect, this institution representative of the citizens in their different political, social and cultural components should be willing to listen to their legitimate aspirations and preoccupations.

As an example, however, the Parliament was fully involved in the recent catastrophes witnessed by our country.

It is worth recalling in this regard, that within two years, our country witnessed two major natural catastrophes (10.11.2001 Bab El Qued Flood, as well as 2 1.05.2003 earthquake) which have caused considerable human as well as material losses, for both the population and the national economy (see table below).

	Human Losses	Injured	Disappeared	Material Losses
Bab El Oued Flood	763	423	126	295 Million Dollars
Boumerdes Earthquake	2268	11455	----	5 Billion Dollars

Before these tragic events, the Parliament has taken a series of measures to contribute in facing the effects as well as consequences caused by these catastrophes.

This multifaceted contribution was made under the conduct of the Parliament Secretary General, and consisted, mainly, in a series of emergency measures taken in such a circumstance.

I - Emergency Measures Taken by the Parliament:

As soon as the above-mentioned catastrophes were announced, the Parliament decided on the following emergency measures.

1.1 Setting up of an Emergency Committee: composed of the Parliament civil servants and headed by the Secretary General, the main missions of this committee are to:

- make contact with the Parliamentarians and civil servants resident in the zones hit by the catastrophe.

- collect all the information related to the catastrophe: zones hit, extent, first assessment of the human and material losses, etc;

1.2 Meeting of the Parliament's Bureau: notably with a view to:

- communicating and exchanging information about the catastrophe;

- setting up a follow-up commission about the situation. Composed of Parliamentarians and civil servants, this commission is mainly in charge of enquiring about the event in question and permanently collecting all information related to the catastrophe, notably the extent of the losses caused, the consistence of first aid set up with the needs required.

1.3 Collaborating with Governmental Authorities.

Within this framework, Parliamentarians and civil servants from the Parliament have been designated in order to strengthen the National Emergency Committee set up at the level of the Prime Minister's office and in charge of following-up the development of the situation in the catastrophe-hit zone, monitoring and coordinating aid actions and assistance at the national as well as international levels.

1.4 Displacement Activity of the Following-up Emergency Committee in the Catastrophe-Hit Zone: this action aims notably at:

- assessing the catastrophe extent, the losses caused, operations procedure, their organization, and their consistence.. .etc;

- enquiring about the Parliamentarians and civil servants~ as well as about the losses experienced, possibly, by their families, houses, possessions and properties.. .etc;

II - Role of the Parliament's Secretary General in Managing the Catastrophes

Given his position in the hierarchy of the Parliaments functions, competence as well as his capacity of hierarchical official in charge of the administrative and technical structures as a whole, the Secretary General has a predominant role to play as far as every internal or external action taken or intervention made by the Parliament is concerned.

Therefore, during the last natural catastrophes known by our country, the Parliament's Secretary General has been a key element in the assessment, coordination and follow-up of actions and measures taken by the Parliament, as part of his contribution to the national effort to face the catastrophes in question.

Within this framework, the Secretary General has mainly set up the following:
- the Parliament's Chairman and Parliamentarians information channel on all catastrophe aspects (extent, zones hit, losses, aid state, development of the situation... etc);

- the coordinator among the various contributors in caring for following-up the situation, notably between the national emergency committee and the local emergency committee (composed of parliamentarians and civil servants from the Parliament);

- the Parliament's authority for mobilizing human and material means as well as following-up the implementation of the Parliament's contribution in such a circumstance;

For that purpose, the Secretary General role consisted mainly in:
- gathering all the information related to the catastrophe in order to tally with and send to the parties concerned;

- assessing the catastrophe extent and the losses caused (human losses, material losses… etc.);

- assessing the actions and means set up by the Government and specialized bodies, (such as the Croissant Rouge Algerien — Algerian Red Crescent) to face the situation generated by the event (distress and panic within the population, aid and interventions emergency…);

- assessing the needs, material and human needs necessary to provide aid for the populations hit by the catastrophe.
- mobilizing the Parliament's human and material means.

III- The Parliament's Contribution in the field of Managing and Preventing against Catastrophes

The Parliament has, in its capacity of legislative power authority, as part of its constitutional competence and respect of the principal of separation of powers, contributed efficiently in managing and preventing against catastrophe risks.

This contribution ranged over aid provision and intervention, prevention as well as legislation.

a. <u>at the level of aid provision and intervention</u>

Given their capacity of local representatives, and consistently with their obligations, including the moral obligations, to be ready to listen to the citizens aspirations and complaints, the Parliaments members, individually or collectively, have taken actions and initiatives aiming at consolidating and reinforcing aid and assistance at the local as well as national levels.

In this regard, they notably endeavoured to:

- open local permanently manned offices in charge of coordinating donations collection, aid and assistance;

- contribute, in relation with the competent authorities, in organizing and reinforcing aid and assistance at the local level by mobilizing the citizens and militants;

- participate in organizing the collection of material and financial aid and assistance;

- contribute financially on their equity capital as well as on the capital of the party they belong to;

Furthermore, the Parliament, as part of regional and international inter-parliamentary relations, has taken actions to heighten foreign parliaments awareness and mobilize them to make their contribution, provide aid and assistance in such a circumstance.

b. at the level of financial contribution

In the framework of the national solidarity in benefit of citizens hit by the natural catastrophe the Parliaments members and civil servants have contributed financially to the national effort of help and assistance towards these catastrophes victims. This contribution has mainly consisted at the payment of a part of their parliamentarian indemnities or their wages to the effected persons profit.

c. at the level of prevention

Given its constitutional purpose and competence, as a legislative authority, the Parliament has taken, since the occurrence of these catastrophes, diverse actions of prevention against such risks.

These actions were mainly construed by making recommendations aiming at reinforcing and improving the legislative system in force as far as construction, urbanization, environment and control are concerned, with a view of providing for and including norms, rules and measures of security and prevention against natural catastrophes.

Furthermore, the Parliament, as part of its activities of popularizing and reinforcing the parliamentary culture, organized on the 22nd September 2003 a conference on major risks in Algeria: problems and perspectives.

This action aims at heightening the awareness and informing the parties concerned as a whole about the question, on one hand, and to make a veritable diagnosis on the status of the legislative and statutory system in force as well as to make the recommendations deemed necessary in this regard, on the other hand.

d. at the level of legislation

As part of its constitutional competence, the Parliament has adopted a bill on special measures applicable to those who disappeared following the earthquake of the 21st May 2003.

This text aims at facilitating the actions and procedures in favour of the families of those who disappeared following this earthquake.

For that purpose, this new law has set a maximum 8 month time limit to certify that the disappearance and death have occurred, instead of the 4 years set before.

Furthermore, it sets the time limits within which the courts should deal posthaste with the files of the disappeared and indemnify their families, and guarantees the coverage of legal aid as part of the procedure set in this regard."

Mr Ian HARRIS, President, thanked Mr AMRANI for his communication.

Mr Arie HAHN (Israel) said that it was essential that a Parliament should be able to continue is with its work, even after a catastrophe. In Israel were to secondary meeting places -- one in Jerusalem, one outside the town -- which could be used to within eight to 12 hours notice. In addition, Parliamentary work was systematically duplicated and the copiers were stocked in protected places.

Mrs Marie-Andrée LAJOIE (Canada) as a result of concerns arising from IT systems and the year 2000, on one hand, and a series unprecedented changes in the weather (snowstorms) on the other, a programme called Business Community Management had been started in Canada under which disaster planning had been undertaken, which included the possibility from the summer of 2004 of establishing an alternative Chamber with the shortest possible notice period.

All departments - in particular, the IT services - had been made aware of problems related to continuity of activity. Departments had been invited to establish a list of potential risks, to evaluate their probability and to prepare, in each case, a proper response strategy.

Mrs Heather LANK (Canada) said that similar arrangements had been made in the Canadian Senate: alternative buildings, plans to safeguard data, etc. This had led to a useful period of reflection on what was considered as essential to the activities of the Chamber, as opposed to what was of secondary importance.

Mr Tom DUNCAN (United States) said that there had been similar thinking in the United States, in particular in relation to the possibility of major natural catastrophes or unexpected events.

Mr Mamadou SANTARA (Mali), conveyed to Mr AMRANI the sympathy of the people of Mali for the people of Algeria for the events which they had had to live through. He asked for information on three points: was the crisis group which had been established in Algeria an ad hoc structure or had it been made permanent? What role did the Members of Parliament for the affected regions play? What had been the precise function of the Secretary-General during the events, from the point of view , in particular, of cooperation with the specialist services (civil protection , for example)?

Mrs I Gusti Ayu DARSINI (Indonesia) said that Indonesia had known in the past natural catastrophes, which had been comparable in their scale to those which had affected Algeria. The action taken had been, on the one hand , to finance intervention by allocation from Parliament's own budget and, on the other hand, to set up a temporary committee , which in particular had been able to go to the affected places to establish the scale of destruction.

Mr Hafnaoui AMRANI recognised that the Algerian Parliament had not been prepared for the possibility of the events of that nature and that it had been taken by surprise. In replying to the debate , he said:

- the crisis group had been only ad hoc, and had been active for about four months and then was wound up;

- the Members of Parliament for the affected areas had established local information bureaux is to assist victims, to keep them informed and to coordinate assistance;

- after these events the ORSEC plan had been completely rethought by the Government: years had been acted, for example , the frequent violation of planning rules and the absence of insurance for houses;

- it had been decided the future to create a specific budget line within the Parliamentary budget to deal with the future catastrophes.

4. Communication from Mrs Halami AHMED on the Parliament of the Economic Community of West African States

Mr Ian HARRIS, President, invited Mrs Halami AHMED to present her communication.

Mrs Halami AHMED spoke as follows:

"Mr. President, Fellow Colleagues.

It is a great honour and special privilege to be given this opportunity to address this unique gathering of parliamentary helmspersons from across the globe. To me it provides an opportunity to interact with colleagues from different backgrounds, aimed at understanding the workings of different Parliamentary systems the world over. It also affords me the rare privilege to give a little briefing on the Parliament of the Economic Community of West African States.

In 1975, Sixteen Countries of the West African sub-region namely; Benin Republic, Burkina Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo, came together to form the Economic Community of West African States (ECOWAS). Mauritania later voluntarily withdrew from the Community.

The aim of the sub-regional grouping was the establishment of a free trade area, through the liberalization of trade by abolishing all forms of restrictions to trade in the sub-region. It was also envisaged that at a later date, there will be the adoption of a common external tariff against third countries, hence leading to the formation of a Common Market.

ECOWAS is structured hierarchically, with the Authority of Heads of State and Government

as the highest decision making body, constituting all Heads of State of Member countries. There is also the council of Ministers, consisting of Ministers in Charge of ECOWAS Affairs designated by the Member States.

With constant political instability characterized most of the countries in the sub-region, in the recent past, ECOWAS had to provide for a peace keeping force, as in the case of Liberia in 1990, Sierra Leone in 1997 and Cote d'Ivoire in 2002. The collective efforts of the countries of the sub-region through ECOWAS yielded a lot of dividend that peace was restored in the countries affected.

This and other socio economic and political realities made the West African Integration process highly relevant. Regional integration is undoubtedly the most exciting development in Africa today as African countries increasingly seek common solutions to their common problems. Regional initiatives such as the New Partnership for Africa's Development NEPAD are being developed on the conviction that the advantages of an effectively managed integration present the best prospects for sustained economic growth and poverty alleviation in the Continent.

The establishment of Community structures itself presents a challenge to the process of integration within any region. The Community Parliament is one of such structures, which came about as a result of the need to democratize the process. Currently, the Community has a Secretariat (representing the Executive), the Parliament (the legislature) and the Community Court of Justice (the judiciary). There are other specialized agencies that came about to provide essential services as required by the recurrent needs of the Community. Let me therefore briefly give an account of the nature and function of the Parliament of the Economic Community of West African States (ECOWAS).

The Community Parliament was established by Articles 6 and 13 of the ECOWAS Revised Treaty and was conceived as a forum for dialogue, consultation and consensus for the Representatives of the people of West Africa with the aim of promoting integration. The inaugural meeting of the Parliament was convened by the then Chairman of the Authority and President of Mali, His Excellency, Alpha Oumar Konare in Bamako, Mali, November, 2000.

The Parliament is the Assembly of all the peoples of the West African Sub-Region. The Members of the Parliament are designated "Representatives , reflecting their relationship with the peoples of the Community.

The Protocol relating to the Parliament was signed in Abuja on the 6~ of August, 1994 and entered into force on the 14th of March, 2000. It provides for the structure, composition, competence and other such matters relating to the Parliament.

The Seat of the Community Parliament is in Abuja the capital of the Federal Republic of Nigeria. The Parliament is composed of one hundred and fifteen seats. The Member States are primarily allocated five seats each leaving a balance of forty seats which were share on the basis of population. Consequently, Nigeria has thirty five seats, Ghana, eight seats,

Cote d'Ivoire, seven seats, while Burkina Faso, Guinea, Mali, Niger and Senegal have six seats each. The other counties Benin, Cape Verde, The Gambia, Guinea Bissau, Liberia, Sierra Leone and Togo have five seats each. The number and distribution of seats may however be reviewed by the Authority of Heads of State and Government of ECOWAS either on its own initiative or on the recommendation of the Parliament.

The Parliament is currently on transition and the period of the transition is subject to the approval of the Authority of Heads of State and Governments of ECO WAS. Consequently, the Parliament functions in an advisory capacity and does not presently have legislative powers. Members of the Parliament are also not elected by universal suffrage. The Membership is drawn from Parliaments of Member States, in accordance with article 7 of the protocol. In the present arrangement, the Representatives have a five year mandate, but can be replaced by their respective States where they are not re-elected to their national Parliaments.

But in an attempt to ensure that the Parliament attains the level of law making, the Authority of Heads of State and Government of ECOWAS approved that a machinery be put in place for the enhancement of the powers of the Community Parliament and on the elections of its Members by direct universal suffrage. Already series of meetings and consultations are ongoing and a decision of the Authority of Heads of State on the matter is expected in December, 2004.

The Parliament has two Ordinary Sessions every year, which are convened by the Bureau. Each Session cannot exceed three months. In practice the Sessions are limited to two weeks each. The first Session is held in May and the second, in the first week of September. The Parliament necessarily adopts its budget for the year during the second session.

Extra-Ordinary Sessions can be held at the initiative of the Chairman of the Authority of Heads of State and Government or at the request of an absolute majority of Members of the Parliament, to discuss a specific agenda. The activity during Sessions is governed by The Rules of Procedure of Parliament. All Sessions of Parliament are held at its seat, unless a simple majority of its Members decide to hold it somewhere else, within the Sub Region.

The incumbent Speaker of the Parliament is Professor Ali Nouhoum Diallo from Mali. The Speaker is elected for the life of the Parliament (5 years) and directs 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.

The Parliament adopts its own Rules of Procedure by a two-thirds majority after which the Speaker initiates the election of other Officers of the Bureau. All matters not provided for in the Protocol establishing the Parliament are determined by the Rules of Procedure.

The principal organs of the Parliament in addition to the Plenary are, The Bureau which consists of six Deputy Chairmen, three Treasurers and six Parliamentary Secretaries and The Conference of Chairmen which consists of the Speaker, Deputy Speakers, Chairmen

of parliamentary groups and Chairmen of Committees.

The Parliament is constituted of 13 Standing Committees to study matters within their competence as stipulated in the Rules of Procedure and as may be referred to them. The official and working languages of the Parliament are English, French and Portuguese.

I was sworn in as Secretary General of the Community Parliament, ECOWAS on the 27th May, 2002 before the Bureau of the Parliament.

The Secretariat of the Parliament is headed by the Secretary General who is assisted by a Deputy Secretary General and Staff as approved by the Bureau.

The main theme of integration is to encourage, foster and accelerate the economic and social development of Member States. This will assist the citizens in reaping the dividends of a united government across West Africa, in terms of peace, security, development, cooperation and integration thereby ensuring that Africa begins to bridge the economic and technological gap with the rest of the world.

ECOWAS Parliament is the expression of the will of the citizens of the Member States of the sub-region to benefit from the dividends of co-operation and integration.

I wish to ask you to join me in prayers for the success of this Community Parliament such that it may fulfill its role in the process of empowerment, self reliance and the practical implementation of integration in West Africa and Africa in general.

Thank you and God bless."

Mr Ian HARRIS, President, thanked Mrs AHMED for her communication.

Dr Yogendra NARAIN (India) thought that the experiment described by the speaker was of great interest and deserved to be repeated. He asked for details on three following points:

How did those people who sat in the Parliament of the CEDEAO and were also elected members of their national parliaments succeed in carrying out their duties in both organisations? What was the legal framework for the CEDEAO -- in particular, was it based on laws agreed by each of the national parliaments? What was the legal status of the staff of the Parliament of the CEDEAO -- were they on attachment from the national parliaments or were they recruited directly?

Mrs Halami AHMED said that the Parliament of the CEDEAO was still a young institution which was developing and which had modest logistic and financial means. She gave following particular answers:

- sessions of Parliament of the CEDEAO and national Parliaments were simultaneous, which was a source of difficulty for those Members of Parliament concerned;

- the legal basis of the CEDEAO was the treaty signed by the 15 States of West Africa, which were ratified by their respective constitutional methods – to which should be added the additional Protocol on the powers of Parliament;

- recruitment of staff was direct, on the basis of merit , but taking into account nationality in order to ensure that all member States were represented. A Central Committee for Recruitment had been established , which hired staff for all the institutions of the CEDEAO.

Mr Haris KARABARBOUNIS (Greece) thought that international Parliamentary assemblies, such as the CEDEAO, played a positive role in favour of democracy and that they should be supported.

Mr Anicet HABARUREMA (Rwanda) said that the experiment of the CEDEAO should probably be followed in other sub regional areas of Africa, but wondered whether the Community did not run the risk of suppressing in the proper area of the Inter-parliamentary Union of Africa (UPA).

Mrs Halami AHMED emphasised that the CEDEAO was a recent Community, the objectives of which were different from those of the UPA. She thought that national parliaments were destined to disappear and be replaced by sub regional Parliamentary authorities.

The sitting was adjourned at 1.00 p.m.

FIFTH SITTING,
Thursday 22 April 2004 (Afternoon)

Mr Anders FORSBERG, Vice-President, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

Mr Anders FORSBERG, Vice-President, welcomed members to the fifth plenary sitting.

2. Communication from Mr Ian HARRIS on the Parliament of Birds

Mr Anders Forsberg, Vice-President, welcomed Mr Ian HARRIS, the President, and invited him to speak about the Parliament of Birds.

Mr Ian HARRIS spoke as follows:

"I have previously delivered a communication, which evolved into a report, on attempts in Australia to improve the public perception of the Parliament. On this occasion, I would like to outline some of the steps being taken by the Australian national parliament to educate its citizens (including its young citizens) on Australia's parliamentary processes.

University visits

One partnership the Australian House of Representatives has been developing over the past three years is with tertiary institutions. It is important for the parliament to connect more effectively with the up and coming talent of our nation and with those who are educating them.

To this end we have established a university lecture program whereby members of the House and senior parliamentary officials visit universities free of charge to provide lectures on the realities of working in today's House of Representatives. The program was trialled with a few universities and proved such a success that it has now been extended to tertiary institutions throughout Australia. Usually the Speaker and the Clerk of the House deliver the talks. A small and manageable number of universities is visited annually.

Internships

The House also participates in an intern scheme, sponsored by the Australian National University. Interns are attached for a short time to the staff of Members and Senators, and

are required to produce a research paper during their internship. On occasion, an intern has been attached to the office of the Clerk of the House. We have also commenced a system of employing a small group of university students on a part time basis to do messenger duties in the Chamber and elsewhere. Our system is based on the very successful Canadian system. So far, one intern has joined the staff of the House, but this is not our principal aim. We draw from a variety of disciplines: science, the arts, forestry etc. Our hope is that Australia's leaders of tomorrow have some understanding of the operation of Australia's parliamentary system.

New technologies

We have made use of new technologies, such as the Internet and digital television, which present even further opportunities to engage with different sections of the community. The Australian Parliament has a comprehensive web-site providing access to most recent parliamentary material. On this site, 'House News' provides information on new developments in the House to back up the information provided to the media. In addition, recent experience in producing a documentary and CD-ROM on the first 100 years of the House, and the large number of orders received for the two products, show that the Parliament presented in interesting ways can capture the public imagination. Production of the documentary and CD-ROM involved collaboration with broadcasting colleagues in the Department of the Parliamentary Reporting Staff; contractual 'partnerships' with the private sector (multi-media company, design company; marketing and distribution companies); and commissioning of original music and actors.[2]

Parliamentary education

The principal means by which we attempt to reach the young people of Australia is by means of the Parliamentary Education Office (PEO). The PEO is located within the Department of the Senate. The House of Representatives provides financial support for the PEO's operations, and the staff of the House have input to quality control, content of programs etc.

Those elected to the Parliament have an input by means of a Presiding Officers Advisory Group, whose membership is made up of Senators and Members, and whose principal function is to advise the President and the Speaker on the operations of the PEO.

The PEO aims to provide a comprehensive service in parliamentary and citizenship education to schools and to assist senators and members to inform constituents about the parliamentary process. It can be seen as working in partnership with teachers to assist students (and teachers) to:

- understand the significance of the Australian Parliament;
- understand how the Australian Parliament works; and
- take an active role as citizens in our democracy.

[2] Details of the CD-ROM and documentary are available from: http://www.houseforthenation.gov.au

The PEO carries out its national role by:

- conducting active learning programs for student visitors to Parliament House. These one hour programs take place in a dedicated venue—the Education Centre—and engage students in role-plays about parliamentary processes and concepts;
- conducting outreach programs for students and teachers in their own classrooms in schools throughout Australia. These programs show how teachers can use the parliamentary process of decision making as a teaching/ learning strategy in the classroom;
- producing and publishing state curriculum based parliamentary education resources for teachers. Many of the resources are published on the PEO website (http://www.peo.gov.au/index.html);
- delivering professional development programs for school teachers, trainee teachers and tertiary and community educators in schools, technical and further education institutions and universities;
- providing fellowships that give opportunities for young professionals including Aboriginal and other community leaders, teachers and journalists to further their knowledge of parliamentary processes;
- conducting a range of special activities and events, including symposiums and Conferences, an annual forum on the subject of the Budget, sessions of the National Youth Science Forum, an Australian Broadcasting Corporation (ABC) radio program for rural youth), the Rotary Adventure in Citizenship, and Talk-back classroom (a program where senior secondary school students interview senior politicians and other community leaders for broadcast on the national ABC youth radio network). Further details are available from the PEO website; and
- maintaining a very useful website.

As would be apparent from this range of activities, the PEO works closely and pro-actively with schools systems, universities and teacher organisations on a number of levels. It seeks to work collaboratively with the relevant professional education networks. The scale of the work is significant and the quality high, and to illustrate this I will refer to three areas:

- services for school groups within parliament;
- a new education resource for primary school students, Cockatoo Island; and
- the PEO's new web site.

Services for school groups within parliament

In recent years, more than 100 000 students have visited our national Parliament House in Canberra each year as part of an organised school group. Based on recent survey data,

this represents more than 80% of inter-state student visitors to the national capital.[3] A comprehensive Visitors' Services Section in Parliament House conducts tours, explains and interprets the Parliament and provides written materials.

The PEO provides Education Centre services for almost 80 000 of the visiting students. Included amongst them are about 16 000 students (from 550 schools) who live a long way from the national capital and whose travel to parliament is partly subsidised under a program called the Citizenship Visits Program. The program is run by the Australian Parliament, and total expenditure last financial year was $1.02 million.

PEO Education Centre services began with the occupancy of the present Parliament House building in 1988. They have evolved over time, and the current programs now include:

- debating a bill role-play (with a choice of five bills for primary, and eight bills for secondary, although others can be used);
- committee of inquiry role-play (with one topic available for primary, and eight bills for secondary, although others can be used); and
- Question Time role-plays.

Importantly, professional educators are involved in delivering the programs. For most visiting student groups, from all states and territories in Australia, the parliamentary education program is linked directly to primary and secondary social science curricula.

External and internal evaluations of the Education Centre program over the period have demonstrated that the program is achieving its aims of encouraging students to become active and informed citizens. Last year, an external evaluation, indicated a 97 per cent level of satisfaction by school groups participating in PEO programs.[4]

Visiting school groups have the opportunity to meet with their elected representatives during their visits to Parliament House. An automated booking system advises members and senators about bookings for schools visiting from their electorates or States/ Territories, and a refinement to the program will allow for an electronic reminder close to the visit. This enables members and senators, if they wish, to make arrangements to meet with the students.

I should also say that all members of parliament in Australia consider visits to schools as among their most important duties. To assist members and senators in this regard, the PEO has produced facsimiles of the Despatch Boxes in the House of Representatives' Chamber, for use as an education resource. The facsimile boxes include a range of parliamentary information, props, photos and other materials for use during visits to

[3] Discover what it means to be Australian in your National Capital: Size and effects of school excursions to the National Capital, 2002, Centre for Tourism Research, University of Canberra, 2003.
[4] Ibid.

schools and other community venues. The boxes are produced in response to orders for purchase from individual members and senators and are sold on a cost recovery basis.

Cockatoo Island

Last year, our Presiding Officers launched Cockatoo Island, an exciting new resource for young school children produced by the PEO.

Cockatoo Island is an imaginary island run by a parliament of Australian birds. Three colourful 'Big Books' introduce students to a diverse and democratic society. Illustrated by central Australian artist Kaye Kessing, they tell the story of how the birds organise life on the island to be fair and tolerant with opportunities for all and the right to be heard. Birds Australia has enthusiastically supported the project, and provided advice which has ensured that the ornithological details in the teaching notes are accurate.

Teachers' 'In-Flight Guides' are provided with background notes about parliament (and the birds), curriculum outcomes, portfolio pages and role-cards. The stories and the activities that go with them have been trialled in schools over the last three years with great success. PEO staff members are now visiting different regions to introduce the resource to classroom teachers.

The Cockatoo Island package is now being sold throughout the country through the publishing firm Thomson Learning. Under the contract, the project has been undertaken at minimal cost to the Australian Parliament. In the five months since publication some four hundred schools have purchased the resource, involving an estimated 40,000 to 50,000 students throughout Australia (and royalty return to the Australian Parliament). Its potential for education programs in other parliamentary democracies is already being tested, successfully, in South Africa, using South African birds. Details about how to order the product are available from the PEO website. Information about intellectual property and any adaptation of the concept are available from the author, PEO staffer, Ali Garnett.

Studies of citizenship education have concluded that it is not what we teach in schools but how we run them that determines whether students will emerge as active, participating citizens.[5] The Cockatoo Island resource is a significant addition to the resources available to teachers to encourage their students to develop concepts of democracy. It complements a major curriculum initiative in the late 1990s by the Australian Government entitled 'Discovering Democracy'. The Cockatoo Island project demonstrates that innovative programs are the key to engaging young people's interest in the parliament.

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[5] Senator the Hon. Margaret Reid Taking Parliament to the People and Bring People to the Parliament. Paper presented to 30th Conference of Presiding Officers and Clerks, Fiji, 16-24 July 1999, p 11.

Parliamentary Education Office Website

The PEO website has recently been redeveloped. The site continues to provide comprehensive, accurate and useful information on PEO programs, activities and events and a range of resources for teachers, primary and secondary students and internet resources. (For example, it includes photographs and other materials that students can download for their school projects). The site is logically structured, visually appealing, easy to navigate and easy to use.

As a new development, the site also now includes an interactive sub-site for upper primary students, called Kidsview, which includes a number of features designed to interest children.

Content is arranged across five main themes: Representation, Law-making, Democracy, Parliament House and Parliamentary Artefacts. Kidsview includes complementary teaching material for teachers and parents. It links directly with State and Territory social science curricula, assisting teachers, parents and students in achieving curriculum outcomes.

Comment

Australia's experience with the PEO demonstrates that a relatively small group of professional staff dedicated to the task of parliamentary and citizenship education for schools, can make a significant contribution. We consider the investment to be both important and necessary to contribute to the task of sustaining our system of parliamentary government.

I would be interested to learn of the experience of other legislatures in introducing young people to the operation of their parliaments.

Mr Anders FORSBERG, Vice-President, thanked Mr Ian HARRIS for his contribution and invited members to put questions to him.

Ms Heather LANK (Canada) thought that the Parliament of Birds was a fantastic tool. The view in Canada was that it was important to get to people before they had learnt to be cynical about Parliament. She asked what age group was best to focus on.

Mrs Helen DINGANI (Zimbabwe) said that the presentation tied in with the earlier debate on Parliament and the public. Many southern African countries would use animals other than birds, but nonetheless she had had talks with the Ministry of Education about similar projects. They were thinking mainly about aiming at secondary schools. She noted that internships for university students were well-established , but they tended to be less successful.

Mr George CUBIE (in United Kingdom) thanked the President and congratulated the Australian Parliament on this initiative. The House of Commons and the House of Lords were doing similar work , but they had nothing so dramatic as the Australian initiative. He

had been talking to a Member of Parliament who had commented to him that it was very effective when talking to schools in her constituency when she spoke about her work in post-conflict areas. He noted that the facilities of the Education Unit were vastly oversubscribed. One of the constraints on doing more was that there was no dedicated space for lectures and teaching. He would like to know how much resources the Australian Parliament had given to this. A web site had been established to help virtual visitors to Parliament. There was acute consciousness in the UK Parliament that the level of public awareness of the work of Parliament was a very low. Given that in the United Kingdom there was a tight educational formula it was not easy to find space in the curriculum for Citizenship Studies. He asked what staff resources had been devoted to the Australian project. He also wondered if it was possible to know more about the interface with universities.

Mr Carlos HOFFMAN CONTRERAS (Chile) congratulated Mr HARRIS on his presentation. The Chilean Parliament was just starting up a programme to improve the relations between the Senate and civil society. It was very tempting to borrow the method which he had just demonstrated. He asked what the intellectual property rights were in this concept.

Mr Petr TKACHENKO (Russia) thanked the President for his presentation. He asked how long the programme had existed. If it had existed from long time, how had the destiny of the children who had been through the programme been monitored? He wanted to know whether they tended to become officials or politicians. He also asked how the mass media involved themselves in such initiatives.

Mrs I Gusti Ayu DARSINI (Indonesia) said that there was a system in Indonesia for giving some education to visitors to Parliament. She asked what topics were chosen for lectures to students about Parliament. She asked how students' activities were paid for.

Mme Hélène PONCEAU (France) congratulated Mr HARRIS on his presentation. In both the National Assembly and the Senate in France there were special departments for education. They produced more austere documents than the one that had been demonstrated. They did not try to amuse as well as to educate. Nonetheless, there were some cartoon documents produced which were quite popular. There were some plans to introduce games and role-play. In addition, in France a Parliament was held for children. Despite the best intentions, all these instruments probably did not reach young people as much as they should. The difficulty in France was producing material in a light-hearted way was the risk that parliamentarians might think that they were being held up to ridicule.

Mr Pitoon PUMHIRAN (Thailand) said that cartoon material was produced in Thailand about the role of parliamentarians. In addition, seminars were held for secondary school children.

Mrs Lulu MATYOLO (South Africa) said that in South Africa the Public Education Office educated the public about their rights under the Constitution. It focused on rural women and on children. It produced reading material. It also produced educational material for use in schools. In addition, an interschool competition was sponsored with the winners arriving to debate in Parliament itself. Recently, some schools had established shadow

Parliaments. One school even had an annual appropriation debate. For financial reasons , there had been some limits set to this competition. Further, a system had been introduced whereby some schoolchildren shadowed particular ministers. The three universities around Cape Town sent students to Parliament on attachment.

Dr Yogendra NARAIN (India) thanked the President for his contribution. He had heard the presentation in Canada at the Speaker's conference. There had been widespread interest in the initiative described. He noted that in India Youth Parliaments were held. This initiative was being extended throughout states and provinces. In order to celebrate the 200th session of the Upper House a special seminar had been held on the role and relevance of the Upper House. This had been very useful and a lot of Members and former Members had attended. A web site had been established, which was a useful tool for interacting with the public. He would have thought that secondary school and university students were a better level for a target audience.

Mr Brissi Lucas GUEHI (Cote d'Ivoire) thanked the President for his presentation. He was very impressed. In Cote d'Ivoire there were also mock Parliaments. He had organised a mock Parliament for secondary school and university students. However, resources were limited. He would like to have someone deal with mock Parliaments on a permanent basis. These activities could create a sense of patriotism , which was very useful at the present time of crisis in Cote d'Ivoire. He asked whether the material shown could be used in Cote d'Ivoire.

Mr Hans-Peter GERSCHWILER (Switzerland) said that he was very favourably impressed by the Australian experience. He said that in Switzerland about 10 years previously all secondary schools had had material sent to them. Teachers had been invited to Parliament and had held a mock Parliament. The squeeze on resources had meant that there had been a change of approach towards interactive aids on the Internet. A web site had been set up. It was now possible to help teachers more systematically.

Mr Seppo TIITINEN (Finland) said that the most innovative point had been the enlargement of the target group to include very young children. He said this raised one question: what educational research had been carried out before the system had been set up and what the results were of that research.

Mrs Marie-Francoise PUCETTI (Gabon) congratulated Mr HARRIS on his presentation. She said that she also had organised mock Parliaments, which followed the session of the real Parliament. There was also an organised programme to host children visiting Parliament.

Mr Hans BAKKER (Netherlands) said that the Dutch Parliament had been looking for a good educational concept for children in the 12 to 16 age range. Each year in the Netherlands a mock Parliament was held which involved about 200 children, who were invited to debate in Parliament. The real Speaker chaired the mock Parliament and ministers attended. He noted that in Denmark and Norway excellent mock Parliaments were held, but that this was very expensive. He asked about the cost of the Australian initiative and whether it would be possible to copy that concept.

Mr Vergara BENJAMIN (Mexico) congratulated Mr HARRIS on his contribution. In Mexico a mock Parliament had been held involving boys and girls. Presentations and Communications had been made and there had been debates. About 300 children had taken part. Brochures and books were given out to children who participated. In 2003 a parallel election had been held by children.

Mr Anders FORSBERG (Sweden) said that in Sweden the Youth Parliament had been held. This had discussed drug trafficking in advance of the real debate in Parliament. The results of the children's debate informed the debate in Parliament. The regional press gave good coverage to the children's Parliament.

Mr Mohamed Salifou TOURÉ (Guinea) thanked Mr HARRIS for his presentation. He said that he was a teacher by training and hoped that the document would be translated into French and published more widely.

Mr Ian HARRIS, President, thanked his colleagues for their kind attention. He noted that his contribution might well have formed part of the Tuesday's debate. Mrs Lank had talked about getting to children before cynicism set in. Like Mr TOURÉ, originally he had been teacher and this initiative had been aimed at children who were at a vital age. The concept tried to create an understanding of the principles of parliamentary democracy which would last throughout the children's lives.

As far as staff resources were concerned, not a great deal was needed. The initiative was run by the Education Office, which had a staff of six people. The biggest resource was involved in training the teachers who are acting as guides for the children.

There was also a programme of interfacing with universities. The students who were visited were very lucky. The Speaker of the House of Representatives and he went under the Chatham House rule, i.e. , nothing that was said in the room was repeated anywhere else. He had been struck by the conservatism of university students. Out of 2000 students who had taken part in this exercise there had only been one rebel, and he had been dealt with within the group of students.

The cost of this exercise was not great. It was absorbed within the budget of the Senate and the House of Representatives. Much of the expenditure had been recouped from royalties received. He hoped that it would work elsewhere. The main aim was not to raise money! He had not selected the animals illustrated , but it had been thought that birds were less fearsome! He hoped to share this programme as much as possible

Mock Parliaments were a very good idea. But very often mock Parliaments emphasised conflict between political groups. He thought that the type of training represented by the Parliament of Birds went against the TV short slot approach , which only showed the conflict at Parliamentary Question Time.

He emphasised that the initiative had only been going for one year. He still had to evaluate its impact. He noted the contribution of Mme PONCEAU and affirmed that it was

necessary to make sure that Members of Parliament were happy with the way in which Parliament was presented. He said that Members of Parliament in Australia were happy with the association of the Member for rainforests etc.

Mr PUMHIRAN had noted the Thai experience, and it was clear that the Thai sense of fun informed their approach. He was happy to share the concept with South Africa. It was important to remember that children no longer used books exclusively , but also relied on videos for education. This needed to be remembered when building such programmes. The research on which the programme had been based was centred on the wildlife which was featured in the video and had been carried out by senior Parliamentary staff. Feedback was being received from teachers about what part of the programme worked. It was interesting to hear that children paralleled the real debate in Parliament in Sweden, as well as having committees chaired by real members.

Mr Petr TKACHENKO (Russia) said that Mr HARRIS had raised an important subject. There were two goals: the first was to educate children from the earliest stage; the second was to get the brightest children to work in the civil service. He said that colleagues had made very useful interventions. He suggested that it might be possible to prepare a report on this for the Association. He gave as examples of interesting approaches in this subject parliamentary television and the Senators' club. The main goal would be that we should all be aware of what we were doing to educate citizens about why Parliament existed.

Mr Ian HARRIS, President, said that Mr TKACHENKO had made a very useful suggestion. The Executive Committee would consider this.

Mr Anders FORSBERG, Vice-President, thanked Mr HARRIS for his interesting presentation.

The next meeting would be at 10 o'clock the following morning.

The sitting adjourned at 4.30 pm.

SIXTH SITTING,
Friday 23 April 2004 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. Introductory Remarks

Mr Ian HARRIS, President, invited members to the final sitting of the Conference.

2. New Members

Mr Ian HARRIS, President, referred to the new candidate members who had been approved by the Executive Committee:

Mr Abderrachid TABI	Secretary General of the National People's Assembly of Algeria (replacing Mr Boubeker ASSOUL)
Mrs Halima AHMED	Secretary General of the Parliament of the Economic Community of West African States (This Assembly was joining the ASGP for the first time)

These candidates did not pose any particular problem and Mr Ian HARRS proposed that these members be accepted.

It was *agreed* to.

3. Communication from Dr Yogendra NARAIN on Ethical Concerns of the Indian Parliament: Recent Changes in Electoral Laws

Mr Ian HARRIS, President, invited Dr Yogenda NARAIN to present his communication,

Dr Yogendra NARAIN (India) spoke as follows:

"The Parliament of India has always been alive to the ethical and moral concerns of the society. Issues such as corruption in high places, role of black money and other corrupt practices in the elections, etc. have found frequent echoes in both Houses of Parliament.

Members have emphasised the need for taking urgent steps to tackle these problems, especially by effecting comprehensive electoral reforms.

Way back in 1993, the Government of India appointed a high level Committee to take stock of all available information about the activities of crime syndicates, mafia organisations who allegedly had developed links with and were being protected by some government functionaries and political personalities. The said Committee in its report, inter alia, pointed out towards a nexus between the criminal gangs, police, bureaucracy and politicians in various parts of the country. The existing criminal justice system, which was essentially designed to deal with the individual offences and crimes, was unable to deal with the activities of the mafia. The provisions of law in regard to economic offences were also found to be weak and there were insurmountable legal difficulties in attaching/confiscating the properties acquired through mafia activities.

The report of the Committee was presented to Parliament and was discussed on 8, 23 and 24 August 1995, in both Houses. During the debate, members expressed their concern about the declining standards of behaviour in public life. One of the suggestions offered at that time was about the setting up of a Parliamentary Committee on Ethics. Later, an All-Party meeting was convened the same year to look into the views expressed and suggestions made by the members in both the Houses. One of the major outcomes of the meeting was the proposal for setting up of a Parliamentary Committee on Ethics.

Setting up of Ethics Committees

The above suggestion was considered by the General Purposes Committee of the Council of States (Rajya Sabha), the Upper House of the Indian Parliament, in 1997, which decided to have an internal self-regulatory mechanism of the House itself. The Committee authorised the Chairman of the Rajya Sabha to constitute the Ethics Committee.

Accordingly, the Ethics Committee of the Rajya Sabha was constituted by the Chairman, Rajya Sabha on 4th March 1997, to oversee the moral and ethical conduct of the members and to examine the cases referred to it with reference to ethical and other misconduct by them. It was, in fact, the first such Committee to be set up by any legislature in India. The House of People (Lok Sabha), the Lower House of the Indian Parliament, followed suit and constituted its Ethics Committee on 16th May 2000.

The Ethics Committee, Rajya Sabha consists of ten members, including its Chairman, who are nominated by the Chairman, Rajya Sabha. Members of the Committee are generally leaders/whips of their parties in the House. Similarly, the Ethics Committee in the Lok Sabha consists of fifteen members nominated by the Speaker, Lok Sabha. Now, many of the State Legislatures have also constituted their Ethics Committees.

The Ethics Committee of the Rajya Sabha has presented three reports so far which have been adopted by the House. The Committee of the Lok Sabha has so far presented two reports.

The Rajya Sabha Ethics Committee

Code of Conduct

In its First Report, the Ethics Committee of the Rajya Sabha came to the conclusion that a Code of Conduct be prepared for the members of the Rajya Sabha. Keeping in view the special needs and circumstances which prevailed in Indian context, the Committee recommended a Framework of a Code of Conduct which prescribes to certain do's and don'ts for the members of the Rajya Sabha. (See Annex)

Electoral Reforms

The other important aspect emphasised by the Committee in its First Report was the need for effecting comprehensive electoral reforms. Pursuant to the suggestions of the Ethics Committee, legislative proposals were passed by Parliament with a view to reforming the electoral system. For example, the Committee emphasised the need for holdings elections to the Rajya Sabha and State Legislative Councils by open ballot, instead of secret ballot. The Government accepted this recommendation and the Parliament amended the Representation of the People Act, 1951 for providing this.

Declaration of Assets and Liabilities

Another proposal made by the Ethics Committee in its First Report was 'declaration of assets and liabilities' by the members as well as those of their spouse, dependent sons and daughters.

The Lok Sabha Ethics Committee

The Ethics Committee of the Lok Sabha, in its two Reports presented to the House, has underlined the need for ethical and moral conduct by the members both inside the House as well as outside. Their behaviour, according to the Committee, needs to be in keeping with the prestige and dignity of the House. It also suggested 'some general ethical principles' to be observed by the members in their conduct. Besides, the Committee had also recommended the for declaration of income, assets and liabilities by the members after they are elected to the House.

Recent Changes in the Law

The Representation of the People (Third Amendment) Bill

In order to ensure transparency in public life, the Representation of the People (Third Amendment) Bill was passed in 2002 which provides for the disclosure of information relating to their assets and liabilities to the Houses.

The Act provides that every elected candidate shall, within ninety days from the date on which he makes and subscribes an oath of affirmation for taking his seat in either House of Parliament, furnish the information relating to:

(i) The movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;

(ii) His liabilities to any public financial institution; and

(iii) His liabilities to the Central Government or the State Government

The Act has empowered the Presiding Officers, the Speaker for the Lok Sabha and the Chairman for the Rajya Sabha to frame rules regarding the manner and form in which these declarations will have to be made by the elected members of the two Houses of Parliament.

The draft rules for members of the Lok Sabha have already been placed before the House and these would come into effect after thirty sitting days of the House unless sooner approved by it with or without amendments. Rules for the members of the Rajya Sabha are under construction.

Anti-Defection Law

The Constitution (Ninety-first Amendment) Act

The Tenth Schedule to the Constitution of India, popularly known as Anti-Defection Law, came into effect in 1985 with a view to curbing the unhealthy practice of defection by the elected members from one party to another mainly for personal, political or other gains. The law prohibits such unprincipled cross-over by the elected members. This law provides that defecting members will loose their membership if they voted against the direction of or joined any political party other than their original party. Recent amendments made to the Constitution through the Constitution (Ninety-first Amendment) Act, 2003 debar a member disqualified on ground of defection under the Tenth Schedule to the Constitution to hold any remunerative political post for the duration of a period commencing from the date of his disqualification till the date on which the term of his office as such a member would expire or till the date on which he contests an election to a House and is declared elected, whichever is earlier.

ANNEX

Framework of Code of Conduct for Members of the Rajya Sabha

The Members of the Rajya Sabha should acknowledge their responsibility to maintain the public trust reposed in them and should work diligently to discharge their mandate for the common good of the people. They must hold in high esteem the Constitution, the Law, Parliamentary Institutions and above all the general public. They should constantly strive

to translate the ideals laid down in the Preamble to the Constitution into a reality. The following are the principles which they should abide by in their dealings:

(i) Members must not do anything that brings disrepute to the Parliament and affects their credibility.

(ii) Members must utilise their position as Members of Parliament to advance general well-being of the people.

(iii) In their dealings if Members find that there is a conflict between their personal interests and the public trust which they hold, they should resolve such a conflict in a manner that their private interests are subordinated to the duty of their public office.

(iv) Members should always see that their private financial interests and those of the members of their immediate family[6] do not come into conflict with the public interest and if any such conflict ever arises, they should try to resolve such a conflict in a manner that the public interest is not jeopardised.

(v) Members should never expect or accept any fee, remuneration or benefit for a vote given or not given by them on the Floor of the House, for introducing a Bill, for moving a resolution or desisting from moving a resolution, putting a question or abstaining from asking a question or participating in the deliberations of the House or a Parliamentary Committee.

(vi) Members should not take a gift which may interfere with honest and impartial discharge of their official duties. They may, however, accept incidental gifts or inexpensive mementos and customary hospitality.

(vii) Members holding public offices should use public resources in such a manner as may lead to public good.

(viii) If Members are in possession of a confidential information owing to their being Members of Parliament or Members of Parliamentary Committees, they should not disclose such information for advancing their personal interests.

(ix) Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.

(x) Members should not lend ready support to any cause of which they have no or little knowledge.

(xi) Members should not misuse the facilities and amenities made available to them.

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[6] Immediate family includes spouse, dependent daughters and dependent sons.

(xii) Members should not be disrespectful to any religion and work for the promotion of secular values.

(xiii) Members should keep uppermost in their mind the fundamental duties listed in part IVA of the Constitution.

(xiv) Members are expected to main high standards of morality, dignity, decency and values in public life."

Mr Ian HARRIS, President, thanked Dr NARAIN for his communication

Mrs Heather LANK (Canada) emphasised that similar difficulties existed in Canada. The Government had put forward a Bill to set up a person responsible for ethics. This Bill had been rejected by the Senate, because of questions raised on the rights and independence of whoever might be nominated.

Dr Yogendra NARAIN (India) said that it was difficulties of this kind which had made India choose self-regulation and to give the power to the Presidents of the Chambers to designate members of Ethics Committees.

Mrs Lulu MATYOLO (South Africa) said that in South Africa two registers had been set up in which the economic resources and financial interests of elected Members had to be set down. One was made public and the other - which was more complete - was confidential. One of the questions which had been raised was for how long such registers had to be retained.

Dr Yogendra NARAIN (India) replied that in India information was kept as long as the person mentioned remained an elected Member. At a fixed date each year, the elected Member was invited to bring up-to-date registered information -- notably the information relating to shares.

Mr George CUBIE (United Kingdom) said that in the United Kingdom the question of ethics in Parliament had led to the establishment of a working group in the 1990s, which had led to the designation of a Commissioner who was responsible for such questions and the preparation of a code of conduct. Every Member of Parliament, after being elected, had to make a declaration in the register.

A basic problem arose from complaints from the public, which were often completely without foundation but reported carelessly by the press, which might cause a great deal of prejudice to an elected Member before they were revealed to be without basis.

Dr Yogendra NARAIN (India) said that Indian law demanded a declaration of assets after election, but the Supreme Court had been more demanding than the Legislature, demanding that that declaration should take place when the candidate presented himself before election.

As far as dealing with the allegations published in the press was concerned, this was a difficult matter because it affected the liberty of public debate. In India , the decision about opening an inquiry on a matter related to the register was for the President of the Chamber concerned.

Mme Corinne LUQUIENS (France) said there was no code of ethics for Members of Parliament in France, but that such questions were dealt with by the law.

In France there were rules relating to the incompatibility of the exercise of an elected mandate and other duties, the control of which was a matter for the Bureau of the National Assembly, or indeed the Constitutional Council.

As far as the interests of those who were active in political life were concerned, a law of the 11th March 1988 on financial transparency in political life imposed on many elected politicians the duty of making a statement before an ad hoc committee composed of the highest magistrates in France of their detailed personal assets, both after their election and at the end of their mandate.

They was also a series of rules relating to the right to be elected, which legislators often hoped to link to the rules relating to the financing of political parties.

This collection of legal rules had allowed justice authorities to pursue certain criminal acts, but had fed an antagonism between the political and the judicial world, the first reproaching the second with having started investigations which were excessively intrusive.

Dr Yogendra NARAIN (India) said that also in India behaviour which was truly criminal or against the law was covered by laws against corruption and was a matter for the criminal courts. The objective of a code of ethics was rather to identify and prevent behaviour which was simply inadequate.

Mr Owansango DAECKEN (Gabon) said that Gabon did not have a law which was specifically applicable to parliamentarians. Nonetheless, there was a national authority in charge of the struggle against corruption which could ask those who held an elected mandate to make a statement of personal wealth.

Mr Ian HARRIS, President, wanted to know if it was planned to extend the obligation to make a statement of personal property to senior officials, as well as to wives and dependants.

Dr Yogendra NARAIN (India) said that in India all senior officials also had to make an annual declaration of personal wealth within the framework of the legislation against corruption. These provisions applied also to spouses and dependants.

Mrs I Gusti Ayu DARSINI (Indonesia) asked what happened if the parliamentarian refused to submit to an inquiry. In Indonesia, for example, authority to start an inquiry could only be given by the President of the Chamber.

Dr Yogendra NARAIN (India) on said that in India, the decision to begin an inquiry following a complaint was a matter for the Committee on Ethics. As far as criminal matters were concerned, the authority of the President of the Chamber was necessary if a prosecution was envisaged but not for the simple commencement of an inquiry.

4. Change to the Rules of the Association

Mr Ian HARRIS, President, said that the Executive Committee had wished to make clearer the rules relating to conferring honorary membership to former members of the Association, under Rule 8 of the Rules of the Association.

The Executive Committee therefore proposed the following working practices:

1. As indicated by rule 8, honorary membership of the Association will only be conferred on a former member of the Association, or a former joint secretary of the Association.

2. In accordance with rule 8, the Executive Committee, in proposing the conferral of honorary membership on a former member of the Association, will have regard to:

    - Active participation in the activities of the Association, including the preparation of reports as a rapporteur, sponsoring topical discussions, or presenting communications;

    - Regular attendance at Association meetings and participation in discussion of draft reports, topical discussions or communications;

    - Active participation, as an elected Member of the Executive Committee or a joint secretary, in the deliberations of the Bureau or the Committee; or

    - Other considerations that the Executive Committee believes form a valid basis for consideration by the Association for the conferral of honorary membership of the Association.

3. Formal proposals for honorary membership for former members should be forwarded to one of the joint secretaries, outlining the former member's history in relation to all of the matters outlined in paragraph 2.

The working practices were agreed to.

Mr Ian HARRIS, President, proposed amendments to Rules 14, 16B and 20 of the Rules of the Association, proposed by the Executive Committee as follows:

Rule 14 The Executive Committee shall consist of:

[*eleven elected members:*] the President of the Association, the two Vice-Presidents, and eight other members who shall be elected by the Association; and

former Presidents who are members or honorary members of the Association.

All the elected members of the Executive Committee must belong to different Parliaments.

Rule 16A: (1) Any [*elected*] member of the Executive Committee who is not present at any meetings of the Executive Committee during two successive sessions or meetings of the Association under Rule 11 will be considered to have vacated his/her seat from the start of the next session or meeting unless the Executive Committee decides otherwise. A list of those attending shall be prepared at each sitting of the Executive Committee.

(2) The President shall remind in writing any [*elected*] member of the Executive Committee who is not present at any meetings of the Executive Committee during a session or meeting of the Association under Rule 11 of the provisions of Rule 16A (1).

Rule 20 Each [*elected*] member of the Executive Committee shall have a vote. If the votes are equal, the President shall have a casting vote.

He said that the question of the right to vote for former Presidents of the Association, which had been discussed at the meeting in Marrakech in 2002, had still not been finally decided. The unusual situation had presented itself in the past where the number of former Presidents had exceeded those of the active members of the Executive Committee. It was therefore proposed to remove from former Presidents their right to vote as members of the Executive Committee. In return, former Presidents would no longer be affected by the rule relating to non participation in meetings of the Executive Committee.

Dr Yogendra NARAIN (India) asked the President to remind him of the rights and privileges of honorary remembers.

Mr Ian HARRIS, President, said that honorary members had the right to take part in debates, to present communications and the privilege of being exempted from payment of subscriptions.

The amendments were agreed to unanimously.

5. Honorary membership for Mr Frank Boulin, former Joint Secretary of the Association

Mr Ian HARRIS, President, proposed the conferral of Honorary membership on Mr Frank BOULIN, Councillor in the National Assembly of France and former Joint Secretary of the Association.

This was agreed to unanimously.

6. Draft Agenda for the next session in Geneva (autumn 2004)

Mr Ian HARRIS, President, referred to the draft orders of the day which had been approved by the Executive Committee, as follows:

1. Communication from Mr Diogo de JESUS, Secretary General of the National Assembly of the Republic of Angola : Financial autonomy of the National Assembly within the State budgetary system

2. Communication from Mr Seppo TIITINEN, Secretary General of the Parliament of Finland : The Committee for the Future in the Parliament of Finland

3. Communication from Mr Samuel ENAME ENAME, Secretary General of the National Assembly of Cameroon on a subject to be notified.

4. Possible subjects for general debate:

   Parliament of India (Mr Yogendra NARAIN, Secretary General of the Rajya Sabha): Public perception of Parliament : developing an effective interface between Parliament and the media (half day debate)

   United Kingdom Parliament (Mr George CUBIE, Clerk of Committees, House of Commons) : (half day debate)
   The tension between the wish to deal as speedily as possible with passing bills and the need to ensure that they are properly scrutinised

   Financial Control in Parliament::
   - The relationship between Parliament and the highest state financial bodies
   - Expertise in Parliament in relation to financial scrutiny of government expenditure (whole day debate)

5. Discussion of supplementary items (to be selected by the Executive Committee at the Autumn Session)

6. Election to the vacant post on the Executive Committee

7. Administrative and financial questions

8. New subjects for discussion and draft agenda for the next meeting in Manila (Spring 2005)

9. Presentation by Mrs Emma LIRIO REYES, Deputy Secretary for Legislation in the Senate of the Philippines, on the organization of the Manila Session.

Mr Ian HARRIS, President, invited participants who wished to add to the orders of the day to contact the Joint Secretaries.

The draft orders of the day were *approved*.

7. Closure of the Session

Mr Ian HARRIS, President, thanked the Mexican hosts and also all those who had taken part in meetings, the members of the secretariat and the interpreters. He looked forward to meeting everyone at the next session in Geneva.

The sitting adjourned at 12 noon.