

UNION INTERPARLEMENTAIRE



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MINUTES OF THE SPRING SESSION

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28 MARCH – 1 APRIL 2010

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2010

BANGKOK, THAILAND
28 March – 1 April 2010

LIST OF ATTENDANCE

MEMBERS PRESENT

NAME	COUNTRY
Mr Ghulam Hassan GRAN	Afghanistan
Mr Assadullah FALLAH	Afghanistan
Mr Mohammad Kazim MALWAN	Afghanistan
Dr Hafnaoui AMRANI	Algeria
Mr Abdelhamid Badis BELKAS	Algeria
Mr Alexis WINTONIAK	Austria
Mr Nawar Ali AL-MAHMOOD	Bahrain
Mr Ashfaque HAMID	Bangladesh
Mr Georges BRION	Belgium
Mr Idès DE PELSEMAEKER	Belgium
Mr René KOTO SOUNON	Benin
Mrs Barbara DITHAPO	Botswana
Mr Alphonse K. NOMBRÉ	Burkina Faso
Mr Aloys KAYANZARI	Burundi
Mr OUM Sarith	Cambodia
Mr Victor YÉNE OSSOMBA	Cameroon
Mr Marc BOSC	Canada
Mr David Byaza SANDA	Congo (Democratic Republic of)
Mr Socrates SOCRATOUS	Cyprus
Mr Petr KYNŠTETR	Czech Republic
Mr František JAKUB	Czech Republic
Mr Carsten U. LARSEN	Denmark
Mr Mohamed DIAKITE	ECOWAS Parliament
Mr Heiki SIBUL	Estonia
Mr Dagnachew BEFEKADU	Ethiopia
Mr Habtamu NINI ABINO	Ethiopia
Mr Félix OWANSANGO DEACKEN	Gabon
Mrs Marie-Françoise PUCETTI	Gabon
Mr David JANIASHVILI	Georgia
Mr Dirk BROUËR	Germany
Dr Ulrich SCHÖLER	Germany
Mr Emmanuel ANYIMADU	Ghana
Mr P.D.T. ACHARY	India
Mr V.K. AGNIHOTRI	India
Mrs Nining Indra SHALEH	Indonesia

Mr Amine ABBA-SIDICK	Inter-parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
Mr Boubacar IDI GADO	Inter-parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Mr Amjad Abdul Hamid ABDULLMAJEED	Iraq
Mr Eyal YINON	Israel
Mr Fayez AL-SHAWABKEH	Jordan
Mr PARK Kye Dong	Korea (Republic of)
Mr Allam Ali Jaafer AL-KANDARI	Kuwait
Ms Lebohlang RAMOHLANKA	Lesotho
Mr J. Nanborlor F. SINGBEH	Liberia
Mr Said MOKADEM	Maghreb Consultative Council
Mr Mohamed Vall Ould KOUEIRI	Mauritania
Mr Tserenkhuu SHARAVDORJ	Mongolia
Mr Damir DAVIDOVIC	Montenegro
Mr Abdelhamid KHALILI	Morocco
Mr Abdelouahed KHOUJA	Morocco
Mr Baptista Ismael MACHAIEIE	Mozambique
Mr Johannes Jakes JACOBS	Namibia
Mr Manohar Prasad BHATTARAI	Nepal
Mrs Jacqueline BIESHEUVEL-VERMEIJDEN	Netherlands
Ms Marilyn B. BARUA-YAP	Philippines
Mr Edwin BELLEN	Philippines
Mr Lech CZAPLA	Poland
Mrs Adelina SÁ CARVALHO	Portugal
Mr Gheorghe BARBU	Romania
Mr Matjaž PLEVELJ	Slovenia
Mr Zingile DINGANI	South Africa
Mr Mohamed Kamal MANSURA	South Africa
Mr Dhammika KITULGODA	Sri Lanka
Mr Ibrahim MOHAMED IBRAHIM	Sudan
Mrs Marcia I.S. BURLESON	Suriname
Mr Anders FORSBERG	Sweden
Mr Philippe SCHWAB	Switzerland
Mr James WARBURG	Tanzania
Mr Pitoon PUMHIRAN	Thailand
Mr Sompol VANIGBANDHU	Thailand
Mrs Suvimol PHUMISINGHARAJ	Thailand
Ms Utara AMORNCHATR	Thailand
Mr Paul GAMUSI WABWIRE	Uganda
Mr Sergey STRELCHENKO	Union of Belarus and the

	Russian Federation
Ms Lorraine C. MILLER	United States of America
Mr John V. SULLIVAN	United States of America
Dr José Pedro MONTERO	Uruguay
Mrs Doris Katai Katebe MWINGA	Zambia
Mr Austin ZVOMA	Zimbabwe

SUBSTITUTES

NAME	COUNTRY
Ms Claressa SURTEES (for Mr B.C. Wright)	Australia
Mr Dick TOORNSTRA (for Mr Klaus Welle)	European Parliament
Mr Masaharu YOSHIDA (for Mr Makoto Onitsuka)	Japan
Ms Cath ANYAN (for Mary Harris)	New Zealand
Ms Agata KARWOWSKA-SOKOLOWSKA (for Mrs Ewa Polkowska)	Poland
Mr Constantin GHEORGHE (for Mr Constantin Dan VASILIU)	Romania
Mr Edward OLLARD (for Mr Michael Pownall)	United Kingdom
Mr Robert WILSON (for Mr Malcolm Jack)	United Kingdom

OBSERVERS

NAME	
Mr Gherardo CASINI	Global Centre for ICT in Parliament

ALSO PRESENT

NAME	COUNTRY
Ms Anabela do ESPÍRITO SANTO (non-member)	Angola
Mr Chea CHETH (non-member)	Cambodia
Mr Carlos FERRO SOLANILLA (non-member)	Colombia
Mr Jirí KRBEC (non-member)	Czech Republic
Mr Koffi ABALO (non-member)	ECOWAS Parliament
Mr Paul DANNAUD (non-member)	France
Mr L.V. RAMANA (non-member)	India
Mrs Winantuningtyastiti SWASANANI (non-member)	Indonesia
Mr Bambang Susetyo NUGROHO (non-member)	Indonesia

Ms Maria Valeria AGOSTINI (non-member)	Italy
Mrs Luisa ACCARRINO (non-member)	Italy
Mr Krishna Prasad PANDEY (non-member)	Nepal
Mr Abdelkader bin Salim AL-DAHAB (non-member)	Oman
Mr Roberto PROLL (non-member)	Panama
Mr Fahad bin Mubarak AL-KHAYAREEN (non-member)	Qatar
Mr João Paulo DA SILVA SIMÃO (non-member)	Sao Tomé and Príncipe
P.M. DAVIDS (non-member)	South Africa
Sandisiwe SCHALK (non-member)	South Africa
Mr Mombedi PHINDELA (non-member)	South Africa
Mr John JOEL (non-member)	Tanzania
Mr Phicheth KITISIN (non-member)	Thailand
Ms Andhika THONGPRASOM (non-member)	Thailand
Ms Tatiya RATANAWIROJ (non-member)	Thailand
Mrs Samonrutai AKSORNMAT (non-member)	Thailand
Ms Neeranan SUNGTO (non-member)	Thailand
Mr Thomas WICKHAM (non-member)	United States of America
Tonya L. SPRATT-WILLIAMS (non-member)	United States of America
Mr Sultan AL-BARAKANI (non-member)	Yemen

APOLOGIES

NAME	COUNTRY
Mr B.C. WRIGHT	Australia
Mrs Emma DE PRINS	Belgium
Mr Ivan SLAVCHOV	Bulgaria
Mr Klaus WELLE	European Parliament
Mr Athanasios PAPAIOANNOU	Greece
Mr Mikio OBATA	Japan
Mr Masafumi HASHIMOTO	Japan

Mr Makoto ONITSUKA	Japan
Mrs Valérie VIORA-PUYO	Monaco
Mr Geert Jan A. HAMILTON	Netherlands
Mr Hans BRATTESTÅ	Norway
Mrs Emma Lirio REYES	Philippines
Mrs Ewa POLKOWSKA	Poland
Mr Constantin Dan VASILIU	Romania
Mr Manuel CAVERO GOMEZ	Spain
Mr Manuel ALBA NAVARRO	Spain
Mr Malcolm JACK	United Kingdom
Mr Michael POWNALL	United Kingdom
Mr Colin CAMERON	Western European Union

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FIRST SITTING
Sunday 28 April 2010 (Morning)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 11.00 am

1. Opening of the Session

Dr Hafnaoui AMRANI, President, welcomed all those present, particularly new members. He said how honoured he was to chair the ASGP, and that he hoped, thanks to mutual co-operation, that the Association would remain a lively focus for enriching dialogue.

He mentioned a number of practical arrangements for the meeting.

2. Orders of the Day

Dr Hafnaoui AMRANI, President, described matters on the agenda, thanked those members who were to moderate debates and present communications, and encouraged all members to think of further subjects for communications, questionnaires or topics for a general debate which could be included on the agenda for the next conference in Geneva. Members who had such proposals were invited to approach the Joint Secretaries as soon as possible, so that their suggested topics could be included in the draft agenda to be adopted later.

Dr Hafnaoui AMRANI, President, read the proposed Orders of the Day as follows:

Sunday 28 March

Morning

9.30 am Meeting of the Executive Committee

11.00 am Opening session

Orders of the day of the Conference

New members

Welcome and presentation on the parliamentary system of Thailand by Mr Pitoon PUMHIRAN, Secretary General of the House of Representatives and Mrs Suvimol PHUMISINGHARAJ, Secretary General of the Senate of Thailand

Afternoon

2.30 pm Communication by Mr PARK Kye Dong, Secretary General of the National Assembly of the Republic of Korea: "The new think tanks of the National Assembly: NABO (National Assembly Budget Office) and NARS (National Assembly Research Service)"

General debate: "Committee work beyond the precincts of Parliament"

Moderator: Mr Marc BOSCH, Vice-President of the ASGP, Deputy Clerk of the House of Commons of Canada

Monday 29 March

Morning

9.30 am Meeting of the Executive Committee

10.00 am Communication by Mrs Adelina SÁ CARVALHO, Former President of the ASGP, Secretary General of the Assembly of the Republic of Portugal: "A hemicycle for the 21st century"

General debate: "Demonstrations of members (and visitors) during sessions and the rules of order"

Moderator: Dr Ulrich SCHÖLER, Deputy Secretary General of the German Bundestag

Afternoon

2.30 pm Communication by Dr. V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India: "Statements by Ministers on the floor of the House"

Communication by Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of the Netherlands: "The process of parliamentary self reflection in the House of Representatives of the States General"

Tuesday 30 March

7.45 am Visit of Parliament and excursion to Ayutthaya

5.30 pm Return to Bangkok

Wednesday 31 March

Morning

- 9.30 am Meeting of the Executive Committee
- 10.00 am Communication by Mr Marc BOSCH, Vice-President of the ASGP, Deputy Clerk of the House of Commons of Canada: "The role of officers of Parliament"
- Communication by Mr P D T ACHARY, Secretary General of the Lok Sabha of India: "Independence of Parliament secretariat"
- Communication by Mr Vladimir SVINAREV, Secretary General, Council of Federation of the Federal Assembly of the Russian Federation: "Appraisal of professional potential as a tool for personnel rating"

Afternoon

- 2.30 pm Presentation by Mr Martin CHUNGONG on the recent activities of the IPU
- General debate: "Petitioning the Parliament"
Moderator: Dr. V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India

Thursday 1 April

Morning

- 9.30 am Meeting of the Executive Committee
- 10.00 am Communication by Mr Ghulam Hassan GRAN, Secretary General of the House of Representatives of Afghanistan: "E-democracy and e-Parliament in Afghanistan: achievements, plans and suggestions"
- Communication by Mr Mohamed Kamal MANSURA, Secretary to the National Assembly of South Africa: "The corridors of Parliament: a record of parliamentary history or a reflection of its people"

Afternoon

- 2.30 pm Discussion of supplementary items (to be selected by the Executive Committee at the current Session)
- Review of the rules and working methods of the Association

Administrative and financial questions

Examination of the draft agenda for the next meeting (Geneva, October 2010)

Closure

The Orders of the Day were agreed to.

3. Review of the Rules

Dr Hafnaoui AMRANI, President, announced that, as indicated in the Orders of the Day, the Association would take a decision on Thursday on the amendments proposed by the Executive Committee to the rules of the Association. This text had been agreed to by the Executive Committee in Geneva in October 2009, and had been sent to all members in January 2010, inviting any who wished to do so to submit their own amendments. The only amendments to have been received were from Mrs BIESHEUVEL-VERMEIJDEN (Netherlands). Some of these had been accepted by the Executive Committee at that morning's meeting: it was thus a slightly revised text which would be put to the Association on Thursday. An up-to-date version would be available the following day (Monday).

Any members wishing to propose sub-amendments could do so, by midday on Wednesday at the latest, to allow the Executive Committee to consider them at its meeting on Thursday morning before putting them to the plenary.

4. New Members

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

Mr Mohammad Kazim Malwan

Deputy Secretary General of the Senate of Afghanistan

Dr Rosemary Laing

Clerk of the Australian Senate
(replacing Harry Evans)

Mr Idès de Pelsemaeker

Deputy Secretary General of the House of Representatives of Belgium
(replacing Mrs Emma de Prins who became Secretary General)

Mr Athanassios Papaioannou

Secretary General of the Hellenic Parliament
(replacing Mr Nikolas Stefanou)

<u>Mr Calvin Randriamahafanjary</u>	Secretary General of the National Assembly of Madagascar
<u>Mr Adrian Fetescu</u>	Director General of the Secretariat of the Parliament of the Republic of Moldova (This country is joining for the first time)
<u>Mr Damir Davidovic</u>	Secretary General of the Parliament of Montenegro
<u>Mr Abdelouahed Khouja</u>	Secretary General of the House of Councillors of Morocco (This Chamber is joining the ASGP for the first time)
<u>Mr Mohammed Ataba Sani-Omolori</u>	Clerk of the House of Representatives of Nigeria (replacing Mr Oyeniyi S. Ajiboye)
<u>Mr Kurt Thomas</u>	Clerk of Parliament of Saint Lucia (This country is joining the ASGP for the first time)
<u>Miss Utara Amornchatr</u>	Deputy Secretary General of the Senate of Thailand (replacing Mr Suchata Youyod)
<u>Mr Ramil Hasanov</u>	Secretary General of the Parliamentary Assembly of the Turkic Countries (TURKPA) (This Parliamentary Assembly is joining the ASGP for the first time)
<u>Mr Robert Rogers</u>	Clerk Assistant of the House of Commons of the United Kingdom (replacing Mr Douglas Millar)
<u>Ms Lorraine Miller</u>	Clerk of the House of Representatives of the United States of America

The new members were agreed to.

5. Welcome and presentation on the parliamentary system of Thailand by Mr Pitoon PUMHIRAN, Secretary General of the House of Representatives and Mrs Suvimol PHUMISINGHARAJ, Secretary General of the Senate of Thailand

Dr Hafnaoui AMRANI, President, invited Mr Pitoon PUMHIRAN, Secretary General of the House of Representatives and Mrs Suvimol PHUMISINGHARAJ, Secretary General of the Senate of Thailand to the platform to give their presentations.

Mr Pitoon PUMHIRAN gave the following presentation:

“Good morning colleagues, I am very pleased to welcome all of you to Thailand. As is the tradition of our Association, this morning I and Mrs. Suvimol Phumisingharaj, Secretary General of the Senate will present to you the system of the House of Representatives and the Senate, respectively.

The National Assembly of Thailand was established in 1932 after the adoption of the first Constitution of the Kingdom of Thailand which changed our country from absolute monarchy to constitutional monarchy. Through seventy-seven years of democracy in Thailand, eighteen charters and constitutions were promulgated. The present Constitution, or the eighteenth, was drafted by the Constitution Drafting Assembly and was approved through the national referendum in August 2007 (2550). This referendum process was the first ever held in Thai political history.

(Due to the fact that the Thai National Assembly is bicameral, the presentation on the parliamentary system today shall be separated into two parts. In the first part, I would like to present to you about the House of Representatives of Thailand and also the function of the Secretariat, just to give you the illustration in overall. Thereafter, Mrs. Suvimol PHUMISINGHARAJ, Secretary General of the Senate, will present to you the administration of the Senate.)

About the House of Representatives

The first seventy temporary members of the House had their first parliamentary sitting on the 28th of June 1932, right after the regime in Thailand was turned to democracy. Up to the present, there have been twenty-three tenures of the House of Representatives. The current twenty-third House, subject to the new Constitution 2007, consists of four hundred and eighty members, four hundred of whom are from the election on a constituency basis and eighty of whom are from the election on a proportional representation basis. The length of time serving in the office is different from the Senate which the term of the House is four years from the election day and membership of the House also commences on that day.

Members of the House of Representatives

All of the members of the House of Representatives reach their position by election via direct suffrage and secret ballot. In terms of the qualifications of a person who has the right to be a candidate in an election of members of the House, that person is basically required to be Thai nationality by birth and must

be at least twenty-five years of age on the election day. (Unlike the member of the Senate, members of the House are required by the Constitution to be a member of a political party.)

In the election of members of the House of Representatives on a constituency basis, there are 157 constituencies throughout the country. Each constituency shall have 1-3 members of the House upon the calculation of number of inhabitants in that constituency, approximately one hundred and fifty-five thousand people per one member of the House of Representatives. For the election of members of the House on a proportional representation basis, the area of the entire country shall be divided into eight groups of provinces, each group shall be regarded as a constituency and each constituency shall form ten members of the House of Representatives. A political party will prepare the list of its candidates and the voters can select only one political party. There is a slogan for the voters when they cast a ballot, "Choose a person you love and choose a party you like". For the age of the voters, they must be over eighteen years of age on the first of January of the year the election is held.

The members of the House are not prohibited to hold another ministerial position. However, the Prime Minister and that Minister must abstain from voting on a matter concerning the holding of his office or the performance of duties or having any interest in the matter (มาตรา 177). Also, members of the House are not allowed to hold any position in any government agency, State enterprise or hold a position of member of a local assembly, local administrator or local government official. They shall prevent from receiving, interfering with or intervening in any concession from the agency mentioned above or becoming a party to a contract of a monopolistic nature with the referred agency whether directly or indirectly. As persons holding the political position, a member of the House of Representatives is required to submit an account showing particulars of assets and liabilities of themselves, their spouses and children who are under 20 years of age to the National Counter Corruption Commission on the occasion of taking and vacating office.

Regarding the termination of the membership of the House, it shall terminate upon expiration of the term or dissolution of the House, death, resignation, being disqualified or acting in contravention of any prohibition under the provisions specified in the Constitution or resignation from membership of his or her political party. Moreover, if he or she is absent for more than one-fourth of the number of meeting days in a session the length of which is not less than one hundred and twenty days without permission of the Speaker of the House of Representatives, his or her membership shall be terminated as well.

Powers and duties of the House of Representatives

1 Power to make law: Legislative Process

The members of the House of not less than twenty members can introduce a bill with an explanatory note summarizing essential contents of the bill. (มาตรา 142)

There are three readings in consideration of a bill before submitting it to the Senate. In the first reading, the House shall consider whether it shall accept the

principle of the bill or not. Provided that the House resolves to accept the principle of which, the next consideration shall be proceeded further in the second reading. At the second reading, the bill shall be considered by a committee which may be a standing committee, ad-hoc committee or committee of the whole House. At this stage, the committee may add a new section or delete or amend an existing section but it must not be contrary to the principle of such bill. Having finished the consideration of the bill at the second reading in the committee, the bill shall be proceeded to the House for consideration, if the House passes a resolution approving the bill, such bill shall be submitted to the Senate. The Senate must finish the consideration of such bill within sixty days, but if it is a money bill, the consideration thereof must be finished within thirty days.

After the bill has already been approved by the National Assembly, the Prime Minister shall present it to the King for signature and it shall come into force upon its publication in the Government Gazette.

2 The scrutiny of administration of State affairs

The procedure to scrutinize the government administration starts with a policy statement of the Council of Ministers making to the National Assembly within fifteen days from the date it takes office. (มาตรา 176)

Subsequently, the House shall monitor the Council of Ministers' performance by interpellating the Minister on any matter within the scope of his or her authority. By this means, the interpellation and the answer to the interpellation may be made once a week. (มาตรา 157) Another oversight method is the submission of a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or an individual Minister. (มาตรา 158) This may lead to the termination of the ministership of that Minister. This kind of impeachment can create the balance of power between the Executives and the Legislature.

3 The scrutiny of unconstitutionality of enactment

If the members of the House are of the opinion that the bill approved by the National Assembly is contrary to or inconsistent with the Constitution or is enacted contrary to the provisions of the Constitution, before the Prime Minister presents it to the King for signature, they may submit their opinion to the Speaker of the House which then will refer the Constitutional Court for decision. In a case where the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with the Constitution or enacted contrary to the provisions of the Constitution and such provisions of the bill are also the essential part, that bill shall lapse.

4. The Right to refer the complaint to the Senate to remove a person holding a position specified in the Constitution

Members of the House may submit a complaint in order to request the Senate to remove the Prime Minister, Minister, member of the House of Representatives, senator, the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, Prosecutor General, judge of the Constitutional Court, Election Commissioner, Ombudsman, member of the State Audit Commission, judge, public prosecutor, or

high-ranking official from office if he/she is under the circumstance of unusual wealthiness, or appears to commit corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law, severely violates or fails to observe ethical standards. Be noted that members of the House have merely the right to lodge the complaint to the President of Senate. The power to remove the said persons is hinged on the Senate.

(Additionally, members of the House also have the right to submit the complaint to the President of the National Assembly about disqualification of an Election Committee and to the President of the Senate about an unjust action of any member of the National Counter Corruption Commission which violated the Constitution or laws.)

Secretariat of the House of Representatives

The Secretariat of the House of Representatives began with only seven officials on the 28th of June, 1932, the same day that the first sitting of the first House of Representatives was held. With seventy-seven years passed, we now have 1,706 parliamentary officials, sixty-five percent of whom are women. The Secretary General is the head of the Secretariat, having the power to control the operation of the House in accordance with the Order issued by the Speaker of the House. However, the Secretary General has another seven Deputy Secretaries General to assist and supervise the various works of the House. Besides this, there are advisors to give advice or suggestions on particular matters to the National Assembly, the House of Representatives and the Secretariat of the House of Representatives; (the advisors include Advisor on Legislative Procedure, Advisor on Foreign Affairs, Advisor on Information Technology, Advisor on Legislative Affairs and Advisor on Policy, Planning and Budgeting). Furthermore, for the educational background of the officials, there are 781 persons graduated with a Bachelor's degree, 467 have a Master's Degree and 3 have a Doctorate. (It can be seen that almost fifty percent of the total have got a Bachelor's degree whereas twenty percent have got a Master's degree.)

The Secretariat is composed of twenty bureaus and four divisions. The main function of the Secretariat is to generally support the work of the House which involves administrative works, the sitting of the House, the works of the committees, foreign affairs, information technology service and security of the persons and compound.

For other duties relating to the sitting, according to the Rules of Procedure, the Secretary General has to convene the sitting and the first meeting of a committee, assist the Presiding Officer to control the counting of votes, prepare the minutes of proceedings and record the voting, confirm the resolution of the House to the person concerned and keep all the archives and audio-visual equipment of the House.

As an autonomous sector, the Secretariat has its own personnel administration. The Parliamentary Officials Commission, chaired by the President of the National Assembly, was set up to carry out the work under the Parliamentary Officials Acts B.E. 2518 (1975) which involved making regulation to implement the above-

referred Acts by holding the principle of human resource development, that is to recruit and select parliamentary staff, improve their knowledge and skills through many ways such as training, and offering scholarship, keep them on track as they are an official and retain a database of their records as well as take care until their retirement.

Colleagues,

In the subsequent stage, Mrs Suvimol PHUMISINGHARAJ, the Secretary General of the Senate, will take the floor to present you the Upper House of the Kingdom of Thailand. Anyhow, for more information about the National Assembly, the House of Representatives and Secretariat of the House of Representatives of Thailand, you can visit our website, www.parliament.go.th."

Mrs Suvimol PHUMISINGHARAJ gave the following presentation:

"On behalf of the host Parliament of the ASGP Spring meeting, it is a great honour and pleasure of the Secretariat of the Senate and the Secretariat of the House of Representatives to welcome all of you to Thailand. This is the third time that the Thai Parliament has hosted the IPU Conference and the ASGP Meeting, the first time was in 1956 and the second time was in 1987.

For me, it is the last time to do this important and honourable work as I am going to retire from the office of Secretary General of the Senate in the coming September.

Anyway you may wish to know the goings-on in the Senate through the Senate website: www.senate.go.th.

THE THAI SENATE

Thailand and the Parliamentary System

The Parliamentary System was introduced into Thailand for the first time on June 24, 1932 when a constitutional monarchy replaced the absolute rule of the King.

By virtue of the Provisional Constitution Act B.E. 2475 (1932), the first Constitution of Thailand, the first Thai National Assembly, namely the Provisional House of Representatives which was unicameral and composed of seventy appointed members, held its first sitting as a democratic parliament on June 28, 1932 at Anantasamakom Throne Hall. On December 10, 1932 King Prajadhipok (Rama VII) promulgated the Constitution of the Kingdom of Siam, B.E. 2475 (1932), the first Permanent Constitution of Thailand. According to the then Constitution, the National Assembly was unicameral comprising members of two categories: firstly, elected by the people and secondly, appointed by the King, each with equal number.

Since then there has been several changes in the Constitution and forms of the Parliaments. Thailand had 18 Constitutions including the present one called "The

Constitution of the Kingdom, of Thailand, B.E. 2550 (2007) and 31 Parliaments including the present one called "The National Assembly".

Regarding the previous Thai Parliaments, some were unicameral and others bicameral. They were named differently depending on the provisions of each Constitution and had different numbers of either elected or appointed members. However, every preceding Thai Parliament performed the same principal functions: legislation controlling the administration of State affairs and approving various important issues.

The origin and evolution of the Senate

After having been a unicameral parliament with the House of Representatives comprising members of two categories for 14 years, in 1946 the form of parliament was changed. Under the Constitution of the Kingdom of Thailand, B.E. 2489 (1946), the country was first governed by a bicameral parliament with the House of Representatives comprising members elected by the people and the *Prudhi Sapha* or the Senate comprising members elected by members of the House of Representatives.

The need for having the *Prudhi Sapha* in the 1946 Constitution was to provide for a principal institution to act as a reviewing body bearing full responsibility for giving its second thought in relation to legislation and other proposals put forward by the House of Representatives. In addition to its review function, the *Prudhi Sapha* is to help hold-up too fast action of making laws, to ensure that the law-making of the House of Representatives will be accurately performed and not be harmful to the interests of the country and of the people.

As the result of the abolition of the 1946 Constitution, the Constitution of the Kingdom of Thailand (Provisional), B.E. 2490 (1947), the fourth Constitution of Thailand, was promulgated. Under the Provisional Constitution of 1947, the National Assembly was composed of two Houses: the Senate (or *Prudhi Sapha*, the changed name from then on) with members appointed by the King and the House of Representatives with members directly elected by the people under a province-wide constituency system.

The Senate whose members appointed by the King under the Provisional Constitution of 1947 would perform its duties as the mentor body bearing full responsibility for supporting the performance of duties of the House of Representatives until the people and elected members of the House of Representatives have enough knowledge to be able to perform duties themselves.

The appointed senators have gradually developed under the scope of their functions and in the context stipulated by each Constitution until the present one under the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) was promulgated.

Members of the Senate

According to the present Constitution, the Senate consists of one hundred and fifty members of two categories:

Firstly, seventy-six senators obtained from elections in each Changwat, one senator for each Changwat;

Secondly, seventy-four senators obtained from selection, with the selection of a Senators Selection Committee from suitable persons nominated by academic institutions, the public sector, the private sector, professional organizations and other sectors.

In the selection of persons to be senators, the Senators Selection Committee will have to regard knowledge, skills or experience, which will be beneficial to the performance of the Senate's functions as well as the composition of persons possessing interdisciplinary knowledge and experiences, gender opportunity and equality, the close apportionment of persons from each sector, including the conferment of opportunities to the socially underprivileged.

The Selection process must be completed within thirty days as from the date of receiving the name list from the Election Commission.

The Senators Selection Committee, under the Constitution, consists of seven committee members: the President of the Constitutional Court, Chairpersons of the Election Commission, President of the Ombudsmen, Chairperson of the National Counter Corruption Commission, Chairperson of the State Audit Commission, a judge of the Supreme Court of Justice holding the position of not lower than judge of the Supreme Court of Justice as entrusted by the general meeting of the Supreme Court of Justice and a judge of the Supreme Administrative Court as entrusted by the general meeting of the Supreme Administrative Court.

The term of membership of senators is six years as from the election date or the date the Election Commission publishes the result of the selection, as the case may be, and no senator holds office for more than one term.

At the initial period, the term of selected senators is three years as from the date of the commencement of membership. The prohibition of holding office for a period longer than one consecutive term will not apply to such persons in the next selection subsequent to the termination of membership.

Senators are under the prohibitions of being a Minister or a person holding any political position or a person holding position in an independent constitutional organ; holding any position or having any duty in a government agency, State agency or State enterprise or holding a position of a member of local assembly, local administrator or local government official; being the owner of or holding shares in a newspaper, radio or television broadcasting or telecommunication business, whether in one's own name, or through the business ownership or shareholding of others on one's behalf or by other direct or indirect means which

enable the administration of such business in the same manner as an owner or shareholder of such business, etc.

Functions of the Senate

Legislation: introducing an organic law bill, together with members of the House of Representatives, scrutinizing and approving bills or organic law bills, and annual appropriations bill as well as approving the Emergency Decrees.

Controlling the Administration of State Affairs: interpellating, submitting a motion for the general debate for the purpose of requesting the Council of Ministers to make a statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed as well as selecting and appointing standing committees or *ad hoc* committees to perform any act, inquire into or study any matter within the functions of the Senate and report its findings to the Senate.

Approval, Recommendation or Selection of Persons to hold Positions as prescribed by the Constitution: judges of the Constitutional Court, Election Commissioners, Ombudsmen, members of the National Counter Corruption, members of the State Audit Commission and Auditor-General, members of the National Human Rights Commission, President and judges of the Supreme Administrative Court, Attorney-General and Secretary-General of the National Counter Corruption Commission.

Removal of Key Persons from Office: Prime Minister, Ministers, member of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court, Attorney-General, Election Commissioner, Ombudsman, judge of the Constitutional Court, member of the State Audit Commission, judge, State attorney or high ranking official in accordance with the organic law on counter corruption in the case where the aforesaid persons are under the circumstances of unusual wealthiness indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law or serious violation or failure to comply with ethical standard.

Approving Various Important Issues: the appointment of a Regent, the succession to the Throne, the declaration of war, the conclusion of a treaty, and the bill indicated by the Council of Ministers in the policies stated to the National Assembly that it is necessary for the administration of State affairs or the organic law bill which the House of Representatives resolves to disagree it as well as the further consideration of a draft Constitution Amendment or a bill, which has not yet been approved by the National Assembly in case of the expiration of term or dissolution of the House of Representatives.

The Presiding Officer of the Senate

In the Thai National Assembly, both the Presiding Officers, the Speaker of the House of Representatives and the President of the Senate, are elected from among its members. According to the present Constitution, the House Speaker is

President of the National Assembly and the Senate President is Vice-President of the National Assembly.

As provided in the Constitution, the Senate has one President and one or two Vice-Presidents who are appointed by the King from the members of the Senate in accordance with its resolution.

The Vice-Presidents have the powers and duties to assist the President in the activities within the powers and duties of the President or to do such act as entrusted by the President.

The President and Vice-Presidents of the Senate hold office until the day preceding the date of election of the new President and Vice-Presidents.

The President of the Senate and the person who acts as President of the Senate in his place must be impartial in the performance of duties.

The President of the Senate is normally the Presiding Officer of the sitting of the Senate.

If the President and Vice-Presidents of the Senate are unable to attend a sitting of the Senate after thirty minutes from the time the sitting has elapsed, the Secretary General of the Senate shall inform the sitting of their absence. In this case, the Secretary General of the Senate shall ask the sitting for an approval of inviting the most senior member of the Senate present at the sitting to act as Presiding Officer *pro tempore* of the sitting of the Senate in order to have the sitting proceed to elect an *ac hoc* Presiding Officer of such sitting.

The Presiding Officer has the power to consult, suspend, adjourn or terminate the sitting as he/she thinks fit.

If the President of the Senate who acts as Presiding Officer of the sitting of the Senate leaves his/her seat without entrusting the Vice-President of the Senate with his/her act, the sitting shall be terminated.

Session

Each year, there are two ordinary sessions: a general ordinary session and a legislative ordinary session. Each ordinary session shall last one hundred and twenty days but may be extended by the King. An ordinary session may be prorogued before the end of one hundred and twenty days with the approval of the National Assembly.

The King convokes the National Assembly, opens and prorogues its sessions.

During the expiration of term of dissolution of the House of Representatives, the Senate will not hold sittings unless it is a sitting at which the Senate acts as the National Assembly, a sitting at which the Senate considers the appointment of a person to an office under the provision of the Constitution and a sitting at which the Senate considers and passes a resolution to remove a person from office.

General Ordinary Session

The National Assembly summoned for the first sitting within thirty days as from the date of the election of members of the House of Representatives.

The day on which the first sitting is held shall be considered as the first day of the general ordinary session.

Legislative Ordinary Session

The first day of the legislative ordinary session is fixed by the House of Representatives. In the case where there are less than one hundred and fifty days to the end of the calendar year following the first sitting, the legislative ordinary session may be omitted for that year.

During the legislative ordinary session, the National Assembly holds a sitting only in cases regarding the King or in cases of the consideration of bills or organic law bills, the approval of an Emergency Decree, the approval of the declaration of war, the hearing and approval of a treaty, the election or approval of a person for holding office, the removal of a person from office, motions for interpellation and the amendment of the Constitution, unless the National Assembly has passed a resolution by the votes of more than one-half of the total number of the existing members of both Houses for considering other matters.

Extraordinary Session

The King may convoke an extraordinary session of the National Assembly when it is necessary for the interests of State. However, members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

Committee

According to the present Constitution and the Rules of Procedure of the Senate, the Senate has the power to select and appoint senators to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee in order to perform any act, inquire into or study any matter within the powers and duties of the House and report its findings to the Senate. The resolution appointing an *ad hoc* committee must specify its activities or the responsible matters clearly and without repetition or duplication.

The Senate Committee has the power to demand documents from any person or summon any person to give a statement of facts or opinions on the act or the matter under their inquiries or studies.

Committees are the core work in the Senate. They study specific bills and investigate issues referred by the Senate. Each standing committee has its own area of expertise.

Each committee has the power to appoint a sub-committee to consider any matter within the scope of its authority.

Standing Committee

A standing committee shall have the powers and duties to consider bills, carry out activities, investigate or study a matter within the powers and duties of the Senate or as entrusted by the Senate.

There are twenty-two standing committees in the Senate and each of which consists of not less than nine but not more than fifteen members.

In case of necessity, the Senate may establish more standing committees or may decrease the number of standing committees at any time.

A senator may hold the position of committee member of not more than two standing committees, except the chairman of a standing committee shall hold the position of committee member of only one standing committee. A senator holding the position of secretary of a standing committee shall hold the position of secretary of a standing committee of only one standing committee.

In election standing committees, the sitting of the Senate shall elect committee members from the list considered by the standing committee established by the sitting.

Ad Hoc Committee

An *ad hoc* committee shall be established at any time by the resolution of the Senate to carry out a specific issue assigned by the sitting of the Senate and be dissolved after completion of its task and the result thereof has already been reported to the Senate.

Composition of an *ad hoc* committee shall be determined by the sitting of the Senate. In electing an *ad hoc* committee to act activities other than to consider an organic law bill or a bill, to consider a bill which eligible voters submitting the petition and to consider a bill which has been determined by the President of the Senate to contain essential substances relating to children, youth, women, the elderly, the disabled or handicapped, persons not being committee members of not less than one-third but not more than one-half of the total number of all committee members shall constitute a committee. The remaining *ad hoc* committee members shall be elected from persons nominated by senators.

Ad Hoc Committee on Senate Affairs

The *Ad Hoc* Committee on Senate Affairs shall be set up in accordance with the Rules of Procedure of the Senate, B.E. 2551 (2008) to carry out activities, investigate or study matters regarding Senate affairs.

The *Ad Hoc* Committee on Senate Affairs shall have the same term of office as the standing committees of the Senate, that is one and a half-year period of its performance of duties.

The *Ad Hoc* Committee on Senate Affairs shall consist of the President or a Vice-President as entrusted by the President to be chairman of the committee, representatives of all standing committees for one each, not more than seven senators elected by the sitting and Secretary General of the Senate.

Ad Hoc Committee on Study of an Annual Appropriations Bill

After the House of Representative has resolved to accept the principle of the annual appropriations bill, supplementary annual appropriations bill or transfer of appropriations bill, the Senate shall appoint an *ad hoc* committee consisting of members in such number as prescribed by the sitting to consider and study such bill.

When the Senate has received an annual appropriations bill, a supplementary appropriations bill or a transfer of appropriations bill, the President of the Senate shall forthwith send such bills to the *ad hoc* committee and it shall consider and report its opinion to the President within ten days of the date of receipt of such bill. In consideration by the Senate, the Senate must approve or disapprove the bill without any amendment within twenty days as from the date the bill reaches the Senate.

The Secretariat of the Senate

Prior to the end of September 1992, the National Assembly had only one supporting office, namely the Secretariat of the National Assembly, which was responsible for secretarial, administrative and technical works of the Senate, the House of Representatives and the National Assembly. According to the provisions of the Parliamentary Administration Act (No.2) B.E. 2535 (1992), the National Assembly consists of two supporting offices; one is the Secretariat of the Senate and the other is the Secretariat of the House of Representatives. The latter is also responsible for the works of the National Assembly. The Secretariat of the Senate has the same functions as those of the former Secretariat of the National Assembly, but it solely serves the Senate.

The Secretariat of the Senate is headed by the Secretary General of the Senate who is a permanent parliamentary official and appointed by the King with the approval of the Parliamentary Officials Commission. The Secretary General will be directly accountable to the President of the Senate.

The main functions of Secretary General are to advise the Presiding Officer and members of the Senate on law, practice and procedure of the Senate and to assist the Presiding Officer in controlling the counting of votes. The Secretary General also acts as the administrative head of the Secretariat of the Senate. In order to carry out the work of the Senate, the Secretary General is supported by six Deputy Secretaries General, five advisers and approximately 1,000 ordinary parliamentary officials working in three special groups and eighteen Bureaus.

Organization of the Senate

President of the Senate

2 Vice Presidents of the

150 Members of the Senate

76 elected senators
74 selected senators

Committees

- 22 standing committees
- 2 *ad hoc* committees (on the Senate Affairs, study of an annual appropriations bill)

- General Administration Group
- Legal Service Group 1
- Legal Service

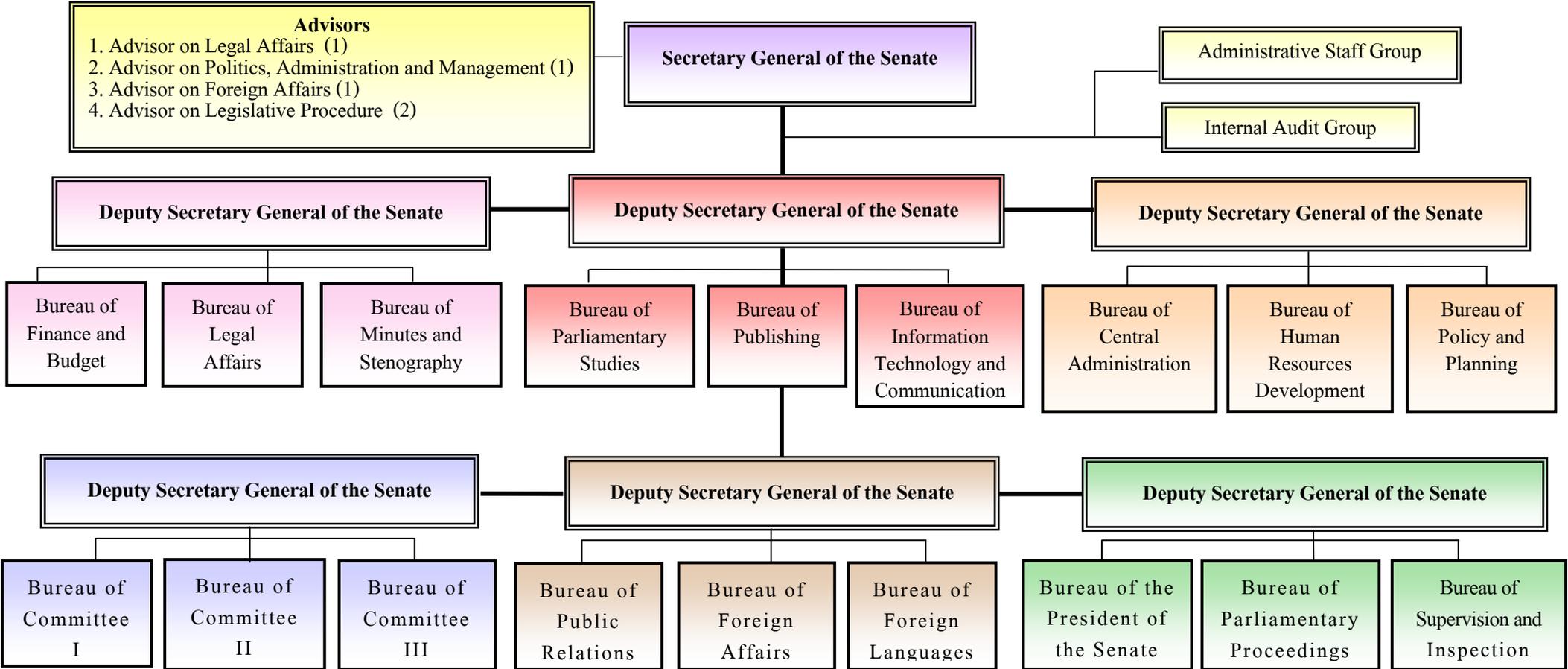
Organization and Role of the Secretariat

🌸 Organization

◇ **Secretary General, 5 Advisors, 6 Deputy Secretaries General, 2 Groups being directly accountable to Secretary General, 18 Bureaus, 106 Groups**

🌸 Personnel

◇ **Secretariat: 1,063**
◇ **Senator's Assistant: 900**



Dr Hafnaoui AMRANI, President, thanked Mr PUMHIRAN AND Mrs PHUMISINGHARAJ for their presentations. He then invited members present to put questions to them.

Mr Pitoon PUMHIRAN apologised that he was unable to stay for the question and answer session. Questions would be answered by Mr Phicheth KITISIN, Adviser on Foreign Affairs to the Thai Senate.

Mr Robert WILSON (United Kingdom) asked about the workings of the provision for removal of Members from office if they failed to attend meetings of the House of Representatives.

Mr Phicheth KITISIN replied that the provision applied to both Houses.

Mr Félix OWANSANGO DEACKEN (Gabon) asked about the number of staff working for the Senate, the mode of appointment of the secretary general and deputy secretaries general, and the number of women in the Senate.

Mr Zingile DINGANI (South Africa) asked how ordinary citizens in communities came to be represented in the Senate, and how their views were taken into account in the work of the Senate.

Mrs Doris Katai Katebe MWINGA (Zambia) asked whether the standard majority applied to the procedure in the House of Representatives for the removal of the Prime Minister or another Minister.

Mr Abdelouahed KHOUJA (Morocco) asked about the rules applying to parliamentary staff and whether senators had the right to their own staff.

Mr Phicheth KITISIN explained the division of responsibilities between deputy secretaries general. There were 1,063 staff in the Senate – fewer than in the House of Representatives. Senators conducted field visits throughout the country and sent the questions they heard from citizens to relevant Government Ministers. Each senator had the right to five assistants as well as a variety of allowances.

Mr Anders FORSBERG (Sweden) asked whether the Thai Constitution provided for when a general election should be held, or whether there was a degree of flexibility.

Mr Phicheth KITISIN explained that the normal term of the House of Representatives was four years. But if the House was dissolved, an election had to be held within forty-five days.

Dr Hafnaoui AMRANI, President, thanked the Thai hosts for their superb welcome, facilities and organisation.

The sitting rose at 12.05 pm.

SECOND SITTING
Sunday 28 March 2010 (Afternoon)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 2.40 pm

1. Communication from Mr PARK Kye Dong, Secretary General of the National Assembly of the Republic of Korea, on “New think tanks of the Korean National Assembly: National Assembly Budget Office and National Assembly Research Service”

Dr Hafnaoui AMRANI, President, invited Mr PARK Kye Dong (Republic of Korea) to present his communication, as follows:

“Introduction: Establishment of Legislative Support Organizations

This is my fourth communication here at the ASGP. It is indeed a great honor and pleasure for me to be given this precious opportunity four times in a row.

I would like to take this opportunity to express my sincere gratitude to President Amrani and all delegates for their consistent support and interest relating to my presentations.

In this spring session of the ASGP, I would like to introduce to you two of our legislative support agencies, National Assembly Budget Office and National Assembly Research Service. These two organizations are charged with providing quality service to the National Assembly of Korea relating to its budgetary and legislative rights and duties.

The National Assembly Budget Office, or NABO, was launched in the year 2004 as an organization with fiscal expertise for the purpose of producing independent information and holding the government in check through the deliberation of budgets to assist the National Assembly in building strong budget deliberation functions in its own right.

The National Assembly Research Service, or NARS, started its service in 2007 to respond to lawmakers’ inquiries and explore issues on legislation and major government policies.

By adding two think tanks headed by chiefs of vice-ministerial rank to two existing services, the Secretariat and the Library, the Korean National Assembly succeeded in building a solid framework of legislative support organizations.

I am very proud of this development since it is not common for parliaments to have their own budget offices and research services at the same time.

Through my communication today, I would like to present to you in greater detail how these agencies were created and what achievements they have made so far despite their short history.

2. Birth of Legislative Support Organizations: Independent Information Sources of the Parliament

I believe all of you are well aware that the role of parliaments has been growing significantly in recent years.

Korea is no exception to this trend. With the Korean political structure breaking with authoritarian legacies, the National Assembly of Korea has come to play a substantial role in setting directions for national policies and overseeing and checking the executive branch.

There are some objective figures that can prove strong activities in the parliament. The number of laws sponsored by the members of the 17th National Assembly of Korea between 2004 and 2008 is 6 times that of the laws proposed by the government. That figure has shown a steady rise up until now.

Furthermore, the Korean National Assembly sets aside a period of time in a year to audit the administration, budgets and policies of government ministries and agencies in addition to its regular inspection of state affairs. This system has strengthened the role of the parliament as a watchdog for the government.

However, despite the improved status, the National Assembly of Korea had to rely on the government for information required to undertake parliamentary audit and inspection. This caused a contradiction of the legislative branch getting information from the executive branch and carrying out its oversight functions based upon such information. Faced with this problem, consensus was built among parliamentarians that the National Assembly needed to establish independent think tanks that could feed information in a systematic manner. It was against this backdrop that the National Assembly Budget Office and the National Assembly Research Service were launched in 2004 and 2007, respectively, to provide more professional support service.

3. National Assembly Budget Office: National Budget Guard and National Policy Guide

First, let me tell you about the National Assembly Budget Office, or NABO.

NABO is an organization specializing in fiscal matters and has chosen as its motto "National Budget Guard and National Policy Guide." Giving top priority to providing professional service, NABO boasts a 105 well-educated and -trained work force. Among

them, 40 staff members are with doctoral and CPA (Certified Public Accountant) degrees. Besides, NABO runs a Panel of Advisors composed of 15 eminent scholars.

NABO undertakes the following four responsibilities.

First, it conducts a detailed analysis on budget bills and settlement of accounts to ensure that not a single penny of the hard-earned taxpayers' money is wasted. In particular, it made the analysis on budget and settlement of accounts more transparent by gaining access to the Paperless (Electronic) Accounting System from the Ministry of Strategy and Finance charged with managing the government's budget. The performance of NABO stood out in its deliberation of government budget bills. The Korean National Assembly accepted the recommendation of NABO that 1 billion dollars from the regular budget and 10.7 billion dollars from the fund budget should be reduced in the 2010 budget bill submitted by the government. This amount accounted for more than half of the total reduction of 22.5 billion dollars.

Second, it carries out cost estimation for bills that require the implementation of the budget or funds to be factored in examination of budget bills. The government or parliamentarians sponsoring bills are liable to focus only on the bright side; however, NABO conducts independent and un-biased estimation of costs to support legal institutions based on the soundness of the country's finances.

Third, it presents independent outlook reports on major macroeconomic indicators such as GDP growth rate and inflation rate, setting directions for the state's fiscal activities. NABO demonstrated a good track record in precisely estimating the potential growth rate in the range of 3% amid internal and external uncertainty at its peak following the global financial crisis in 2009. Starting this year, the revision of the Framework Act on National Taxes requires the National Tax Service to release tax-related statistics upon the request of NABO. This change will enable NABO to upgrade its analysis on economic trends and issues.

Last, it conducts evaluation on major government programs to be fully utilized as critical data for a review report by the relevant Standing Committee.

Let me give you an example. NABO highlighted the fact that the Korea Racing Authority (KRA) kept an excessive amount of money in reserve funds in 2008, leading to the revision of the legislative bill by the Standing Committee on Food, Agriculture, Forestry and Fisheries that requires an increase in the contribution of KRA to the livestock industry development fund from 60% to 70 % with the objective of using excessive reserve funds for more useful purposes. And last year, NABO reported worsening profit margins caused by projects implemented by the Special Administrative Provincial Government of the Jeju Island, Korea's most famous tourist attraction, in spite of the inadequate feasibility study, and as a result, the problems have been resolved.

Given this remarkable record, it is no coincidence that NABO was ranked 14th among Korea's top 100 think tanks last year by *Hankyung Business*, Korea's major economic weekly. NABO was covered by the media 1,400 times in 2009, having a significant

impact on the formulation of policies as well as public opinion and cementing its reputation among the general public.

Moreover, the organization gained international attention from the Head of the Budgeting and Public Expenditures Division of the OECD quoted as saying that progress of NABO in Korea is remarkable, and from the Turkish Parliament expected to make reference to the NABO Law, becoming highly recognized as one of the world-renowned agencies with fiscal expertise.

4. National Assembly Research Service: Addressing Inquiries and Exploring Issues

Now, let me move on to introduce to you the work of NARS.

Whereas NABO specializes in fiscal matters, NARS is tasked with providing professional knowledge and information across the entire spectrum of parliamentary activities ranging from legislation to oversight of the government. NARS has an 84-strong workforce, out of which 50 are PhD holders and lawyers combined. In addition to that, it runs a Panel of Advisors made up of 19 prominent scholars.

NARS has the following two scopes of work in a broad sense.

The most critical function of NARS is to respond to Members' requests for research and analysis and the output is utilized in legislative activities to a large extent. The inception of NARS in late 2007 is considered to have made great contributions to a two-fold increase in the number of bills proposed by Members from 1,830 in 2007 to 3,513 in 2009.

NARS received a positive response from Members who requested a total of 4,700 research and analyses in 2009 alone by offering objective data and information through comparison with other legislative activities in foreign countries.

A case in point is that in response to the query as for the revision of administrative regulations that would require plural labor unions to have a single negotiating channel, NARS replied that the said revision would restrict the right for collective bargaining stipulated in the Constitution without abiding by relevant laws and regulations. That analysis helped revise the "Act" itself, not bylaw.

Another major task of NARS is to explore current issues, which lays the foundation of improvement in institutions encompassing a broad range of areas.

One of the reports released by NARS in 2009 covered illegal activities trying to seek compensation from public development projects by building makeshift green houses, raising the need to amend the enforcement ordinance of the Land Compensation Act.

NARS released as many as 62 in-depth reports on current issues, consolidating its position as a research and analysis think tank. One of the long-term plans of the

National Assembly is to give NARS an authority to undertake inspection and audit of government offices.

In the run-up to the G-20 Leaders' Summit to be held in Seoul in November this year, NARS will place a special focus on providing timely information on global issues such as the economic crisis and climate change. A special task force will be established to mobilize all resources within the organization toward the success of the Summit.

5. Conclusion: Eye of the Tiger and Walk of the Ox

The 12-year cycle of the Oriental Zodiac assigns an animal to each year. The Year of the Ox last year was followed by the Year of the Tiger this year. For the past two years since I assumed the position as the secretary general, I have helped NABO and NARS to grow by making efforts as persistent as the walk of the ox and maintaining perspectives as sharp as the eye of the tiger. It is with a distinct pleasure and pride that I can share with you this achievement.

Before I wrap up my presentation, I would like to make two proposals.

First, I hope to share knowhow relating to legislative support systems by inviting distinguished parliamentary delegates to visit NABO and NARS. In the past 2 years, delegations from Indonesia, Afghanistan and Ghana have visited Korea to benchmark NABO and establish fiscal agencies in their own parliaments. Heads of parliamentary research services from the US, Japan, China and Vietnam visited NARS and had fruitful meetings sharing know-how with each other. I am confident that people to people exchanges like this will contribute to higher service quality of legislative support agencies.

Next, I would like to ask for your continuous interest and support for the e-Parliament Assistance Initiative, on which I presented a communication in the last session. Since its launch in 2008, e-PAI has provided approximately 600 personal computers to 11 countries in Asia and Africa. As for this year, we plan to donate around 900 PCs to various countries including Bangladesh, Congo and East Timor. The National Assembly of Korea is ready and willing to meet the needs of countries relating to e-parliament systems.

This concludes my communication on the new driving forces behind the growth of the Korean National Assembly, NABO and NARS.

I hope distinguished delegates find my presentation useful in running parliamentary secretariats."

Dr Hafnaoui AMRANI, President, thanked Mr PARK for his communication and invited members present to put questions to him.

Mr Emmanuel ANYIMADU (Ghana) requested more information on how the Korean Parliament was seeking to free the legislature from having to rely on the executive for information.

Dr V.K. AGNIHOTRI (India) asked whether the increase in legislation that had been seen in Korea had had negative as well as positive impacts.

Dr Hafnaoui AMRANI, President, wondered whether there were civil servants as well as parliamentary staff on NABO, and what links existed with any specialised budgetary committee of the parliament.

Mrs Adelina SÁ CARVALHO (Portugal) asked whether there was an audit system in Korea, and if so, how this linked into NABO.

Mr PARK replied that the existence of NABO allowed Parliament to interpret the government's raw information for itself, rather than having to rely on the government's interpretation of this data. An example of where this had been useful related to the government's erroneous projection of passenger numbers for a new railway. Turning to the number of new laws, he thought that Dr Agnihotri had a point. But the increase was also in part a reflection of the specificity and relevance of modern legislation. NABO was composed only of parliamentary staff, some of whom though were recruited from outside the parliament. Korea did have an independent inspection (audit) agency, but this alone could not answer all of parliament's questions. NARS in particular had a remit which went much wider than financial issues, and conducted extensive international surveys on behalf of members of parliament.

Mr Paul DANNAUD (France) asked Mr PARK to explain the link between NABO and NARS on the one hand, and parliamentary committees and parliamentarians on the other.

Mr PARK explained that all NARS and NABO projects were initiated by individual Members of Parliament. Members could use the results of NABO's work to request a formal audit of certain areas of government.

Dr Hafnaoui AMRANI, President, thanked Mr PARK and warmly welcomed the Korean e-PAI initiative which had been discussed at previous meetings.

2. General debate: Committee work beyond the precincts of Parliament

Dr Hafnaoui AMRANI, President, invited Mr Marc BOSC, Vice-President of the ASGP and Deputy Clerk of the House of Commons of Canada, to open the debate.

Mr Marc BOSC (Canada) presented the following contribution:

“House of Commons committees occasionally travel outside of the Parliamentary Precinct in order to visit communities and hear from larger numbers of Canadians. During travel, committees may hold public hearings, hold informal meetings or conduct site visits. Sometimes committees will combine all three elements in their itinerary. Committees may also travel internationally to meet with officials and experts and to visit sites in other countries, though it is not possible to hold formal hearings outside of Canada. Finally, funding has also been granted to committees to enable their members to attend conferences. Each type of travel entails different arrangements and, consequently, different costs. (For example, when travelling for public hearings, additional staff must accompany the committee in order to ensure the proper recording of the proceedings and simultaneous interpretation.) Committees are free to determine what studies they wish to travel in relation to and what type of travel is most appropriate.

When a committee wishes to travel in relation to a particular study, it directs its clerk to prepare a draft itinerary and budget. Once the committee has approved the budget by way of motion, a request is made to the Liaison Committee, a committee composed of the chairs of all standing committees and the House co-chairs of joint standing committees. The Liaison Committee is responsible for managing a \$5.25 million envelope for all committee activities, including travel, reimbursement of witness expenses, service contracts and miscellaneous costs. Funding for special and legislative committees is provided by the Board of Internal Economy. In recent years, national and international travel has accounted for approximately two-thirds of all committee spending, though it is not limited to a specific portion of the total budget.

Committee travel may be undertaken only if authorized by the House. The practice in recent years has been to grant such authority once a budget has been approved by the Liaison Committee by seeking the unanimous consent of the House to present a motion without notice and adopt it without debate. This is generally done by the Chief Government Whip following consultation with other party whips. Travel authority can also be obtained upon concurrence in a committee report recommending that permission be granted or pursuant to the provisions of Standing Order 56.2. The latter procedure provides that a Minister of the Crown may, following notice, move a motion authorizing a committee to travel and the motion is deemed adopted unless ten members object. Since being added to the Standing Orders in 2001, this procedure has never been invoked.

The attached table shows the number of trips undertaken in recent years and total travel expenses.

**TRAVEL EXPENSES FOR COMMITTEES
STANDING AND STANDING JOINT COMMITTEES**

Fiscal Year	Total Liaison Envelope	Total Standing Committee Expenses	Total Standing Committee Travel Expenses	Percentage of Total Spent	Number of Trips (Studies/Segments)		Total Days of Standing Committee Travel	
					International	Domestic	International	Domestic
2008-09*	\$5,250,000	\$1,633,610	\$1,115,500	68.2	2/2	8/14	12	46
2007-08	\$5,250,000	\$1,333,407	\$831,256	61.7	3/4	12/15	33	46
2006-07	\$6,000,000	\$1,711,404	\$1,176,540	67.7	3/3	19/23	20	69
2005-06*	\$6,000,000	\$1,530,183	\$989,295	63	3/4	9/19	22	77
2004-05*	\$2,250,000	\$920,169	\$512,355	53	1/2	6/10	18	31
2003-04	\$2,250,000	\$1,916,994	\$1,401,112	70	3/7	5/9	99	43

SPECIAL AND LEGISLATIVE COMMITTEES

Fiscal Year	Total Budgets for Special & Legislative Committees	Total Special and Legislative Committee Expenses	Total Special and Legislative Committee Travel Expenses	Percentage of Total Spent	Number of Trips (Studies/Segments)		Total Days of Special and Legislative Committee Travel	
					International	Domestic	International	Domestic
2008-09*	\$256,548	\$35,562	\$24,068§	67.7	0	0	0	0
2007-08	\$200,000	\$14,020	0	0	0	0	0	0
2006-07	\$100,000	\$27,182	0	0	0	0	0	0
2005-06*	\$102,475	\$36,918	0	0	0	0	0	0
2004-05*	\$50,000	0	0	0	0	0	0	0
2003-04	\$199,060	\$93,446	\$76,215	81.6	1/1	0	6	0

*Election Year

§ These expenses were incurred as a result of the cancellation of a planned trip by the Special Committee on the Canadian Mission in Afghanistan to New York City and Washington DC, due to the dissolution of the 39th Parliament.

Dr Ulrich SCHÖLER (Germany) presented the following contribution:

“Allow me to begin with a few general remarks about the committees of the German Bundestag.

A significant proportion of the work done in Parliament is carried out in the committees, each of which is established by a plenary decision for the entire electoral term. The Bundestag does not have a completely free hand when setting up the committees, since some are provided for by the German constitution, the Basic Law, and others are required by certain statutory formulations. These committees include, for example, the Petitions Committee and the Defence Committee.

Most of the committees established by the German Bundestag – there are currently 22 – reflect the structure of the Federal Government: in general, there is a dedicated committee for each ministry. In addition, Parliament can give prominence to particular areas of policy by setting up additional committees. For instance, the Federal Ministry of the Interior has not only the Committee on Internal Affairs as its counterpart, but also the Sports Committee.

The Bundestag committees are composed of members of all the parliamentary groups, in line with the party-political balance of the Bundestag. Each committee comprises a chairperson, a deputy chairperson and additional members, with the number of members differing from committee to committee. The Bundestag committees currently vary in size from 13 to 41 members.

The committee chairpersons occupy significant positions: they prepare, convene and conduct the committees’ meetings. Irrespective of which parliamentary group the chairperson comes from: the committees are not limited to holding discussions and hearings in the German Bundestag’s meeting rooms, but instead also carry out a range of activities beyond the precincts of Parliament to share experiences about topical and important political issues of mutual interest and to gain information for use in their own work. These activities can take the committee members to other locations within the German capital, Berlin, as well as to any of Germany’s federal states or even abroad.

Some of these activities are determined by long-term priorities in the committee’s work, while others arise from topical political developments and challenges and are thus planned and carried out at short notice. Many activities are the result of regular contacts with the committees of other national parliaments, for example, from membership of specific institutions, or in connection with annual conventions and conferences – to a certain extent this has made them an established tradition.

Allow me now to offer a few examples setting out what kinds of external activities and meetings the German Bundestag’s committees engage in.

Trips

Almost all Bundestag committees make use of the possibility of undertaking one or more delegation trips abroad. This allows the Members to gain first-hand the

information and experiences they need to carry out their work. In talks with their parliamentary colleagues from other countries, with government representatives and representatives of business, civil society or cultural institutions, they discuss topical and sometimes highly sensitive issues – such as the consequences of the global economic and financial crisis, international terrorism, ethnic conflicts, eradication of poverty, the reduction of carbon dioxide emissions to curb climate change, or efforts to combat HIV/AIDS.

The committees thus meet the requirements of a globalised world where developments in domestic politics can no longer be separated from international policy-making. However, they do not have the authority to take the decision to carry out international activities of this kind alone; instead, once the committee members have agreed on the destination, dates and above all the subject matter of a planned trip, they must request the authorisation of the President of the German Bundestag in writing, with a detailed explanation of the reasons for the trip. The Bundestag President decides whether to authorise official trips abroad – which constitutes agreement by the Bundestag to cover the ensuing costs – after thorough discussion in the Presidium, in other words with the Vice-Presidents.

Delegation trips must be of immediate relevance to specific issues being discussed by the committee concerned. A press release is generally issued before a trip to inform the public about the destination and subject matter. Each delegation is also obliged to submit a written report to the Bundestag President about the course and outcomes of the trip.

To give you an idea of the scope of the committees' international activities: in the German Bundestag's last electoral term, 311 committee delegations undertook trips abroad; in addition to destinations in Europe, the Members of the Bundestag visited countries in almost every continent. I would like to draw your attention to the fact that the President of the German Bundestag publishes a "Report on the International Activities and Commitments of the German Bundestag" twice in each electoral term, with a chapter devoted to committee trips. This chapter offers a very good overview of the various reasons for trips by delegations and the role of these external activities in the work of the committees. Incidentally, the reports are also published as Bundestag printed papers.

To offer a specific example, I would like to discuss in more detail the trips carried out by the Committee on Labour and Social Affairs in the last electoral term, which focused on issues which are vital in Germany: labour market policy, demographic change, provision for old age, the effects of globalisation. To discover best practices which could bring new impetus to Germany's social policy, the Committee travelled to destinations including Finland, Spain and Portugal. Its talks with members of the corresponding committees and representatives of the government, academia, business and civil society focused on measures to respond to demographic change and to changes in family and societal structures with their severe impact on pension and care systems, and also dealt with instruments to integrate young people, low-skilled unemployed people, and older workers into the labour market.

The Committee on Internal Affairs, whose responsibilities include issues relating to migration, travelled to Senegal and Morocco to learn more about what causes people to become refugees and to explore possible means of enhancing the dialogue and cooperation with the African countries of origin and transit. During trips to Poland and Ukraine, delegation members learned about border security in practice and the general situation at the new external borders of the Schengen area, and gathered information about the effects of the European asylum and refugee policy on the ground.

From the autumn of 2008 onwards, a number of trips by German Bundestag committees focused overwhelmingly on the global financial and economic crisis. For example, during their trips to the United States and neighbouring European countries, the Finance Committee and the Committee on Economics held talks with parliamentarians, government representatives, and representatives of industrial companies, insurance companies, banks and regulatory authorities about international efforts to overcome the financial crisis and measures to contain the economic crisis. Against the background of the legislation being introduced at almost exactly this time in the US and Europe, it proved to be particularly important for these committees to engage in international dialogue about how financial and economic policy could tackle the crisis.

There is one more aspect which should be mentioned regarding committee trips: in addition to participating in trips by delegations, individual Members of the Bundestag can apply to the Bundestag President for authorisation to undertake trips relevant to their work on the various committees without being part of a delegation. As the committee of which the parliamentarian is a member must give its approval to the trip in advance, this also constitutes "committee work beyond the precincts of Parliament" in a broader sense, as the committee members can feed information gained on their trips directly into their work on the committee. This applies both to the chairpersons and all other committee members.

Conferences and conventions

It is very common for committee members to represent their committee at national and international conferences and conventions, whether individually or as part of a small delegation. A range of these activities have become established traditions after several years. For example:

- Representatives of the Committee on Legal Affairs attend the German Jurists Forum
- Representatives of the Finance Committee attend the annual meetings of the World Bank and the International Monetary Fund
- Representatives of the Committee on Family Affairs, Senior Citizens, Women and Youth attend the Annual Conference of Parliamentary Committees for Equal Opportunities for Women and Men in the European Union
- Representatives of the Petitions Committee attend the International Ombudsman Conferences held by the International Ombudsman Institute

- Representatives of the Committee on Education, Research and Technology Assessment attend the annual conferences of EPTA (European Parliamentary Technology Assessment), a network of organisations which carry out technology assessment from 16 countries and the European Parliament
- Representatives of the Committee on the Affairs of the European Union attend the biannual meetings of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC).

In this context, the rapid development of cooperation between the national parliaments in the EU and the European Parliament should be mentioned, as this is also a cause of activities carried out by the Bundestag committees outside Parliament. In addition to the traditional conferences of committee chairs hosted by the parliaments of the countries holding the rotating Presidency of the Council, the European Parliament has developed new types of event in the form of Joint Parliamentary Meetings and Joint Committee Meetings, in which representatives of the Bundestag committees regularly participate.

External committee meetings

Meetings of the Bundestag committees outside the Bundestag generally take place within the framework of visits to national, European or international institutions, for example during visits by the Finance Committee to the Bundesbank and the European Central Bank or by the Defence Committee to NATO. There is a notable trend for committees to hold meetings in Brussels and, in this context, to hold specialised talks with Members of the European Parliament and representatives of the European Commission. In addition, the Committee on Foreign Affairs and the Sports Committee have a tradition of holding joint meetings with the corresponding committees of the Polish parliament. The Committee on the Affairs of the European Union has in recent years held meetings outside the Bundestag for joint discussions with the Committee of European Affairs of the Assemblée nationale, as well as trilateral meetings with members of the committees on EU affairs of the Polish and French parliaments within the framework of the Weimar Triangle of Germany, France and Poland.

The German Bundestag's Petitions Committee can carry out on-site visits. By holding a public event of this kind outside Parliament, the Committee demonstrates that it feels a matter is important and that it considers it particularly useful to gain first-hand knowledge of the situation, usually by sending a delegation. For example, the Petitions Committee used this approach to inspect conditions on Berlin's Museum Island during the debate on the pros and cons of a new entrance area for the museums. Similarly, it travelled to a region to the north of Berlin to gain an impression of the fears associated with a bombing range. The Committee brought together residents, representatives of the defence and economics ministries, and senior local politicians from the region in order to gain as comprehensive an impression as possible.

Other activities

There are an almost endless number of other committee activities falling outside these categories which members carry out on behalf of the committee as a whole: for example visits to federal agencies and supreme federal courts, to trade fairs and exhibitions

(CeBIT, the International Green Week, the Book Fair, documenta), and to facilities which receive federal funding.

I hope that I have succeeded in giving you an idea of the diverse range of activities carried out by the committees of the German Bundestag beyond the precincts of Parliament."

Mr Vladimir SVINAREV (Russian Federation) presented the following contribution:

"1. I am glad to welcome you in the new year of 2010, and I am confident that our meetings going forward will be as useful and productive as in previous years. In my view, they perform a very important function: they give us new knowledge, and as the wise men of old said, "scientia potentia est": knowledge is power.¹ They allow us to ponder and adapt the experience of our foreign colleagues in the parliamentary secretariats of their countries.

Moving to the topic of our discussion today, it is worth noting that there are three main principles that underlie how our chamber is organized: the maximally precise reflection of our constitutional powers, the maintenance of continuity in our work, and the creation of a structure maximally similar to that of the committees and commissions of the State Duma.

Substantial changes in the internal structure of the Federation Council owe to the 2002 adoption of new Bylaws for the Federation Council. The number of committees and permanent commissions was increased. In accordance with the current Bylaws, the Federation Council's members form 16 committees and 11 permanent commissions, which also are permanently acting bodies.

The committees and permanent commissions possess equal rights and bear equal responsibilities for the execution of the chamber's constitutional powers.² Their main difference is only in the manner of their formation and amount of members.³

A member of the Federation Council may be a member of one committee and not more than two of the chamber's commissions.

2. Regulations allow the Federation Council's committees and permanent commissions to hold **field meetings** in the constituent entities of the Russian Federation. This right arises from the nature of our chamber, which is the most important link connecting the federal center with the regions. Field meetings include field proceedings, parliamentary hearings, conferences, seminars and other events.

The site of a field meeting is determined by the relevant Federation Council committee in agreement with the chamber's Council, a permanent body of the Federation Council.

¹ Francis Bacon (1561-1626) – an English philosopher and statesman.

² Article 30 of the Federation Council Bylaws.

³ A committee should consist of no fewer than seven and no more than 15 Federation Council members (except the Federation Council Budget Committee). A commission, however, should consist of no fewer than 11 and no more than 25 members of the chamber (Article 28 of the Federation Council Bylaws).

Each committee and permanent commission of the Federation Council may conduct not more than two field meetings in a year.

3. In 2009, the committees and permanent commissions of the Federation Council organized and held **11 field proceedings**. So that you can better grasp the geographical scope of these meetings, I can tell you that they were held in the Krasnoyarsk and Krasnodar territories, the Tula, Smolensk and Kaliningrad provinces, the city of St. Petersburg, and an array of other Russian regions.

The central bodies of other branches of government often serve as a venue for holding the field proceedings of the Federation Council's committees and permanent commissions. One such case is the Federation Council's Committee on Constitutional Law, which last year held field proceedings at the Constitutional Court of the Russian Federation.

As far as the range of topics is concerned, the whole gamut of issues was brought up for discussion. Among them was the role of federal budgetary investments in regional socio-economic development during the financial crisis, the state of constitutionality in the Russian Federation, green spaces in urban and rural populated areas, the development of the construction industry, and other pressing issues.

As you surely know, the next Winter Olympics will be held in Russia, in the city of Sochi. In view of this, the Federation Council Commission for Cooperation with the Accounts Chamber of the Russian Federation held its own field proceedings in the city to discuss the efficient use of federal funds intended to finance the city of Sochi and hold the XXII Olympic Games. The Federation Council will continue to monitor and "keep its hand on the pulse" of progress in preparations for hosting this important international event.

4. An array of major international congresses and forums, held outside of parliament, are regularly conducted under the aegis of the Federation Council. These events include the Baikal Economic Forum, the international congress "Road Safety to Save Lives," and the Nevsky International Environmental Congress. Preparations for all of these events are made by the Federation Council's committees and permanent commissions, and their secretariats.

The upcoming **third Nevsky International Environmental Congress** will take place May 14-16 at the Tauride Palace in St. Petersburg.

Participants at the congress include heads of government bodies from Russia and the countries of the Commonwealth of Independent States, parliamentarians and representatives of international organizations, business, educational and scientific institutes and the mass media.

With support from the Russian government, plans for the congress include plenary sessions and subject roundtables on environmental safety, refinement of legislation on natural resource management, preserving ecosystems and biodiversity, and combining forces to alleviate the consequences of technologically caused environmental catastrophes and disasters.

Those who wish to take part can find registration forms on the site of the Interparliamentary Assembly of the Commonwealth of Independent States.

The sixth Baikal Economic Forum will take place in the city of Irkutsk on September 7-10, 2010.

Discussions will include modernization, innovative development and public-private partnership.

The motto of "Europe – Russia – Asia-Pacific Region: Integration and Partnership" will grace discussion of international cooperation.

Invited to the event are parliamentarians (a delegation from the Federation Council and deputies from the State Duma), heads of government agencies (the Russian Presidential Administration and federal ministries), the heads of regions in Siberia, the Far East, the Krasnodar territory, St. Petersburg, Moscow and Moscow province, and business representatives.

Colleagues, all information about how to take part can found on the forum website of the administration of Irkutsk province. I welcome you to take advantage of it!

5. In accordance with the chamber's Bylaws, each committee and commission should present the Federation Council each year with a **report of its work**,⁴ which also includes information about field meetings.

It must be noted that the chairman of the Federation Council and the chamber's Council has taken a clear stance that each of these meetings must have concrete results. A significant role in accomplishing this is played by the secretariats of the committees and permanent commissions.

In light of this, my colleagues and I have considered it worthwhile, beginning with the spring session of this year, to include in our weekly secretariat meetings reports from the heads of the secretariats of the committees and permanent commissions on the results of the organization and holding of field meetings.

These reports are analyzed to determine whether goals and tasks have been accomplished, and then – based on the results of the analysis – proposals for increasing the efficiency of expenditures are prepared. The main criterion for evaluation when doing so is obtaining the best result with minimal expenses. We are prepared to share our experience in planning costly events."

Mr Gheorghe BARBU (Romania) presented the following written contribution:

"1. The Parliament of Romania comprises in its bicameral structure the Chamber of Deputies and the Senate, which according to their own rules of organization and function perform their activity in plenary meetings and standing parliamentary committees, or, temporary committees, depending on the case.

As a general rule, the sittings of the committees take place in the premises of the respective Chamber; as exception and under the previous approval of the Standing Bureau of the respective Chamber, the activity of the committees may be hosted beyond the precincts of that Chamber.

⁴ Article 34 of the Bylaws of the Federation Council.

The Constitution, the parliamentary laws and regulations provide the necessary conditions for the parliamentary committees to perform their duties in a proper manner beyond the precincts of parliament, too, taking into account that according to the provisions of the article 69 paragraph 1 of the Constitution, the parliamentarians, in the exercise of their mandate, are in the service of the Romanian people.

2. In order to accomplish the main activity of the parliamentary committees, that is to debate and endorse the bills, the members of the committees attend, on regular basis, documentation trainings in the constituencies in which they have been elected, and also in other constituencies. On these occasions, the parliamentarians have acquainted themselves with the topics of interest for them, or they have effectively debated these topics, sometimes in the presence of the members of the Government, the local authorities, and the leaders of the deconcentrated and decentralized entities. In this regard, the activities completed beyond the Parliament by the Committee on Public Administration, Committee on Agriculture, and Committee on Education can be recalled as examples. Furthermore, always under regulation, the committees have met in joint sessions beyond the precincts of Parliament.

3. One of the most important roles of the Parliament is that of parliamentary control, which is assumed by the standing parliamentary committees or the inquiry committees. The parliamentary control activities are exercised beyond the Parliament for various reasons: the necessity to ascertain the manner in which certain public authorities or institutions have performed their activity and if this is in accordance with the Constitution and the law; the difficult situation of certain fields of the Romanian economy; the investigation of abuses, corruption acts, and petitions addressed to Parliament by citizens, as well as monitoring the observance of the rights of detained persons.

4. The activities of the committees fulfilled beyond the Parliament were also determined by other purposes, such as the participation in public debates, seminars, symposia, conferences on various topics organized within and outside Romania, or meetings with the representatives of the local public administration authorities, trade union, employers' organizations, professional associations, and non-governmental organizations.

In order to strengthen international relations, at bi- and multilateral level, with the Parliaments of other States, the parliamentary committees have established contacts with most of the Parliaments from Europe, Asia, Africa, and America, and their members have attended the meetings, some of them organized on a regular basis, with the structures of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC).

In their activities, the members of the committees have been supported by the expertise of parliamentary officers.

5. One of the aims of this session and the general topic for debate which I have proposed to myself to approach, is establishing an effective experience exchange between the secretaries general of parliaments which should be supported and promoted by the parliaments in the future. Certainly, this general topic implies the debate on practical aspects rather than theoretical ones. I do believe that practical aspects and information which can be shared on this occasion are more appreciated and represent authentic sources of knowledge for a proficient activity of the parliamentary committees. I do consider that the expertise gained by the participants offers them the opportunity to make effective decisions in the concrete situations which they face. Nonetheless, the participants become more confident in their ability to manage the inherent situations of certain activities exercised by the committees beyond the parliaments.

Thanks to the interactive exchange of information on the activity fulfilled by the committees beyond the precincts of parliaments, the knowledge will not be unilateral, but multilateral, which will represent a significant factor of effectiveness of the activity in the legislative area, and in general, the support of a fruitful parliamentary activity."

Mr Constantin GHEORGHE (Romania) presented the following written contribution:

"Before approaching the subject of committee work beyond the precincts of the Senate, there are some aspects that are worth mentioning about the committees' organization and functioning, which are relevant for this debate, namely:

1. **Number:** there are **16** Standing Committees, **6** Joint Standing Committees of the Senate and the Chamber of Deputies, a variable number of Special Committees (currently, **3**), as well as Joint Inquiry Committees of the Senate and the Chamber of Deputies. The Committees' competences, number of seats and nominal composition are approved by the plenum of the Senate, at the proposal of the Standing Bureau.
2. **Working program:** the Committees convene once or twice a week during the ordinary sessions, and for a week, during parliamentary vacation (January; July - August).
3. **Committees' meetings are not public** and each Committee decides by vote on the nature of its debates. Thus, the Committees may approve to invite to their debates media representatives and may establish the terms under their work can be broadcasted through radio/television, provided that this does not affect the State interests.
4. **Main competencies of the Standing Committees:**
 - a. Legislative activity;
 - b. Parliamentary oversight prerogatives, including parliamentary inquiries, initiated either by the Committee or at the request of the Standing Bureau to which it has to submit a report;

- c. Representation of the Senate in different types of meetings, in Romania or abroad.

Considering the above and in line with each Committee's area of competency, the Committees may carry on the following activities beyond the precincts of the Senate:

I. Committee work in Romania:

1. Working visits in the country: information – documentation missions, working meetings with local authorities/representatives of various institutions/citizens;
2. Permanent cooperation or *ad hoc* cooperation on specific themes of common interest with national institutions/organizations, with representatives of international organizations in Romania (European Commission, UNDP, UNFPA, UNCHR, UNICEF etc.): consultations, working meetings, seminars, conferences etc.
3. Participation in the activities included in the program of official visits to Romania by corresponding parliamentary structures from foreign parliaments: working meetings and other meetings outside Parliament, held in Bucharest or in the country etc., with the participation of Government representatives, of representatives from other institutions, and of local authorities etc.

As regards the activities carried out by the Committees in different cities in Romania, their main objectives are: to hold parliamentary inquiries; to exercise parliamentary oversight on the way in which ministries or other public institutions fulfill their duties; to inform and document themselves on the realities and concrete problems faced by citizens, in order to amend or draft bills or legislative initiatives.

According to their respective area of competency, certain Committees carry out more frequently these types of activities, as follows:

1. **Committees of the Senate:** Committee for Investigating Abuses, Fighting Corruption, and for Petitions; Committee on Human Rights; Committee for Defense, Public Order and National Security etc.;
2. **Joint Committees of the Senate and Chamber of Deputies:** Committee on European Affairs, Special Committee for exercising Parliamentary Control on the Foreign Intelligence Service, Standing Committee for exercising Parliamentary Control on the Romanian Intelligence Service etc.

In the future, the number and importance of the activities carried out by Committees in constituencies will grow. The Senate adopted recently a program of measures aimed at enhancing the efficiency and transparency of its work and at improving communication with the citizens. To this end, each parliamentary committee, according to its area of competency, will hold public debates on issues of general interest and will study and report on the social, financial and economic efficiency and impact of some of the most important laws adopted.

II. Committee work abroad: representation of the Senate in international missions, in their respective area of competency:

1. Official working visits to the corresponding committees in foreign parliaments, which, as a general rule, are based on reciprocity;
2. Participation in meetings organized by the corresponding committees in foreign parliaments and in the European Parliament;
3. Participation in missions abroad and representation of the Parliament of Romania in:
 - a. Well known parliamentary structures for cooperation at the level of specialized committees: Conference of Foreign Affairs Committees Chairs of European Union Parliaments (COFACC); Conference of Community and European Affairs Committees of European Union Parliaments and of the European Parliament (COSAC);
 - b. Parliamentary structures for European/international cooperation, more or less institutionalized, which are specialized in different areas of competency of the Committee, such as:
 - **Global Parliamentarians on Habitat (GPH)**, a United Nations project and the only international parliamentary network that promotes the sustainable development of human settlements; members of the Standing Committee on Public Administration, Territorial Planning and Environmental Protection participate in GPH reunions;
 - **European Parliamentary Forum on Renewable Energy**; members of the Committee on Economy, Industry and Services participate in its reunions;
 - **International Parliamentarians Association for Information Technology (IPAIT)**; members of the Committee for Education, Science, Youth and Sport participate in the IPAIT meetings;

It is also important to mention that based on their respective areas of competency there are Committees whose activities have a strong dimension of multilateral and bilateral foreign parliamentary cooperation:

1. **Joint Standing Committee of the Chamber of Deputies and the Senate for the relation with UNESCO** - this Committee, unique in the global parliamentary environment, was created in 2008, through the transformation of the Romanian Parliament Friendship Group with UNESCO, in response to the need for a parliamentary structure responsible with the collaboration on a permanent basis with UNESCO bodies, at national and international level; the Committee representatives attend regularly the UNESCO meetings and activities.
2. The **Senate's Subcommittee for Population and Development**, set up in 2007, is functioning in the current legislature as subsidiary body of the **Standing Committee for Public Health**; it serves as Senate's interface with the United Nations Population Fund (UNFPA) Office in Romania, and participates on a regular basis to its activities; following the Subcommittee affiliation to the **European Parliamentary Forum on Population and Development (EPF)**, in

2008, its members are actively involved in all types of activities initiated by the Forum: conferences, study visits, working sessions etc.”

Dr Hafnaoui AMRANI, President, thanked Mr Marc BOSCH and all the members present for their numerous and useful contributions, and opened the debate to the floor.

Mr Abdelhamid Badis BELKAS (Algeria) explained that Algerian committees had no explicit mandate to travel. There had recently been information visits by committees, however, to check up on the progress of infrastructure projects in particular.

Dr V.K. AGNIHOTRI (India) said that this issue had been very contentious in India because of the cost of committee visits, which had in the past been borne by the organisations being visited: often state-owned banks and companies. Guidelines had therefore been issued on what costs could and could not be incurred by parliamentarians on committee visits. All costs now also had to be borne by Parliament. Not all of the guidelines were strictly adhered to. The guidelines were so detailed that some MPs objected to their existence. There had been a ban on committee travel for an entire year as a result of negative news stories.

Mr Anders FORSBERG (Sweden) said that in his country there was a budget for study trips, with a requirement that committees report back afterwards. Most of these visits were genuinely useful. The media showed a close interest in the cost of study trips, especially long-distance ones, which then had to be defended publicly. The Swedish Parliament had decided to be more proactive about publishing information in advance about study trips to avoid any impression of there being secrets for the media to uncover.

Dr Ulrich SCHÖLER (Germany) had been astonished to find that there had been only two overseas committee trips in Canada in 2008-09, compared with 311 from the Bundestag. German committees had to inform the public about the programme and purpose of each visit. The President of the Bundestag reported twice a year on overseas commitments. German committees had no individual budgets, but rather a total combined budget. The bureau decided on delegation travel, Dr Schöler himself on trips by individuals when there was political consensus on committees.

Mrs Doris Katai Katebe MWINGA (Zambia) said that she was comforted that her experiences were shared by others. She briefed committees in Zambia that they could travel only regionally in Africa, but parliamentarians wanted to travel further afield. Five substantial overseas visits would eat up the entire annual budget for travel, but there were fifteen committees. A lot of planning and discipline was therefore needed.

Mr Mohammad Kazim MALWAN (Afghanistan) asked how committee trips abroad took into account foreign policy towards the country being visited.

Mr Emmanuel ANYIMADU (Ghana) said that in his country approval for committee trips came from the Speaker, but also needed the permission of the leader of government business. An undetermined issue in Ghana was what per diem rates and

accommodation should be provided to Members travelling within the national borders. Another problem was the tendency of committees to spend their entire annual budget in the first part of the year.

Mr Heiki SIBUL (Estonia) explained that in his country the Foreign Affairs Committee had taken on the role of co-ordinating visit budget requests for the year.

Mr Robert WILSON (United Kingdom) said that the two problems for all parliaments in this area were controlling budgets and explaining the purpose of visits to the media. In the UK, the Liaison Committee distributed a bloc grant among individual committees. The Liaison Committee Chairman had required committees to answer a number of pro forma questions justifying their visits before requests for funds would be considered. The UK Parliament had outreach officers based in the regions, to facilitate national visits among other things.

Dr Hafnaoui AMRANI, President, described the difficulties encountered in Algeria, in particular when Members of Parliament from a particular locality wanted to criticise other local officers via a committee. He asked Mr Bosc what happened to study reports once they were compiled, and how the practicalities of committee visits were managed.

Mr Damir DAVIDOVIC (Montenegro) said that domestic travel was not a problem in Montenegro as the country was so small. For international travel, approval was similar in process to that described for Germany. Delegations to international institutions were a priority; committees wishing to travel needed to make a strong case for international travel. He asked if committees decided which staff to take with them, or if not, who did. He also asked about the involvement of political staff caucuses in visits.

Mr Marc BOSC (Canada), concluding the debate, said that the discussion had been useful and had hopefully been a learning experience for participants. Experience on managing budgets showed that no matter what rules were in place, someone would sometimes have to use their discretion to say no. In the UK, it was a sign of political maturity that politicians on the Liaison Committee were able to take on this role. Party Whips played the role of the nay-sayer in Canada, where committee members sometimes had grand plans which took little account of the overall budgetary envelope or the desires of other committees. Canadian parliamentarians travelled abroad a great deal – in the context of delegations to international parliamentary associations and accompanying the Speaker and deputy Speakers – but rarely in the context of committee travel. Geography meant that international travel from Canada was on a different scale to that in Europe. Often only a fraction of a committee travelled, but sometimes all members participated. Parliamentary officials were left to determine who the necessary staff to accompany a committee were. Political staff did not normally travel, except occasionally on domestic trips. Parliamentarians generally understood national foreign policy and would convey this objectively where appropriate, but they were free to convey their own party's view as well. Parliamentarians were keen to avoid media scandal, and this led to self-censorship for national travel, with overnight stays in reasonable, but not extravagant accommodation. Committee visits usually lasted a week, and only very occasionally as much as three weeks. Politicians did not want to be

far from their voters for too long. He recognised Mr Agnihotri's description of parliamentarians' boundless imagination as to what the State should pay for. But with the media watching, Members were aware of the danger of asking for too much.

Dr Hafnaoui AMRANI, President, thanked Mr Marc BOSC for moderating such an interesting opening debate.

The sitting rose at 4.20 pm

THIRD SITTING
Monday 29 March 2010 (Morning)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 10.00 am

1. Preliminary Remarks

Dr Hafnaoui AMRANI, President, informed members of an informal meeting on post-conflict situations that would be held that afternoon at the initiative of members from Afghanistan and USAID, and invited them to attend.

2. Communication from Mrs Adelina SÁ CARVALHO, Former President of the ASGP, Secretary General of the Assembly of the Republic of Portugal, on "A hemicycle for the 21st century"

Dr Hafnaoui AMRANI, President, invited Mrs Adelina SÁ CARVALHO (Portugal) to present her communication, as follows:

"The São Bento Palace, seat of the Portuguese Parliament, traces its origins to the great Benedictine monastery built in Lisbon in the 16th Century.

Known as the Monastery of St. Benedict of Health, due to the excellent conditions in this part of Lisbon, it withstood the 1755 earthquake that almost destroyed the city. It was after the Liberal Revolution of 1820, which established the Constitutional Monarchy, that this great building received the Parliament (Court) following the dissolution of the religious orders.

Changes in the arrangement of the major spaces within the former monastery were aimed, among other reasons, at the installation of the Members of Parliament Chamber in one of the cloisters, in a rectangular shape and, in the Chapter Room, the Chamber of the Peers, which later became the Senate, as it still is today.

A major fire in the late 19th Century destroyed the hall of the Members of Parliament, which forced an urgent reconstruction (1905), and this was used as an opportunity to modernise it and make it what it is today: a hemicycle in the neoclassical style.

Some modernisations introduced after the proclamation of the Republic (1910) and, later, in the 1980s and '90s, never touched the inside of the Session Hall. Microphones, the air conditioning system, an increased number of seats, the Parliament Channel, everything has been installed without any real change in the structure of the hall.

It was as late as the 21st Century, in 2001-2002, that the air conditioning system was found to be flawed and unsatisfactory, especially in the summer. But modifications required the Session Hall to be closed for a long period and it was impossible to obtain the agreement of the Members of Parliament.

The heat in the summer of 2007 was unbearable; the temperature in the Session Hall was around 40°C or more, and in the glass dome it exceeded 55°C.

In the session on the State of the Nation, it was evident that the Prime Minister and the Members of Parliament were really uncomfortable with the high temperatures that the old air conditioning system could not solve.

It was the clincher: the Board of the Assembly, at which all parliamentary groups sit, finally gave the endorsement for work to be carried out in the Session Hall.

For my part, I took advantage of the occasion to introduce some additional requirements:

- ⇒ Replacing the oak flooring
- ⇒ A new cold illumination system
- ⇒ Restoration of the Members of Parliament's desks, and the Speakers' and President's rostra
- ⇒ Introduction of computers for the Members of Parliament in each of the 230 seats in the hall
- ⇒ Introduction of touch screens for voting
- ⇒ Introduction of large screens for viewing images or documents to support speeches
- ⇒ Reinforcement of the hall's anti-seismic properties
- ⇒ Use of fibre optics for all equipment
- ⇒ Replacement of the glass in the dome
- ⇒ Air conditioning in the public galleries
- ⇒ Anti-woodworm chemical treatment

It was also agreed to transfer the sessions to the Senate Hall, which was adapted to its new role.

Two more rows in the same style of woodwork, smaller chairs and new microphones were introduced during August; the fact of having Parliament Channel cameras in the Session Hall has helped decision-making.

The 230 Members of Parliament have risen to the difficulties of gathering in a room intended for 140 people with kindness and understanding.

The designs for the Session Hall were obtained in a very short time, as was the favourable opinion of the Institute of National Monuments, as the São Bento Palace had earned this status after we had demonstrated our ability to keep it in optimal condition,

even though it is occupied and visited by more than 1,500 people per day. We ourselves have ensured that, in the end, the Session Hall would be or appear to be the same.

I will now reveal some details about these works:

Delay: 240 days (8 months)

Cost: €4,322,600

\$US 5,878,734

Opening: 25 March 2009"

Dr Hafnaoui AMRANI, President, thanked Mrs Adelina SÁ CARVALHO for her communication and invited members present to put questions to her.

Dr V.K. AGNIHOTRI (India) asked about the timeframe for the works programme.

Ms Maria Valeria AGOSTINI (Italy) said that she had visited the Portuguese hemicycle during the works project. She asked whether working on computers in the Chamber was a distraction factor that prevented Members from concentrating on the debate at hand.

Ms Claressa SURTEES (Australia) asked whether there had been any budgetary issues in completing the project, and whether there had been any security benefits of the works.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked about negative reactions from the press and public.

Mr Edward OLLARD (United Kingdom) discussed the situation at Westminster, where there were also problems relating to providing modern services in an old building. He asked whether the work had been controlled by parliament or managed externally, and whether Members' behaviour had changed as a result of the difference in functionality in the new hemicycle.

Dr Hafnaoui AMRANI, President, asked about the nature of any feasibility study, whether there had been an invitation to tender, about project management arrangements, and about the funding mechanism. He also asked how much the project had cost, and if there had been any teething problems.

Mrs Adelina SÁ CARVALHO replied that the project had taken eight months, as a result of the need for additional seismic protection. Fortunately there was a second chamber in the building that could be used during the project. The installation of the computers had been positive: it meant that Members could be present in the chamber more often than previously; they didn't need to go back to their offices to work. This had been well received by the public. The budget for the project had amounted to 4.3 million euros, entirely provided from parliamentary funds. There were security benefits from having dug up the floor: it was now known with certainty that the substructure was safe. The Portuguese parliament had had a weekly report on their website on the progress of the works, with photos and film, so the public could see what was being done and how. This had stopped bad news stories, and meant that journalists had not

needed to ask so many questions. Before the works, the temperature in the hemicycle had risen to as much as 42 degrees Celsius. The project had been managed internally with great success by a directly employed specialist in old buildings. There had been private sessions for Members to introduce them to the new computer system. Members had to learn to use the system, because it was the only way in which they could sign in to prove their presence in the Chamber. There had been a complicated four-month feasibility study, followed by a month of co-ordination work. An invitation to tender had then been issued to five companies with the required security clearance. Three of these had responded to the invitation; and the contract had been awarded to one of them. There had been no teething problems as such with the new hemicycle, but some Members had complained that journalists were taking photos of their computer screens from the public gallery. There had also been several damaged computers. By and large it had been an extremely positive experience though.

Dr Hafnaoui AMRANI, President, thanked Mrs Adelina SÁ CARVALHO for her communication as well as all those members who had put questions to her.

3. General debate: Demonstrations of members (and visitors) during sessions and the rules of order

Dr Hafnaoui AMRANI, President, invited Dr Ulrich SCHÖLER, Deputy Secretary General of the German Bundestag, to open the debate.

Dr Ulrich SCHÖLER (Germany) presented the following contribution:

Measures for the maintenance of order in response to disturbances caused by Members and visitors in the German Bundestag – a contribution to the current debates about Rules of Procedure

The history of the German Bundestag has been marred again and again by breaches of order in the plenary chamber caused by parliamentarians – something that will certainly also be true of other parliaments whose secretaries general are present here today. In addition to these disturbances instigated by parliamentarians, which continue to occur through to the present day, it is also possible to note the disturbances that are caused recurrently by visitors to the Bundestag in the plenary chamber or other premises occupied by our parliament.

In my speech, I would like to discuss these two kinds of disturbance and how the Bundestag has reacted to them in some detail.

1. Measures for the maintenance of order in response to disturbances caused by Members
 - 1.1. Disturbances caused by Members as the starting point for a new debate on the Rules of Procedure

On 17 January 2008, the Council of Elders discussed disturbances during the plenary session of the previous day and asked the committee responsible, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure (1st Committee), to examine the effectiveness of the provisions concerning the maintenance of order set out in the Rules of Procedure.

The request to examine this issue was prompted by a demonstration carried out by several members of a parliamentary group who put on masks that depicted the minister president of a German Land with a 'Pinocchio nose' (Stenographic Report page 14242 D). The President in the chair called upon the Members in question to remove their masks or leave the chamber. Another breach of order took place in the sitting of the Bundestag on 26 March 2009, when several Members of the same parliamentary group unfurled banners and held up flags during a debate (Stenographic Report page 23131 D).

When these incidents were discussed in the meetings of the Council of Elders, it was criticised in particular that at that time suspension from a sitting, the measure for the maintenance of order provided for in Rule 38 of the Rules of Procedure as it was then formulated, was unsatisfactory because this form of suspension actually had to be imposed during the plenary session in which the incident took place. However, this required the identification of the instigators, which had not been possible, at least in the first case, due to the masks worn by the Members in question. Furthermore, there were complaints that further sanctions, such as suspension from a sitting, were ruled out as a result of the call to order pronounced in relation to this case.

1.2. The various measures for the maintenance of order

The Rules of Procedure of the German Bundestag make various measures available to the President in the chair for the restoration of order when disturbances occur during plenary sessions. The catalogue of disciplinary measures that can be imposed on individual Members, who are to be specified by name, includes:

- Call for pertinence (first sentence of Rule 36 of the Rules of Procedure): The President *may* call upon speakers who digress to keep to the subject under debate.
- Call to order (second and third sentences of Rule 36 of the Rules of Procedure): The President *may* name and call to order Members of the Bundestag who commit breaches of order. A call to order may also be pronounced subsequently in the next session if an interjection that has escaped the notice of the President, but is recorded in the minutes of plenary proceedings is to be censured (Rule 119[2] of the Rules of Procedure).
- Direction to discontinue speaking (Rule 37 of the Rules of Procedure): The President *must* direct a speaker to discontinue speaking if he or she has been called to order three times or called upon three times to keep to the subject under debate during a speech, and has been warned on the second occasion of

the consequences a third call to order or call for pertinence would entail. If a Member exceeds their speaking time, the President should direct the speaker to discontinue speaking if they have already been warned once (Rule 35[3] of the Rules of Procedure).

- Suspension from a sitting: The President *may* order a Member to leave the chamber for the duration of the sitting due to serious breaches of order, even if he or she has not previously been called to order. Prior to the closure of the sitting, the President must announce the number of sitting days for which the Member in question will be suspended (up to a maximum of 30 days, Rule 38[1] of the Rules of Procedure). At the end of the last electoral term in 2009, the right to suspend Members from sittings was expanded in scope: suspension from a sitting *may* now also be imposed **subsequently** prior to the end of the next sitting if the President has noted the breach of order and reserved the right to suspend the Member in question (Rule 38[2] of the Rules of Procedure). In this respect, a previously pronounced call to order does not rule out the possibility of subsequent suspension from a sitting.

There are two preventive measures for the maintenance of order that are not provided for in the Rules of Procedure of the German Bundestag, have their origins in parliamentary custom and are less severe than the disciplinary measures I have been talking about. These measures may be applied by the President when minor breaches of order occur:

- Disallowance of a statement as unparliamentary and Censure

The President may accordingly disallow a statement or certain conduct as 'unparliamentary', or 'censure' it.

Finally, the following measure for the maintenance of order is intended for cases in which the individuals responsible for disturbances cannot be identified by the President and it is therefore not possible to apply disciplinary measures:

- Suspension of a sitting (Rule 40 of the Rules of Procedure): The President *may* suspend a sitting for a specified period of time if disturbances threaten to obstruct the progress of business.

The Member in question is able to lodge an objection against a call to order or suspension from a sitting. This objection is then placed on the agenda for the next sitting day and decided on by the Bundestag without debate (Rule 39 of the Rules of Procedure).

If a disturbance leads to a situation that requires police action, the President is able to give the necessary directions to the police in addition to the measures I discussed earlier. This also applies with regard to Members of the German Bundestag. For instance, a Member who has been suspended under Rule 38 of the Rules of Procedure is committing criminal trespass (Section 123 of the German Criminal Code) if he or she fails to comply with the President's order to leave the plenary chamber or enters the

chamber again prior to the expiry of the period for which he or she has been suspended.

1.3. Examples of the application of measures for the maintenance of order in the past

Breaches of order were already being committed by Members of the German Bundestag back in the first electoral term from 1949 to 1953. Although no informal censures were pronounced during that period, 58 calls for pertinence, 156 calls to order, 40 directions to discontinue speaking, 17 suspensions from sittings and two suspensions of sittings were recorded in this one electoral term alone. Measures for the maintenance of order were used with rather more restraint in the following electoral terms. In the last 57 years from 1953 to the present day, for instance, there have only been a total of six suspensions from sittings (most recently in the 11th electoral term from 1987 to 1990) and two suspensions of sittings (most recently in the 11th electoral term as well). The other measures for the maintenance of order have also been deployed considerably more rarely: for instance, on average 20 calls to order were pronounced in each of the 2nd to the 9th electoral terms (by contrast to which the 10th and 11th electoral terms both saw more than 100).

Calls for pertinence are pronounced by the President at his or her duty-bound discretion prior to the conclusion of a speech if the speech no longer shows any relevance to the agenda point in question. Constant repetitions and filibustering may also justify a call for pertinence.

Calls to order may also be pronounced by the President at his or her duty-bound discretion in response to grossly wounding or derogatory remarks and abuse, insulting or otherwise punishable actions, or otherwise improper behaviour (examples: insults such as 'hypocrite', 'common liar', 'puppet government' and 'windbag'/coercion, threats/singing or whistling). Criticism of the President's performance of his or her office in the plenary also represents a breach of order. This includes criticism of disciplinary decisions.

Suspension from a sitting constitutes the toughest and – since it involves restricting the exercise of the constitutional rights the Member in question holds by dint of his or her membership of the Bundestag – the most controversial measure for the maintenance of order. Such suspensions are imposed in response to obstruction of the President's official duties (1st electoral term: refusal to comply with instructions; 3rd electoral term: 'shouting down' of the President), the obstruction of a speaker by means of continued interruptions of his or her speech, physical violence (1st electoral term: resistance to suspension from a sitting), gross abuse of the President or Members (1st electoral term: description of a Member as a 'scoundrel'; accusation of the House of 'espionage') and gross insults directed at federal organs (1st electoral term: description of Federal Chancellor Adenauer as the 'Chancellor of the Allies'; 10th electoral term: description of Federal Chancellor Kohl as having been 'ransomed by Flick', a businessman implicated in a donations scandal) or other serious breaches of order (11th electoral

term: unfurling of banners). The President must announce the number of sitting days for which the suspension applies. The suspension also covers committee meetings and therefore restricts the right to attend sittings, meetings and votes, as well as the rights to speak and vote. However, the Member in question may use the visitor's gallery of the plenary chamber, attend public committee meetings and take part in initiatives (motions, interpellations, legislative initiatives).

1.4. Consequences of recent disturbances

The 1st Committee deliberated on these issues at several of its meetings, during which it also considered the measures for the maintenance of order set out in the rules of procedure of the parliaments of the German *Länder* and, above all, other European parliaments, such as deductions from Members' remuneration (France), suspension from participation in committees for periods of several months (Switzerland) or the forfeiture of daily subsistence allowances (European Parliament).

[See the annex for an overview in tabular form]

In the course of these deliberations, the Christian Democratic parliamentary group claimed it was necessary to broaden the measures for the maintenance of order in order to preserve the standing and dignity of the Bundestag, and prevent it from becoming a laughing-stock. They said what Germany had experienced during the Weimar Republic had shown that it was necessary to counter the public defamation of democracy and its institutions right from the very beginning. For this reason, the Christian Democrats argued it should be made possible for a suspension from the following sittings to be pronounced after the end of the sitting in which the incident in question had occurred as well. In this way, time could be gained for a thorough evaluation of the incident, during which it could also be taken into consideration whether the Member in question had already committed breaches of order in previous plenary sessions.

The representatives of the Social Democratic and Free Democratic parliamentary groups believed the introduction of fines would be preferable if new measures for the maintenance of order were to be instituted. Compared to subsequent suspension from a sitting, this was felt to represent a less drastic intervention in the rights arising from membership of the Bundestag because it would not interfere with Members' voting rights. However, they agreed to the option of subsequent suspension from a sitting.

The Left Party and Alliance 90/The Greens parliamentary groups argued against a broadening of the measures for the maintenance of order since they felt the events that have been described in this paper did not justify such a step, while the new provisions would amount to an intensification of interference in the rights arising from membership of the Bundestag, something that would be constitutionally questionable.

In its recommendation for a decision to the plenary (Printed Paper 16/13492 of 18 June 2009), the 1st Committee recommended by a majority that Rule 38 of the Rules of Procedure should be amended so that in future suspension from a sitting could still be imposed subsequently prior to the next sitting, provided the President expressly noted a

breach of order during the sitting when the incident took place and reserved the right to subsequently suspend the Member/s in question. Nor should such a measure be ruled out by the fact that a call to order had already been pronounced.

This new option of subsequent suspension from a sitting is a further development of the practice followed until now when pronouncing subsequent calls to order and the provision set out in Rule 119(2) of the Rules of Procedure, according to which an interjection recorded in the minutes that has escaped the notice of the President may still be censured in the next sitting.

In contrast to a subsequent call to order, subsequent suspension from a sitting presupposes that the breach of order is expressly noted by the President in the chair while the sitting is still going on and reference made to the possibility of the Member's subsequent suspension. As the toughest of the Bundestag's measures for the maintenance of order and also, given that it involves the suspension of voting rights, one that is far from uncontroversial, subsequent suspension from a sitting was made subject to stricter preconditions in the Rules of Procedure than a subsequent call to order. As a result of this, a Member who has caused disturbances is also given the opportunity to influence the decision about any later suspension from a sitting by means of his or her further conduct (for example, the immediate ending of the disturbance or an apology). In addition to this, it is hardly conceivable that, on the one hand, a breach of order will have been so serious as to provide sufficient grounds for suspension from a sitting but, on the other hand, will not have been noticed during the sitting.

The new period allowed for this decision to be taken can be used both for legal scrutiny and to identify the instigators of the disturbance, in particular by the analysis of visual material or other evidence. During the sitting, it is enough for the President to have noted 'a breach of order'. The President in the chair who has noted the breach of order in the sitting is responsible for taking this decision. The decision may also be announced on his or her behalf by other members of the Presidium during the later sitting.

The possibility of later suspension from a sitting is not ruled out by other measures for the maintenance of order. Rather, under the new Rule 38(2), the President in the chair is free to note a breach of order and combine this with a call to order.

The recommendation for a decision on the amendment of the Rules of Procedure set out in Printed Paper 16/13492 was adopted by a majority in the plenary in its 230th sitting on 2 July 2009. Since the amendment was passed, no cases have arisen in which it would have been appropriate for subsequent suspension from a sitting to be ordered.

2. Measures for the maintenance of order in response to disturbances caused by visitors

2.1. Examples of disturbances caused by visitors to the Bundestag

In April 2007 and June 2009, several disruptive demonstrations took place in the Reichstag Building and the Paul Löbe Building (our committee building).

2.1.1. Disturbances in the plenary chamber

Several individuals unfurled a banner on the visitor's gallery in the plenary chamber. At the same time, copied euro notes were thrown into the plenary chamber. After this, a number of individuals climbed over the balustrade of the gallery and let themselves fall onto the floor of the house. The employees of the plenary assistance service who were present apprehended the protesters and handed them over promptly to the police officers in front of the plenary chamber.

2.1.2. Disturbances on the roof terrace and at the West Entrance

At about the same time as this incident – after previously distracting the attention of the police officers who were patrolling the area – several individuals climbed over the safety barrier on the roof terrace and made their way as far as the west portal, where they then abseiled down in front of the portico and unfurled a banner. It was eventually possible for the Berlin fire brigade to hand the protestors over to the police, who took them into custody and questioned them.

Depending on their conduct, the individuals in question were charged with trespass, criminal damage to property or disturbing the activity of a legislative organ. After being charged, they were ordered to leave the premises.

2.1.3. Disturbances in the Paul Löbe Building

In June 2009, disturbances occurred at the opening event for an exhibition about the Bundeswehr's deployments outside Germany in the hall of the Paul Löbe Building. During the speech by the Federal Minister of Defence, protesters unfurled a banner along one of the bridges that run across the hall, linking the two sides of the building, and chanted 'Bundeswehr soldiers/murderers' in chorus. In addition to this, leaflets and various shoes (e.g. flip-flops, light slippers) were thrown into the area where the event was taking place. This disrupted the event, but did not halt it. Nobody was hurt. After being removed from the area where the event was taking place, the individuals who had caused the disturbances were questioned by the police and then ordered to leave the premises. They were charged with infringements of the Bundestag's Internal Regulations under the Administrative Offences Act.

2.2. Preventive and security measures

All visitors to the German Bundestag undergo security controls when they enter its premises. The police information system is used to carry out checks on people who have advance appointments. In addition to this, visitors to the roof terrace, who arrive without appointment, also go through security controls: each visitor and the objects he or she is carrying are checked when they enter the premises – which are, as a matter of principle, reached via an entrance equipped with a metal detector gate and an X-ray

scanner. Apart from thorough checks on their entitlement to access the premises (Bundestag pass), employees of Members, the parliamentary groups and the Bundestag Administration are not subjected to any further security controls when they enter parliamentary buildings.

When they attend plenary sessions and meetings of bodies of the German Bundestag, both visitors and the employees of Members, the parliamentary groups and the Bundestag Administration are all subject to the provisions set out in Rule 5(1) of the Internal Regulations issued by the President following consultations with the 1st Committee, in accordance with which coats, umbrellas, bags, audiovisual recording devices, etc. must be left at the cloakrooms provided for this purpose. If bags are taken into the premises, they are inspected visually before the visitor enters the building. The same also applies for visits to the roof terrace on top of the Reichstag Building, which is reached from within the building.

2.2.1. Disruptions to plenary sittings or meetings of bodies

If disturbances in the plenary chamber are caused by spectators (who, apart from visitors to the Bundestag, also include journalists and photographers), the President may have recourse to his or her power to take measures for the maintenance of order, which is rooted in his or her proprietary powers. Anyone on the galleries who expresses approval or disapproval, or behaves in a disorderly or unseemly manner may be expelled immediately at the order of the President. Furthermore, the President may have the gallery cleared due to disturbances that obstruct the conduct of business (Rule 41[2] of the Rules of Procedure). In this respect, Rule 5 of the Internal Regulations refers to the special rules of conduct applicable to visitors who attend sittings of the Bundestag or meetings of its bodies. Spectators who are found in the plenary chamber without authorisation may also be removed from the chamber on the basis of the President's proprietary powers.

Violations of the Internal Regulations – and therefore any refusal to comply with the instructions of the personnel responsible – constitute administrative offences within the meaning of Section 112 of the Administrative Offences Act. Should the activities of the Bundestag be obstructed or disrupted as a result of a violation of the Internal Regulations, this qualifies as the offence defined in Section 106b of the German Criminal Code (disturbing the activity of a legislative organ). The relevant charges are brought by the Police of the German Bundestag.

2.2.2. Disturbances in the buildings of the Bundestag

Rule 4 of the Internal Regulations informs visitors that peace and order are to be maintained in the buildings of the Bundestag, the dignity of parliament is to be respected and consideration is to be shown for the work done there. In particular, it is not permitted to unfurl banners, distribute information material or sell goods. This covers flyers or posters that are visible to all. These principles also find application to individuals who convey statements of opinion to the persons present in parliament by means of garments that feature printed text, symbols or other forms of representation.

Should visitors be encountered who intend to engage in activities of these kinds when they enter the premises, they are given the opportunity to deposit the objects in question at the entrance. They are then allowed access to the building. This does not affect criminal proceedings concerned with demonstrations in favour of ideas that attract prosecution under German law. According to rule 7(3) of the Internal Regulations, visitors may be ordered to leave the premises if they refuse to comply with the instructions of the employees responsible.

These provisions also apply to the employees of Members, the parliamentary groups and the Bundestag Administration. In view of their special status as public servants or private employees who work within parliament, orders to leave the premises have no impact on such employees, should they commit violations of these kinds. However, any measures that may be considered necessary are taken by the employer in question in consultation with the bodies responsible within parliament.

2.3. Conclusion

There have of course been many occasions when the President of the German Bundestag has been asked his opinion of these various disruptions and demonstrations. In this respect, he likes to point out the fundamental dilemma that confronts us afresh every time. As he has said, such incidents illustrate the fine line it is necessary to walk 'between the justified expectation of our three million visitors that they will not be ushered into a high-security wing when they come here and the problems that, as has been shown bitterly today, can occur over and over again.'

Briefing note:

Measures for the maintenance of order which can be taken against parliamentarians
in the Bundestag, the Bundesrat and the parliaments of selected European states
(As at: 28 January 2010)

- I. The German Bundestag and the Bundesrat
- II. Selected European countries
- III. European Parliament

	Call for pertinence	Call to order	Direction to discontinue speaking	Suspension during a sitting	Suspension following a sitting	Fine	Misc.
German Bundestag (measures which can be taken against Members of the Bundestag)	Rule 36, Rules of Procedure (by naming the Member)	Rule 36 (by naming the Member)	Rule 37 (only possible after a number of warnings)	Rule 38 (even if Member has not previously been called to order; duration of up to 30 sitting days; Member also excluded from committee meetings)	Rule 38 (if the Pres. notes the breach of order during the sitting and reserves the right to suspend the Member)	No	
Bundesrat (measures which can be taken against members of the Bundesrat)	Yes (implicit in the President's authority to chair sittings)	Not possible (no legal basis for this in the Rules of Procedure in respect of members)	Not possible (no legal basis for this in the Rules of Procedure in respect of members)	Not possible (no legal basis for this in the Rules of Procedure in respect of members)	No	No	
		Cases of disruptive or improper conduct are usually dealt with by means of informal measures to maintain order, mainly admonitions					

	Call for pertinence	Call to order	Direction to discontinue speaking	Suspension during a sitting	Suspension following a sitting	Fine	Misc.
Selected European countries							
France Rules of Procedure of the National Assembly	No	<p>Art. 70 in conjunction with Art. 71 (call to order by the President),</p> <p>(a second call to order is recorded in the minutes),</p> <p>(a call to order is recorded in the minutes in the case of MPs who insult, provoke or threaten colleagues)</p> <p><u>N.B.:</u> A call to order recorded in the minutes results in the MP's parliamentary allowance being cut by a quarter for one month</p>	No	<p>In the form of a censure with temporary suspension under Art. 70 (5) in conjunction with Art. 73 (in the case of the MP continuing with improper conduct despite being censured, or after a second censure; in the case of violence in the plenary or the uttering of abuse against the President or the National Assembly; or in the case of insults, provocations or threats against the President of the Republic or government members) or under Art. 74 (1) (in the case of an assault by an MP; suspension is ordered by the Bureau)</p>	Possibly (see wording of Art. 73 (6): "the fifteenth day of sitting following that on which the measure was ordered")	<p>In conjunction with individual disciplinary measures ;</p> <p>in the case of voting offences under Art. 77-1 (1) (parliamentary allowance reduced by a quarter for one month; extension to 6 months if the MP reoffends)</p>	<p>Censure under Art. 70 (4) in conjunction with Art. 72 (possible if the MP disregards the authority of the President after a call to order recorded in the minutes, or has caused a disturbance in the National Assembly; imposed by order of the House, pursuant to Art. 75),</p> <p><u>N.B.:</u> this results in the MP's parliamentary allowance being cut by half for one month, Art. 76 (1)</p>

	Call for pertinence	Call to order	Direction to discontinue speaking	Suspension during a sitting	Suspension following a sitting	Fine	Misc.
UK Standing Orders of the House of Commons	No. 44 (3)	No. 44 (3)	No	No. 43 (in the case of grossly disorderly conduct, suspension from the rest of the day's sitting) No. 44 (1) (in serious cases, suspension for 5 days, on second occasion for 20 sitting days N.B.: Salary withheld for duration of suspension, No. 45A)	No	No	No
Italy a) Rules of Procedure of the Chamber of Deputies		Rule 59 (1)	No	Rule 60 (1) (after second call to order or insults against colleagues or government members), Rule 60 (3) (on decision by Bureau, disqualification from participation in parl. business for 2 to 15 sitting days in the case of incitement to violence, disturbances, threats or use of insulting language against Head of State)	No	No	Rule 58 (Appointment of a committee to assess the truth of an accusation that may damage a deputy's honour)

Italy b) Rules of the Senate		Rule 66 (Call to order may be revoked if the Senator called to order explains his or her conduct convincingly)		Rule 67 (1) (see above)			
	Call for pertinence	Call to order	Direction to discontinue speaking	Suspension during a sitting	Suspension following a sitting	Fine	Misc.
Austria a) Rules of Procedure of the Federal Council (Bundesrat)	Rule 69 (1)	Rule 70 (1)	Rule 68 (if a participant fails to stop speaking when interrupted by the President of the Federal Council) Rule 69 (2) (after third admonition to speak to the point) Rule 70 (2) (in case of violations of order; also possible retrospectively)	No	No	No	No
b) Rules of Procedure of the National Council	Rule 101 (1)	Rule 102 (1) (also possible retrospectively)	Rule 101 (2) (after third admonition to speak to the point) Rule 102 (2) (in case of a breach of order)	No	No	No	No

Switzerland Federal Act on the Federal Assembly (ParIG)	No	No	Art. 13 (1) a (Preconditions: a) formal warning already issued, b) repeat offence, c) infringement of the Councils' regulations on order and procedure; direction is issued by the President)	Art. 13 (1) b (Preconditions: a) formal warning already issued, b) repeat offence, c) infringement of the Councils' regulations on order and procedure; suspension is imposed by the President)	No	No	Art. 13 (2) a and b (in case of a serious infringement of regulations on order or procedure, or a breach of official secrecy: official reprimand or suspension from participation in committees for up to 6 months)
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	Call for pertinence	Call to order	Direction to discontinue speaking	Suspension during a sitting	Suspension following a sitting	Fine	Misc.
European Parliament Rules of Procedure	No	Rule 152 (1) (if a Member is called to order a second time, this is recorded in the minutes, Rule 152 (2))	Rule 152 (3) (if the disturbance continues or a further offence is committed)	Rule 152 (3) (possible for the rest of the sitting in cases of exceptional seriousness; second call to order is not necessary)	Yes (See 'Misc.')	Yes (See 'Misc.')	Rule 153 (in "exceptionally serious cases" the President can decide on the following options: reprimand, forfeiture of entitlement to the daily subsistence allowance, suspension for 2 to 10 sitting days – without

							prejudice to the right to vote; if penalty is appealed under Rule 154, an internal appeal procedure takes place)
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Mr Constantin GHEORGHE (Romania) presented the following written contribution:

“After 1989, once the Parliament of Romania was re-founded as a democratic and representative institution of the Romanian people, the usual hurrah, ovations, long applause, slogans and full consensus, staged by the communist regime on the occasion of the Great National Assembly’s⁵ sittings, left place to the ideological confrontations specific to the multi-party system, to genuine and sometimes passionate manifestations from MPs and the plenary session’s audiences, freed from the communist censorship.

Most of the time, it was a matter of messages written on banners, whistling or roaring by MPs or the audience, which imposed the re-establishing of order by the Chairman. No doubt, there were rather tensed moments caused by the debate on certain draft laws, when a certain degree of verbal violence or the persistence of protests susceptible to prevent the normal progress of works, were solved by the Chairman by means of warnings and seldom by excluding protesters from the plenary hall.

Maintaining order during public meetings, as regards both the MPs and the citizens, is regulated by:

1. Regulations of the Senate;
2. Regulations of the Chamber of Deputies;
3. Regulation on the joint meetings of the Chamber of Deputies and the Senate;
4. Law no.96 (r1) of April 21, 2006 on the Status of Deputies and Senators⁶, as follows:

Maintaining order during public sittings – citizens’ protests

The sittings of the Senate, as well as those of the Chamber of Deputies are public, except when most of the MPs present decide, by vote, that the sitting should be secret.

The Senate’s public sittings may be attended by diplomats and press/radio/television representatives, as well as by other guests, by accreditation or by invitation signed by the Secretary General, under the terms established by the Standing Bureau. Citizens may attend the debates based on access permits issued at request, in the order in which requests are received, within the limit of the available seats; they must observe the access and good conduct regulations, as communicated to them by the staff from the Public Relations Bureau.

Persons attending the sittings have to maintain silence and to refrain from any showing of approval or disapproval; otherwise, they might be excluded from the hall.

The Protection and Security Service, a State body with military structure and competencies in the area of national security, is in charge with security and order within the headquarters of Parliament, as well as with the protection of dignitaries.

⁵ The Great National Assembly was the one-chamber legislative body of the People’s Republic of Romania and then of the Socialist Republic of Romania, between 1948 and 1989.

⁶ Republished in the Official Gazette Part I no. 763 on November 12th. 2008.

Maintaining order within (public or non-public) sittings – MPs' protests

As for MPs, they are forbidden to utter insults or calumnies from the rostrum, as well as from the meeting hall; dialogue between the persons speaking at the rostrum and those in the hall is also forbidden.

In this respect, the sphere of disciplinary misbehavior include: non-observance of the Regulations of the Chamber to which they belong, and of the Regulations of the joint meetings of the Chamber of Deputies and the Senate; the insulting or defaming conduct directed at a Senator/Deputy or other dignitary, during plenary meetings, in the exercise of the parliamentary mandate.

The legal framework in force stipulates the sanctioning of breaches of parliamentary deontology, according to each circumstance, by means of:

- a) Warning;
- b) Call to order;
- c) Withdrawal of leave to speak;
- d) Exclusion from the hall for the remainder of the sitting;
- e) Written public warning.

These are actually the tools available to the President of the Senate/Chamber of Deputies and to the Chairpersons of the Committees, who are responsible for maintaining/re-establishing the order during debates and for ensuring that regulations are observed during Committee meetings (public or non-public).

Thus, the President calls to order the senators who disturb the debates or create agitation; he/she may interrupt the sitting when the disorder persists, and may also exclude from the hall, through the questors, the persons who prevent, by any means, the normal progress of works.

Before calling an MP to order, the President of the Senate/Chamber of Deputies can invite him/her to withdraw or explain the words that produced incidents and would trigger the enforcement of the measure. If the explanations given are considered satisfactory by the President or the MP the words were directed at, the measure is no longer enforced.

However, if an MP, after being called to order, still breaches the regulations, the President may withdraw the leave to speak, and if the conduct persists, he/she will be excluded from the hall."

Dr Hafnaoui AMRANI, President, thanked Dr Ulrich SCHÖLER and opened the debate to the floor.

Ms Claressa SURTEES (Australia) recalled a recent occasion on which a new order of business had been introduced which included an additional sitting day each sitting week, but without a ministerial question time. The Opposition had protested by bringing in a cardboard cut-out of the Prime Minister. The Speaker had had to suspend and then adjourn proceedings. Journalists were often tipped off as to when protests were likely

to occur in the Chamber. The Australian Parliament had provided an area within the precincts for authorised protests by members of the public.

Mr Marc BOSC (Canada) said that in Canada, as soon as there was disorder in the Chamber, the Speaker controlled the cameras – with the effect that publicity was minimised when protests took place. The Speaker could also refuse to call Members to speak if they participated in publicity-seeking incidents. The Canadian House of Commons had a problem with Members using extreme and offensive language, to the extent that teachers refused to let school groups come to watch proceedings.

Dr V.K. AGNIHOTRI (India) said his country had not experienced problems in the public galleries. This may have been a result of the terrorist attack on Parliament in 2001. Within the House, the large number of rules and guidelines on conduct were not always obeyed. The Speaker could require Members to withdraw, and the House could vote to suspend Members, for as long as the entire session. Members had on occasion had to be physically removed from the Chamber: in the 1960s and 1970s, a particular Member had specialised in this. There had been no incidents since 1974 until this month, when seven Members had had to be removed from the Chamber, when they refused to leave having been ordered to do so. The Members had obstructed proceedings for a full day, and the House had been almost under a condition of siege, with 60 marshals present. Expulsion from Parliament was an option open to the House, but it had never been used for disorderly conduct, only for unethical conduct.

Mr Ghulam Hassan GRAN (Afghanistan) asked if people wanting to stage a demonstration ever gave notice to the Bundestag's Council of Elders.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked why in the Bundestag a two-thirds majority had been necessary to allow suspended Members to return to the sitting. She related how, in one incident in the Netherlands States General, a member of the public and a policeman had both jumped from the public gallery and broken their legs. The use of offensive language by Members could lead to their suspension, but there was also a conflict between the constitutional right of free speech and the use of hateful language in the Chamber. Members were not all well-trained in the arts of debate.

Mr Vladimir SVINAREV (Russian Federation) asked whether Germany had any rules on behaviour and sanctions if these rules were violated.

Mr Mohamed Kamal MANSURA (South Africa) could record only three incidents during his twenty-five years working in Parliament. During the tense transition from Apartheid rule to democracy, a number of Members had entered parliament carrying and openly displaying firearms. The situation had been delicately handled: the Members had not been removed, but rather spoken to privately by the Speaker. In a second incident, when Nelson Mandela's release had been announced, there had been a public demonstration, and a person had been removed. Following a third incident, Members from a political party had helped to remove their own supporters from the public gallery. A current problem was the lack of a dress code, with some Members wearing T-shirts

with slogans on them. The idea of cutting off the cameras in such situations was worth considering.

Mr Paul DANNAUD (France) recounted an incident which had taken place in the National Assembly on 5th December. Demonstrators from Greenpeace had entered the hemicycle from the public gallery using concealed ropes and climbing gear. At a meeting of the Bureau, Members who had applauded their action were sanctioned, because of unbecoming gestures they had made towards their colleagues, with a quarter of their parliamentary allowance withheld for one month. Incidents in the Chamber were much less extreme than fifty years before, and less so than in some other countries.

Mr Robert WILSON (United Kingdom) described an incident involving a Greenpeace protest at the House of Commons. 51 protestors had climbed onto the roof; they had been gently handled, and none had got into the building. The incident had caused quite a security scare, given the difficulty of distinguishing between harmless protestors and people posing a real security risk. The broadcasting rules in the British House of Commons were similar to those in Canada: this ensured that protestors could not achieve much publicity. Parliament needed to be accessible to the public, and it was not an option to turn it into a fortress.

Mr Abdelhamid Badis BELKAS (Algeria) said that his country had been spared demonstrations by visitors. But the televising of the annual budget debate had led to some tempestuous behaviour. There had also been heated tempers at the time of the Israeli invasion of Gaza, when the Speaker refused to allow a general debate on the matter.

Mr Mohamed Vall Ould KOUERI (Mauritania) said that following the change in the political situation in his country in 2008, the Speaker had been drawn from the opposition and a Deputy Speaker from the government side of the House. During the ordinary session chaired by the Deputy Speaker, the Opposition Members (who had been demonstrating in the streets) made so much noise that the Deputy Speaker could not be heard. When he adjourned the sitting, the opposition Members continued their discussion after a fashion, and remained in the Chamber all day and all night. They had not realised, however, that the air conditioning would be switched off and that there would be no food or drink. They withdrew somewhat discreetly the following day.

Mr Amjad Abdul Hamid ABDULLMAJEED (Iraq) spoke about developments in the Iraqi parliament. They were looking to refine their rules of procedure and sanctions available against Members, as the current ones were not working as well as they might.

Dr Ulrich SCHÖLER (Germany) said that the debate showed that many Parliaments had experienced similar situations, relating to order in the House, demonstrations by parliamentarians, demonstrations by visitors in and outside the House, and issues of security and policing. Decisions often needed to be taken very quickly when incidents arose, in a situation of intense media attention and under live broadcast. Incidents often involved collaboration between people inside and outside the House to achieve

maximum media coverage. The Australian idea of having a place for authorised demonstrations was worth considering elsewhere. There were no rules in the Bundestag as to what the cameras could and could not show in Chamber.

Mr Marc BOSC (Canada) clarified that as the television feed in Canada was provided by Parliament itself, no images were available of disorderly proceedings.

Dr Ulrich SCHÖLER, recalling comments earlier in the morning by Mrs Sá Carvalho, noted that free-roaming cameras were not an exclusively German problem. It was very hard to judge whether intruders were peaceful demonstrators or something more sinister. Thousands of people visited the precincts every day, and it would be impossible to avoid incidents altogether. All of the political groups agreed that there should be no demonstrations in House, but they could not always control their colleagues. There had not yet been a situation in which a political group had been excluded from the Bundestag. A two-thirds majority was needed to overturn a decision of the President. Dr Schöler's paper described the rules relating to sanctions in detail. While there was no dress code in the Bundestag, the Speaker had the power to decide whether slogans on clothing amount to a demonstration and should therefore be banned. Dr Schöler thanked members of the Association for contributing to a lively debate.

Dr Hafnaoui AMRANI, President, thanked Dr Ulrich SCHÖLER as well as all the members present for their numerous and useful contributions.

The sitting rose at 12.30 pm.

FOURTH SITTING
Monday 29 March 2010 (Afternoon)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 2.30 pm

1. Preliminary Remarks

Dr Hafnaoui AMRANI, President, expressed the Association's sympathy to colleagues from the Russian Federation following a terrorist attack in Moscow earlier that day. He also thanked Mr Gherardo Casini for having provided members with copies of the report on the World e-Parliament conference 2009.

2. Communication from Dr. V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India, on "Statements by Ministers on the floor of the House"

Dr Hafnaoui AMRANI, President, invited Dr V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India, to present his communication, as follows:

"INTRODUCTION

1. In the Indian constitutional set-up, the Constitution is the fundamental law of the land. The Makers of the Indian Constitution, while deliberating at length on the issue of various institutions of the State, felt the need to define the contours of activities of each institution. In the Constitution of India, the sum total of the State's authority has been divided into three branches – the legislative, the executive, and the judiciary. Today, this division of authority is ingrained in the various provisions of the Constitution. All branches have defined areas of roles and responsibilities and each one is unique in its own ways.

2. Parliament is the highest democratic forum in the country, representing the sovereign will of people. Apart from other functions, it makes laws and provides the legal framework of public governance. The Executive formulates policies within the legislative framework and executes their implementation while the Judiciary uses it as its frame of reference in adjudicating cases.

3. In the Constituent Assembly, the overwhelming opinion was in favour of adopting parliamentary form of Government for our country. Dr. B.R. Ambedkar, the principal

architect of the Constitution, while introducing the Draft Constitution,⁷ made an exhaustive statement in this regard:

“The Parliamentary system differs from a non-Parliamentary system in as much as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility... In England, where the Parliamentary system prevails, the assessment of responsibility of the executive is both daily and periodic. The daily assessment is done by Members of Parliament, through questions, resolutions, no-confidence motions, adjournment motions and debates on Addresses. Periodic assessment is done by the electorate at the time of the election, which may take place every five years or earlier. The daily assessment of responsibility...is felt far more effective than the periodic assessment and far more necessary in a country like India....”

EXECUTIVE ACCOUNTABILITY IN PARLIAMENTARY FORM OF GOVERNMENT

4. It is implicit in the notion of parliamentary democracy that Parliament occupies a pivotal position. Parliament embodies the will of the people and it must, therefore, be able to oversee the way in which public policy is implemented so as to ensure that it serves the objectives of socio-economic progress by meeting the rising aspirations of the people. In the process, Parliament shares an intimate and complementary relationship with the Executive. While the Executive has the freedom to initiate and formulate legislative and financial proposals before Parliament and to give effect to approved policies, Parliament has the unlimited power to call for information, to discuss and scrutinize the proposals made by the Executive and, finally, the authority to approve the legislative proposals.

5. According to the Indian constitutional scheme, the Executive is accountable to Parliament. The principle of collective responsibility of the Council of Ministers,⁸ as envisaged in the Constitution, renders it necessary for the Ministers to be ready to explain every action of the Government to both the Houses of Parliament. The Parliamentary control over the Government is underscored by the fact that any action of the Ministry/Department can be called in question by any Member and the concerned Minister has to remain accountable to the omissions and commissions of his Ministry. Parliament can enquire and examine whether the Government has acted in conformity with its obligations under the approved policies and utilised the powers conferred on it for intended purposes and whether the monies spent were in accordance with the parliamentary sanction.

6. There are various procedural devices like Questions, Calling Attention, Half-an-Hour Discussion, among others, which constitute very potent instruments for ensuring Executive accountability. The system of Parliamentary Committees is also there to

⁷ Constituent Assembly Debates (C.A. Deb.). Vol. VII; pp, 32-33.

⁸ Article 75(3) of the Constitution states: “The Council of Ministers shall be collectively responsible to the House of the People.”

secure executive accountability. The statements made by Ministers on the floor of the House constitute one of the most important mechanisms for Parliamentary surveillance.

7. The procedure concerning the 'Statements by Ministers on the floor of the House' enables the Government of the day to share information with Parliament on major policy issues or on important incidents and developments. It also provides an opportunity to the Members to learn about the response of the Government of the day on issues of urgent public importance. In the process, all sections of the House, including the Opposition, get opportunities to discuss and debate the Government policies and throw light on their strengths and weaknesses. Such informed debate on the floor of the House is the life blood of democracy.

TYPES OF STATEMENTS

8. In order to keep the House informed about matters of public importance or to state the Government's policy in regard to a matter of topical interest, Ministers make statements in the House from time to time with the consent of the Chairman, Rajya Sabha. Statements on the same subject are made on the same day in both the Houses.⁹ A statement made by the Minister on the floor of the House is not a constitutional provision; rather it is based on statutory provisions, rules and regulations or long-standing conventions and practices.

9. As per the Rules of Procedure and Conduct of Business in the Council of States, a Minister may make a statement *suo motu* on a matter of public importance; in response to a Calling Attention to Matters of Urgent Importance; and to correct inaccuracies arising out of incorrect information given to the House in answer to a Starred/Unstarred/Short Notice Question, a Supplementary Question or during a debate. Besides, there are certain other occasions which warrant a statement from the concerned Minister. Given below is a brief description of the various types of statements:

(a) Statement by Minister in response to Calling Attention:

10. On a Calling Attention to Matter of Urgent Importance, the Minister may make a brief statement or ask for time to make a statement at a later hour or date.¹⁰ Any debate on such a statement is prohibited at the time it is made.¹¹ However, as per the common practice, Members can seek clarifications, to which the Minister responds in the end.

(b) Statement by Minister to correct inaccuracies:

11. When a Minister finds that incorrect information has been given to the House by him in answer to Starred/Unstarred/Short Notice Question or a Supplementary Question or during a debate, he may either make a statement or lay it on the Table correcting his earlier answer or information given.

⁹ Ruling Nos. 467 and 468, Rajya Sabha: Rulings and Observations from the Chair (1952-2008), Rajya Sabha Secretariat, 2009.

¹⁰ Rule 180 (1) – Rules of Procedure and Conduct of Business in the Council of States, 2005, p. 47.

¹¹ Rule 180 (2) – *Ibid*, p. 47.

(c) Statements by Ministers on matters of public importance or *Suo Motu* Statement:

12. A statement may also be made by a Minister on a matter of public importance with the consent of the Chairman. No questions shall be asked at the time the statement is made.¹² However, again as per the current practice in the Rajya Sabha, Members can seek clarifications, to which the Minister responds.

(d) Statement regarding Implementation of Recommendations of Department-Related Parliamentary Standing Committees:

13. The Chairman, Rajya Sabha, on 24 September 2004, in pursuance of the provisions of Rule 266 of the Rules of Procedure and Conduct of Business in the Council of States, issued a Direction that the Minister concerned shall make, once in six months, a statement in the House regarding the status of implementation of recommendations contained in the Reports of the Department-related Parliamentary Standing Committees (DRSCs) concerning his Ministry.¹³ To make a statement regarding implementation of the recommendations contained in the Committee Reports, the Minister gives an advance notice to the Secretariat, along with a copy of the statement, indicating the date on which he/she desires to make the statement. Accordingly, an item is included in the List of Business.

(e) Statement regarding Bill Replacing Ordinance:

14. Whenever a Bill seeking to replace an Ordinance, with or without modification, is introduced in the House, a statement, explaining the circumstances which had necessitated immediate legislation by Ordinance, is laid on the Table along with the Bill, and copies of the Statement are circulated to Members. Discussion on this statement is subsumed in the debate on the Bill that follows.

(f) Statement on Visits Abroad:

15. By convention, Ministers inform the House about the outcome of their official visits abroad. A Minister is entitled to make a Statement about a treaty signed with a foreign country. In this case too, Members may seek clarifications in the Rajya Sabha.

(g) Policy Statement:

16. It has also been held that policy statements should first be made on the floor of the House, if the House is in Session, before releasing them to the Press or the public.

(h) Statement on Direction from Chair:

17. A Statement is also made by a Minister consequent on a direction made by the Chair. In such a situation, no Supplementary List of Business is issued and circulated to the House.

¹² Rule 251 – *Ibid*, p. 77.

¹³ Parliamentary Bulletin, Part-II, dated 28.09.2004.

(i) **Statement of General Business in the House:**

18. During the session of the House, each week, a statement is made on the floor of the House regarding the Government business to be transacted by the House during the following week so that Members may get advance information of the Government business to be transacted by the House. The statement regarding Government business is generally made by a Minister in the Ministry of Parliamentary Affairs on Fridays after the Chair has announced the recommendations of the Business Advisory Committee allocating time for various items of Government business. The statement is also published in the Parliamentary Bulletin for the information of Members. In the Lok Sabha, it is formally part of the List of Business, but not so in the Rajya Sabha.

TIME FOR AND MANNER OF MAKING STATEMENT

19. In response to a Calling Attention, the practice is to read a prepared statement and not to speak *extempore*.¹⁴ On an occasion, when the Minister, instead of reading the prepared statement, wanted to respond *extempore*, the Chair ruled that it was not the procedure and the Minister had to read the statement.¹⁵ In some cases, the Chair may permit the Minister to make a brief statement on salient points and lay the detailed statement on the Table.¹⁶ The statement may be read by a Minister of State, even though the Cabinet Minister in charge of the Ministry concerned with the subject matter of the Calling Attention, is present in the House.

20. In the case where the Calling Attention covers more than one Ministry, all the concerned Ministers may be present during the discussion and make statements in so far as any of the aspects concerning them. However, it is for the Government to decide as to which Minister will mainly respond to the clarifications sought by the Members.

21. If the Chairman admits a Calling Attention on a subject matter in respect of which the Minister has already made a statement *suo motu*, then generally the Minister concerned does not make a statement again.¹⁷ However, there have been occasions when, despite a previous *suo motu* statement on a subject-matter, the Minister made a statement again in response to a Calling Attention on that subject matter.¹⁸

22. To make a *suo motu* statement, advance intimation about the date, along with a copy of the proposed statement, is sent to the Secretariat so that an item pertaining to it may be included in the List of Business. However, in urgent cases, where a Minister requests to make a statement on the same day, a Supplementary List of Business is issued indicating the time for making such a statement, if time to prepare and circulate the Supplementary List of Business is available; otherwise, an announcement is made by the Chair and/or a notice is displayed on the House Channel (TV) for information of

¹⁴ Rajya Sabha Debates, dated 19.11.1970, p. 131.

¹⁵ Rajya Sabha At Work, ed. Dr. Yogendra Narain, 2006, page 487.

¹⁶ Rajya Sabha Debates, dated 06.08.1993, p. 271.

¹⁷ Rajya Sabha Debates, dated 18.03.1980, pp. 150-160.

¹⁸ Parliamentary Bulletin, Part I, dated 13.03.1968 and 14.03.1968.

Members. If the Minister requests to make the statement immediately, it is entirely up to the Chair to permit him to do so. Copies of the Statement received from the Minister/Ministry concerned are circulated in the House (in English and Hindi), when the Minister rises to make the Statement. A *suo motu* statement should be read out by the Minister and not laid on the Table of the House.¹⁹ The Minister may, however, in exceptional circumstances, be permitted to lay a copy of the statement on the Table.²⁰

23. A *suo motu* statement on matters of public importance is listed in the List of Business to be made towards the latter half of the sitting of the House, either at 5 p.m. or before the House rises for the day after completion of the listed business.

24. Regarding the statements made to correct inaccuracies, a Minister may make a statement or lay it on the Table to rectify incorrect information that has been given by him in answer to a starred/unstarred/short notice question or supplementary question or during a debate.²¹ In order to do so, the Minister is required to give an advance notice of the proposed statement, to the Secretary-General along with a copy thereof, which he proposes to make or lay on the Table. Thereafter, an item is included in the List of Business ordinarily for the day the Minister has his questions or the day indicated by the Ministry. The item appears immediately after the item 'Questions' in the List of Business. The copy of the Statement is also made available to the concerned Member in the Notice Office, half-an-hour in advance of the sitting of the House.

25. Delay in correcting inaccuracies in statements has been objected to by Members from time-to-time. Ministers, generally, correct replies immediately at the end of the Question Hour or sometime later on the same day when the answer was given. In one instance, when a Minister wanted to lay a statement correcting the reply given in the Rajya Sabha to an Unstarred Question after three weeks and not on the designated day on which answers are given by that Ministry, a Member raised a point of order regarding the delay in laying the statement and also not doing so on the date of the answer of the concerned Ministry. The Chairman observed:²²

"The corrections should be done on time and corrections should be done on the date of answer of questions relating to the Ministry concerned."

26. As regards correcting a statement arising out of a debate, it may be made or laid at such time as the Chairman may permit. For instance, a statement was made by the Minister of State in the Department of Defence Production and Supplies, correcting the reply given by him in the Rajya Sabha on 12 August 1987, on the motion on the Report of JPC on Bofors to "set at rest all doubts".²³

¹⁹ Ruling No. 478, Rajya Sabha: Rulings and Observations from the Chair (1952-2008), Rajya Sabha Secretariat, 2009.

²⁰ Rajya Sabha Debates, dated 23.11.1967, p. 944.

²¹ Rajya Sabha At Work, ed. Dr. Yogendra Narain, 2006, page 359.

²² *Ibid*, page 445.

²³ *Ibid*, page 359.

MAKING A DELIBERATELY MISLEADING STATEMENT IN THE HOUSE

27. Making a misleading statement deliberately may be treated as breach of privilege and contempt of the House. The provision in this regard is as under:

"If any statement is made on the floor of the House by a Member or a Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. If an incorrect statement is made, there are other remedies by which the issue can be decided. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading, but it was made deliberately to mislead the house. A breach of privilege can arise only when the Member or the Minister makes a false statement or an incorrect statement willfully, deliberately and knowingly."

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SEEKING CLARIFICATIONS

28. As stated earlier, the practice of seeking clarifications on the statements made by the Ministers has become an integral part of the procedure of the Rajya Sabha. The House seldom foregoes this 'right'. This practice provides an additional device to Members to discuss a subject of public importance and examine the policies of the Government. It enables the Members to extract a little more information or find out a little more about the Government's mind. However, this practice also poses certain problems, both to the Chair as well as to the House as a whole. At a particular time, there are always a number of Members wanting to seek clarifications and it becomes difficult for the Chair to decide as to who should be called or, more importantly, whom permission to seek clarification should be denied. If the process of seeking clarification gets prolonged or develops into a debate on a statement, it consumes a lot of time. The Business Advisory Committee, which is headed by the Chairman, Rajya Sabha, made the following recommendations²⁵ to ensure that the process of seeking clarifications becomes smooth and useful:

- Only one Member from a party/group having a strength of four or more Members may be called to seek clarifications on a statement;
- Members belonging to a group whose strength is less than four may be grouped together and given a chance to seek clarifications by rotation;
- Names of Members who may be called to seek clarification may be supplied to the Chair by leaders/whips of the parties/groups; and
- No Member should take more than three minutes to seek clarifications.

These recommendations were implemented during the 159th session of the Rajya Sabha (Monsoon session of the year 1991 from 28.06.1991 to 14.08.1991). Instead of seeking clarifications on statements then and there, it is open to Members to raise discussion

²⁴ Practice and Procedure of Parliament, M.N. Kaul & S.L. Shakti, Fifth Edition, Page 290.

²⁵ Rajya Sabha At Work, ed. Dr. Yogendra Narain, 2006, page 802.

on a Minister's statement by tabling a suitable notice. There have been a number of instances when the House has discussed important Ministerial statements by way of a Short Duration Discussion or a Motion.

29. As aforementioned, there can be no debate on statements by Ministers made in response to Calling Attention at the time it is made. However, Members are permitted to seek clarifications on the statement. A Member who initiates a Calling Attention first seeks the clarification. He is not to take more than seven minutes. Other Members, who are called by the Chairman, should not take more than five minutes²⁶ and restrict themselves strictly to seeking clarifications on the statement and avoid making long speeches. When a number of members participated in the Calling Attention, the first principle in choosing members who desire to seek clarifications is party/ group. After exhausting the parties/groups, whose members have given the notices by calling one member from each party/group, the Chairman may call members belonging to parties or groups not in the list.

30. Regarding statements made by Ministers to correct inaccuracies in their previous reply, clarifications are allowed in the form of supplementary questions. The Member in response to whose question the earlier answer was given and which is sought to be corrected by the Minister may be allowed to seek a brief clarification after the statement is made and a supplementary question on the correction may also be permitted at the discretion of the Chairman.²⁷

31. In relation to *suo motu* statements, though rule prohibits asking of any question at the time the statement is made, in practice, Members are permitted to seek clarifications on the statement. In view of this long established practice in the Rajya Sabha in permitting Members to seek clarification on a statement made by a Minister, sometimes a question arises whether it is a *suo motu* statement or is in response to some observations made by Members on some matter. If a statement is made by a Minister on a direction from the Chair, in response to a demand made by Members in the House, ordinarily no clarifications are permitted to be asked on such a statement. This is amplified in the following instance:²⁸

While the Prime Minister was replying to certain points, raised by some members regarding purchase of Bofors Guns, a Member wanted to seek a clarification thereon. The Chairman ruled that if the Prime Minister made a *suo motu* statement, the Member was entitled to seek clarifications. The Prime Minister's statement was just in response to Members' questions. Hence, no clarifications were permitted to be sought.

32. Clarifications on *suo motu* statements are generally asked for immediately after the statement is made. However, on a number of occasions, clarifications were allowed to be sought at a later date. The House may also forgo clarifications if some other

²⁶ Direction 22 in 'Directions by the Chairman under the Rules of Procedure and Conduct of Business in Rajya Sabha, 2007.

²⁷ Rajya Sabha At Work, ed. Dr. Yogendra Narain, 2006, page 444.

²⁸ *Ibid*, page 800.

opportunity is available for having a discussion on the subject matter of the statement. For instance, the Business Advisory Committee (BAC) recommended on 28 July 1982 that no clarifications may be sought on the statement regarding the purchase of High Speed Diesel from M/s Kuo Oil made on that day in view of the Short Duration Discussion on the subject scheduled on the following day, *i.e.*, 29 July 1982.

CONCLUDING REMARKS

33. Statements made by Ministers on the floor of the House are very useful devices for the working of Parliamentary democracy. It is a double-edged tool, which can be used by the Government of the day as well as the Opposition for consolidating their respective positions. It also provides an opportunity to the Opposition as well as the ruling party to test the mettle of various Ministers.

34. Democracy has been described as 'government by explanation'. Parliament is the forum in which the Government must explain itself and be held to account. In practice, the efficacy of Government functioning depends on a number of factors, an important one being the tacit cooperation of the Opposition. In addition, all Governments are conscious of the possibility that they may be on the Opposition benches one day. This consideration underpins any Government's need to maintain a working relationship with the Opposition, as a part of which Government generally heeds the demands of the Opposition benches for explaining and justifying its policies and programmes in the form of statements by Ministers and various other procedural devices. The potential of this device for both the Government and the Opposition ought to be optimally harnessed in furtherance of the country's parliamentary democracy, the defining feature of which is accountability.

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Dr Hafnaoui AMRANI, President, thanked Dr V.K. AGNIHOTRI for his communication and invited members present to put questions to him.

Mr Edward OLLARD (United Kingdom) was interested to hear that statements in the Rajya Sabha did not always give rise to questions from the floor. He referred to the British convention that the most important ministers were Members of the Commons, rather than the Lords. However, there were currently some important Secretaries of State in the Lords, who could not be questioned on the floor of the Commons. This had given rise to some disquiet, and to proposals for Lords Ministers to submit to questioning from Members of the Commons, either on the floor of that House itself or in a room nearby.

Mrs Doris Katai Katebe MWINGA (Zambia) asked how many departmentally related standing committees there were in the Rajya Sabha, and how many statements on their reports ministers made.

Mr David Byaza SANDA (Congo) said that in his country, Ministers could only come to Parliament if invited to do so by way of questions from Members of Parliament. He asked what the purpose was of Ministers coming to make statements on their own initiative.

Mr Mohamed Kamal MANSURA (South Africa) said that statements were a way of holding Ministers to account. He wondered how the Speaker decided whether to give consent to a Minister wishing to make a statement. In the South African parliament, the Speaker was given criteria on which to make a judgement.

Dr V.K. AGNIHOTRI (India) said that Ministers in India tended to make their statements in the Lower House first, but in the Upper House usually later on the same day. There tended to be no questioning of Ministers in the Lower House. Clarification of statements in the Upper House was often postponed to a future day. There were 24 departmentally related standing committees, with 45 ministries and departments distributed between them. Each minister was answerable in respect of one committee only. Each minister made a statement only once every six months, when committee members were unhappy with the government reaction to their recommendations. In practice, large numbers of ministers did not make these statements, and members often did not follow up this opportunity. Some statements were made out of necessity: correcting a mistake in a response to a question for example. But *suo moto* statements were different, as they were made at the minister's initiative. The chair did not normally question ministers' motives in making statements. They were generally in response to an important political event, intended as a pre-emptive strike to avoid the need for a full-scale debate. *Prima facie*, the purpose was to keep Members informed. Ministers did not generally appear before committees.

Dr Hafnaoui AMRANI, President, thanked Dr V.K. AGNIHOTRI for his communication as well as all those members who had put questions to him.

3. Communication from Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of the Netherlands, on “The process of parliamentary self reflection in the House of Representatives of the States General”

Dr Hafnaoui AMRANI, President, invited Mrs Jacqueline BIESHEUVEL-VERMEIJDEN, Secretary General of the House of Representatives of the States General of the Netherlands, to present her communication, as follows:

“Today I have the honour of sharing with you the experiences we gained in the Netherlands, in the Dutch House of Representatives of the States-General, during our parliamentary process of self-assessment. In particular I would like to tell you about the results and follow-up of this process. When we met in Ethiopia in April of last year, I told you that we were spending a two-year period engaged in a thorough and intensive examination of our working methods, our procedures and the way we function. Questions the House asked itself during this process included:

How does the House relate to the government? and
How does the House function in an age where weekly opinion polls are the norm?

This process of self-assessment resulted in a number of recommendations and a number of points for improvement. Implementing these recommendations will require something of a cultural change in the organisation. A change like this does not happen overnight, but needs time. Yet some very concrete points for improvement emerged, some of which we will be implementing this year. And I would like to tell you about these.

1. The first recommendation is to improve the scrutiny of legislation and policy

A trend in the Dutch House of Representatives in recent years – and one I am sure we are not alone in – has been to primarily pay a great deal of attention to incidents, and thus the direct, practical aspects of politics: calling ministers to account, being answerable, etcetera. Far less attention is being paid to the traditional role of MPs of working together to find a way to order society.

The number of private member’s bills has risen dramatically in recent years. It looks as though MPs are making frequent use of this instrument as a means of steering the government or to get their own subjects on the agenda. A shift from production to investigation, from less legislation to a more systematic control of how legislation is implemented may be advisable. The age of large-scale law-making operations, such as that concerning social security, is over. So when the House of Representatives sees a problem, rather than reaching directly for the instrument of legislation, it would be far better for it to first investigate where the real problem lies.

The recommendation to the House by the Parliamentary Self-Assessment Steering Committee is to implement the use of counter-expertise reviews of proposed policies beforehand. The House has taken this recommendation to heart. The intention is that the feasibility of bills will be tested during the Parliamentary Debate stage. People who will be directly affected by the proposed law will be expressly involved in this review. This will give a clearer picture of the practicability of a bill and whether there is enough support for it. These hearings will carry more weight than they do at present. In the 'new style' hearing, the Parliamentary Committee concerned will set out to build a picture of the true situation. By lending a critical ear to the parties involved, the Committee will endeavour to get a clear picture of this reality, following the example of its colleagues in the United States Congress and the British Parliament. These changes will not stop at a review beforehand. In response to recommendations, the House will also commission two or three counter-expertise reviews each year after the legislation has been implemented, to be carried out by temporary parliamentary committees of inquiry. These will examine how laws and policies which have been passed work out in practice. The House will initiate these reviews, based on signals from society. So the starting point for such reviews will be based on specific implementation in practice. We anticipate that this evaluation agenda will considerably strengthen the House's information position.

Moreover, since the first of January of this year, Dutch House of Representatives has been using a 'foresight agenda'. There is an increasing desire for the House to actively take the initiative in selecting topics for discussion instead of predominantly discussing government proposals. By assuming a proactive attitude, MPs can exercise a greater influence on how policy is developed and monitored. Foresight studies investigate the desirability or need for, new legislation or policy, in response to developments within society. These could be in the field of technology, or social trends that call for a review of the principles underpinning government policy. It should be noted that political colour does not play any role in these studies.

2. Another recommendation we will be implementing is the need to give MPs more support

One of the recurring themes exposed by the process of Parliamentary self-assessment was that the debates in the House are too often carried out in terms of the government. It has been said that the House is sometimes hijacked by government bureaucracy. The bottleneck is not so much the information position of the House itself, but more its information position with regard to the government. The House receives an enormous amount of information from the government, sometimes more than it can cope with. The problem lies in the capacity for sifting through all this information. Ministers have around 12,000 civil servants at their service, whereas MPs have only one personal assistant and on average one full-time employee from their party as support staff.

The Presidium has decided to expand personal support, professional support and support for initiators, as well as to provide further training and facilities support services. Parliamentary groups will also be given an extra budget to provide more support.

Organisations and individuals with questions have increasingly easier access to MPs and often expect an immediate answer to their question. MPs need help to process the enormous amounts of digital information. Ways of helping members and committees range from providing more staff to interactive methods involving new media.

MPs can make more and better use of support organisations and services, such as those offered by advisory councils and planning offices and other High Councils of State. And within the House itself, the Legislation Office, the Committee Support Services, the Parliamentary Bureau for Research and Public Expenditure, the advisors on Europe and the documentation service may be able to provide more support to MPs than they are currently aware of.

3. What about emergency debates?

An emergency debate is held when a minimum of thirty MPs (that is one fifth of the total) have placed the topic on the agenda. The 'more than thirty MPs' rule was introduced in 2004 in order to give minority groups in the House the opportunity to raise issues.

The number of emergency debates has increased sharply in recent times as a result of increased attention for high-profile incidents. One of the recommendations to emerge from the self-assessment process was that the House should use emergency debates more selectively. However, it was decided against raising the barrier for placing a debate on the agenda. In any case this would not be politically feasible. Of course there is the risk that this tool will lose its edge if overused. And of course the increased number of emergency debates can play havoc with the agenda, as a result of which the term 'emergency' may lose its force. At the same time, the emergency debate remains a very effective way for small parties in particular to gain the attention of the government and the media.

Yet it is a fact that the House would do well to develop a better sense of perspective. Not everything is political, and not all political life takes place in The Hague, the seat of the Dutch government. Even though the rules for emergency debates will not be changed, it is important for MPs to use this instrument more selectively and to be more fully aware of the expectations surrounding such debates.

4. Pay more time and attention to guiding new MPs

The House of Representatives contains an increasing number of MPs who have worked there for a relatively short period of time and thus lack experience. This has a number of consequences: fewer MPs are familiar with the rules, be they written, such as the Rules of Procedure and constitutional law, or unwritten. This makes MPs, and thus the House itself, vulnerable, for example in debates with experienced ministers. The House's collective memory is also on the wane. As a response to one of the recommendations, the House has expanded its introduction programme for new MPs and parliamentary group staff. Because the rules of the political game cannot be

learned in a few months, personal coaching, by former MPs for example, may make a huge difference.

5. Pay attention to the role of the House when making coalition agreements

It is a generally accepted fact in the House of Representatives that, in a multi-party system, coalition agreements are almost unavoidable. However there are concerns about the encroachments made by overly watertight coalition agreements on the dualistic system. The House will not and should not have its hands tied as a result of a coalition agreement. It should always be possible to hold an open debate on matters of substance. After all, a coalition agreement is just a 'snapshot', drawn up in response to the circumstances prevailing at that time.

The parliamentary process of self-assessment revealed a lack of knowledge concerning the process involved in the formation of a new cabinet. For this reason the House will be holding a study conference on 2 June of this year on the subject of cabinet formation and coalition building. This will be followed by the general election on 9 June.

Self-assessment is a continual process. The findings I have already mentioned and the associated follow-up activities will enable the House to take important steps towards improving both its working methods and its procedures. In so doing, the House will not only improve the way it functions, but in the long term it will also strengthen Dutch democracy."

Dr Hafnaoui AMRANI, President, thanked Mrs Jacqueline BIESHEUVEL-VERMEIJDEN for her communication and invited members present to put questions to her.

Mr Anders FORSBERG (Sweden) thought that the process of self-reflection was a way of revitalising Parliament. The coalition government in Sweden included four parties. Proposals sent to Parliament were therefore very fragile, and the Parliament found it difficult to amend them. The opposition was also effectively a coalition. Party profiles had become less clear, as a result of the political reality. This was not something that civil servants could change.

Mr Robert WILSON (United Kingdom) concurred with the idea that parliaments needed to re-examine their own place in the country's system. He thought that Parliament as a brand had lost a great deal of meaning to the general population. In terms of other developments in the UK, he pointed to post-legislative scrutiny of bills previously passed by Parliament to ensure their efficient working; and the Committee on Reform of the House of Commons, which aimed to capitalise on the impetus behind reform engendered by a recent scandal around parliamentary expenses.

Dr Hafnaoui AMRANI, President, asked about support for newly elected members. He also asked for more information about the idea of personal coaching.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN agreed with Mr Forsberg that coalitions posed a real problem. In 2006, more than half of Members in the Netherlands had been

newly elected. There were eleven parties in Parliament, and a great deal of wheeling and dealing as a result. The conference in April was to involve both existing Members and parliamentary candidates for the June election. The process of law-making had become so complex that problems often did not become apparent until after bills had been enacted. New members received an induction programme introducing them to the rules of procedure, the Constitution, the budget, the European Union, the legislative process etc. More detailed follow-up sessions were also offered.

Dr Hafnaoui AMRANI, President, thanked Mrs Jacqueline BIESHEUVEL-VERMEIJDEN for her communication as well as all those members who had put questions to her.

The sitting rose at 3.45 pm.

FIFTH SITTING
Wednesday 31 March 2010 (Morning)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 10.00 am

1. Preliminary remarks

Dr Hafnaoui AMRANI, President, thanked the Thai hosts for the excellent and well-organised excursion the previous day.

2. Orders of the day

Dr Hafnaoui AMRANI, President, announced a proposed change to the Orders of the Day: Mr Amjad Abdul Hamid ABDULLMAJEED (Iraq) would make a presentation at the end of the afternoon's sitting on recent developments in the Iraqi parliament. In addition, if time allowed, the Association would aim to complete the following day's business in the morning.

The Orders of the Day, as amended, were *agreed* to.

3. New Member

Dr Hafnaoui AMRANI, President, said that the secretariat had received a request for membership which had been put to the Executive Committee and agreed to. This was:

<u>Mr Victor Yéné Ossomba</u>	Secretary General of the National Assembly of Cameroon (replacing Mr Louis Claude Nyassa)
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The new member was *agreed* to.

4. Review of the Rules

Dr Hafnaoui AMRANI, President, reminded members that the Association would consider the changes to the rules proposed by the Executive Committee the following day, and that the deadline for tabling sub-amendments would expire at midday.

5. Communication from Mr Marc BOSCH, Vice-President of the ASGP, Deputy Clerk of the House of Commons of Canada, on "The role of Officers of Parliament"

Dr Hafnaoui AMRANI, President, invited Mr Marc BOSCH, Deputy Clerk of the House of Commons of Canada, to present his communication, as follows:

"The term "Officers of Parliament" has been used in different contexts to refer to different things. The original Officers of Parliament were the clerks, whose lineage may be traced back to the English Parliaments of the fourteenth century. The clerks were Officers of Parliament in an internal, non-partisan sense, and many centuries were to pass before the notion of Officers of Parliament as independent "Agents of Parliament" began to take shape. It is in this latter sense that I would like to use the term and to comment on the creation and evolution of such offices within the Canadian parliamentary framework and on the effect of these offices on the role of Members of Parliament.

For the purposes of this discussion, I will confine my comments to eight of these independent "Officers of Parliament", most of whose offices are of relatively recent creation. They are, in chronological order:

- the Auditor General (established 1878);
- the Chief Electoral Officer (established 1920);
- the Official Languages Commissioner (established in 1970);
- the Privacy Commissioner (established in 1983);
- the Information Commissioner (established in 1983);
- the Conflict of Interest and Ethics Commissioner (established in 2007);
- the Public Sector Integrity Commissioner (established in 2007); and
- the Commissioner of Lobbying (established in 2008).

Some have gone as far as to refer to Officers of Parliament as a fourth branch of government and to suggest that their evolution has been from servants of Parliament to Parliament's masters. If there is merit in this characterization, it stems from the independence enjoyed by these agents. Generally speaking, those to whom I here refer as Officers of Parliament have in common a requirement for approval of their nomination or removal by one or both Houses of Parliament, a statutory guarantee of a fixed term of office exceeding five years, a requirement to report to Parliament via the Speaker of one or both Houses, and the power to select and appoint staff independently. Officers of Parliament are responsible directly to Parliament rather than to the federal government or to individual ministers. They are independent from the government of the day and from political interference.

Officers of Parliament are assigned two broad categories of tasks: the Office of the Auditor General has the financial task of reviewing government spending and related management practices, and the remainder of the Officers of Parliament have the

“fairness” task of protecting and adjudicating the rights of individuals to free and fair elections, to privacy, to linguistic equality, and so on.

When it comes to the scrutiny of government operations, Members of Parliament often follow what has sometimes been described as a “fire alarm” approach. Once a political “fire” has broken out, the government is concerned to douse the flames, while opposition MPs seek to fan them. The availability of offices like those of the Auditor General and the Information Commissioner, whose jobs are, in part, to expose mistakes and misconduct, can reinforce these behaviours, but their objectivity and balance in the performance of their functions can and does exert a moderating influence on both sides.

Members of Parliament often complain that they lack the information necessary to do their job. They want “relevant” information in a “usable” format provided in a “timely” manner. Officers of Parliament, the Auditor General in particular, assist the Members in penetrating the information overload which hinders them in their efforts to hold the government accountable for its activities. Additionally, Officers of Parliament empower ordinary MPs in their role as advocates for their constituents.

Many Canadians were barely aware even of the existence of independent Officers of Parliament before June of 2003, when the then Privacy Commissioner, George Radwanski, was forced to resign over allegations of misleading Parliament, extravagant spending and mismanagement of his office. The “Radwanski Affair” drew attention to the fact that Officers of Parliament are also bureaucracies in their own right, possessing significant authority and influence within the policy and administrative apparatus of government. Members of Parliament were alerted to the fact that Officers of Parliament themselves need to be the subject of regular and careful scrutiny.

Officers of Parliament in Canada have almost always been established and empowered in reaction to a crisis or to meet what was perceived as an urgent need. Each office was created as a parliamentary response to a problem or problems that alerted parliamentarians to the need for sources of information other than the bureaucracy, which reports to the Executive.

During the first half century of Canada’s existence, the sole Officer of Parliament was the Auditor General, whose creation was the direct consequence of a political crisis. The Conservative government of Canada’s first Prime Minister, Sir John A. Macdonald, was rocked by a major scandal, the so-called “Pacific Scandal” of 1872–4. The position of Auditor General was established in 1878 by the Liberal government of Prime Minister Alexander Mackenzie in the wake of this scandal. The office of Auditor General was unprecedented in that its incumbent was to continue in office “during good behaviour” rather than at the discretion of the government.

After a process of gradual evolution, the passage, in 1977, of the *Auditor General Act*, further broadened the mandate of the Auditor General, who was effectively assigned the responsibility of assessing how well the government managed its financial affairs. The Act, however, maintained a line of demarcation between the Office of the Auditor

General and the Executive by permitting the former to assess the government's implementation of its policy choices, but not to evaluate the policy choices themselves.

The Auditor General conducts independent reviews of government financial records in order to audit the collection and disbursement of public funds and to report his or her findings to Parliament. He or she is directly responsible to the House of Commons and is mandated to report the waste or misuse of funds by the Executive. He or she examines the procedures and oversight mechanisms the government has put into place in connection with its finances, as well as precisely how and where the government is spending public funds.

The Auditor General plays a key part in ensuring accountability at the federal level. In order for Members of Parliament effectively to hold the federal government accountable for its use of public funds, they require access to independent and reliable financial information. They need to know such things as how the federal government is collecting public revenues, how it is distributing those funds to various government departments and agencies, and how those government departments are spending the money on a day-to-day basis. It is the Auditor General's responsibility to provide this information to them.

The Auditor General can take on a highly public profile, especially when he or she reports on severe misuses of public funds by the federal government. A recent example of this occurred in 2004, when the Auditor General released a report highlighting financial irregularities in a federal sponsorship programme. The public and parliamentary outcry that resulted eventually led to a full public inquiry on the issue. The "sponsorship scandal" also illustrated the credibility that the Auditor General enjoys with the general public, a credibility which is arguably greater than that of Members of Parliament.

An important point of contact between the Office of the Auditor General and the House of Commons is the Standing Committee on Public Accounts before which the Auditor General regularly appears and which examines all reports of the Auditor General. The Auditor General is also frequently invited to appear before other committees of the House. As I have already noted, Members of Parliament suffer from "information overload" particularly with regard to government finances. This has important implications for how Officers of Parliament like the Auditor General and the Information Commissioner communicate with Parliament. It would scarcely be an exaggeration to say that the Auditor General's reports and evidence before committees of the House are the primary sources of the information required by Members of Parliament and their parties to hold the government to account in respect of its management of public funds.

The creation of the office of the Chief Electoral Officer, by the passage in 1920 of the *Dominion Elections Act* (now the *Canada Elections Act*), reflected a widespread desire to prevent manipulation of the electoral process by governments in power. Unlike his predecessor, the Clerk of the Crown Chancery, the Chief Electoral Officer was appointed by and responsible to the elected Members of the House of Commons, rather than to the Executive. The goal was to ensure professionalism and impartiality in the

conduct of federal elections by establishing an agent of Parliament with the authority to exercise general direction and supervision over the administration of elections and to ensure compliance with the relevant statutes.

With the assistance of subordinate officers, the Chief Electoral Officer administers elections and referenda in accordance with the provisions of the *Canada Elections Act* and the *Canada Referendum Act*. Elections Canada, the organization that carries out the specific roles and responsibilities of the Chief Electoral Officer, administers boundaries readjustment, a national register of electors, referenda, registered parties, election advertising, and political finance laws applicable to individuals and parties during elections, by-elections, nominations and political leadership contests.

Particularly significant among these in recent years for Members of Parliament has been the close scrutiny of election financing. The passage of the *Federal Accountability Act* in 2006 reduced annual contribution limits to political entities, allowed only individuals (Canadian citizens or permanent residents) to make political donations and prohibited candidates from accepting any gift or other advantage that might appear to have been given to influence them in the performance of their duties if elected to office.

Persons and parties seeking election to Parliament are required to disclose the details of election financing, are subject to careful independent scrutiny and are aware of the fact that any apparent irregularities will be actively investigated by an independent agency. Rather than reacting with resentment to this, Members of Parliament tend to see the Chief Electoral Officer as the guarantor of fairness in the elections which they contest.

The third Officer of Parliament was brought into being in 1969 by the passage of the *Official Languages Act*, which sought to redress historic injustices in response to the report of a Royal Commission on Bilingualism and Biculturalism. The law gave equal status to French and English in the government of Canada, designating them as "official" languages, having preferred status in law over all other languages. It was this statute that created the Commissioner of Official Languages, an Officer of Parliament charged with receiving complaints from the public, undertaking inquiries, and making recommendations regarding the status of the two official languages.

The Commissioner of Official Languages is charged with ensuring the equality of English and French in Parliament and in the federal administration, working to ensure the preservation and development of minority official language communities in Canada, and promoting the equality of English and French in Canadian society.

Among the roles assigned to the Commissioner of Official Languages is that of ombudsman, and it is most frequently in this capacity that he or she encounters Members of Parliament. The Commissioner appears regularly before the Standing Committee on Official Languages, usually in connection with his or her annual report to Parliament. Linguistic audits, court interventions, research and education are also part of the strategic arsenal of the Commissioner and his or her staff.

It would be difficult to overstate the impact that the *Official Languages Act* and the Office of the Commissioner of Official Languages have had on the federal government apparatus and on Parliament itself. Members of Parliament belonging to minority francophone and anglophone communities view the Commissioner as an ally in their efforts to maintain their communities' corporate linguistic identities.

Thanks in part to the work of Commissioners of Official Languages, parliamentary bilingualism has become an important part of Canadian identity. Many parliamentarians—particularly anglophones—work assiduously to improve their skills in the other official language.

The Office of the Privacy Commissioner of Canada owes its creation largely to concerns about the protection of personal information that first arose in Canada during the late 1960s and early 1970s when computers were emerging as important tools for government and business. In 1983, the current *Privacy Act* came into force. The Act established the Privacy Commissioner of Canada as an independent Officer of Parliament mandated to act as an ombudsman, advocate, and guardian of the privacy and protection of personal information rights of individuals.

The *Privacy Act* imposes limits and obligations on some 250 federal government departments and agencies on the collection, use and disclosure of personal information. It also gives Canadians the right to find out what personal information the federal government has on record about them by making formal requests under the *Privacy Act*.

Largely in response to concerns about the growing availability of personal information over the internet, the role of the Privacy Commissioner was expanded in 2000, when the *Personal Information Protection and Electronic Documents Act* was assented to. The Act sets out ground rules for how private sector organizations may collect, use or disclose personal information in the course of commercial activities. The law gives individuals the right to gain access to and to request correction of the personal information these organizations may have collected about them. The Privacy Commissioner is empowered to receive or initiate, investigate and attempt to resolve complaints about any aspect of an organization's compliance with the law's data protection provisions. The Commissioner will usually attempt resolution through persuasion and negotiation; however, in cases where these strategies fail, recourse may be had to the Federal Court for judicial remedies, including orders to comply and damages.

The Privacy Commissioner conducts audits and reports annually to Parliament on issues that touch upon the privacy of individual Canadians. Relations between Parliament and the Office of the Privacy Commissioner have not always been tranquil. One recent Privacy Commissioner, for example, was outspoken in his criticism of increased surveillance by the state in the wake of the September 11, 2001 attacks and the subsequent "War on Terror". This added strength to calls from opposition MPs and their parties for a more balanced approach to national security.

Members of Parliament frequently approach the Office of the Privacy Commissioner on behalf of constituents with concerns about the use of personal information by government departments and agencies, and by organizations in the private sector. The Office of the Privacy Commissioner has empowered Members of Parliament in their role as advocates for their constituents. It is a key part of the OPC's mandate under the *Privacy Act* to support Parliament's work by providing information and advice on privacy issues.

The Office of the Information Commissioner was established in 1983 to investigate complaints from citizens who believe that they have been denied rights under the *Access to Information Act*. Complainants frequently approach their Members of Parliament in the first instance and it is the latter who bring their complaints to the attention of the Office of the Information Commissioner. Members of Parliament who have themselves been unable to assert their rights under the *Access to Information Act* also on occasion approach the Information Commissioner on their own behalf.

As an ombudsman, the Information Commissioner may not order a complaint resolved in a particular way. He or she attempts to settle disputes by negotiation and will only ask for a Federal Court review in the event that a negotiated settlement has proved impossible. The Commissioner has the authority, with the consent of Parliament, to ask the Federal Court to order the disclosure of government-held records. As governments have tended to distrust and resist the *Access to Information Act*, the Commissioner serves both Members of Parliament and the public in attempts to overcome these tendencies.

Information Commissioners table periodic reports on the performance of various government departments in respect of their obligations under the *Access to Information Act*. Appearing before the Standing Committee on Justice and Human Rights, one recent Commissioner told the Members assembled, "My office can identify where there are problems in the system, but it is only Parliament, through this committee, which can hold government to account and provide the incentives necessary for the emergence of a vibrant culture of openness."

Replacing the Office of the Ethics Commissioner created only three years earlier, the Office of the Conflict of Interest and Ethics Commissioner was created in 2007 as part of the *Federal Accountability Act* which amended the *Parliament of Canada Act* and other laws. The Act was introduced largely in reaction to two major scandals involving the inappropriate allocation of public funds and to a third scandal, mentioned earlier, involving the federal Privacy Commissioner. The Conflict of Interest and Ethics Commissioner is an Officer of Parliament empowered to support the House of Commons in governing the conduct of its Members. Under the direction of the Standing Committee on Procedure and House Affairs, the Commissioner is responsible for administering the *Conflict of Interest Code for Members of the House of Commons*. This Code has been in effect since 2004 and was most recently amended in June of 2009.

It is worthwhile to note that in the overwhelming majority of cases in which a Member of Parliament has been the subject of an investigation by the Conflict of Interest and

Ethics Commissioner, the result has been the complete vindication of the Member in question. This record has led Members of Parliament to see the Commissioner as an ally and protector of their reputations. Individual Members will on occasion request that the Commissioner initiate investigations of specific allegations that have been made against them, usually under the umbrella of parliamentary privilege, with a view to refuting the allegations in question.

The Commissioner also administers the *Conflict of Interest Act for Public Office Holders*. Public office holders are ministers, parliamentary secretaries, and full and part-time ministerial staff and advisors, Governor in Council and ministerial appointees (deputy ministers, heads of agencies and Crown corporations, members of federal boards and tribunals). Recent attempts by opposition Members of Parliament to induce the Commissioner to investigate the awarding of federal infrastructure contracts has raised questions about whether the role of the Commissioner under the *Conflict of Interest Act for Public Office Holders* is defined with sufficient clarity.

The Public Sector Integrity Commissioner (2007) and the Commissioner of Lobbying (2008) were also created in the wake of the aforementioned scandals. The Commissioner of Lobbying replaced the Office of the Registrar of Lobbyists. Both Commissioners play an important role in providing independent oversight of players in the public sector. Their reports and appearances before Standing Committees of both Houses assist parliamentarians in ensuring the accountability to Parliament of public office holders.

Lobbyists are required to register as required under the federal *Lobbying Act* and members of the public are permitted to carry out searches of the Registry of Lobbyists. Such searches are sometimes initiated by Members of Parliament acting as intermediaries between their constituents and the Office of the Commissioner of Lobbying. MPs, who are frequently approached by lobbyists, appreciate the regulatory and supervisory activity of the Commissioner.

In recent years, it has become customary for nominees for appointment as Officers of Parliament to appear before Standing Committees of the House and the Senate. One recent appointee commented, "I welcome this kind of scrutiny as a healthy development in the appointment process for so-called Officers of Parliament... There may be arguments against such a process for other appointees, such as judges, but it seems eminently well-suited for Officers of Parliament."

It has been said that the role of Officers of Parliament is to elevate and promote specific values that have been deemed worthy of independent promotion whatever the political climate. The Auditor General, for example, promotes financial and policy accountability, while the Commissioner of Official Languages promotes bilingualism. Officers of Parliament stand out as an independent body of professionals exercising non-partisan oversight over various activities and functions of the Executive with the result being a level of transparency that would otherwise be difficult to achieve.

The importance of Officers of Parliament to ordinary MPs was highlighted in May of 2008, when a draft government policy proposal was revealed by the Auditor General during an appearance before the Commons Public Accounts Committee. This proposal appeared to require Officers of Parliament to seek the approval of the Privy Council Office before making any public statements. Opposition MPs were vociferous in their criticism of the proposed policy. The proposal in question was subsequently clarified explicitly to exclude Officers of Parliament. The Treasury Board President told the press, "I can assure you that we respect the independence of the officers of Parliament and this government would not do anything inconsistent with the independent role of those officers." Further to this, the Treasury Board modified its requirements so that the rules applying to officers of Parliament ensured that they were "solely responsible" for matters for which other deputy heads were "accountable to their ministers and to Treasury Board".

A recent development reinforcing the independence of Officers of Parliament has been the establishment of an advisory panel on the funding of Officers of Parliament. In an appearance before this panel, the Information Commissioner commented that "there is, for the first time, a mechanism for review of the resource needs of Officers of Parliament which is independent of government." The advisory panel, made up of Members of Parliament, is seen as a safeguard against the tendency of governments to punish Officers of Parliament who hold them rigorously to account by withholding adequate funding.

It is indicative of the importance to Members of Parliament of the independence and investigative capabilities of Officers of Parliament that Members of Parliament and Senators often attempt to effect the creation of new Officers of Parliament by way of Private Members' (or Senators') bills. Two recent examples of this are Bills S-206 (*Commissioner of the Environment and Sustainable Development Act*) and C-418 (*Children's Commissioner of Canada Act*). There are also frequent demands that the Commissioner of the Environment and Sustainable Development, who is appointed by and reports to the Auditor General, and the Parliamentary Budget Officer, who is attached to the Library of Parliament, be made independent Officers of Parliament.

In their roles as ombudsmen, auditors, watchdogs and inspectors, Officers of Parliament speak out with a view to maximizing their ability to subject the government bureaucracy to the closest scrutiny possible. This is a natural extension of their role and does not undermine Parliament as the locus of federal political power. Support for such initiatives tends to come from opposition Members of Parliament who frequently confront bureaucratic complexities in their search for information. In this regard, Officers of Parliament have become the advocates of Parliament itself, as it struggles to hold the Executive to account, and an important element in counterbalancing the overwhelming power of the latter in Westminster-style systems of government.

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Dr Hafnaoui AMRANI, President, thanked Mr Marc BOSCH for his communication and invited members present to put questions to him.

Mr Ashfaque HAMID (Bangladesh) asked for further detail of the media issues that had arisen in relation to Officers of Parliament in Canada.

Mr P.D.T. ACHARY (India) asked how the Canadian Parliament exercised control over the kinds of officers described by Mr Bosch.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked for detail of the appointment process for officers of this kind, and for information on the working relationship between officers and secretaries general.

Mr Alphonse K. NOMBÉ (Burkina Faso) asked about the relative status of the secretary general and Officers of Parliament as described by Mr Bosch. He also asked for more information on the perceived risk that appointees, who after all were accountable to Parliament, would take over functions otherwise exercised by Members of Parliament.

Mr Mombedi PHINDELA (South Africa, non-member) asked how practical the reporting arrangements were for Officers of Parliament, and how their budgets were allocated.

Mr Zingile DINGANI (South Africa) said that in his country, roles of this kind had constitutional protection. Only Parliament could remove the occupants of these posts, and then only in certain circumstances. Their independence was compromised to some extent by the fact that their budgets were drawn up within government, not parliament.

Dr V.K. AGNIHOTRI (India) asked what professional human resources assistance the Canadian Parliament received in the appointment and removal of its officers. He also asked whether they could genuinely be autonomous given that they were appointed and removed by Parliament.

Mr Emmanuel ANYIMADU (Ghana) said that the situation in Ghana was as in South Africa.

Mr Said MOKADEM (Maghreb Consultative Council) asked about the status of the Privacy Commissioner, while **Mr Austin ZVOMA (Zimbabwe)** wondered if the roles of the Information and Privacy Commissioners in Canada overlapped.

Mr Abdelhamid Badis BELKAS (Algeria) asked how Officers of Parliament were recruited, in terms of political affiliation in particular, and how the Auditor General's work was put into effect.

Mr Edward OLLARD (United Kingdom) asked how the activities of Officers of Parliament in Canada related to the activities of parliamentary committees.

Mr Marc BOSC replied that the issue of concern in parliament as far as the media were concerned was about process. Officers' reports were made public, but they had a statutory responsibility to report to Parliament first. There could be a temptation for officers to bypass Parliament, and talk to the media first. Accountability of officers was meant in a sense to be confined to appointment and possible dismissal, with freedom of action while in post – but in practice issues of accountability did arise. The Government decided on the funding of these functions, although there was an *ad hoc* informal committee of the House to consider requests from officers for funding, which reported its opinion to the Government. Despite the adversarial nature of the role, the Auditor-General tried to maintain a friendly, collaborative relationship with the bodies under audit. There was no comparison between secretaries general and these other Officers of Parliament, and no regular liaison. When the Auditor General audited the Houses of Parliament, this was by invitation only. Some Members thought that it was inappropriate for an officer of the House to audit the House under any circumstances, and preferred the use of a private sector auditor. A simple majority in the House was enough to remove an Officer of Parliament; for nominations, the parties would talk informally to ensure widespread agreement before a name was put to the House. The Privacy and Information Commissioners were looking at a similar issue, but from different perspectives: the former was concerned with the State's use of information about individuals, while the latter was concerned with the use by individuals of information about the State. The Auditor General's reports could have consequences, sometimes for individual civil servants. All reports from Officers of Parliament were referred automatically to the relevant parliamentary committee.

Dr Hafnaoui AMRANI, President, thanked Mr Marc BOSC for his communication as well as all those members who had put questions to him.

6. Communication from Mr P.D.T. ACHARY, Secretary General of the Lok Sabha of India, on "Independence of Parliament secretariat"

Dr Hafnaoui AMRANI, President, invited Mr P.D.T. ACHARY, Secretary General of the Lok Sabha of India, to present his communication, as follows:

"Introduction

The cardinal principle of parliamentary democracy is that the Executive not only emanates from Parliament but is also made accountable to it for all its acts. Parliamentary control over the Executive is aimed at ensuring that the Government of the day delivers and performs to the best of its ability for public good and the executive power is not misused or abused. The institution of Parliament occupies a pre-eminent position in the whole scheme of governance and acts as the custodian of the rights and interests of the people.

In view of the basic principles associated with parliamentary democracy, the institution of Presiding Officer has a significant role to play. Entrusted with the task of ensuring that Parliament judiciously performs its functions, it is incumbent upon the Presiding Officer to act as the guardian of democracy on the floor of the Parliament. It is the Presiding Officer who is to protect the rights and privileges of the Parliament, its committees and the members. Being the repository of the confidence of various sections of the House, it is the solemn duty of the Presiding Officer to be fair-minded, non-partisan and objective in the conduct of business and exercise of powers. That being so, the Presiding Officer is to be ably supported by an independent and impartial Secretariat, insulated from outside influence.

The servicing of Parliament pre-supposes independent functioning. The officers and staff of Parliament's Secretariat are required to cater to the multifarious requirements of the Parliament, the Presiding Officers and the members of Parliament. They are entrusted with the duties of an exacting nature and are expected to serve them with objectivity, impartiality and efficiency. Their duties include areas of crucial importance like managing the legislative business, the non-legislative business such as questions and various other procedural devices for raising matters in the House and ensuring executive accountability, Table of the House, Committee services, members' services, administration, protocol, management of information needs of members such as library, research and reference services, press and public relations, etc. If the Parliament, the Presiding Officers and the members of Parliament are to carry out their multifarious functions with sincerity of purpose, devotion to duty and greater level of efficiency, it becomes inevitable that Parliament is serviced by a Secretariat of its own unconnected with and independent of the Executive.

Historical Perspective

The idea of a separate Secretariat for the Parliament of India, independent of the Executive, was mooted as early as in January 1926 by the then President of the Central Legislative Assembly, Late Shri Vithalbai J. Patel. To that effect, a resolution was moved in the then Central Legislative Assembly on 22 September 1928, seeking the

constitution of a separate Assembly Department. The resolution was adopted unanimously and that led to the creation of a separate self-contained Department known as the 'Legislative Assembly Department' on 10 January 1929, in the portfolio of the Governor-General with the then President of the Legislative Assembly as its *de facto* head. Separate Rules called 'The Legislative Assembly Department (Conditions of Service) Rules 1929' were issued by the Secretary of State in Council on 7 August 1929 in order to govern the recruitment and conditions of service of the officers and staff of the Legislative Assembly Department. Thereafter, the officers and staff of the Legislative Assembly Department began to be appointed in accordance with those Rules with the approval of the President of the Assembly. The position and authority of the Presiding Officer in the matter of recruitment, terms and conditions of service of the officers and staff of the Parliament Secretariats has since been recognized by Statutory Rules and conventions and finally by the Constitution of India.

The name of the Department continued to be the same until 26 January 1950. With the coming into force of the Constitution of India and the creation of the Provisional Parliament, the name was changed to 'Parliament Secretariat'. Even after the creation of the two separate Houses – the Council of States (Rajya Sabha) and the House of the People (Lok Sabha) – in 1952 under the Constitution of India, the Secretariat of the House of the People continued to be called the 'Parliament Secretariat', while a new Secretariat called the 'Council of States Secretariat' was set up for the Council of States. The names were changed to 'Lok Sabha Secretariat' and 'Rajya Sabha Secretariat', respectively, in 1954 in keeping with the Hindi nomenclature of the two Houses.

Constitution of India and Independence of Parliament Secretariats

According to the Constitution of India, Parliament is the sole guardian and judge in all matters relating to its proceedings and privileges. Subject to the provisions of the Constitution, its procedure and conduct of business, each House of the Parliament is empowered to regulate its own procedure and the conduct of business under article 118 of the Constitution of India. It has also been specifically provided under article 122 that the validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. Further, no officer or member of Parliament in whom powers are vested by or under the Constitution for regulating procedure or conduct of business, or for maintaining order in Parliament, shall be subject to the jurisdiction of any court in respect of the exercise of those powers. All these constitutional provisions symbolize the supremacy of the Parliament within its own sphere of activity. The underlying object behind these powers, privileges and immunities is to protect and preserve the freedom, authority and dignity of Parliament and its functioning.

With the underlying objective of ensuring an unimpaired exercise of Parliament's powers, the Drafting Committee, which was to prepare the Constitution of India, decided to give constitutional recognition to the independent status of the Secretariats of Parliament. It is under article 98 of the Constitution of India that the provisions have been made for separate and independent Secretariats for the two Houses of Parliament

under the overall control of the respective Presiding Officers. Article 98 of the Constitution of India reads as under:

- (1) Each House of Parliament shall have a separate secretarial staff:
Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.
- (2) Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament.
- (3) Until provision is made by Parliament under clause (2), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States, and any rules so made shall have effect subject to the provisions of any law made under the said clause.

Article 98 envisages that the Secretariats of Parliament shall be independent of the Executive. The employees of the Parliament Secretariat shall form a class apart from the civil servants and should be under a separate system of control and regulations. The aim is to ensure that the respective Houses of Parliament are assured of independent advice and that their directions are executed and implemented without any interference from outside.

Personnel Management in Parliament Secretariats

So far, no legislation has been enacted by the Parliament of India under Clause 2 of Article 98 of the Constitution for regulating the recruitment and conditions of service of persons appointed to the secretarial staff of either House of Parliament. However, in pursuance of Clause 3 of Article 98, the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955 (R&CS Rules) were framed and promulgated by the President of India on 1 October 1955, in consultation with the Speaker, Lok Sabha. In respect of Rajya Sabha Secretariat too, the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules were framed and promulgated by the President of India in 1957, in consultation with the Chairman, Rajya Sabha. These Rules have the force of law. The recruitment and conditions of service of the officers and staff of the Secretariats are governed by the respective R&CS Rules. The Executive has no direct control over the conditions of service of the officers and staff of the Secretariats as they function under the overall guidance and control of the Speaker/Chairman of Lok Sabha/Rajya Sabha. The powers conferred on the Speaker/Chairman by these Rules, are exercised through Recruitment and Conditions of Service (R&CS) Orders issued from time to time.

Joint Recruitment Cell of Parliament Secretariats

All posts in the Lok Sabha/Rajya Sabha Secretariats have been exempted from the purview of the Union Public Service Commission (UPSC) under the provisions of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958. The Union Public Service Commission deals with recruitment and related matters in respect of civil services at the level of the Central Government. Similarly, the Central

Administrative Tribunal Act, 1985, which establishes the jurisdiction and powers of the Central Administrative Tribunal in relation to the cases concerning recruitment and related matters in civil services under the Union, has not been made applicable to the officers and staff of both the Secretariats. The guiding principle behind such an arrangement is that the independence of the officers and staff of the Secretariats *vis-à-vis* the executive would not be possible if the officers and staff of the Secretariats were to depend upon any Ministry/Department of the Government for their career prospects, promotions, pay-scales, etc.

The recruitment and conditions of service of persons appointed in the Secretariats of Parliament are regulated by the respective Secretariats. In 1974, on the recommendations of the Parliamentary Committee for pay revision and reorganization of the Secretariats, it was decided to have joint recruitment to common categories of posts in both the Secretariats for which direct recruitment is provided for. The competent authority for assessing the number of posts in various cadres, services, etc. and revision of scales of pay, allowances, etc. in the Secretariats be a Board of the Secretaries-General of the Lok Sabha and the Rajya Sabha who could, after consultation with the Ministry of Finance, make suitable recommendations to the Speaker/ Chairman, as the case may be, from time to time. Accordingly, it is the Joint Recruitment Cell (JRC) that conducts recruitment examinations, interviews and draws up panels of selected candidates for recruitment in the Lok Sabha and the Rajya Sabha Secretariats.

According to the well-established convention, the orders issued by the Government of India to the Ministries and Departments in regard to conditions of service of their staff, do not automatically apply to the officers and staff of the Secretariats of Parliament. Every order issued by the Government of India is first examined by the respective Secretariats and if it is decided to extend the provisions thereof *in toto* to the officers and staff of the Secretariats, the adaptation orders are issued by the respective Secretariats separately in the form of Recruitment and Conditions of Service Orders without consulting the Government. In regard to the orders of financial nature also, the Government has formally recognized that such orders do not automatically apply to the Secretariats unless these are specifically extended by the adaptation orders of the Speaker/Chairman. Where, however, modification or alteration, etc., in a financial order is considered necessary, the adaptation order is issued after consultation with the Ministry of Finance.

Parliamentary Pay Committee

In view of the independent status of Parliament Secretariats, the recommendations of the Pay Commissions set up by the Government of India, from time to time, are not automatically made applicable to the officers and staff of the Secretariats. Till the year 1973, on the basis of the recommendations made by the respective Pay Commissions, the pay scales of the officers and staff of the Secretariats were suitably revised under the orders issued by the Speaker/Chairman after consulting the Ministry of Finance. Thereafter, when the Third Pay Commission, set up by the Government of India, submitted its Report in 1973, the Speaker of the Lok Sabha and the Chairman of the

Rajya Sabha jointly appointed a Committee of Parliament to advise them on the revision of pay and other conditions of service of the parliamentary staff. The Committee was headed by the Chairman of the Estimates Committee and included, among others, the Minister of Finance and the Minister of Parliamentary Affairs, besides the Secretaries-General of the two Houses. The Committee submitted its Report on 20 September 1974. The Committee took into consideration the independent character of the two Secretariats and the specialized nature of their functions and responsibilities. The Committee, accordingly, recommended that while the quantum of work was a valid consideration, the pay scales and other terms and conditions of service should be determined having regard to the nature and importance of the work, duties, responsibilities and strain involved and the academic and other qualifications, attainments and experience prescribed for appointments to the posts. The Committee did not consider it necessary to equate the terms and conditions in the two Secretariats with any one particular Ministry or Department of the Government of India.

Since then, the practice of constituting a separate Parliamentary Pay Committee is in vogue for deciding the pay, allowances, etc. of the officers and staff of the Lok Sabha/Rajya Sabha Secretariats in the light of the recommendations of the various Central Pay Commissions appointed from time to time.

Financial Autonomy: Budgets of Parliament Secretariats

Financial autonomy is one of the important aspects of the independence of the Secretariats of Parliament of India. In this context, the position of independence has been maintained in the field of expenditure incurred in respect of salaries and allowances of the officers and staff of both the Secretariats.

The Budget Estimates of Lok Sabha and Lok Sabha Secretariats are prepared, as per the budget code of the Government, under the various units of appropriation. Every year, the Budget Estimates, as approved by the Secretary-General, are placed before the Budget Committee of the Lok Sabha for scrutiny and consideration. The Budget Committee which is appointed by the Speaker, consists of the Deputy Speaker as Chairman and the Chairmen of Estimates Committee and Public Accounts Committee as members of the Committee. The proposed Budget Estimates, as approved by the Committee, are finally placed before the Speaker for consideration and approval. Thereafter, the Estimates are forwarded to the Ministry of Finance for incorporation in the Union Budget. In the case of Rajya Sabha, the Budget proposals are prepared by the Rajya Sabha Secretariat. After the approval of the Chairman, the same are forwarded to the Ministry of Finance for incorporation in the Union Budget.

The Budget Estimates of Lok Sabha/Rajya Sabha are not subject to examination by any Departmental Committee of the Ministry of Finance or any other Committee of Parliament. In case the Ministry of Finance has to make any suggestion in respect of the Estimates, the same is submitted to the Speaker/Chairman for consideration and orders and a final decision acceptable to both is arrived at after discussion.

The expenditure incurred on various units of appropriations under Lok Sabha/Rajya Sabha and Lok Sabha/Rajya Sabha Secretariats is met from the Consolidated Fund of India. As in the case of other Ministries of Government of India, separate Demands for Grants in respect of Lok Sabha and Rajya Sabha are also laid before both the Houses of Parliament. Parliament sanctions the expenditure through the Appropriation Act. No cut motions or discussions relating to the Budget of both the Houses of Parliament and the respective Secretariats are allowed on the floor of the Parliament. If a member wishes to have any information, it is supplied to him under the orders of the Chairman or the Speaker, as the case may be.

Once the Demands for Grants of Lok Sabha/Rajya Sabha and Lok Sabha/Rajya Sabha Secretariats are passed by the Parliament and placed at the disposal of the respective Secretariats, the Executive does not interfere in the financial management nor is its concurrence sought on any expenditure, whatsoever, within the allotted grants.

Conclusion

The domain of parliamentary activity is vast and covers the entire spectrum of nation's affairs. The Secretariats of the Parliament of India own a special responsibility for sustaining, standardizing and strengthening the dignity and authority of Parliament. As a *sine qua non* of the democratic functioning, the respective Secretariats work under the overall control of the Speaker/Chairman so that the respective Houses of Parliament are assured of independent advice and functioning without interference or influence from any outside body. Under the leadership of the respective Secretaries-General, the officer and staff of both the Secretariats are answerable only to the Speaker/Chairman, as the case may be, and their actions cannot be discussed either inside or outside the Parliament. From the Legislative Assembly Department of 1929 to the Secretariats of Parliament today, the independence of Parliament Secretariats and parliamentary officials from the Executive has become a well-established postulate of the democratic set-up of India."

Dr Hafnaoui AMRANI, President, thanked Mr P.D.T. ACHARY for his communication and invited members present to put questions to him.

Mr Emmanuel ANYIMADU (Ghana) said that before 2008, the Ghanaian Parliament's budget had been subject to scrutiny in the same way as ministerial budgets. However, as of 2008, the only requirement in terms of the Executive was to send the budget to the President for his comments. Budgetary autonomy had effectively been achieved. He asked whether in India there was a Parliamentary Service Commission for the appointment of staff, and if not, who advised the Speaker on these appointments.

Mr Aloys KAYANZARI (Burundi) asked whether the secretary general drew up the parliamentary budget, and what limits there were on the growth in this budget. In Burundi, parliamentary budgetary autonomy was constrained within the broad limits of the general state budget.

Mr Damir DAVIDOVIC (Montenegro) asked whether, as in Montenegro, the Government could constrain parliamentary expenditure even after a budget had been agreed.

Mr Assadullah FALLAH (Afghanistan) asked whether the Speaker's approval was needed to spend money under an agreed budget, and what the respective authorities of the Speaker and secretariat were in this regard.

Mr Ashfaque HAMID (Bangladesh) observed that money in Parliament's budget came from the Government, and asked whether they did not need to be consulted in the process.

Mr Mohammad Kazim MALWAN (Afghanistan) said that the Afghan constitution was unclear about the financial autonomy of Parliament. The constitution also made no mention of the appointment processes for parliamentary staff. The rules of the Senate contained provision for staff appointments. The secretary general was considered as a political post, nominated by the Speaker, approved by the board of administration and endorsed by the President. He asked if the Executive branch in India had any say over the removal of parliamentary staff.

Mr P.D.T. ACHARY replied that there was no Parliamentary Service Commission in India, but rather a recruitment cell within the secretariat, which made proposals via the Secretary General to the Speaker. As this worked well, there was no pressure for change. Budget proposals were drawn up by professionals within the secretariat; these proposals were considered by the Budget Committee of the House, where the Secretary General presented the proposals and answered any questions. It was subject to final approval by the Speaker. The Speaker as a constitutional authority had to ensure restraint in budgetary growth. There was no involvement by the Executive in parliamentary spending. Mr Achary thought that to go down the route advocated by his colleague from Bangladesh would damage the autonomy of Parliament, and he respectfully disagreed. The Executive branch had no say in the appointment or removal of parliamentary staff.

Dr Hafnaoui AMRANI, President, thanked Mr P.D.T. ACHARY for his communication as well as all those members who had put questions to him.

7. Communication from Mr Vladimir SVINAREV, Secretary General of the Council of Federation of the Federal Assembly of the Russian Federation, on "Appraisal of professional potential as a tool for personnel rating"

Dr Hafnaoui AMRANI, President, invited Mr Vladimir SVINAREV, Secretary General of the Council of Federation of the Federal Assembly of the Russian Federation, to present his communication, as follows:



Problem factors

- 1. Effective recruitment and selection of personnel.**
- 2. The need to evaluate intellectual work.**
- 3. Assessment of personnel potential.**
- 4. Effective utilization of professional potential.**
- 5. Optimisation of staffing numbers.**



Issues for consideration

1. Methodology of measuring (calculating) individual qualifying potential.
2. Method of calculating individual professional potential: graphical representation.
3. Comparative analysis of the standard, individual and maximum (possible) values.
4. Practical application of the results.



Concepts used (analysis units, measurement values)

POTENTIAL (from the Latin *potentia* - strength) – abilities, stamina, reserves, assets that can be utilized in one way or another

QUALIFICATION – description of professional qualities (knowledge, skills and abilities) reflecting a degree and level of readiness to engage in a certain type of work or professional activity

ANALYSIS UNITS

Individual qualifying potential (IKP) - a set of specific values describing the employee's general and specialist knowledge and the skills and abilities that enable him to do the job (**H₂**)

STANDARD INDIVIDUAL QUALIFYING POTENTIAL (IKPst) – a set of specific values describing the basic indicators of the qualifying requirements laid down by law (**H₁**)

REQUIRED INDIVIDUAL QUALIFYING POTENTIAL (IKPsp) – a relative indicator of the work of certain content and complexity that is involved in a specific post (**H₃**)

MEASUREMENT VALUES

INDIVIDUAL DATA:

A – knowledge according to education level
C – professional experience by length of service and length of work in the specialist field

QUALIFYING REQUIREMENTS FOR CIVILSERVICE POSTS:

A – according to level of education
B – time spent in state civil service
C – time spent in the specialist field

JOB COMPLEXITY FACTOR

for groups of positions included in the establishment (**H₃**)
 Established by Management



Methodology of measuring (calculating) individual qualifying potential



Methodology of measuring (calculating) qualifying potential

INDIVIDUAL QUALIFYING POTENTIAL IS CALCULATED BY THE FORMULA $H=(A+B+C)/4$						
Analysis units, measurement values:						
1) Individual knowledge data according to level of education – A						
Educational level	Secondary vocational education	Higher vocational education	Higher vocational education + qualification upgrade	Higher vocational education + professional retraining	Graduate of two higher educational institutions	Higher vocational education + degree
Conditional coefficients	0.25	0.50	0.75	1.00	1.50	2.00
Individual level of professional experience according to the qualifying requirements for civil service posts						
2) Length of time in civil service – B						
Number of years	Up to 2 years	2 to 4 years	4 to 6 years	6 years or more		
Conditional coefficients	0.25	0.50	0.75	1.00		
3) Length of time in the specialist field – C						
Number of years	Up to 4 years	4 to 5 years	5 to 7 years	7 years or more		
Conditional coefficients	0.25	0.50	0.75	1.00		
4) "4" – constant value, corresponding to the sum of top grades for educational level, length of time in civil service and length of time spent in the specialist field.						

Established and required indicators of individual qualifying potential for various post categories and groups of the Staff of the Council of the Federation

Groups of posts	Level of education	Length of time in civil service	Length of time in the specialist field	Standard indicator IKPst	Required indicator IKPsp
Nominal designations:	A	B	C	H ₁	H ₂
Posts of the category «Leaders»					
Top group of posts	Higher vocational - 0.80	not less than 6 years - 1.00	not less than 7 years - 1.00	0.62	1.0
Main group of posts	Higher vocational - 0.50	not less than 4 years - 0.75	not less than 4 years - 0.75	0.50	0.89
Posts in the «Assistants (advisers)» category					
Top group of posts	Higher vocational - 0.50	not less than 6 years - 1.00	not less than 7 years - 1.00	0.62	1.0
Main group of posts	Higher vocational - 0.50	not less than 4 years - 0.75	not less than 5 years - 0.75	0.50	0.80
Leading group of posts	Higher vocational - 0.50	not less than 2 years - 0.50	not less than 4 years - 0.50	0.38	0.50
Posts in the «Specialists» category					
Top group of posts	Higher vocational - 0.50	not less than 6 years - 1.00	not less than 7 years - 1.00	0.62	0.89
Main group of posts	Higher vocational - 0.50	not less than 4 years - 0.75	not less than 5 years - 0.75	0.50	0.80
Leading group of posts	Higher vocational - 0.50	not less than 2 years - 0.50	not less than 4 years - 0.50	0.38	0.50
Senior group of posts	Higher vocational - 0.50	up to 2 years - 0.25	up to 4 years - 0.25	0.25	0.40
Posts in the «Supporting specialists» category					
Main group of posts	Higher vocational - 0.50	not less than 4 years - 0.75	not less than 5 years - 0.75	0.62	0.89
Leading group of posts	Higher vocational - 0.50	not less than 2 years - 0.50	not less than 4 years - 0.50	0.50	0.80
Senior group of posts	Secondary vocational - 0.25	up to 2 years - 0.25	up to 2 years - 0.25	0.18	0.30
Junior group of posts	Secondary vocational - 0.25	up to 2 years - 0.25	up to 2 years - 0.25	0.18	0.30

Practical application of the methodology for measuring (calculating) individual qualifying potential

The background of P. Petrov, a candidate for the post of “adviser” according to the qualifying requirements:

- 1) Two higher educational institutions, A=1.50
- 2) Length of time in civil service - 5 years, B=0.75
- 3) Length of time in the specialist field (jurisprudence) - 8 years, C=1.00

Petrov's individual qualifying potential:
 $H_2 = (A+B+C)/4 = (1.50+0.75+1.00)/4 = 0.81$

Hence, for P. Petrov, candidate for the civil service post of adviser in the Staff of the Council of the Federation



Qualifying specifications of the civil service post of "adviser"

Standard (established) individual qualifying potential	IKP_{st} 0.50	A – level of education Higher vocational A=0.50	B – length of time in civil service not less than 4 years B=0.75	C – length of time worked in specialist field not less than 5 years C=0.75
Required individual qualifying potential	IKP_{su} 0.80	A – level of education Two higher educational institutions A=1.50	B – length of time in civil service 4 to 6 years B=0.75	C – length of time worked in specialist field 5 to 7 years C=0.75
Maximum (possible) individual qualifying potential	IKP_{max} 1	A – level of education higher professional + degree A=2.00	B – length of time in civil service 6 years and more B=1.00	C – length of time worked in specialist field 7 years and more C=1.00



Method of calculating individual professional potential: graphical representation

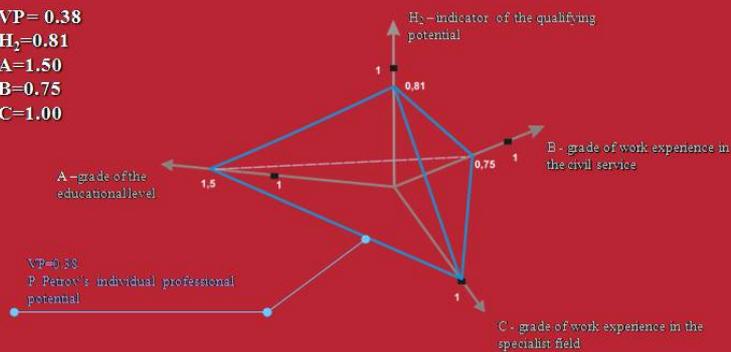
Employee's individual professional potential (VP)

Employee's individual professional potential – the specific scope of work that the employee will be able to perform using his general and specialist knowledge, and his skills and abilities acquired in the process of training and independent job performance (VP).
Calculated by the formula: $VP = 0.14 * H_2 * (AB + BC + AC)$, where

H_2 – calculated indicator of individual professional potential (IKP)
A – grade of the educational level
B – grade of work experience in the civil service
C – grade of work experience in the specialist field.

Example of calculation for candidate P. Petrov

$VP = 0.38$
 $H_2 = 0.81$
 $A = 1.50$
 $B = 0.75$
 $C = 1.00$



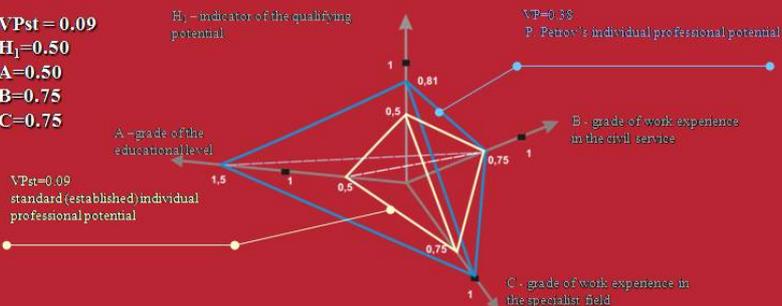
Standard individual professional potential (VPst)

Standard (established) individual professional potential – the expected notional volume of work of certain content and complexity that should be accomplished through the application of general and specialist knowledge, skills and abilities according to the qualifying requirements for civil service posts (VPst). Calculated by the formula
 $VPst = 0.14 * H_1 * (AB + BC + AC)$, where

H_1 – established indicator of individual professional potential (IKP)
A – grade of the educational level
B – grade of work experience in the civil service
C – grade of work experience in the specialist field
according to the qualifying requirements for civil service posts

Example of calculation for the "adviser" post

$VPst = 0.09$
 $H_1 = 0.50$
 $A = 0.50$
 $B = 0.75$
 $C = 0.75$



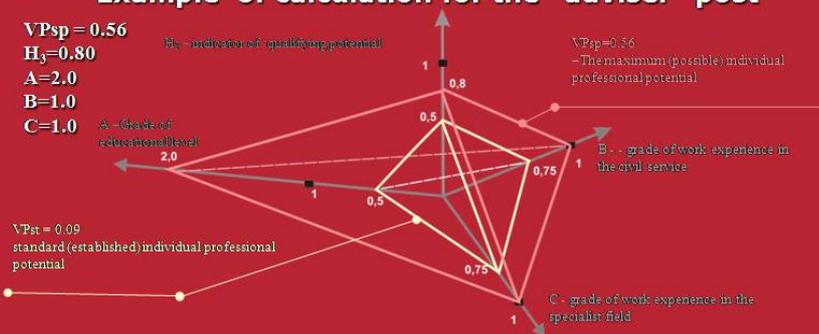
Maximum (possible) individual professional potential (VPsp)

Maximum (possible) individual professional potential - the maximum (possible) notional volume of work of certain content and complexity expected from an employee that can be performed by an employee who possesses the highest assumable indices of general and specialist knowledge, skills and ability (VPsp). Calculated by the formula $VPsp = 0,14 * H_3 * (A+B+C)$, where

H_3 - the work complexity factor of the specific post
 A - the highest assumable indicator of educational level
 B - the highest assumable indicator of experience in the state civil service
 C - the highest assumable indicator of work experience in the last specialist field

Example of calculation for the "adviser" post

$VPsp = 0.56$
 $H_3 = 0.80$
 $A = 2.0$
 $B = 1.0$
 $C = 1.0$



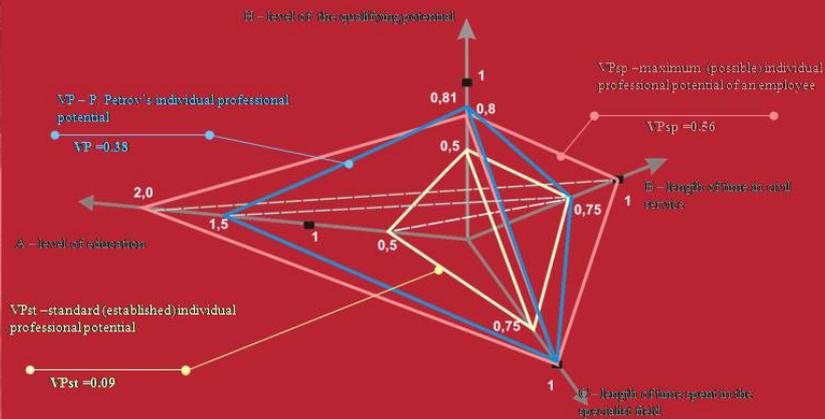
Comparative analysis of the standard, individual and maximum (possible) values

Example of comparative analysis of standard (required) individual professional potential, P. Petrov's individual professional potential, and maximum (possible) individual professional potential of the post "adviser".

Standard (established) individual professional potential
 $VPst=0.09$

Candidate P. Petrov's individual professional potential
 $VP=0.38$

Maximum (possible) individual professional potential
 $VPsp=0.56$



Practical application of the results





Practical application of appraisal of the professional potential of personnel

Problem factors	Results of appraisal of the professional potential of personnel
Effective recruitment and selection of personnel	<div style="text-align: center;"> <p>1. Enhancement of efficiency and productivity</p> <p>selection of personnel ← → recruitment of personnel</p> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%; background-color: #0056b3; color: white; padding: 5px;">Search for employees meeting the established qualifying requirements for the civil service establishment, types and results of professional activity</div> <div style="width: 45%; background-color: #0056b3; color: white; padding: 5px;">Identification of capabilities of an employee to accomplish work of certain content and complexity</div> </div>
The need to evaluate intellectual work	2. Can be used as a baseline to develop a methodology for evaluating the efficiency and productivity (individual and team) of professional performance and of intellectual work
Assessment of personnel potential	3. Form a comprehensive overview of potential resources, both individual and team, that will enable work of certain content and complexity to be handled
Effective utilisation of professional potential	4. Will make it possible to: <ol style="list-style-type: none"> 1) forecast the effectiveness and efficiency of professional job performance 2) properly distribute the work load among employees in extreme situations 3) form a comprehensive picture of the productivity of intellectual work
Optimisation of staffing numbers	5. Baseline for making staffing adjustments (lowering and/or raising the status component of the specific post) when taking organizational and staffing measures, and during recruitment and/or selection of personnel

Dr Hafnaoui AMRANI, President, thanked Mr Vladimir SVINAREV for his communication and invited members present to put questions to him.

Mr Ashfaque HAMID (Bangladesh) asked what happened if more than one candidate met the recruitment criteria to a similar degree, and whether there were methods other than this calculation used in the recruitment process.

Ms Lorraine C. MILLER (United States) asked if a formal interview formed part of the recruitment process.

Mr Marc BOSC (Canada) said that this was a unique approach to recruitment, which he had never seen elsewhere. He asked how a rising star would be handled, who might fail to meet the objective criteria on grounds of lack of experience, age or education, but who was clearly performing beyond expectations.

Mr Alexis WINTONIAK (Austria) asked whether social skills were considered a relevant criterion, whether recruitment companies from outside Parliament were involved, and the extent of external recruitment.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked what results there had been from this process, and how special projects were managed, such as the promotion of women to the top ranks of the public service.

Mr Habtamu NINI ABINO (Ethiopia) asked about the measurement of competencies, succession planning, and the development of specialist competencies in parliamentary affairs.

Mrs Adelina SÁ CARVALHO (Portugal) asked about trade union representation among parliamentary staff, how pressure from staff for career opportunities were handled, and how demotions took place.

Mr Edward OLLARD (United Kingdom) asked if this methodology had been invented by the Russian Parliament or whether it was in wider use. How were interpersonal skills factored into selection procedures? Was this methodology more useful in some posts than others?

Mr Assadullah FALLAH (Afghanistan) asked when and how this method had been used in practice.

Dr Hafnaoui AMRANI, President, asked how the formula worked in practice, and how important the assessment of professional potential was as a measure.

Mr Vladimir SVINAREV said that he was pleased with the number of questions, and suggested that this meant the subject was worth revisiting. The formula was used more as a framework than a strict determinant of appointment – it was widely used across the services of the Russian state, following the enactment of a law on the state service in 2004. He had never encountered a case of two candidates with equal results under the formula. Personal and social aspects were also evaluated: each candidate had to prepare an essay connected with the role in question, and there were individual interviews. The appointment commission could adjust overall marks to take account of personal aspects. The first priority was to bring on and promote existing staff, and this was a benchmark for the appointment of staff from outside. Where graduates had very good results, but little experience, they were included on a reserve list and considered for future appointments. There were established methods of transfer into the parliamentary service from other state services, with account being taken of their existing evaluations. The rules for all state services were the same. There were no gender problems in the secretariat: about 65 per cent of employees were women; however, no thought had so far been given to affirmative action in favour of men. There was an internal, specialised human resource office. There was a trade union cell in the parliament, and its views were considered on recruitment matters. It was much more involved in matters concerning dismissal. After their third and fifth year, state service employees were tested and interviewed, and the results were interpreted. Personal characteristics were an important consideration for people in public-facing rather than technical roles. Mr Svinarev thought that while the system was scientifically sound and useful, it was open to improvement, particularly where wider characteristics were relevant. There was close co-operation with the Academy of State Service in developing and applying scientifically based methodologies and concepts of this kind.

Mr Nawar Ali AL-MAHMOOD (Bahrain) suggested that the ASGP should develop a standard appraisal method for parliamentary staff.

Mr Ashfaque HAMID (Bangladesh) asked for a little more information about the essay described by Mr Svinarev.

Mr Vladimir SVINAREV said that candidates were not locked in a room but rather provided with library and internet access to enable them to write an essay that reflected their ability to interpret source material.

Dr Hafnaoui AMRANI, President, thanked Mr Vladimir SVINAREV for his communication as well as all those members who had put questions to him. The President agreed that this was a topic worthy of further conversation within the ASGP.

The sitting rose at 12.30 pm.

SIXTH SITTING
Wednesday 31 March 2010 (Afternoon)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 2.40 pm

1. Presentation by Mr Martin CHUNGONG on the recent activities of the IPU

Dr Hafnaoui AMRANI, President, invited Mr Martin CHUNGONG, Director of the Division for the Promotion of Democracy of the Inter-Parliamentary Union, to make his presentation, a summary of which follows:

Mr Martin CHUNGONG updated the ASGP on the IPU's recent activities, particularly in the area of democracy-building. The IPU's activities had been extended to parliaments' involvement in the administration of international aid, a field which had until now sometimes lacked transparency. Work in this area was also being conducted by the OECD. On strengthening parliamentary institutions the IPU had been active in 15 countries in Africa, Asia and South America in 2009. There had been missions to the Palestinian Legislative Council, Central African Republic, Sierra Leone, Uganda, Rwanda and Kenya, with particular focus in the latter country on links between parliament and the Truth and Reconciliation Commission. There had also been training by video conference for parliaments in Sudan, Liberia and Sierra Leone. Activities in 2009 had been extended to defending the rights of the child, with a major conference in Latin America, and a conference in Kampala on protecting the health of women and infants. Women's participation remained under-represented in parts of the world, particularly the whole of the Arab region. Research on setting democratic standards continued, and the IPU's self-assessment toolkit was proving very popular: it had been used in Australia among other countries. A recent meeting in Paris had brought together institutions working on standards for democratic parliaments: the notion of self-assessment was taking root as a complement to assessments by outsiders. The IPU was looking to operationalise the criterion that parliaments should be representative and to improve the representation of minorities. Increasing numbers of parliaments were involved in activities to mark the International Day of Democracy. The IPU was closely involved in the use of ICT in Parliaments.

The next conference of Speakers would be held in Geneva from 19th to 21st July. ASGP members would be involved in one way or another. A joint conference was being proposed to follow the October 2010 session in Geneva.

Dr Hafnaoui AMRANI, President, thanked Mr CHUNGONG for his characteristically clear presentation.

Mr Anders FORSBERG (Sweden) said that he was impressed by the range of activities carried out by the IPU with relatively limited resources. The ASGP needed to support the IPU whenever this support could be useful. The status of the IPU and its relations with the UN were of relevance to the ASGP, as Speakers would be discussing this subject during the year. He asked Mr CHUNGONG to explain the IPU's vision of the end goal of this process.

Mr Mohammad Kazim MALWAN (Afghanistan) said that there had been a significant increase in the proportion of women in the Upper House of the Afghan Parliament. He mentioned a project to support the legislative process in Afghanistan supported by the UNDP, but which had been closed due to funding issues. He wondered if the IPU could fill the gap.

Mr Ghulam Hassan GRAN (Afghanistan) thanked Mr CHUNGONG personally for his assistance to the Afghan Parliament. He asked what future plans the IPU had to support the Afghan Parliament.

Mr Ashfaque HAMID (Bangladesh) asked if the issue of international aid was connected to the Paris Declaration of 2005.

Dr Hafnaoui AMRANI, President, added his voice to Mr Forsberg's on the question of the status of the IPU. He said he was not reassured, because any change to the IPU's status would be likely to affect the ASGP, and he personally did not understand what was envisaged.

Mr Martin CHUNGONG thanked Mr MALWAN for his information. He had been involved in designing the programme referred to, and did not want it to end. He would be glad to see if the IPU could help in reviving the project, as well as whether there was scope for support in the area of post-conflict parliaments. The short answer to Mr Hamid's question was yes. In answer to the President and Mr Forsberg, Mr Chungong explained that the discussions on status were at a very preliminary stage. The IPU was not seeking to become the parliamentary assembly of the UN. The IPU's main concern over the years regarding co-operation with the UN was the disconnection between the size of the two organisations. The aim behind reform of the IPU was to enhance the status of the institution at an international level, and to allow for enhanced co-operation with the UN. Because the IPU was not treaty-based, some countries did not regard it as an international organisation. This had political implications, and practical considerations in terms of the immunities and privileges given to the IPU, such as visas for participants at IPU meetings, and the protections and immunities of IPU staff on missions abroad. Discussions would continue over the coming years. The Speakers' Conference would give direction to these discussions. Mr Chungong did not think that any of this would impact negatively on the ASGP. He would seek to ensure that the ASGP was consulted on any developments that might affect it at an early stage.

Dr Hafnaoui AMRANI, President, said that he was reassured to learn that the proposal would not be decided at the meeting of Speakers in July. He welcomed the assurance that the ASGP would be involved in discussions as they progressed. He thanked Mr CHUNGONG for his presentation.

2. General debate: "Petitioning the Parliament"

Dr Hafnaoui AMRANI, President, invited Dr V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India, to open the debate.

Dr V.K. AGNIHOTRI presented the following contribution:

"INTRODUCTION

Democracy thrives where Parliament acts as the pivotal institution of governance. Parliament is a dynamic institution, which is constantly evolving to meet the challenges of the changing times. Petition is the popular tool for the people to voice their concerns and grievances, and Parliament is the proper place for petitioning, since it is inexpensive and readily accessible to any person in the country. Petitioning Parliament is the direct device for the people to communicate with it from any nook and corner of the land; some other effective devices, such as Questions, Short Duration Discussion, etc., are available only to the Members of Parliament. Petitioning the Parliament also connects it with the people, besides ensuring its functional efficacy. Article 350 of the Constitution of India recognises the right of every person to submit a representation for the redress of any grievance to any officer or authority of the Union or a State, which includes the Parliament of India.

ORIGIN

Petitioning the Parliament is seen as one of the most ancient and fundamental rights of citizens. Petitions have a fascinating history and may be said to date back to ancient Roman times. Roman citizens were entitled to send written pleas, requests and complaints to their Emperor. The term 'petition' was, however, unknown in Roman law. The term used was 'supplication', derived from the Latin verb '*supplicare*', which means to fall on one's knees before someone', 'to grovel' or 'to plead'. Where petitions became an accepted tradition, they often served to inspire general legislation. Not only in Great Britain were petitions used to instruct legislation, but also in countries like Germany, Russia and Japan, where rulers laid claim to absolute power, petitions were used by broad layers of the population to influence legislation.²⁹

It has been argued that Parliament originated in meetings of the King's Council where petitions were considered. The right of the subject to petition the Monarch for redressal

²⁹ Paper on 'Petition effectiveness, improving citizens' direct access to Parliament' presented by Sonia A. Palmieri of the Department of the House of Representatives, Canberra at ASGP Conference, 23-25 August, 2007, Adelaide.

of personal grievances has probably been exercised since Saxon times. The first known petitions to the Lords and to both Houses of Parliament in Great Britain date from the reign of Richard II, but seem to have become widespread from the reign of Henry IV onwards. The right to petition was recognized in the Magna Carta and more explicitly in an act of 1406. The Bill of Rights 1688 restated that right in unambiguous terms.³⁰

The rights of the Petitioners and the power of the House of Commons to deal with the Petitions were expressed in the two resolutions of the Commons in 1669:-

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same;

That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.³¹

THE COMMITTEE ON PETITIONS IN INDIA

Evolution

The Committee on Petitions is one of the oldest Committees in Indian Parliament and dates back to the Legislative Assembly of the pre-Independence era. It owes its origin to a resolution moved by a Member in the then Council of State on 15 September, 1921. The resolution called for the setting up of a Committee on Public Petitions with powers to take evidence. The matter was examined by a Committee appointed by the Government. This Committee did not favour giving to the Legislature the powers proposed in the resolution. The right of petitioning the Legislature, limited to public business, was, however, recommended by it, and in pursuance of this recommendation, the Speaker Whyte, of the Central Legislative Assembly constituted the Committee on 20 February, 1924. The Committee was known as the 'Committee on Public Petitions' until 1933, when its name was changed to 'Committee on Petitions'.³² Since 1952, Committees on Petitions of the Parliament had been constituted in both Upper and Lower Houses. Till the year 1964, petitions could be presented to Parliament only with regard to Bills, which had been published in the Gazette of India, or introduced in the House, or in respect of which notice to move for leave to introduce it had been received.³³ The scope of the Committee on Petitions of the Council of States (Rajya Sabha) was widened by amending the rules with effect from 1 July, 1964, and now the petitions may relate to:

- (i) a Bill which has been published under rule 61 or which has been introduced or in respect of which notice of a motion has been received under these rules;

³⁰ Public Petitions, House of Commons Information Office Factsheet, P7.

³¹ Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, ed. Sir Donald Limon and W.R. McKay, Twenty-second Edition, 1997, page 809.

³² *Practice and Procedure of Parliament*, M.N. Kaul and S.L. Shakhder, ed. G.C. Malhotra, Fifth Edition, 2001, p.807.

³³ *Rajya Sabha at Work*, ed. Yogendra Narain, Rajya Sabha Secretariat, 2006, p. 681.

- (ii) any other matter connected with the business pending before the Council; and
- (iii) any matter of general public interest provided that it is not one:-
 - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or quasi-judicial body or commission;
 - (b) which raises matters which are not primarily the concern of the Government of India;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available under the law, including rules, regulations or bye-laws made by the Central Government or, by any authority to whom power to make such rules, regulations or bye-laws is delegated.³⁴

The remit of the Committee on Petitions of the House of the People (Lok Sabha) is broadly identical to those of the sister Committee of the Rajya Sabha.

Types of Petition

A petition is a document addressed to a House of Parliament and signed by at least one person; it can be signed by many, severally or jointly. Broadly speaking, petitions can be classified into:

- (i) Petition on Bills/ legislative matter;
- (ii) Petition on public grievances;
- (iii) Petition bearing public opinion/suggestion on public policy; and
- (iv) Quasi-petition – Petition in form but in substance; it may contain an individual grievance.

Representations, letters, telegrams from individuals, associations etc., which are not covered by the rules relating to Petitions, can also be considered by the Committee on Petitions of the Lok Sabha³⁵ whereas the Secretariat of the Rajya Sabha Committee forwards those to concerned Central Government Ministries/Department(s) or State Government authorities for redressal of individual grievances.

Form of Petition

A petition should be addressed to the Council of States (Rajya Sabha) or the House of the People (Lok Sabha) without any superscription or interlineations, and it should

³⁴ Rule 138 of *Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha)*, Sixth Edition, March 2005.

³⁵ *Directions by the Speaker*, Lok Sabha, Lok Sabha Secretariat, Sixth Edition, 2009, Dir No.95, p.42.

contain the name and description of the petitioner(s). It should contain a concise statement of grievances: and a prayer of the petitioner in the form of a request. It should contain the signature and address of at least one petitioner. Counter-signature of a Member of Parliament is optional in India. The petition should be self-explanatory and should not be supported by other papers having evidentiary value. The rules do not entertain any petition which is not signed by the petitioner. A format of petition is given in the Schedules to the Rules of Procedure of both the Houses of Indian Parliament and also uploaded on their respective websites.

Language of Petition

The petition should either be in Hindi or English. In case any petition is in any other Indian language, it shall have to be accompanied by translation thereof, either in English or Hindi, which is to be signed by the petitioner. The petition should be couched in respectful and temperate language.

Submission of Petition

The first signatory to the petition is known as principal petitioner, who collects the signature of other co-petitioners. The principal petitioner can send the petition to a Member of the House for sponsoring the same, who, after countersigning the same, may submit it to the Secretary-General of the House. The countersigning Member secures the right to present the said petition on behalf of the petitioner(s). In India, the procedure is simplified to the extent that the petitioner(s) can directly send the petition to the Secretary General, if he/she is not able to find a Member of the House for sponsoring the petition. In India, the Member counter-signing the petition puts his/her signature at the end of the petition whereas in the U.K. the counter-signing Member affixes his/her signature on the top of the petition.³⁶

Admission Procedure of Petition

A Petition countersigned by a Member of Parliament is acknowledged by the Committee Secretariat. In the first instance, as per practice, the petitions received are forwarded to the concerned Ministry of the Government of India for their comments. This is done to facilitate the Secretariat in examining the admissibility of the petitions. After analysing the comments of the concerned Ministry/Department and after examining the admissibility of a petition in the light of provisions of Rules of Procedure, the Constitution, the practices and conventions of the House, the petition is submitted to the Presiding Officer, through Secretary-General, for obtaining his consent, as prescribed in the rules, for presentation or submission thereof to the Parliament. As mentioned above, petitions dealing with issues which are under consideration of any judicial or quasi-judicial body and fall under the domain of a State Government are not admitted. Depending upon the merit of the case, and keeping in view its public importance and conformity with the rules of the House, the petition is considered for admission by the Presiding Officer of the House. Petitions which are found inadmissible are kept in file and intimation thereof is sent to the Petitioner and the sponsoring Member.

³⁶ Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, op. cit, p. 814.

Presentation of Petition

The House is informed of the petition after its admission, in one of its sittings, after the Question Hour and laying of papers on the Table. The Member, who has counter-signed the petition, has the right to present the petition in the House. In the event of non-availability of the Member who has countersigned the Petition or if that Member retires/resigns before presentation of the petition, it is reported to the House by the Secretary-General. A petition not countersigned by a Member, is also reported to the House by the Secretary-General. A Member cannot present a petition on his/her behalf. No debate is permitted on presentation/reporting of a petition to the House.

Reference to the Committee

Soon after presentation/reporting to the House, the petition stands referred to the Committee for detailed examination, which submits its report along with specific recommendations to the House. Like any other Standing Committee of Parliament, it decides on the course of action for examination of the petition. The Committee of Petitions of the Lok Sabha comprises of fifteen Members and that of the Rajya Sabha, ten Members, who are nominated by the respective Presiding Officers based on the recommendations of the Leaders of Parties/Groups and in proportion to the numerical strength of respective Party/Group in the House. The Petitions Committee of the Rajya Sabha continues in office till a new Committee is nominated by the Chairman, Rajya Sabha. The Committee, however, as a matter of practice, is formally re-constituted every year. The tenure of the Petitions Committee of the Lok Sabha is similar to that of the Rajya Sabha Committee.

In both the Committees on Petitions of the Indian Parliament, a Minister is not nominated as a member and if a Member, after his nomination to the Committee, is appointed as a Minister, he ceases to be a Member of the Committee from the date of such appointment.

Examination of Petition by the Committee

The functions of the Committee on Petitions of the Rajya Sabha are:

- (a) to examine every petition referred to it and if the petition complies with the rules, to direct that it be circulated *in extenso* or in summary form, as the case may be; and
- (b) to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under consideration or to prevent recurrence of such cases.

The Petitions Committee of the Lok Sabha is also tasked with similar functions.

No sooner a petition stands referred to the Committee, than a meeting thereof is convened to hear the petitioner(s) in the first instance. The Committee may in its discretion decide to hear other persons, representatives of organisations, along with the petitioner(s), if such a course is considered appropriate by it, in the context of examination of a petition. Opportunity is also given to the representatives of the concerned Government Ministries/Department to place their view points on the subject. Depending on the subject matter of the petition, the Committee may decide to issue a Press Release inviting public opinion. If considered necessary, the Committee may visit different places/organisations/institutions and hear people from a wide cross-section of the society. Whenever considered necessary, the Committee may invite officers of State Government for oral evidence or call for papers or records, after obtaining prior permission of the Chairman of the House. After examining the issue threadbare, the Committee presents a report to the House.

Action Taken Report by the Government

Soon after presentation of the Report to the House, a copy thereof is sent to the petitioner and the concerned Department of the Government to act upon the recommendations of the Committee. The Government is called upon to submit an Action Taken Report thereon to the Committee within six months' time. If any Ministry or Department is not in a position to implement, or feels any difficulty in giving effect to a recommendation made by the Committee, the Ministry informs the Secretariat of the respective House of its views on the matter and those are placed before the Committee. The Committee, after considering the Action Taken Report of the Government or the views of the Ministry, in case of its inability to implement a recommendation, may present a further report to the House.

Practice in State Legislative Assemblies

Like in Parliament, Petitions can be submitted to the State Legislatures too. In India, almost in all the State Legislatures, there is a Committee on Petitions on the model of the Committees in Parliament. The practice and procedure of admission and examination of petitions in the State Legislatures are also broadly the same as at the national level.

Efficacy of Petitioning System in Parliament

Petitions are used by broad layers of the population to influence policy and legislation. Petitioning Parliament facilitates a direct link between the public and the House. The quantum and quality of work done by the Petitions Committees of Parliament, particularly during the recent years, have been acknowledged at social, economic, political and Governmental levels. The Petitions Committee of Rajya Sabha has presented as many as 137 Reports till date. It has also received more than 100 petitions and more than 700 representations in the last three years. The Petitions Committee of Lok Sabha has presented 91 Reports during the tenure of Thirteenth and Fourteenth Lok Sabhas during the period 2000 to 2009. It may be pointed out that in Rajya Sabha,

the Committee presents a separate report on a petition whereas in the Lok Sabha, a report of their Committee contain more than one petition/representation.

The Committees of Parliament on Petitions have proved to be an effective forum for the public to access Parliament for raising a broad range of public spirited issues. Some socially conscious persons had filed a petition in the Rajya Sabha on the problems of the Leprosy Affected Persons. Likewise, a little known lawyer from a small town, a spiritual person and public spirited teachers, moved the Rajya Sabha with petitions of urgent public importance, all of which were admitted and sent to the Committee for examination and report thereon. Unlike the protracted litigation in a court of law, which is expensive and time consuming, the Committee has proved to be an accessible, inexpensive instrument for the public at large for quick redressal of grievances on issues affecting large sections of the society and for impacting policy formulation. The study of such socially relevant issues by the Committee has helped in creating mass awareness and also persuaded the Government into taking remedial measures.

The petitions examined by the Committee of the Rajya Sabha pertained to a wide range of issues of public importance having socio-economic and political implications. The Committee has from time made significant recommendations in relation to the petitions which have been positively responded to by the Government of India and its agencies. A few examples from the recent past may be cited. A group of persons headed by a former Union Minister, who are actively associated with the rehabilitation of Leprosy Affected Persons, came up with prayers for socio-economic integration of Leprosy Affected Persons. The Committee having seen the pitiable conditions of Leprosy Affected Persons living in rehabilitation homes and colonies, had in its Hundred and Thirty-first Report³⁷ recommended to the Government to formulate a national policy for integration and empowerment of Leprosy Affected Persons. The Committee vigorously followed-up its recommendations with a large number of Ministries and agencies of the Government of India and Governments of the States. These efforts resulted in a slew of measures taken by the Government, including commissioning a fresh survey of leprosy affected persons in the country with a view to evolving appropriate policy for their integration in the society.

Two lady petitioners presented a petition to the Council of States praying for putting on hold the proposal of the Government of India in the Ministry of Human Resource Development to introduce Sex Education in schools affiliated to the Central Board of Secondary Education. The petition was admitted and referred to the Committee which presented its Hundred and Thirty-fifth Report on the subject.³⁸ The petitioners had submitted that the proposed move of the Government to include Sex Education in the school curriculum would strike at the root of the cultural fabric of the Indian society which had been nurtured over the millennia. The stand of the Government of India was that the introduction of Adolescence Education Programme (AEP) for school children

³⁷ Report on *petition praying for integration and empowerment of leprosy affected persons*, Committee on Petitions, Rajya Sabha Secretariat, New Delhi, 2008.

³⁸ Report on *petition praying for national debate and evolving consensus on the implementation of the policy for introduction of sex education in the schools and holding back its introduction until then*, Committee on Petitions, Rajya Sabha Secretariat, New Delhi, 2009.

was aimed to increase their awareness of safe sex as an effective means to control HIV/AIDS. The Committee had examined the petition at great length and *inter alia* recommended that message should appropriately be given to school children that there should be no sex before marriage which was immoral, unethical and unhealthy. The Committee also recommended that appropriate age-specific curriculum should be drawn up for scientific health and moral education, personality development and character building, environmental and social awareness. Health education may include education on hygiene and physiological changes which take place in adolescents especially amongst the girls. The Government of India responded positively to the recommendations of the Committee by ordering review of the AEP school curriculum at the national level in light of the observations/recommendations of the Committee. As a result of the review, the concerned authorities removed all the objectionable references/portions in the curriculum including explicit images/pictures/flipcharts. The Government has also agreed to include the values of abstinence before marriage and delay in sexual debut in the revised course curriculum of AEP, in addition to the matter relating to coping with negative peer pressure and developing positive behaviour to prevent HIV infection. As a result of the examination of the petition by the Committee, the Government of the National Capital Territory of Delhi has brought out a thoroughly revised syllabus for its school children incorporating all the recommendations of the Committee.

A little known lawyer made a prayer to the Council of States seeking prohibition on use of mobile phones while driving and imposition of reasonable restrictions on the use of such phones in public places like schools, religious places, crematorium, etc. The Committee in its Hundred and Thirty-third Report³⁹ made important recommendations on the petition. Acting on the Committee's recommendations, the Government issued necessary directions to the concerned authorities to ban the use of mobile phones inside school premises. Government also issued instructions to the manufacturers and service providers of cellular phones to educate consumers about "Mobile Etiquette". Some of the TV channels are educating consumers, about the Do's and Don'ts of usage of mobile phones. Certain governmental agencies are using the print and electronic media to educate the people about the proper use of mobile phones. Government has also agreed to amend the law to provide for enhanced punishment for using a mobile phone while driving. The Government is also contemplating amendment in the statutory rules to prohibit use of mobile phones in any form or manner while driving.

The range of subjects examined by the Committee on Petitions of the Rajya Sabha, the pro-active role being played by it while engaging in interactions with members of the public, stakeholders and others, the far-reaching nature of its recommendations, particularly on socio-economic issues, and responsiveness of the Government thereto coupled with the role played by the media in highlighting the work done by it, have made the Committee an effective, inexpensive and popular instrument for redressal of grievances of the people.

³⁹ Report on *petition regarding imposition of reasonable restrictions on use of mobile phone*, Committee on Petitions, Rajya Sabha Secretariat, New Delhi, 2009.

PRACTICES IN OTHER JURISDICTIONS

Undoubtedly, Parliament is the principal actor in dealing with petitions but the other view in this context may be that the role of Government is equally important in grievance redressal. While there are various permutations and combinations of these perceptions, it could be argued that the approach which strengthens the role of the Parliament include the establishment of dedicated Petitions Committees. A major innovation in that direction in Scotland, Germany and India has been the development of such dedicated Committees. One observer has described Petitions Committees as "deliberately setting out to engage with the public and actually encouraging them to use it as a process of contact with Parliament".⁴⁰

Great Britain

In the House of Commons, UK, a petition can be presented to the House only by a Member. The Member who wishes to present a petition in the House formally, on the floor of the House, gives notice to the Table Office after getting it endorsed by the Clerk of Public Petition. The Member may informally present the petition at any time while the House is sitting by placing those in a large green bag hooked on to the back of the Speaker's Chair. The time of formal presentation of petitions is immediately before the half hour adjournment debate at the end of each day's business.⁴¹

Under Standing Order No. 156, a copy of the Petition, once printed, is sent to the appropriate Government Department. Following a Resolution of the House on 25 October 2007, all substantive petitions should receive a response from the relevant Minister, in the form of an observation. Any observations made by a Minister in reply are printed in Hansard and a copy is sent to the Member who presented the Petition. Copies of Petitions and observations are also sent to the relevant Select Committee of the House, which should put the petition on to its formal agenda.⁴²

Scotland

The Public Petitions Committee (PPC) of the Scottish Parliament is a dedicated Parliamentary Committee with the clearly stated role of ensuring 'that appropriate action is taken in respect of each admissible petition' and taking, 'responsibility for the initial consideration of the issues raised'. The Committee meets fortnightly when the Parliament is sitting and holds both public and private meetings. The nine members of the Committee are nominated in proportion to the representation of the various political groupings in the Scottish Parliament. The Committee considers new and current petitions at each meeting and takes decisions about any further action. In so doing, the Committee builds an expertise on a range of measures that can be taken on petitions, if not necessarily the broad areas of grievance raised. The PPC can refer a petition to a subject Committee and, where this occurs, the Committee expects to be kept informed

⁴⁰ UK House of Commons Procedure Committee Report, *Public Petitions and Early Day Motions* First Report of Session 2006-07, p. 5.

⁴¹ Paper on 'Petition Effectiveness, improving citizens' direct access to Parliament' - presented by Sonia A. Palmieri of the Department of the House of Representatives, Canberra, op. cit.

⁴² UK Parliament: Public Petition to the House of Commons, available at <http://www.parliament.UK/parliamentary-publication-and-archives/public.petition.efm>.

of that Committee's consideration and action in respect of the petition. The PPC may also investigate the petition itself, providing some principal petitioners the opportunity to speak for their petition and explain their grievance. The PPC, for example, has heard evidence from petitioners and sought written evidence from organisations involved in the issue raised by a petition and consulted with the Scottish Executive or invited its members to appear before the Committee.

The PPC has also made recommendations about the resubmission of petitions which address a similar grievance to a petition previously presented.⁴³

Germany

The Petitions Committee of the German Bundestag is the central point of contact for petitioners. The Committee has the power to mediate between petitioners having difficulty with federal authorities or other institutions subject to the supervision of the federal government. On average, 15,000 petitions are received by the German Bundestag each year, most of these relating to administrative complaints.

On the authority that the German Bundestag has the right to demand information from the federal government, the Petitions Committee begins its examination of the matter raised in a petition by requesting comments from the federal Ministry responsible. Once the facts of the matter are settled and legal issues resolved, the Committee presents a recommendation before the plenary of the Bundestag. The recommendation could be in the form of a referral to the federal government for remedial action or for re-examination of the issues, referral to the Parliamentary groups in the Bundestag for Parliamentary inquiry, or referral to one or more of the Parliaments of the German Lander (Bundeslander) or the European Parliament. Once the resolution has been adopted by the plenary, the petitioner is sent an official reply setting out the decision reached and the grounds on which it was taken.⁴⁴

New Zealand

In New Zealand, all petitions stand automatically referred to subject matter Committees. The Committees to which petitions are referred in New Zealand are able to take action as required, including receiving written submissions from petitioners, Government Departments and other sources relevant to the matter raised in the petition. In the New Zealand model, petitions are essentially treated as a separate inquiry topic to be considered by the concerned Committees. No time limits are put on Committees.⁴⁵

Canada

Only a Member of the House of Commons of the Canadian Parliament can present a petition to the House. The petitioners must send their petitions to a Member with a request to present it to the House. Any Member of Parliament may be asked to present

⁴³ Paper on 'Petition effectiveness, improving citizens' direct access to Parliament' presented by Sonia A. Palmieri of the Department of the House of Representatives, Canberra, op. cit.

⁴⁴ Paper on 'Petition effectiveness, improving citizens' direct access to Parliament' presented by Sonia A. Palmieri of the Department of the House of Representatives, Canberra, op. cit.

⁴⁵ Paper on 'Petition effectiveness, improving citizens' direct access to Parliament' presented by Sonia A. Palmieri of the Department of the House of Representatives, Canberra, op. cit.

the petition even if he/she does not represent the petitioners. Nothing in the rules and practices of the House of Commons requires a Member to present a petition, he/she has received. The Member may even ask another Member to present the petition. The act of presenting a petition does not necessarily mean that a Member supports it.

If a Member makes a statement in the House, when presenting a petition, the statement is reproduced in Hansard, the official records of the debates. A record of each petition presented, whether or not a statement is made, appears in the Journals for the day. Once the petition has been presented, it is sent to the Government, which must table a reference in the House within 45 days.⁴⁶

Role of Government

In Canada, New Zealand and Great Britain, the focus of action on the petition is on the role of government. Petitions to the Canadian House of Commons and the New Zealand House of Representatives can expect a response within 45 and 90 days of presentation, respectively. The United Kingdom's House of Commons Procedure Committee has recommended that the Government be required to respond to all petitions presented to the House within 2 months. Further, the Committee recommended that 'the option of making no response to a particular petition should be discontinued'.⁴⁷

ELECTRONIC PETITION

With the advancement of information technology citizens are aspiring for quicker access to Parliament for redressal of their grievances. In India petitions through e-mail are treated as representations, as paper petition with signature of the petitioner is one of the pre-requisites for its admission. However, e-mails are forwarded to the concerned Government Department(s) to address the concern of the petitioner. In some of the countries, introduction of an e-petitioning system is being debated. The Procedure Committee Report (2007) of the House of Commons (UK) has supported an e-petitioning system, which may eventually require necessary amendments to Standing Orders. The Scottish Parliament has successfully implemented this.

CONCLUSION

The inherent right of the people in a democracy to present petitions to a Legislature with a view to ventilating grievances, seeking their redressal and offering constructive suggestion on matters of public importance, is well exercised in India and other countries of the world.

The device of petitioning the Parliament holds the Government accountable to the people through the Parliament and also enhances responsiveness of the executive towards citizen's concern. It fosters democratic spirit in the individual to espouse the cause of the common man for their welfare, which indirectly strengthens democratic institutions and processes. It promotes the cause of participatory democracy by bringing people closer to Parliament and also ensuring their greater involvement in governance."

⁴⁶ How to Petition Parliament, Inky Mark, M.P., available at <http://www.inkymark.com/site/node/36>.

⁴⁷ House of Commons Procedure Committee Report, op. cit, p.17.

Mr Vladimir SVINAREV (Russian Federation) presented the following contribution:

"1. Representative government can work effectively only with constant feedback from society and the consideration of various interests and opinions.

Messages to Parliament from citizens, organizations, and advocacy and discussion groups form a vivid cross-section of societal attitudes and act as an indicator of trust in government. The role of parliaments here is not to simply consider claims and prepare reports. Their task, on the basis of the analysis of these messages, is to more precisely determine priorities for lawmaking and make legislation suit people's expectations.

When it comes down to it, the submission of messages to parliament is one of the forms in which society can participate in the legislative decision-making process.

2. Before Russia today stand the tasks of carrying out comprehensive modernization of the country and societal relations. Therefore, heightened requirements are imposed presently on the quality of the decisions that are made and on the nature of the relationship between government and society.

The right of citizens to submit messages to government bodies and local self-regulatory bodies is ensured by the Constitution of the Russian Federation. In 16 years, the Federation Council has approved a series of laws designed to increase the openness and accessibility of government. In particular, the manner for the review of messages by government bodies, local self-regulatory bodies and officials has been legislatively established. A law guaranteeing citizens' access to information about the activities of government bodies has been adopted and come into force.

At one of its sessions at the end of last year, the Federation Council determined for that law a list of information subject to mandatory placement on the Federation Council website. This includes information about budget expenditures, the selection process for filling official vacancies, and the income and assets of top officials.

3. Dear colleagues, the primary burden for working with citizen messages sent to the Federation Council is borne by the Chair of the Federation Council, his deputies, the chamber's other officials, and the chamber's committees and permanent commissions.

Their functioning in this area is supported by the specialized subunits of the Secretariat: the Federation Council Contact Office, a part of the Information and Document Support Section, the Analytical Section, the Legal Section, and the secretariats of the committees and commissions.

Messages reach us through various channels: in written form, through our 24-hour telephone information line, and e-mail.

The Federation Council, Chair of the Federation Council and senators each maintain online contact offices. Information technology and automated recordkeeping allow us to work with messages on a fundamentally higher level. We strive to advance in this area in keeping with world trends.

Electronic systems do not replace direct contact with people. The chamber's senior officials and members of the Federation Council's committees and commissions regularly receive concerned citizens personally.

4. Overall, in 2009 the Federation Council received approximately 18,000 messages through various channels. Of these, over 15,000 were in written form and over 2,000 citizens were met personally. Over half of correspondents addressed their messages to S.M. Mironov, Chair of the Federation Council. All messages were reviewed and processed. A substantial portion of the messages was sent to the corresponding government bodies, acted upon, and served as the basis for taking further measures.

And now a few words about the nature of the messages we receive.

Messages on socio-economic problems occupy one of the leading places.⁴⁸ Sometimes these might appear to be, at first glance, quite individual problems. But it is precisely such details that together form the picture of society's sense of well-being.

A large number of letters concern the work of the law enforcement and judicial systems, as well as measures for their improvement.⁴⁹

Still numerous are messages on issues regarding the political system and the setup of government.

No small number of the messages last year were devoted to issues related to the aftermath of the financial and economic crisis. Incidentally, we have specially created an anti-crisis telephone hotline. Among the messages submitted were quite a few initiatives which were used when preparing proposals for the Government to combat the crisis.

There is noticeable growth in the attention paid by society to the chamber's lawmaking activities. Almost 20% of messages contain initiatives for developing legislation as well as responses to bills. Such letters are forwarded to the relevant committees and commissions for consideration during the lawmaking process.

5. Colleagues, ladies and gentlemen, the effectiveness of the parliament in working with citizen messages objectively gives rise to growth in the number of such messages. This requires searching for new opportunities to act upon them in the proper manner.

Three areas can be conceptually laid out to this end:

The first is the ongoing, constant work of the senators and deputies in parliament in concert with other branches of the government (executive and judicial) to resolve the problems raised by citizens.

The second is ongoing measures for additional training for the parliamentary employees who process messages.

The third is the wider use of modern information and communication technologies for working with messages, including the quick drafting of answers to them.

⁴⁸ For example, in 2009 more than 300 citizens turned to the Federation Council for assistance in resolving housing problems. Among these citizens were large families, the handicapped, and retired veterans.

⁴⁹ In 2009, the larger part of messages were submitted to the Federation Council Committee on Legal and Judicial Issues, the Federation Council Committee on Defense and Security, the Federation Council Commission on Housing Policy and Public Utilities, and the Federation Council Committee on Constitutional Law.

I would especially like to say that the Secretariat of the Federation Council is actively working in this direction. Efforts are being made to create a unified system for recording and reviewing citizen messages that are sent to various government bodies simultaneously (so-called "message blasts").

When addressing these "message blasts," the main thing is to form a unified position among government bodies when evaluating the same set of circumstances. By harmonizing our efforts, we can avoid duplication by government bodies when reviewing messages and conserve resources.

One step on the path to the creation of such a system is the equitable exchange of information between bodies of different branches of government. We have already established such contacts with the Section for Correspondence from Citizens and Organizations of the President of the Russian Federation. I think that this is a fine basis for future development. I must say that we would be interested in the experience of other parliaments in this regard."

Mr Constantin GHEORGHE (Romania) presented the following written contribution:

"The right to make petitions is guaranteed by the Romanian Constitution and its exercise is free of charge. Thus, the citizens or legally founded organizations have the right to address themselves to public authorities, including to the *institution of the Senate* (Senators or structures of the Senate: President, Parliamentary Groups, Committees) with petitions formulated either in the name of the signatories, or on behalf of the collective bodies they represent, on topics of their direct interest and belonging to the competency areas of the parliamentary institution.

Thus, according to:

- Law no. 233/2002 for approving *Government Ordinance no. 27/2002 regulating petition solving activities;*
- Senate Regulations, Section 4 - *Senate's Committees*, and Section 5 - *Petitions;*
- Regulation of the organization and functioning of the Senate's Committee for Investigating Abuses, Fighting Corruption, and for Petitions;
- Regulation of the organization and functioning of the Senate's Services, Section 9 - *Division for Communication and Image;* Art. 73 - *Public Relations Bureau;* Art. 74 - *General Secretariat Division,*

the main internal structures of the Senate, which play an essential role in the relation with the civil society and are tasked to provide continuous communication with citizens, in order to try to answer effectively their concerns and problems, are the following:

I. At Parliamentary level:

1. One Vice-President of the Senate

By Standing Bureau Decision, one of the four Vice-Presidents of the Senate is appointed to coordinate the activity of registering and solving petitions within the legal deadline, and to give an opinion on the relevant reports submitted to the Standing Bureau.

2. Committee for Investigating Abuses, Fighting Corruption, and for Petitions, set up in 2001.⁵⁰

For the time being, for efficiency and accuracy, a **Subcommittee for Petitions** was set up within this Committee. Its membership coincides with that of the Committee's Bureau.

II. At the level of administration: the Public Relations Bureau, which is functioning within the Division for Communication and Image, under the authority of the Secretary General.

The **Committee for Investigating Abuses, Fighting Corruption, and for Petitions** operates as a standing parliamentary structure having as a specific object of activity the exercise of the parliamentary control function. In this respect, the Committee processes the petitions that are forwarded to it for solution, by the Vice-President of the Senate, or those transmitted directly (by mail or e-mail). At the same time, it carries out parliamentary inquiries in order to investigate the abuses reported by means of petitions, within the competency limits established by the Senate Regulations.

A petition regarding an activity area of the Senate of Romania is generally declared admissible and the Committee determines, within 10 days at most since registration, the modality of solving it; if the petition is urgent, the Committee undertakes immediately the necessary measures.

If the petition does not concern the Senate's activity areas, the Committee may decide to inform/request a point of view from/another competent public institution of the central/local administration, in order to solve the petition. This institution, within 30 days at most, will have to communicate to the petitioner the solution adopted, and to inform the Senate on the matter.

The Committee may also decide to elaborate an answer and send it to the petitioner, to request a point of view or to send the petition to another Standing Committee of the Senate, or it may decide to discard the respective petition.

It is important to mention that the Senate of Romania, in view of the fact that it is not a judiciary authority, may not pronounce sentences, or revoke decisions of the legal courts. As a result, the petitions sent to the Senate with these specific purposes are declared inadmissible.

In special cases, the object of the petition may be presented to the Senate.

In all cases, the petitioner is informed about the solution adopted.

The Committee, at the beginning of each session, submits to the Standing Bureau and the plenary of the Senate a report on the petitions received and the modalities of solving them, including the solutions given by public authorities to petitions forwarded by the Committee.

In 2009, the Committee examined and solved approximately 1,400 petitions.

⁵⁰ Senate Decision no. 23/June 18, 2001.

The **Public Relations Bureau** receives the petitions addressed to the Senate by mail/fax/e-mail and those delivered at the headquarters of the Senate; it registers them into the Senate's general register, in the order of their receipt, while noting down the registration number, the name and first name and the residence of the petitioner, and the object of the petition.

The petitions received by the Public Relations Bureau are sent to the respective addressees.

Concretely, out of the **1,078** petitions registered by the Bureau in 2009:

- **297** were lodged by legal persons;
- **23%** were addressed to the President of the Senate, **19%** were addressed to the Parliamentary Groups, **45%** to the Standing Committees, **13%** to the Secretary General;
- Out of the **487** petitions addressed to the Standing Committees, **200** were addressed to the Committee for Investigating Abuses, Fighting Corruption, and for Petitions.

As for the areas of interest, the largest part of the petitions signaled justice abuses, human rights' violation, labor and social protection issues, abuses of the central and local public administration.

The Public Relations Bureau is also responsible for informing:

- the *citizens*, on the way in which they can exercise their right to petition;
- the *petitioners*, on the stage of/ modality of solving/ their petition;
- the *Standing Bureau of the Senate*, on the number, content and modality of solving the petitions.

Against the backdrop of a continuous increase of the number of internet users – in 2009, over 50% of the petitions registered by the Public Relations Bureau were transmitted via e-mail – the citizens are offered the possibility, by accessing the web site of the Senate, to consult the agenda of the Standing Committees' meetings, and to inform themselves on the date when their petition was or will be discussed, as well as on the way in which the Committee decided to solve the complaints and requests."

Mrs Maria Valeria AGOSTINI (Italy) presented the following written contribution:

"The Constitutional Framework

The Italian Constitution empowers individual persons to submit petitions to Parliament.

Article 50 lays down that "all citizens may submit petitions to Parliament requesting legislative measures or setting out general needs".

By conferring such right to **all citizens**, the Constitution implies that Italian citizenship is the only requirement to be met in order to exercise this right.

Unlike referendums and bills, which are to be submitted by a plurality of citizens, a petition may be submitted – and such is often the case – by a single citizen, although the phrase "all citizens" seems to imply that also a group of people are entitled to do so.

Under the Constitution, a petition should have as its object "**general needs**" or a request for "**legislative measures**". This restriction rules out petitions relating to personal issues and seems to confirm the hypothesis that the drafters of the Constitution mainly had collective petitions in mind.

As it is, most petitions received by Parliament are submitted by one person only. A different practice – which might have made petitions more relevant for Parliament – would have probably required a law to enforce Article 50 of the Constitution defining at least the number of signatories needed and ways to validate their signatures.

Provisions in Parliamentary Rules of Procedure

Laws were passed throughout the years regulating referendums to repeal legislation and bills introduced by the people. Petitions have never been regulated by law and the only regulatory framework is provided by Chamber Rules 33(2) and 109 and Senate Rules 140 and 141, specifying the contents of a petition and the parliamentary procedure to follow.

Under the Rules of both Houses of the Italian Parliament, a petition is referred to the **standing committee having jurisdiction over the subject matter**. Neither the Senate nor the Chamber has an *ad hoc* committee to consider petitions.

After being announced in the full house, a petition is referred to the appropriate committee. In the Senate, the President may order under Rule 140 that the authenticity of the petition and the citizenship status of the petitioner be ascertained. Otherwise, the procedure in the full house ends with committee referral.

The committee stage is regulated similarly in both Houses. A committee scrutinising a petition has **no obligation to consider the contents of such petition, nor to make any decision on its merits**. Furthermore, such committee is under no obligation to inform the full house on follow-up action.

In the Chamber of Deputies, the scrutinising committee may pass a recommendation urging the Government to consider the merits of the petition or may resolve to consolidate the petition into a bill under consideration.

In the Senate, a petition consolidated into a bill under scrutiny is considered along with the main bill. Other petitions are put on the committee's agenda – unless they are shelved – and may eventually be transposed into a committee bill (if endorsed by two thirds of its members) or referred to the Government for action.

The Practice and Prospects of Petitions

In practice, petitions are largely neglected by Parliament. They are hardly ever put on the agenda or debated upon.

In the Senate, a petition is usually consolidated into a bill regulating the same subject matter and follows the fate of the main bill.

There are several reasons for such lack of effectiveness of the instrument of the petition, namely: the quality of petitions, that are often a mere exposure of well-known problems; Parliament's mistrust towards instruments of "institutional participation" of the public, and its preference for informal dialogue with the general public and organised groups; a weakening of such instrument at the hands of Parliamentary Rules of Procedure, whereby there is no obligation to make a decision on a petition or to refer it to the full House.

In spite of this lack of interest, the number of petitions received during each parliamentary term is constantly on the increase, as the following table relating to the Senate shows:

PARLIAMENTARY TERM	Number of Petitions
1st (8/5/1948 - 24/6/1953)	128
2nd (25/6/1953 - 11/6/1958)	70
3rd (12/6/1958 - 15/5/1963)	54
4th (16/5/1963 - 14/5/1968)	70
5th (5/6/1968 - 24/5/1972)	117
6th (25/5/1972 - 4/7/1976)	117
7th (5/7/1976 - 19/6/1979)	178
8th (20/6/1979 - 11/7/1983)	181
9th (12/7/1983 - 1/7/1987)	211
10th (2/7/1987 - 22/4/1992)	473
11th (23/4/1992 - 14/4/1994)	182
12th (15/4/1994 - 8/5/1996)	211
13th (9/5/1996 - 8/3/2001)	885
14th (30/5/2001 - 11/2/2006)	1430
15th (28/4/2006 - 6/2/2008)	816
16th (29/4/2008 - present)	1076

During the past two terms, the Senate has actually considered 43 petitions in the 2006-2008 Parliament and 57 in the present Parliament. All of these were consolidated into an existing bill.

Regardless of the concrete effectiveness of such instrument, a petition is nonetheless a qualified form of communication with Parliament for those who have no other way to exert pressure.

Bearing this in mind, petitions may eventually come to replace instruments like referendums aimed at repealing legislation or bills introduced by the people, in order to meet the growing demand for democratic participation independently of political parties.

The instrument of the petition has been arguably revived by provisions included in the Charters of most Regions and many Communes, which establish a right of petition to the local legislative assemblies. In some Regions, such right is extended to all residents, be they Italian citizens or not."

Dr Hafnaoui AMRANI, President, thanked Dr V.K. AGNIHOTRI and opened the debate to the floor.

Mr Robert WILSON (United Kingdom) described the history of the petitions system in the House of Commons. One of the themes of the recent House of Commons Reform Committee had been to improve public engagement with the work of Parliament, including giving a marginally higher profile to petitions. The projected cost of electronic petitions had been an obstacle to its introduction in the House of Commons. The public expected petitions to be effective, which they rarely were.

Ms Claressa SURTEES (Australia) asked for more information about the examination of petitions by the relevant committee in the Rajya Sabha.

Mrs Doris Katai Katebe MWINGA (Zambia) said that two years before in Zambia, she had received a petition from an assistant to the former President against a jail term he had already served. When Parliament refused to entertain the petition, he went to court all the way to the Supreme Court, but lost at every stage. She agreed with Mr Wilson on the issue of expectations: it was not always easy to explain the situation with petitioners. She asked Dr Agnihotri about the process for petitioning against bills.

Dr V.K. AGNIHOTRI (India) thanked colleagues for their contributions. The fact that there was a Petitions Committee staff in India prepared to look into petitioners' issues could help petitioners achieve an outcome. There were too many petitions for them all to be looked into formally: staff screened those arriving on behalf of the committee, and the chairman conducted a second sift. A new chairman of the Petitions Committee had advertised in the national press, and a flood of petitions had arrived. Some people were petition-mongers who repeatedly sent the same petitions. Where a petition against a bill was received, it was forwarded to the subject committee considering that bill. Petitions could not be dealt with if they could be dealt with by another body or were pending before a court.

Dr Hafnaoui AMRANI, President, thanked Dr V.K. AGNIHOTRI and all the members present for their numerous and useful contributions.

3. Video presentation by Mr Amjad Abdul Hamid ABDULLMAJEED, Secretary General of the Council of Representatives of Iraq, on recent developments in the Iraqi Parliament

Dr Hafnaoui AMRANI, President, invited Mr Amjad Abdul Hamid ABDULLMAJEED to the platform to present his presentation.

Mr Amjad Abdul Hamid ABDULLMAJEED (Iraq) apologised for the lack of simultaneous Arabic interpretation. Introducing a video presentation, he described the history of the Iraqi Parliament, and recent developments since 2003. A new parliamentary session was about to begin, with a larger number of members than previously.

A video presentation followed.

Mr Marc BOSC (Canada) asked if Mr ABDULLMAJEED could describe his administration, including the number of employees.

Mr ABDULLMAJEED replied that the Secretary General had close links with the Speaker and his Deputies. There were eight directorates under his control, with 800 staff, and 200 contractors. The Parliament had 24 committees of different sizes. An institute for parliamentary development had recently been established. There were 275 Members of Parliament.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) expressed her sympathy at the tragic deaths since 2003 of seven Members of Parliament in Iraq. She asked if the press or public was admitted into the meetings of the parliament, and whether members of Parliament had freedom to say what they wanted in the Chamber.

Mrs Marie-Françoise PUCETTI (Gabon) asked about the representation of women both among Members of Parliament and parliamentary staff.

Mr ABDULLMAJEED said that for security reasons, the media and public were not admitted. The sessions were covered by the Parliament's own media directorate. The hope was to establish a dedicated television channel within the next year. 25 per cent of the seats in the Parliament were reserved for women under the Constitution. 40 per cent of parliamentary staff were women, with particularly large numbers in the research and parliamentary directorates.

Dr Hafnaoui AMRANI, President, thanked Mr ABDULLMAJEED for the efforts he was making to integrate into the Association, as well as for his presentation.

Mr ABDULLMAJEED thanked his ASGP colleagues for all their support.

The sitting rose at 4.45 pm.

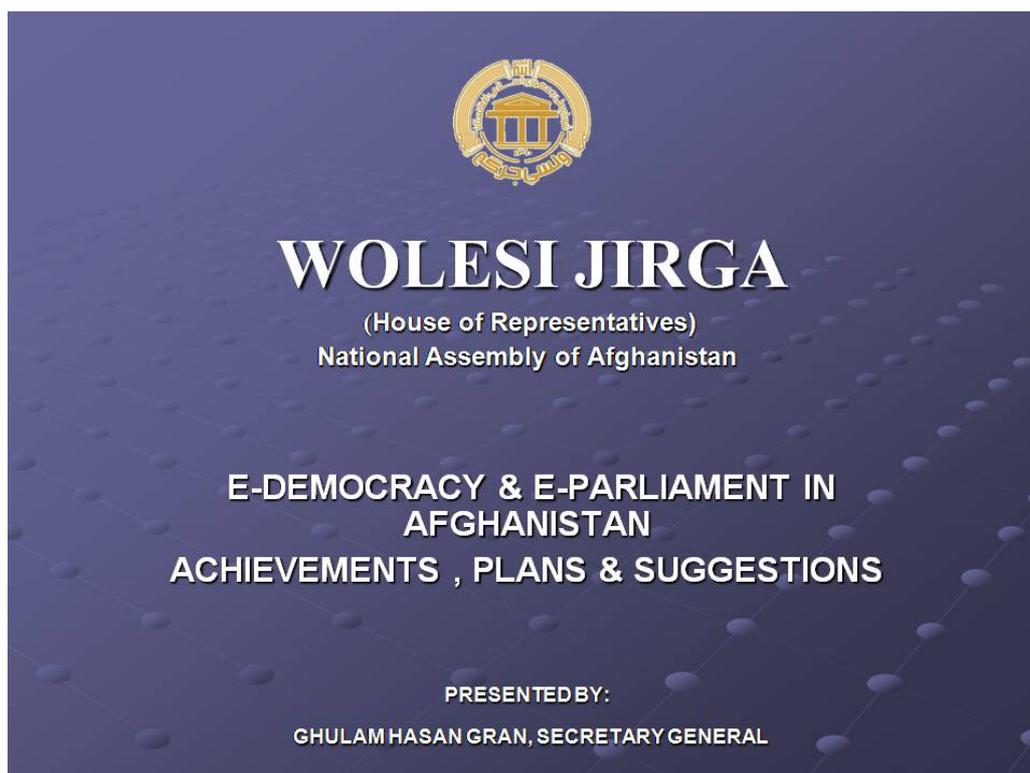
SEVENTH SITTING
Thursday 1 April 2010 (Morning)

Dr Hafnaoui AMRANI, President, in the Chair

The sitting was opened at 10.05 am

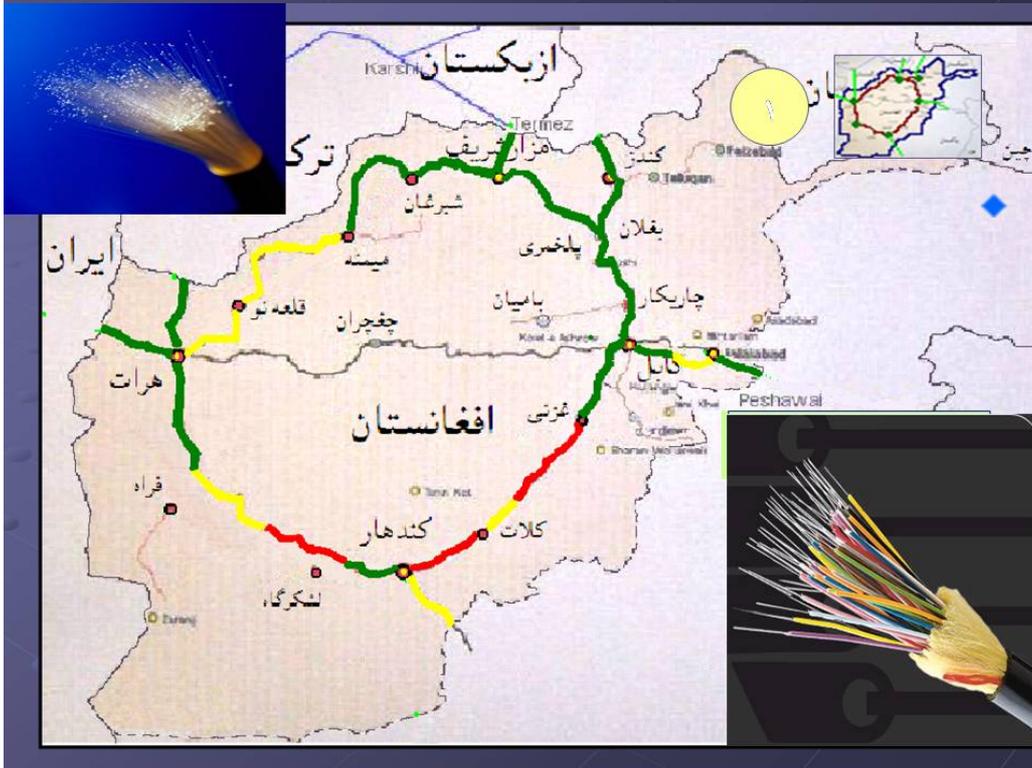
1. Communication from Mr Ghulam Hassan GRAN, Secretary General of the House of Representatives of Afghanistan, on "E-democracy and e-Parliament in Afghanistan: achievements, plans and suggestions"

Dr Hafnaoui AMRANI, President, invited Mr Ghulam Hassan GRAN, Secretary General of the House of Representatives of Afghanistan, to present his communication, as follows:



E-Government Initiatives

- Develop strategic plan for e-Government
- Promote e-Government to deliver services effectively, reduce bureaucracy and corruption
- Ensure interoperability of systems and solutions
- Example: National ID, Passport, License, Land Ownership Register etc

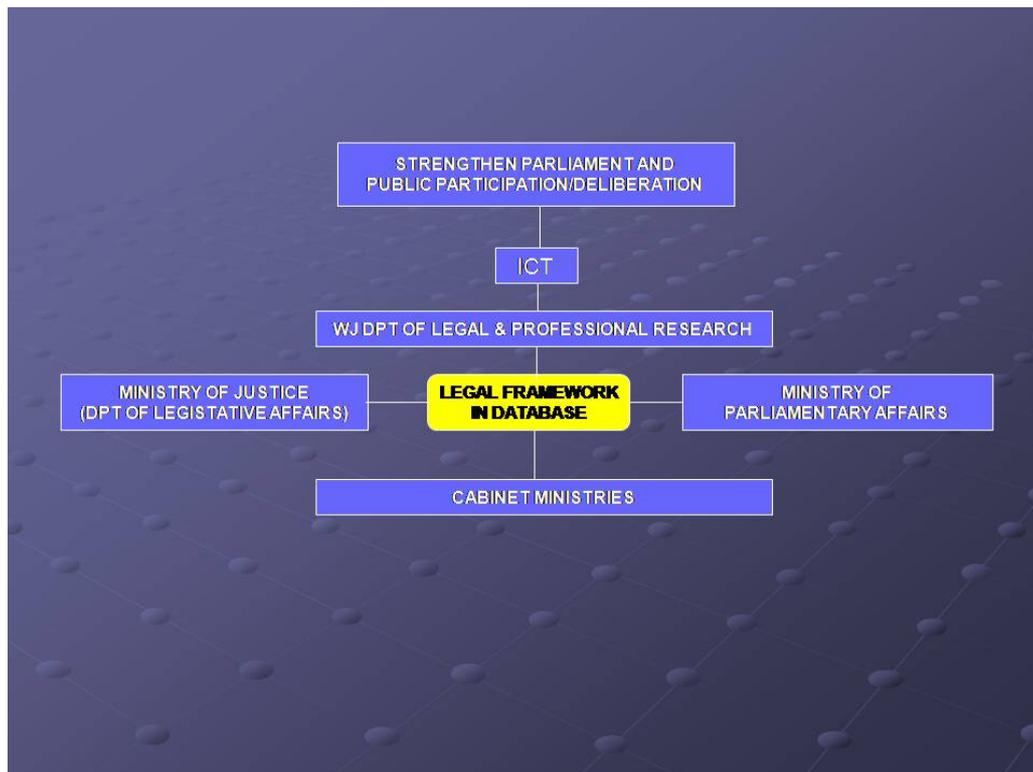


ICT SYSTEM OF WJ (STATUS QUO)

- Number of Servers 10
- Number of Computers 500
- Number of internet users 400
- Members of WJ who have their own individual offices and net access 250

Foster Public Outreach in Order to Improve Transparency & Accountability





● VISION

- Institutionalization of Democracy
- Institutionalization of Parliamentarianism/Representation

● MAIN OBJECTIVES

- Public Participation and Deliberation
- Improvement in fundamental functions of the parliament (i.e. Law making, oversight)
- Improvements in accountability, transparency, accessibility, efficiency and effectiveness mechanism
- Improved Relationship with other parliaments

OUTCOME & ACTIVITIES IMPROVEMENT IN PARLIAMENTARY WEBSITE



OUTCOME & ACTIVITIES

- **Improved Parliamentary E-documentation System**

Facilitate access to parliamentary documents, debates and laws are published in the Official Gazette, petitions and decisions are scanned and updated on the website, electronic communication among staffers and MPs

- **Improved Media & Internet Communication**

Parliamentary Radio and TV Channels are broadcasting programs, long distance video conferences

- **Improved International & Regional Network**

Cooperation, exchange of knowledge between GS of regional parliaments

NEEDS

- Recruitment of young professionals
- Training for more efficiency
- E-voting system
- E-library
- Funding for Regional Parliaments Assistance

Dr Hafnaoui AMRANI, President, thanked Mr Ghulam Hassan GRAN for his communication and invited members present to put questions to him.

Mr Anders FORSBERG (Sweden) said that he was encouraged by Mr Gran's communication. In August, the Riksdag would host a conference of the International Federation of Library Associations and Institutions (IFLA), and he hoped that an Afghan representative would attend.

Ms Claressa SURTEES (Australia) wondered if there was a strategy in Afghanistan for community internet access, for example for schools and libraries.

Dr Ulrich SCHÖLER (Germany) asked how the insecurity in Afghanistan affected the every-day work of Parliament.

Mr Edward OLLARD (United Kingdom) asked if Members' behaviour had been affected by the availability of ICT, and about the governance arrangements for parliamentary ICT.

Ms Maria Valeria AGOSTINI (Italy) asked about resourcing for a regional ICT network.

Mrs Jacqueline BIESHEUVEL-VERMEIJDEN (Netherlands) asked for more information about the budget for the programmes described by Mr GRAN.

Mr Mombedi PHINDELA (South Africa, non-member) asked about the extent to which Members used the ICT system, and about strategies for ensuring the availability of information to those without ICT access.

Mr Ghulam Hassan GRAN thanked Mr Forsberg for his kind invitation. The optical fibre system covered 42 per cent of Afghanistan's population; but the plan was to cover the whole country in due course. Security was paramount and the State's most significant challenge. Members' behaviour had been affected as they discovered more about the world via the internet. The Afghan Parliament wanted to improve its e-Library and electronic working in the Chamber. The ICT budget came in part from the development budget of the Government, and in part from international donors. All Members of Parliament had an office, provided with internet services.

Ms Lorraine C. MILLER (United States) asked if Mr Gran had attended the e-Parliament conference in Washington DC in November 2009, and what would be of assistance to him and his Parliament beyond funding.

Mr Ghulam Hassan GRAN replied that he had been unable to participate in the conference because of visa problems. Various donors were already providing assistance, including USAID.

Dr Hafnaoui AMRANI, President, thanked and encouraged Mr GRAN, stating that he could count on the support of the ASGP.

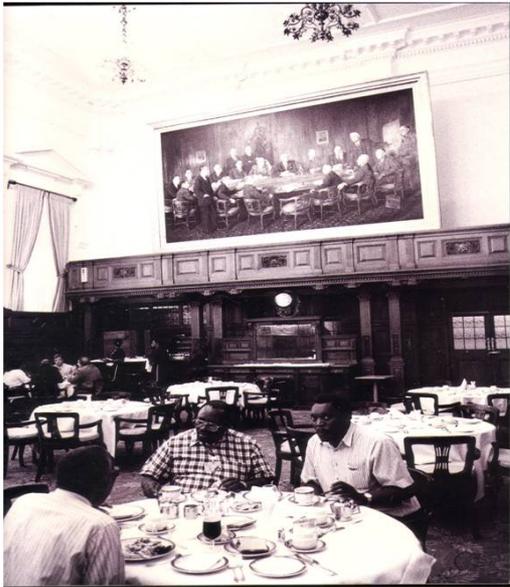
2. Communication from Mr Mohamed Kamal MANSURA, Secretary General of the National Assembly of South Africa, on "The corridors of Parliament: a record of parliamentary history or a reflection of its people"

Dr Hafnaoui AMRANI, President, invited Mr Mohamed Kamal MANSURA, Secretary General of the National Assembly of South Africa, to present his communication, as follows:

"In addressing the question posed by the title of this paper I will start with an overview of what has been displayed on the walls of our Parliament since 1994.

When the newly elected Members of the South African Parliament entered the Houses of Parliament in Cape Town after the first democratic elections in April 1994, they were surrounded by what they regarded as images of the apartheid era that depicted the very persons which brought hardship and suffering on the oppressed people.

New members are met with Images of the Apartheid Era

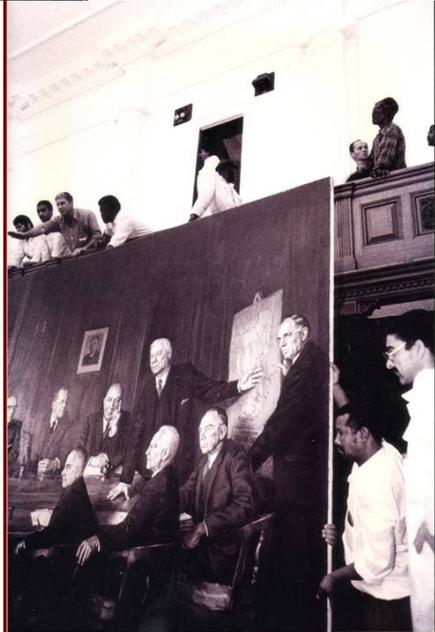
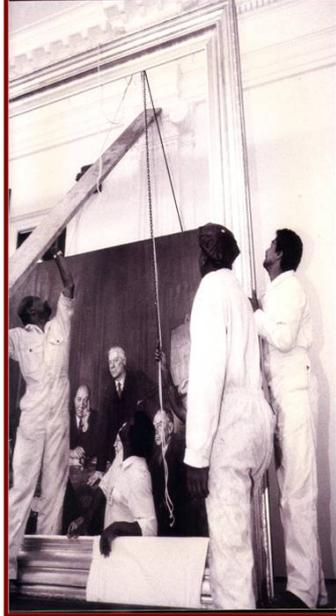


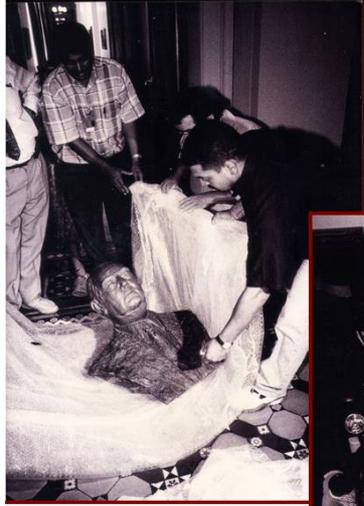


Paintings of Speakers, Prime Ministers and State Presidents from previous governments hung in the lobby of the Assembly, portraits in bronze and marble were displayed in the Senate wing of the building and the large oil paintings recording two major changes in South African history - the Union government of 1910 (Union) and the Republic government of 1961 - hung in the Members Dining Room.

The Removal

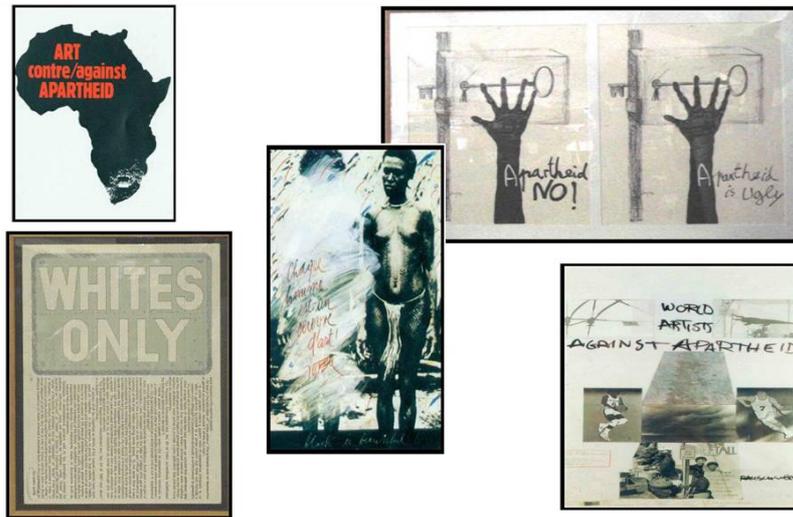






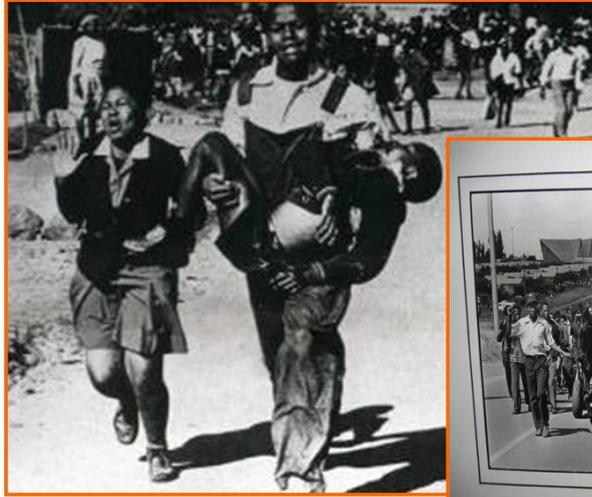
It was only two years later, in 1996, that these were removed after careful consideration. In 1995 the then Speaker Ginwala reported to the Joint Rules Committee that the Minister of Arts and Culture and a delegation of the Ministry had requested a meeting with her in which they indicated that Parliament should be a catalyst for change in South Africa, and displays in Parliament should reflect the demographic composition of South Africa. The Joint Rules Committee agreed with the proposal.

Art Against Apartheid



The reason given for the removal of the artworks was to make place for the *Art against Apartheid* collection. This collection had been supported by the United Nations and its Special Committee against Apartheid, UNESCO and the governments of Finland, Sweden and Norway and had been exhibited in Paris in 1983. It consists of over 100 works by 78 artists whose dream was that it "would one day be given as a gift to the first democratic government of South Africa". The display of these works in the prestigious venue of Parliament more than fulfilled this dream. Originally meant to hang for six months, the collection hung for three years until February 1999. What is interesting, is that this is a contemporary ART collection by international artists with only one South African, exiled artist Gavin Jantjes, among them. It does not deal with parliamentary history nor is it a direct reflection of the South African people, but demonstrates a collective stand by artists. This event opened the walls of Parliament to a number of possibilities. The *Art against Apartheid* exhibition was replaced with a temporary exhibition of artworks belonging to the South African National Gallery.

Soweto Uprising & Womens' March



In the year 2000 the Lending Committee on Artworks of Parliament was established and among its various mandates was one that required it to consider "what art should be on display in Parliament". Yet, the walls remained empty for a number of years with only short exhibitions commemorating key events from the struggle years, such as the 1976 Soweto Uprising and the 1956 Women's March.

No programme was set up to continue the tradition of painted portraits of Speakers and individuals who had played a key role in parliamentary structures. Speaker Ginwala famously remarked that she would not be "a hung Speaker".

**10 years of the
Constitution & Freedom
Charter**



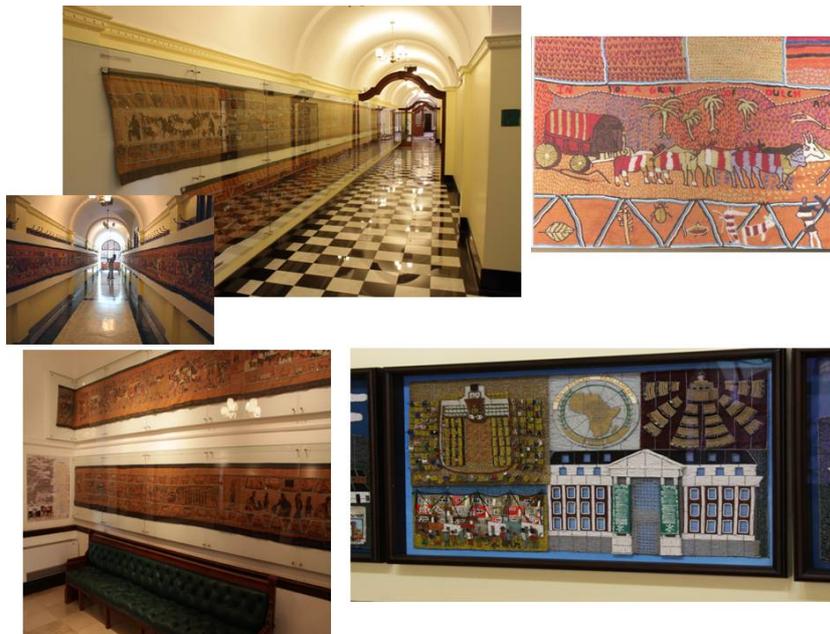
Over the years photographs were hung in offices and large colour photographs of events of Parliament were displayed in the corridors and lobbies to record significant events such as the ten-year celebration of the launch of the New Constitution in 2006 and Parliament's meeting in Kliptown in 2005 to commemorate the adoption of the Freedom Charter in 1955.

Women who achieved Success



Two years ago, it was decided to document, by way of photographs, the women who had achieved success in Parliament and who had played a role in effecting change. This display is still on our walls. This collection represents the importance of gender in a democratic South Africa and addresses the absences of women in the pictorial record of the past.

Keiskamma Tapestry



One work on permanent display that consciously set out to reflect the people is the *Keiskamma Tapestry*. It was made by 100 women. It tells, through embroidery, a history of South Africa starting with the earliest recorded inhabitants, the San, and ends with the democratic elections in 1994. It is made in a style associated with traditional blankets from the Eastern Cape where it was made. The story of conflict and ultimate resolution that evolves over the 120 metres of the tapestry is the South African story as told by the working people.

The Life of Former President Nelson Mandela





This overview provides some idea of what has been happening on the walls of Parliament since 1994. Different visual responses are displayed to reflect the different needs of Parliament at particular times. This year, for example, the life of former President Nelson Mandela will be celebrated to mark the 20 years since his release from prison.

Our Parliament has thus far chosen to reflect the ordinary people rather than the leaders of Parliament and Government. How this will change when there is again a call for the walls of Parliament to record history is in the unpredictable future.”

Dr Hafnaoui AMRANI, President, thanked Mr Mohamed Kamal MANSURA for his communication and commented that he had visited Cape Town along with many colleagues in 2008, and had been impressed by the beauty of the corridors of Parliament. In Algiers, by contrast the corridors were bare.

3. Review of the Rules

The President explained that the Executive Committee had been examining the Rules of the Association over the course of three sessions, with the aim of updating the rules so that they would correspond more closely to current practice and to adapt them to the changing circumstances with which the Association had been faced in recent years. The changes proposed by the Executive Committee had been circulated to members in January, and made available by the secretariat again during the current session. The President thus hoped that those who so wished had had ample opportunity to become acquainted with the proposals.

The Executive Committee had that morning considered an amendment in the names of Mr Amine ABBA-SIDICK (Inter-parliamentary Committee of the Economic and Monetary Community of Central Africa), Mr Boubacar IDI GADO (Inter-parliamentary Committee of the Monetary Union of West Africa) and Mr Mohamed DIAKITE (Parliament of CEDEAO). This amendment, which was available in the room, proposed that rule 3 of the Association should be retained in its current form, without creating a separate status of Associate Member for secretaries general of international parliamentary assemblies, as proposed by the Executive Committee.

Dr Hafnaoui AMRANI, President, gave the floor to the authors of this amendment so that they could present it.

Mr Mohamed DIAKITE spoke as a representative of international parliamentary associations, who had not attended the meeting in Geneva in October 2009. The objective of the amendment was not to oppose the proposal for associate membership for international assemblies, but to understand the reasons behind it. The objectives of the Association were to facilitate exchange. International assemblies had a particular experience to bring, in the light of their mixing of different parliamentarians from different backgrounds, and could enrich that exchange of ideas. He did not think that giving one group of parliaments a different, perhaps devalued, status would be of benefit to the organisation.

Mr Alphonse K. NOMBRÉ (Burkina Faso) asked whether the increasing number of international associations was a factor, and what the number was.

Dr Hafnaoui AMRANI, President, said that the Executive Committee had met to consider this question on a number of occasions, and it was not in favour of the amendment. The Executive Committee's idea was not to prevent members from international assemblies from participating in the Association's activities, indeed it valued their participation, but given the increasing number of such assemblies and their diversity, it was appropriate to give them a different status in line with that offered to them by the IPU. The Executive Committee held to its proposal that secretaries general of international assemblies in the future be accorded the status of associate member. In answer to Mr NOMBRÉ, there were 11 such assemblies represented within the Association.

Dr Hafnaoui AMRANI, President, put the amendment to the vote by a show of hands.

The amendment was *rejected*.

The revisions proposed by the Executive Committee to the rules and working methods of the Association were *adopted*.

Dr Hafnaoui AMRANI, President, announced that the consolidated version of the new rules and working methods of the Association would be sent to members in the coming weeks and would also be published in due course in *Constitutional and Parliamentary Information*.

4. Examination of the draft Orders of the Day for the next session (Geneva, October 2010)

Dr Hafnaoui AMRANI, President, presented the draft Orders of the Day for the next session (October 2010), as approved by the Executive Committee:

Possible subjects for general debate:

*Events and tasks at the end of a Parliament and of parliamentary sessions
(Ms Claressa SURTEES, House of Representatives of Australia)*

*Managing parliamentary spending in times of economic restraint: challenges and solutions
(Dr Ulrich SCHÖLER, German Bundestag)*

*Support and training for new Members of Parliament
(Mrs Doris Katai Katebe MWINGA, National Assembly of Zambia)*

Communications:

Communication by Mr Manuel ALBA NAVARRO, Secretary General of the Congress of Deputies of Spain: "Transparency and exemplarity as criteria guiding parliamentary activity"

Communication by Mr V.K. AGNIHOTRI, Secretary General of the Rajya Sabha of India: "Introducing information technology in the Chamber"

Communication by Mr Sarith OUM, Secretary General of the Senate of Cambodia: "The Cambodian Senate: from a self-evaluation exercise towards a new development plan"

Communication by Mr Damir DAVIDOVIC, Secretary General of the Parliament of Montenegro: "Parliamentary autonomy in Montenegro"

Communication by Ms Claressa SURTEES, House of Representatives of Australia: "Address to Parliament by visiting head of Government or State"

Administrative and financial questions

New subjects for discussion and draft agenda for the next meeting in Panama 2011.

Ms Lorraine C. MILLER (United States) asked whether there was provision to add further items to the Orders of the Day. The President confirmed that additional items could be added if there was space on the agenda.

The draft Orders of the Day were adopted.

5. Closure of the Session

Dr Hafnaoui AMRANI, President, thanked the hosts for their warm welcome and for the excellent organisation of the session. He also thanked the interpreters, technicians and Thai assistants for their valuable help. He said that it had been a richly fruitful session involving work of much quality. He thanked all of the participating members and said that he hoped to see many of them again at the next session in Geneva.

The sitting rose at 11.05 am.