UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Association of Secretaries General of Parliaments

MINUTES OF THE SPRING SESSION

NUSA DUA

30 APRIL – 4 MAY 2007

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2007

Nusa Dua
30 April – 4 May 2007

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Hafnaoui Amrani	Algeria
Mr Diogo de Jesus	Angola
Mr Ian Harris	Australia
Mr Gleb Bedritsky	Belarus
Mr Georges Brion	Belgium
Mrs Barbara Dithapo	Botswana
Mr Ognyan Avramov	Bulgaria
Mr Marc Rwabahungu	Burundi
Mr Edouard Nduwimana	Burundi
Mr Oum Sarith	Cambodia
Mr Leng Peng Long	Cambodia
Mr Marc Bosc	Canada
Mr Carlos Hoffmann Contreras	Chile
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Josip Sesar	Croatia
Mr Costakis Christoforou	Cyprus
Mr Petr Kynstetr	Czech Republic
Mr František Jakub	Czech Republic
Mrs Halima Ahmed	Ecowas Parliament
Mr Sami Mahran	Egypt
Mr Heiki Sibul	Estonia
Mr Nini Habtamu	Ethiopia
Mr Seppo Tiitinen	Finland
Mr Xavier Roques	France
Mr Alain Delcamp	France
Mrs Marie-Françoise Pucetti	Gabon
Dr Ulrich Schöler	Germany
Mr Kenneth E. K. Tachie	Ghana
Mr Helgi Bernódusson	Iceland
Mr Faisal Djamal	Indonesia
Mr Fayez Al-Shawabkeh	Jordan
Mr Samuel Waweru Ndindiri	Kenya
Mr Tae-Rang Kim	Korea (Rep of)
Mr Allam Ali Jaffar Al-Kandari	Kuwait
Mr M. G. Maluke	Lesotho
Mr Atty James R. Kaba	Liberia

Mr Ahmed Mohamed	Maldives
Mr Namsraijav Luvsanjav	Mongolia
Mr Abdeljalil Zerhouni	Morocco
Mr Nama Goabab	Namibia
Mr Surya Kiran Gurung	Nepal
Mr Henk Bakker	Netherlands
Mr Moussa Moutari	Niger
Mr Nasiru I. Arab	Nigeria
Mr Umaru Sani	Nigeria
Mr Hans Brattestå	Norway
Mr Raja Muhammad Amin	Pakistan
Mr Carlos José Smith	Panama
Mrs Adelina Sá Carvalho	Portugal
Mrs Georgeta Elisabeta Ionescu	Romania
Mr Dan Constantin Vasiliu	Romania
Mrs Marie-José Boucher Camara	Senegal
Mr Viktor Stromćek	Slovakia
Mr Zingile Dingani	South Africa
Mr Manuel Alba Navarro	Spain
Mr Manuel Cavero	Spain
Mrs Priyanee Wijesekera	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mrs Marcia I.S. Burleson	Suriname
Mr Anders Forsberg	Sweden
Mr Hans Peter Gerschwiler	Switzerland
Mr Pitoon Pumhiran	Thailand
Mr Žarco Denkovski	The FYR of Macedonia
Mr Sergey Strelchenko	Union of Belarus and the Russian Federation
Mr Douglas Millar	United Kingdom
Mr Michael Pownall	United Kingdom
Mr José Pedro Montero	Uruguay
Mr Hugo Rodriguez Filippini	Uruguay
Mrs Doris Katai Mwinga	Zambia
Mr Austin Zvoma	Zimbabwe

SUBSTITUTES

Mrs Claressa Surtees (for Mr B. Wright)	Australia
Mrs Stavroula Vassilouni (for Mr G. Karabatzos)	Greece
Ms Elizabeth Woolcott (for Mr D. G. McGee)	New Zealand
Mr Leszek Biera (for Mrs E. Polkowska)	Poland
Mr Tomasz Glanz (for Mrs W. Fidelus-Ninkiewicz)	Poland
Mr Thavee Puangtawai (for Mr S. Vanigbandhu)	Thailand
Mr Phicheth Kitisin (for Mrs S. Phumisingharaj)	Thailand
Mr Paul G. Wabwire (for Mr A. Tandekwire)	Uganda

ALSO PRESENT

Mr Elias Disengomoka	Angola
Ms Judy Jesus Tenente	Angola
Mr Chhim Sothkun	Cambodia
Mr Mubarek Sani	Ethiopia
Mr George Papadopoulos	Greece
Dr Ir. Siti Nurbaya Bakar	Indonesia
Mrs Niming Indra Shaleh	Indonesia
Mr Jong Min Park	Korea (Rep of)
Mr Jaafar Ali Abbas Ghuloum	Kuwait
Jannave Massaquoi	Liberia
Mr Muhammad Rafiq	Pakistan
Mr George Petricu	Romania
Mrs Adriana Badea	Romania
Mr Luzuko Jacobs	South Africa
Mr Dhammika Kitulgoda	Sri Lanka
Mrs Samonrutai Aksornmat	Thailand
Miss Neeranan Sungto	Thailand
Ms Monthicha Somrongthong	Thailand
Ms Anita Ognjanovska	The FYR of Macedonia
Mr Adelino Alfonso de Jesus	Timor Leste
Mr José Pinto	Timor Leste
Mr Vu Hai Ha	Vietnam

APOLOGIES

Mr Bernard Wright	Australia
Mr Mateo Sorinas	Council of Europe
Dr Yogendra Narain	India
Mr Arie Hahn	Israel
Mr Yoshihiro Komazaki	Japan
Mr Makoto Onitsuka	Japan
Mr Yoshinori Kawamura	Japan
Mr Takeaki Ishido	Japan
Mr David G. McGee	New Zealand
Mrs Ewa Polkowska	Poland
Mr Petr Tkachenko	Russian Federation
Sune Johansson (Honorary Member)	Sweden
Mr Sompol Vanigbandhu	Thailand
Mrs Suvimol Phumisingharaj	Thailand
Mr Aenus Tandekwire	Uganda
Dr Malcolm Jack	United Kingdom
Mr Colin Cameron	W.E.U

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FIRST SITTING
Monday 30 April 2007 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.30 am

1. Opening of the Session

Mr Anders FORSBERG, President, welcomed participants to the current session of the Association in Nusa Dua.

He thanked Mr Anders Johnsson, Secretary General of the Interparliamentary Union as well as all those who contributed to organisation of the current Assembly.

There would be an election for an ordinary member of the Executive Committee on Thursday the 3rd May 2007 at 4:30 p.m. It was the practice that experienced members of the Association should be elected rather than more recently-joined members. Proposals for candidates should be put before the Joint Secretaries at the latest by 11 a.m. on Thursday 3rd May.

This was agreed to.

2. Orders of the Day

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

Sunday 29 April 2007

Afternoon

3.00 pm Meeting of the Executive Committee

Monday 30 April 2007

Morning

10.30 am Opening session

Orders of the day of the Conference

New members

Welcome and presentation on the Parliamentary System of Indonesia by Mr Faisal DJAMAL, Secretary General, House of Representatives: "Strengthening the supporting system of the House of Representatives of the Republic of Indonesia"

Monday 30 April 2007

Afternoon

3.00 pm Communication by Mr Seppo TIITINEN, Secretary General of the Eduskunta of Finland: "Celebrating the Centenary of the Finnish Parliament"

Communication by Mr Carlos HOFFMANN-CONTRERAS, Vice President of the ASGP, Secretary General of the Chilean Senate: "The use of official websites in national Parliaments: developing trust in Parliaments"

Tuesday 1 May 2007

Morning

9.00 am Meeting of the Executive Committee

10.00 am General Debate: "Mirroring Society in Parliament: representativity of parliamentary staff"
Moderator: Mr Marc BOSC, Deputy Clerk of the House of Commons of Canada

About 11.30 am Communication by Mr Martin CHUNGONG on the recent events relating to the cooperation between the ASGP and the IPU

Presentation of the responses to a questionnaire: "Systems for transcribing official reports of parliamentary sittings" (Mr Abdeljalil ZERHOUNI, Secretary General of the House of Representatives of Morocco)

Tuesday 1 May 2007

Afternoon

3.00 pm General Debate: "Parliamentary Scrutiny of the Defence and Secret Services"
Moderator: Mr Hans BRATTESTÅ, Secretary General of the Norwegian Parliament

General Debate: "Induction of new Members of Parliament: the role of the Secretariat"

Moderator: Mr Henk BAKKER, Deputy Clerk of the Eerste Kamer der Staten-Generaal of Netherlands

Wednesday 2 May 2007

Morning

Visit to Ubud and to the Museum Pancayaknya and luncheon
(hosted by the Indonesian Parliament)

Thursday 3 May 2007

Morning

9.00 am Meeting of the Executive Committee

10.00 am Questionnaires and Reports

Summary and analysis of the regional seminar on the role of Parliaments in the process of national reconciliation in Africa, organised by the Parliament of Burundi, the IPU and International IDEA (Mr Hafnaoui AMRANI, Secretary General of the National Council of Algeria)

11.00 am Deadline for nominations for the vacant post on the Executive Committee (Ordinary member)

Communication by Mr Tae-Rang KIM, Secretary General of the National Assembly of the Republic of Korea: "Cultural Events for the General Public for an Open National Assembly"

General Debate: "Transition from a one party system to a multi-party system"
Moderator: Mr Heiki SIBUL, Secretary General of the Riigikogu of Estonia

Thursday 3 May 2007

Afternoon

3.00 pm Short scoping debate moderated by Mr Alain DELCAMP, Secretary General of the Presidency of the French Senate, on different aspects of parliamentary autonomy, to prepare for a forthcoming questionnaire

Communication by Mrs Georgeta IONESCU, Member of the Executive Committee, Secretary General of the Chamber of Deputies of Romania: "Open Parliament – a successful Initiative"

4.30 pm Election of an ordinary member of the Executive Committee

Communication by Mr Ian HARRIS, Former President of the ASGP, Clerk of the House of Representatives of Australia: "The Australian Parliamentary Studies Centre"

Friday 4 May 2007

Morning

9.00 am Meeting of the Executive Committee

10.00 am New Members

Communication by Mr Marc RWABAHUNGU, Secretary General of the National Assembly of Burundi: "The brain-drain in Africa: an important factor in under-development"

Communication by Mr P.D.T. ACHARY, Secretary General of the Lok Sabha of India: "Members of Parliament and Freedom of Speech"

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

Discussion of Rules Changes

Administrative and financial questions

Examination of the draft agenda for the next meeting (Geneva, Autumn 2007)

Closure.

The Orders of the Day were *agreed* to.

3. New Members

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

Mr Nawar Ali Al-Mahmood	Secretary General of the Council of Representatives of the Kingdom of Bahrain (replacing Dr Abdul Naser Mohamad Janahi)

Mr Oum Sarith	Secretary General of the Senate of the Kingdom of Cambodia (This Chamber is joining for the first time)
Mr Jacques Mbembi	Interim Secretary General of the National Assembly of the Democratic Republic of the Congo (replacing Mr Constantin Tshisuaka Kabanda)
Mr Allam Al-Kandari	Secretary General of the National Assembly of Kuwait (replacing Mr Shareeda A. Al-Mosharji)
Mr Zarko Denkovski	Secretary General of the Assembly of the Former Yugoslav Republic of Macedonia (replacing Mr Aleksandar Novakoski)
Mr Mahmood Bin Adam	Secretary General of the House of Representatives of Malaysia (replacing Mr Abdullah Abdul Wahab)
Mr Seydou Nourou Keita	Secretary General of the National Assembly of Mali (replacing Mr Mamadou Santara)
Mr Simon Nama Goabab	Secretary General of the National Assembly of Namibia (replacing Mr Jakes Jacobs, Acting Secretary General)
Mr Geert Jan A. Hamilton	Secretary General of the First Chamber of the States General of the Netherlands (replacing Mr Bas Nieuwenhuizen)

The new members were *agreed* to.

4. Welcome and presentation on the parliamentary system of Indonesia by Mr Faisal DJAMAL, Secretary General of the House of Representatives of the Republic of Indonesia: "Strengthening the supporting system of the House of Representatives of the Republic of Indonesia"

Mr Anders FORSBERG, President, invited Mr Faisal DJAMAL to the platform to give his presentation.

Mr Faisal DJAMAL (Republic of Indonesia) gave the following presentation:

"I. Introduction

The reform movement in Indonesia initiated in 1998 has led to the amendments to the 1945 Constitution of the Republic of Indonesia. The four

amendments to the 1945 Constitution have significant impacts on the role of the Indonesian House of Representatives in the state administration. Prior to the reform, state administration was marked by the strong power of the executive body *(executive heavy).* However, as a result of the amendments, Indonesian parliament currently has a better position for ensuring and guaranteeing the establishment of a mechanism of checks and balances in Indonesian state administration system.

There are 550 members of Indonesian House of Representatives for the period of 2004-2009 divided into 10 factions. The House of Representatives of the Republic of Indonesia has several complementary organs, including the Speakership, Consultative Committee, Household Committee, Legislation Committee, Budget Committee, Inter-Parliamentary Cooperation Committee, and 11 Commissions.

There have been some changes in the functions of the parliament leading to a stronger role of the Indonesian House of Representatives, namely in its legislation, budgeting and supervisory functions. With regard to the legislation function, there has been a shift of the legislative power from the President to the House of Representatives. The amendments to the 1945 Constitution grant the House of Representatives the power to make laws (Article 20 paragraph (1). On the other hand, the President's constitutional power has been reduced to the right to propose draft laws (Article 5 paragraph (1). As a consequence of the amendments to the constitution, the House of Representatives has currently a broader role, both institutionally (collective role) and individually.

That is also the case with regard to the supervisory function. The 1945 Constitution imposes some limitations on policies previously constituting the prerogative rights of the President. Several strategic decisions, including the appointment of certain public officials, must obtain prior considerations, or even approval, of the House of Representatives. While with regard to the budgeting function, the House of Representative actually has a strong power even before the amendments of the 1945 Constitution, despite the fact that there is no fundamental change related to this function. Without an approval from the House of Representatives on the Draft State Budget submitted by the Government, the Government would have to use the budget for the previous year. Therefore, specifically with regard to the preparation of the State Budget, the current responsibility of the House of Representatives is to enhance the role as indicated in the 1945 Constitution.

The enhanced role and responsibilities of the House of Representatives in the state administration affect the importance of a supporting system for the implementation of the duties of the Secretariat General of the House of Representatives of the Republic of Indonesia.

II. The Need for Institutional Reform

Actually, demands for the enhanced roles and responsibilities of the House of Representatives, which also affect the Secretariat General, have existed for a long time, such as those set forth in the Stipulation of the People's Consultative Assembly of the Republic of Indonesia Number 8/MPR/2000 concerning Annual Reports of State Institutions made in the Annual Session of the People's Consultative Assembly of the Republic of Indonesia in 2000. This stipulation contains a recommendation for the House of Representatives to strengthen the expert staff support in accordance with the duties of the members of the parliament in each commission as well as the support of adequate facilities and infrastructure and to enhance the role of the Public Relations Department of the House of Representatives in the efforts to communicate and to disseminate information about the House's activities to the general public.

In addition, the Stipulation of the People's Consultative Assembly of the Republic of Indonesia Number 6//MPR/2002 also recommends the need for restructuring the organization of the Secretariat General of the House of Representatives by creating an institution having special duties in budgeting and legislation. As a response to such recommendation, the House of Representatives of the Republic of Indonesia restructured the organization of its Secretariat General and it has been approved by the President as set forth in the Presidential Regulation No. 23 of 2005 concerning the Secretariat General of the House of Representatives of the Republic of Indonesia. One of the significant change in the restructuring of the Secretariat General of the House of Representatives of the Republic of Indonesia is the alignment of the organizational structure of the Secretariat General with the duties and functions of the House of Representatives.

The changes in the organizational structure of the Secretariat General were made in alignment with the duties and functions of the House of Representatives. Therefore, based on the Presidential Regulation No. 23/2005, the organizational structure of the Secretariat General of the House of Representatives of the Republic of Indonesia comprises Deputy for Legislation, Deputy for Budgeting and Supervision, Deputy for Parliamentary Sessions and Inter-Parliamentary Cooperation, as well as Deputy for Administration. *(Article 5).* The Deputy for Legislation has the duty to provide technical, administrative and legislative expertise supports to strengthen the implementation of the legislative duties of the DPR. *(Article 7).* The Deputy for Budgeting and Supervision has the duty to provide technical, administrative and budgeting and supervisory expertise supports to strengthen the implementation of the duties of the DPR in the fields of budgeting and supervision. (*Article 10).* The Deputy for Parliamentary Sessions and Inter-Parliamentary Cooperation has the duty to develop and provide technical and administrative supports for parliamentary sessions and inter-parliamentary cooperation. *(Article 13).* The Deputy for Administration has the duty to develop and implement the activities in planning and control,

personnel affairs, financial affairs, procurement and household affairs in the DPR. *(Article 16)*

The Secretariat General, with the support of 1343 permanent staff *(civil servants*/PNS) and 550 assistants for each member of the parliament, 169 experts assigned in the Factions and Supplementary Organs of the DPR, and 17 Experts for the Secretariat General of the DPR. Therefore, the total number of staff supporting the activities of the DPR on a daily basis is 2,679. In 2007, it has been proposed to hire 40 additional administrative staff.

The educational qualifications for those staff are as follows:

1)	Doctor degree	:	3 persons
2)	Master degree	:	110 persons
3)	Bachelor Degree	:	405 persons
4)	Diploma II/III	:	73 persons
5)	Senior high school	:	639 persons
6)	Junior high school	:	67 persons
7)	Elementary school	:	46 persons

III. Scope of Supporting

In general, the duty of the Secretariat General of the DPR is to provide technical, administrative and substantive or expertise supports for the implementation of the DPR's duties and functions.

1. Technical Administrative Support

Technical administrative support is related to facilities required for the implementation of the House's activities, ranging from housing facilities, transportation facilities to meeting facilities. With regard to meeting facilities, the duties and responsibilities of the Secretariat include preparing comfortable rooms for meetings, providing equipment required in meetings, including preparing attendance lists and making minutes, notes and reports of meetings, organizing public relations, protocol and legal activities, maintaining the administration about the members of the House and the employees of the Secretariat General. The Secretariat General of the DPR also provides health care facility for the members of the House of Representatives and their family members. There are 18 medical staff including general practitioners, specialists, dentists, nurses, midwives, and medical laboratory facilities. The Secretariat General also provides security services for ensuring the safety of the members of the House with 127 internal security guards. In certain conditions, the House's security guards obtain assistance from the Police.

2. Substantive Support for the Implementation in the Legislative, Budgeting and Supervisory Functions of the House of Representatives

Substantive support is basically intended as a direct support for the House in the implementation of its legislative, budgeting and supervisory functions. The underlying reason for providing this support is that the implementation of the Houses duties and functions must be supported by several factors, namely access to adequate, fast and accurate information. It also requires the support of independent and strong researches and studies, data sources, as well as review and analysis on issues related to every part of the House.

For the implementation of the aforementioned activities, the Secretariat General of the DPR has functional staff comprising researchers having expertise in various fields, including economics, domestic politics, international relations, social welfare and legal affairs. Currently, there are 33 researchers available. In addition to those researchers, there are also 23 legislative drafters, 4 librarians, 19 archivists and 9 computer technicians. Besides permanent staff, there are also expert staff directly attached to each member of the House, namely 1 assistant and experts assigned to each Faction and supplementary organs of the House (Speakership, Commissions, Legislation Committee, Budgeting Committee). Those experts and legislative drafters are expected to be able to support the implementation of the duties and functions of the DPR, both when dealing with the government in working meetings and when dealing with the government in discussions on bills.

1) Support for the Legislative Function

The needs for support of supporting staff for the legislative function range from the planning, namely the preparation of the national legislation program (priority list of draft laws) made for a period of five years and one year, preparation of academic papers on draft laws, legislative drafting, public consultation, discussions on draft laws, to the House's duty to provide statements before the Constitutional Court in the event of judicial review.

To support the implementation of the legislative duties, the substantive support provided is the form of experts in legislative drafting, law, economics and politics. The experts are recruited through the recruitment process for functional positions as legislative drafters, researchers and experts staff to be assigned to each faction and commission.

2) Support for the Budgeting Function

Even though the stipulation of the State Budget is basically a form of a legislation, as it is set forth in a law, it has special characteristics. Therefore, the support of the Secretariat General for the House's supplementary organ handling this matter also requires special

qualification, namely expertise in economics, especially understanding on the Structure and Substance of the State Budget.

The enhancement of the role of the DPR and its members in this budgeting function is carried out through researches and studies as well as independent analysis conducted by a team from the Data Study and Processing Center of the DPR and the staff of the Secretariat of the Budgeting Committee of the DPR RI. This support is intended to provide and open the access to information to the widest possible extent for the DPR and its members and to mainstream several strategic issues, such as gender, disaster management, development of underdeveloped regions, and educational programs.

3) Support for the Supervisory Function

Supervision conducted by the House is of political nature. However, its implementation is not merely by criticizing and faulting the government, but it must also provide solutions. The supervision takes several forms, including supervision on the enforcement of laws and other regulations, such as Government Regulations, Presidential Regulations, State Budget, policies of regional governments in the implementation of development activities.

Those duties are basically related to the exercise of several rights of the DPR, either as an institution (DPR), namely the rights to interpellation, inquiry, and the right to express opinions, as well as individual rights of the members, namely the right to ask questions and the right to express ideas and opinions. To analyze those problems, the secretariat provides its supports by providing information, or even the questions or issues to be raised to the Government.

IV. Supporting Activities and Infrastrtucture

The Secretariat General has developed various activities and facilities, including internet facilities for the establishment of “e-parliament”, libraries, seminars and discussions, as well as researches in the context of legislative drafting.

1. “e-parliament” facility

To support the House’s activities through the development and enhancement of data and information services, we have made use of the developments in information technology by developing a website (http//dpr.go.id). Through this website, the staff of the Secretariat General of the DPR can quickly provide data and information to the members of the House. The biggest obstacle is that the members of the House and their staff are not yet familiar with this technology. E-parliament is very effective for maintaining communication between

the members of the House and their constituents, between the members of the House and their staff, and for the dissemination of information about the products of the DPR and various activities of the DPR. E-parliament is supported by 9 computer specialists.

2. DPR Special Library

Library is the most important source of data for parliaments. DPR Library is a special library with a collection of literatures required by the House and the results of the House's works, such as minutes of discussions on draft laws. Those minutes are important for the House and the general public conducting researches. DPR library is supported by 4 librarians and several administrative staff.

3. Discussions and seminars

The Secretariat General provides some budget allocations for organizing seminars and discussions directly related to legislative drafting, discussions on State Budget and the implementation of the supervisory function. This seminar facility can be used by Commissions and Factions.

4. Researches and Studies

The Secretariat has a Data and Information Study and Processing Center. This institution comprises researchers from various disciplines, such as law, economics, politics, social welfare and international relation. Researches are intended to support the implementation of the House's functions. Researches and studies are conducted by researchers from the Data and Information Study and Processing Center.

V. Obstacles (Problems/Handicaps)

The evaluation the House's performance conducted in 2006 indicated several weaknesses in the supporting system of the House of Representatives of the Republic of Indonesia, namely:

With regard to the legislative function, the laws produced are not yet giving direct benefits for the people, the target for the completion of draft laws set in the Annual Priority List of the National Legislation Program was not achieved, the discussion process on draft laws was not transparent. With regard to the preparation of the State Budget, the State Budget still fails to fulfill the public needs. While with regard to supervision, members of the House failed to seriously deliver the aspirations of their constituents.

Such poor performance of the House with regard to those three functions is closely related to several problems existing in the supporting system, especially the Secretariat General, namely: *First,* the human resources in the Secretariat General of the DPR are not adequate. *Second,* the

communication between the staff of the Secretariat general and the supplementary organs of the House is not adequate, the staff have not been able to serve as discussion partners for the members of the House. *Third*, the Secretariat General's structure does not proportionately reflect the needs for the implementation of the duties and functions of the House. *Fourth,* the internal and external information systems have not been functioning well.

VI. Capacity Strengthening Efforts

Several efforts for strengthening the capacity of the supporting system include:

First, Strengthening the human resources capacity. The quality of services of the Secretariat General of the DPR greatly depends on the quality of the existing staff. Therefore, the Secretariat General has been making various efforts to improve and enhance the capacity of the staff. The quality of the staff is enhanced through various educational activities, either in the form of formal education for improving the level of education, or informal education through education and training activities. Several employees of the Secretariat General are participating in those activities, such as improving their educational level from Bachelor Degree to Master Degree or Doctorate Degree. They also participate in various training programs, such as training in legislative drafting, State Budget analysis, report writing, as well as courses in foreign languages, stenography and computer.

Second, creating proportionality in the number and placement of the administrative staff and functional staff within the Secretariat General. Most of the human resources available provide conventional support, namely technical administrative support. In the future, they will be placed proportionately in order to strengthen the number of staff providing substantive supports.

Third, restructuring the Secretariat General of the DPR so as to be more focused on the three functions of the House. Such restructuring is intended to adjust the structure of the Secretariat General with the workload and the needs which benefits are directly enjoyed by the members of the House in order to carry out their duties and functions.

Fourth, establishing an internal and external communication systems. We give great importance to the establishment of internal and external communication systems. The quality of the relations between the DPR and the people is very important, because such relations can be regarded as a part of the political education. The people have access to the House's activities, either directly or through the media. Some efforts are required, including establishing a public data and information center in the DPR, enhancing the role and functions of the Public Relations department, improving the media relations between the Secretariat General of the DPR

and journalists assigned in the DPR, by improving the press room facilities, selectively involving journalists assigned in the DPR in official field trips of the supplementary organs of the DPR, providing brief reports on the meetings of the supplementary organs of the DPR for journalists, engaging in cooperation with TV and radio stations, as well as other mass media, and developing the DPR's website that can publish activities, news and information about the parliament's activities."

Mr Anders FORSBERG, President, thanked Mr Faisal DJAMAL for his presentation and invited those present to put questions.

Mr Alain DELCAMP (France) asked for details about the second Chamber which had recently been created and which had the task of representing the different provinces. He also wanted to know how Secretariat staff were recruited.

Mr Xavier ROQUES (France) noted that Mr Faisal DJAMAL in his remarks had regretted certain insufficiencies in the area of human resources within the secretariat of the Indonesian Parliament. He said that the number of Members and parliamentary staff in Indonesia was not very different from the position in the French National Assembly; he asked whether the insufficiencies identified related to the number of staff or their level of qualification. Did the difficulties arise from insufficient pay?

Mrs Stavroula VASSILOUNI (Greece) asked for further details on the procedure for recruiting parliamentary staff and the means put in place to bring Members of the Indonesian Parliament closer to their electors.

Mr José Pedro MONTERO (Uruguay) wanted to know more details on the content of the e-Parliament which was designed to support Members.

Mr José PINTO (East Timor) said that the Parliament of East Timor was one of the most recent in the international community, since the country had only gained independence in May 2002.

Noting that the function of Parliament was not limited to passing laws but also included scrutiny of Government and political representation, he underlined the necessity for permanent staff within the parliamentary institution which was capable of bringing legal and technical expertise to those elected which was not limited only to lawmaking matters.

He therefore asked Mr Faisal DJAMAL for details of the different levels of expertise which the administration within the Indonesian Parliament could deliver to those elected (the proportion of lawyers, economists, researchers etc).

Mr Michael POWNALL (United Kingdom) asked whether the two Chambers in Indonesia had a single secretariat or different staffs.

Mr Ibrahim MOHAMED IBRAHIM (Sudan) asked for details of the means of selection and nomination of staff working within the Chamber. Could Members press for or obtain the nomination of their personal staff to positions within the administration? Which authority was the employer: the political authority or the administrative authority in the person of the Secretary General?

Mrs Doris Katai MWINGA (Zambia) also wanted to have details of the role of the Secretary General in the procedure for recruitment and nomination of parliamentary permanent staff.

Mr Samuel Waweru NDINDIRI (Kenya) asked what happened to the permanent parliamentary staff when a Parliament ended: did they remain in their jobs for the next Parliament or did their employment contracts come to an end?

In addition, was the number of staff recruited by the Chamber directly or indirectly controlled or limited by the Executive?

Mr Anders FORSBERG, President, thanked Mr Faisal DJAMAL as well as all those members who were present for their numerous and interesting interventions.

The sitting ended at 12.30 pm.

SECOND SITTING
Monday 30 April 2007 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3 pm

1. Communication from Mr Seppo TIITINEN, Secretary General of the Eduskunta of Finland, on Celebrating the Centenary of the Finnish Parliament

Mr Anders FORSBERG, President, invited Mr Seppo TIITINEN to present his communication, as follows:

"A centenary jubilee season marking 100 years of Finland's unicameral parliament the Eduskunta, a universal and equal franchise and at the same time Finnish democracy began in February 2006 as the Eduskunta began the last annual session of the 2003-2007 parliamentary term. The celebration then was in honour of the decisions made a century earlier, in 1906, to introduce the modern unicameral Eduskunta along with a universal and equal franchise and eligibility for candidature in national elections. The themes for celebration in 2007 are the election, in accordance with these decisions, of the first Eduskunta in March 1907 and in May the commencement of its work. The general theme for the jubilee season is "The Right to Vote – Trust in Law: 100 Years of Finnish Democracy". I express my thanks for the opportunity to outline to this distinguished forum the background and achievements of our Finnish democracy that is so worthy of celebration.

Historical background

The political culture of Finland and its Eduskunta are essentially rooted in the long history that we shared with the Swedes for over half a millennium as a part of the Kingdom of Sweden until as recently as 1809. After that, Finland was an autonomous grand duchy within the Russian Empire for nearly a century until independence was attained in 1917. In 1809, in his opening address to the Diet of four Estates that had been inherited from the Swedish era, Czar Alexander I of Russia declared that he would govern Finland under the old Swedish constitutional laws. The link to the Swedish heritage gradually loosened in the course of the 19th century, but nevertheless Finland did not become Russified; instead, it mainly grew stronger in its Finnish and Western European identity. Four key factors influenced the formation of Finnish political culture in the 19th century: 1) The political and societal model inherited from Sweden, 2) The personal union with Russia, 3) New political currents in Europe as well as 4) Finland's own political and societal process, in which the three foregoing ingredients were blended together in a unique way.

International events and changes in relations between great powers have often provided the initial impetus for many international chains of events that have had even dramatic impacts on the development and history of individual states, especially small ones. That was the case with respect to Finland in the early years of the 20th century. A crisis between Russia and Japan came to a head when war broke out in February 1904 and culminated in Russia's defeat in a naval battle in the Straits of Tsushima in May 1905. The international defeat that Russia had thus suffered had the effect of exacerbating the revolutionary internal agitation that led to a general strike in Russia in October 1905. Czar Nicholas II responded on 3.10.1905 by issuing the so-called October Manifesto, in which he promised to abandon autocracy and create a legislative body, the Duma. On the same day, a general strike began also in Finland, then an autonomous grand duchy within the empire. On 4.11.1905, the Czar issued the so-called November Manifesto pledging measures to restore legal order to Finland. In it he commanded the grand duchy's local government or "The Senate of Finland to make a proposal both for a new Parliament Act, which means a modern rearrangement of the body representing the Finnish people by applying the principles of universal and equal franchise when electing representatives of the people, and also for a new constitutional provision that will give representatives of the people the right to examine the legality of the official actions of members of the government."

Rapid progress in the matter was made in Finland and on 4.12.1905 the Imperial Senate appointed a committee to draft a proposed new Parliament Act and electoral legislation. The Parliamentary Reform Committee briskly set about its work, which was completed already in late February 1906. The Committee proposed the establishment of a unicameral legislative assembly, the Eduskunta, which was to be elected in a way that was for the times and in any international comparison very democratic, to replace the Diet of four Estates. It likewise proposed an extension of the franchise and eligibility for election equally to all strata of the population and also to both women and men. In March 1906 the Senate decided to recommend 24 as the minimum age for voting and candidature, rather than the 21 that the Committee had proposed. The government's drafts for a new Parliament Act and electoral legislation, contained in a gracious proposal by the Czar, were presented to the Estates on 9.5.1906. The matter was prepared by the Constitutional Law Committee of the Diet and deliberated by all four Estates. On 1.6.1906 the Estates approved the Committee's final drafts for the new Parliament Act and electoral legislation. Czar Nicholas II gave the new provisions his imperial assent on 20.7.1906 and commanded that the reform come into force on 1.10.1906.

The first elections for the new unicameral representative assembly

The first Eduskunta elections took place on 15 – 16.3.1907 and, then as now, 200 Representatives were chosen. The reform increased the size of the electorate tenfold, from about 120,000 to 1,270,273. The people eagerly flocked to "draw the red line" (meaning they used a red pencil to mark their choice of candidate on the ballot paper) and the turnout was 70.7 per cent.

In conjunction with drafting of the reform, several important principles were adopted without greater difficulty both by the Parliamentary Reform Committee and in the other preparatory work that followed on from its efforts. Examples of these include a universal and equal franchise for both women and men and regulations concerning the convocation and dissolution of the legislative assembly and the convocation of an extra session. The most problematic issues included whether the Eduskunta should be uni- or bicameral as well as the electoral system to be adopted.

Finnish women had already then achieved prominent positions in societal tasks, received university and other training and become driving forces in popular education and culture. A greater proportion of them than in other European countries were participating together with men in working life. Strengthening the social and political position of women was one of those historic changes that, like a force of nature, were irresistible. It was known that women everywhere else in Europe were denied the vote in national elections. However, the reformers of the Finnish parliamentary system did not lack courage in this matter. They wanted to achieve something in which their country would be a forerunner and not just following in the footsteps of the great cultural powers.

The Parliamentary Reform Committee's proposal and the ensuing decision to give Finnish women not only the vote, but also the right to stand for election was very bold for its time, even revolutionary, irrespective of whether the context in which it is set is that of the domestic Estates-centred Diet or a more general European or international one. In 1906 Finnish women became the first in the world to receive both a universal right to vote and eligibility for election without discrimination against some groups of people. It is true that women in New Zealand had had the vote since 1893. Women in Australia had been given both the vote and eligibility for election as early as 1902, but Aborigines were excluded. An undisputed record was achieved in Finland in the spring of 1907, when nineteen Finnish women became the first in the world to set foot in a parliament as elected members of that body. It was not until 1918 that women were elected to the parliaments of other countries (Denmark, the Netherlands and the United Kingdom).

The unicameral Eduskunta

The question of whether the Eduskunta should be constituted as a unicameral body or on the bicameral basis that is still the general rule today was resolved through a compromise. According to this, the Eduskunta had to choose a Grand Committee, which would participate in handling of all legislative matters, from among its own number for each parliamentary term. In wrangling over the electoral system, in turn, a plurality/majority system and proportional representation were the two competitors in the final stretch. Proportional representation eventually won out and the variant of the system adopted in Finland was the Belgian d´Hondt method, which is still in use.

The Parliament Act adopted in 1906 also meant continuity in many central matters. These included the important role that the committee system and deliberation by committees played in parliamentary work and the ways in which a Representative's position as well as rights to speak and introduce initiatives were arranged. The Act

meant the permanent establishment of two committees that remain important today: the Grand Committee that I have already mentioned and the Constitutional Law Committee.

The Grand Committee never achieved the status of a substitute "upper house of parliament" that had originally been envisaged for it when the parliamentary reform was being carried through in 1906. Indeed, the Eduskunta decided in the early 1990s to amend the provisions of the Parliament Act concerning the handling of legislative motions in such a way that now the general rule is that bills are no longer referred to the Grand Committee before their contents have been decided on by a plenary session. In the same conjunction the size of the Grand Committee was reduced from 45 to 25 Representatives. In the mid-1990s European integration gave the Grand Committee a new task and it became in effect the Europe Committee of the Eduskunta of Finland.

The procedure to be followed by the unicameral Eduskunta when amending the Constitution was likewise laid down in the Parliament Act. The normal mode of enacting legislation in a way that amounts to amending the Constitution was defined as being passage by a simple majority, after which the legislation remained in abeyance until after a general election, when it would need the approval of a two-thirds majority for adoption. A proposal to the effect that a bill could be declared urgent by a five-sixths majority and after that could be approved during the same parliamentary session by a two-thirds majority, without needing to remain in abeyance was also included in the 1906 Parliament Act. Both procedures have remained unchanged to this day and are enshrined in the 2000 Constitution.

The first unicameral Eduskunta elected under the new Parliament Act in March 1907 gathered for its inaugural session on 23 May of the same year. Since the opening of the parliamentary session on that date, the Eduskunta of Finland, which actually began its work in the days when Finland was still a grand duchy, can justifiably be regarded, especially in view of its composition, as the world's first modern parliament. Not least because its 200 members included the world's first 19 women parliamentarians to whom I have already referred.

The effects of the parliamentary reform

Today's Eduskunta is still elected and acts largely in accordance with the same principles that were adopted a century ago. The 1906 reform of electoral law and the parliamentary system did not yet bring genuine parliamentary democracy to Finland, ruled as it still was by the Czar of Russia, but it did create a strong foundation for Finnish democracy. When the opportunity to gain complete independence presented itself to Finland a decade later in 1917, the domestic supreme organ of state was ready and able to declare the country independent. It was natural to build the independent country's political system and future on the foundation of an Eduskunta representing the people.

The creation in 1905-07 of a functioning democracy and that essential prerequisite for it, political parties, meant a fundamental breakthrough that brought the country a modern multi-party system. The basic structure of parties that originally took shape

in conjunction with the parliamentary reform and the new political movements that complemented it in response to societal needs in the course of the decades have met the needs of Finnish society well. Finland's stable societal development bears testimony to that.

The parliamentary reform of 1906 – 07 did not, as I have said earlier, mean the implementation of parliamentary democracy, but it provided a firm foundation for the later work of building Finnish society. Finnish democracy and its national implementer the Eduskunta have always had an important task as a builder of national unity. The confrontational configuration of the civil war in 1918 was eliminated through long-term work done in the Eduskunta. When the threat of right-wing radicalism was faced in Finland, as in many other European countries, in the 1930s, the Eduskunta had a key role in warding it off. The Eduskunta that met regularly during the years of the Second World War (1939 – 1945), or the Long Parliament, as historians call it, sustained a united spirit in the people. The first parliamentary elections held in any country that had been a combatant in the war took place in Finland in March 1945 and the work of national reconstruction could be launched on the old democratic and parliamentary foundation.

In the unstable years that followed the Second World War, the Eduskunta was an arena for clashes between the main ideological tendencies, but also for constructive cooperation. The achievements of our present-day welfare society are founded on the ability of the various groups that wielded influence there to negotiate and agree as well as take care of everyone.

Finland is nowadays one of the most competitive nations in the world. We are also known for the high standard of our basic education, advanced technological competence as well as an operational culture is which there is no corruption. We have achieved a world reputation in many disciplines of science and the arts. More and more people around the world are taking an interest in our Nordic model of society. Finland is also a leading country in the world when it comes to sustainable development. Our democratic heritage has created the prerequisites for all of this in the most decisive of ways.

That a democratic course will continue to be followed is by no means something to be taken for granted, as we know from many international experiences. Democracy, too, needs constant care. In connection with the centenary jubilee elections held in March 2007, it was good to be able to remind citizens entitled to vote that each and every one of them had the opportunity to make his or her own contribution to sustaining and supporting our precious Finnish democracy quite simply and easily by exercising that right in the polling booth."

Mr Anders FORSBERG, President, thanked Mr Seppo TIITINEN for his communication and invited those present to ask questions.

Mr Xavier ROQUES (France) congratulated Finland on the continuity of its institutions over a century, even though that country had not been protected from

the turbulence of European history. It was also remarkable that since 1907 nearly 10% of Members of Parliament had been women.

The Finnish Constitution had very early on created a system where Parliament had been able to work with a Head of State who had considerable powers — a solution which France had adopted in 1958 and which was often called a "semi-presidential regime".

He noted that the Grand Committee had the same membership as the Plenary Diet and asked when a text was sent for examination by the Grand Committee before debate in the plenary whether there was not risk of duplication of procedure and votes. Did this duplication explain the reform which had been conducted to the composition and role of the Grand Committee?

Mrs Claressa SURTEES (Australia) underlined the quality of the method followed for changing the Constitution. She asked whether the constitutional amendments were frequent and what the role was of the Constitutional Law Committee in the process of constitutional reform.

Mr Alain DELCAMP (France) asked what the image was of Parliament in Finnish society and whether significant means had been used to strengthen the links between Members of Parliament and their electors.

Mr Ian HARRIS (Australia) said that in Australia women had had the right to vote since 1902, but only if they were of European descent, and that it had not been until the 1940s before women were properly elected to Parliament.

Mr Seppo TIITINEN, turning first to the Grand Committee, said that it had initially been conceived as a body for controlling the work of specialist committees and designed to filter out too radical legislative proposals.

In practice, this filtering role had been very limited. Since then, the system had evolved and the Grand Committee had become a specialised body concentrating on European affairs.

In reply to Mrs Claressa SURTEES, he said that constitutional reform, in order to be agreed, had to be voted for by a simple majority within the current Parliament and voted on again, by a two thirds majority, in the following Parliament.

For 50 years the Constitution had not been amended. The reason for this was because it was possible to have specific derogations and, exceptionally, this was possible by qualified majority.

The Constitutional Law Committee was a body of great importance in Finland because it alone had the power to interpret the provisions of the Constitution and it carried out a protective role in respect of the Constitution.

Finally, turning to the question by Mr Alain DELCAMP, he said that the image of Parliament within Finnish society was not good and many electors even thought that Members of Parliament should not be paid. It was probable that all societies needed scapegoats to blame for difficulties which they encountered and that Parliament and Members of Parliament were destined to play this role.

Mr Anders FORSBERG, President, thanked Mr Seppo TIITINEN for his communication and those present for their questions.

2. Communication from Mr Carlos HOFFMANN-CONTRERAS, Vice President of the ASGP, Secretary General of the Chilean Senate, on the use of official websites in national Parliaments: developing trust in Parliaments

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

"It is a fact that Parliaments are no exception to a law of sociology, in the sense that institutions have a natural resistance to radical changes, both in their structure and in their functioning. Nonetheless, we have witnessed a general acceptance on incorporation of Information and Communication Technologies in national Parliaments, and this has been a dynamic and widespread process, in spite of the natural differences derived from the uneven development of the regions where Parliaments are located.

Thus, the incorporation of humanity's most relevant digital communication media – the Internet – has become generalized in national Parliaments, and this trend has gone hand-in-hand with the global increase in the number of users of the Net. In fact, the progression in the number of Internet users worldwide has been explosive, going from 350 million in the year 2000, to some on point two million in February 2007. In the year 2000, there were 101 countries whose national Parliaments had an official web page, but in March 2007 the number had increased to 171. As a matter of fact, only 17 of the 188 Nation States with a working Parliament currently, have no such official web site. More specifically, of the 261 legislative bodies in existence today, only 22 are without this means of communication. These numbers reflect the high level of penetration of Internet in Parliaments.

As I was saying, the geopolitical distribution of Parliamentary web sites is not altogether even, but comparative statistics show significant advances in the less-developed regions of the world. Thus, in the year 2000, 87% of European national Parliaments had official web sites, but in 2007 the proportion is 100%, and this increase reflects a statistical logics and a socio-economic reality. It is also interesting to observe the increases in other continents, such as Oceania, where in the year 2000, 29% of Legislative bodies had official web sites, but today the proportion is 85%. The Americas has shown similar growth, going from 60% in the year 2000, to 92% at present. Meanwhile in Asia the number went from 58% in

2000, to 92% in 2007. Finally, it is worth noting the dramatic growth achieved in Africa, whose figures went from 33% in the year 2000, to 82% in March 2007.

So, we can safely say that as far as Parliaments are concerned, the "digital divide" in the official use of Internet technology has decreased notoriously. At this rate, we will certainly achieve the goal proposed by the United Nations, which is 100% coverage, long before 2015.

Worldwide, there are currently 224 official Parliamentary web pages. In countries having two-Chamber Parliamentary systems, we observe that only in 28 of these Parliaments the web sites are shared and administered jointly by the two Chambers, though the content is different. And only in 15 countries worldwide the Parliamentary web sites are incorporated into the respective official government web site. As a result, after pointing out the above exceptions, we may conclude that the dominant trend is for each of the world's Parliaments to have and administer its own web site.

Now if we analyze the content of official national Parliamentary web sites, it may be observed that globally there is a predominant model, and that a significant number of Parliamentary web sites share several structural characteristics. 58% of the web sites offer their users a short history of the respective Parliament; 64% give information on the existing Parliamentary or electoral system, and 78% offer biographical or political information on the Speaker of the Parliament. In 81% of the Parliamentary web sites it is possible to see the list of members of Parliament, often arranged either alphabetically, by constituency or party affiliation. 68% of the web sites provide biographical information on the members of Parliament, including relevant personal information, such as education background and political or social activities. 59% of the web sites show graphical representations of the composition of Parliament, by political party.

A majority of web sites give information on legislation as such: 76% show the complete text of the national Constitution, or relevant sections of it bearing on the Legislative branch. 53% publish the text of laws which govern Parliament, and of the norms bearing on Legislative procedures. 58% provide information on current legislative issues, while 51% provide the pending legislation. 50% publish summaries of Parliamentary sessions.

Other data of interest are the following: while almost 80% of the web sites publish a listing of Parliamentary Committees, sub-Committees, and ad-hoc Committees, only 66% show the names of the respective Committee Presidents, and only 59% show the names of all their members. 51% of the web sites provide a description of the functions and working procedures of the Committees.

It is worth noting that some categories of information are available only in a small number of web sites. As an example, only 30% of the web pages provide a calendar of Parliamentary sessions and their respective agendas, while only slightly more than 40% provide virtual visits to the Parliament buildings. In the same vein, only 29% show the full results and statistics of the last elections and no more than 39%

show the e-mail addresses of members, while less than 10% provide links to the personal web sites of the members of Parliament. Only 19% of the web sites provide the full text or audio recordings of Parliamentary debates, and about 10% publish the full bills of laws passed by Parliament.

Furthermore, a quarter of Parliamentary web sites have tools that allow the user to send comments or opinions to the Parliament from the web site itself. Only 15% of the web sites have on-line discussion panels, where the users can exchange ideas with Parliament members on any given subject. 10% of the sites are designed in such a way as to allow users to take part in opinion surveys concerning specific legislative matters or current issues. Only 14% of the web sites offer a subscription service for the users to receive updated e-mail news on Parliamentary matters. In other respects, 35% of the sites have quick-search tools; 38% has a news section which is regularly updated, and 19% has a site map.

On the basis of the above quantitative data, and before we start the debate itself, let me present some preliminary conclusions. In the first place, it is undeniable that we currently face a radical transformation in the manner in which information on Parliamentary activity is delivered to the public, because today this delivery of information is based on open digital networks, with ever-wider accessibility to the public, and with an ever-greater capacity for data, image and sound content, and whose growth potential is practically infinite. We believe that Parliaments have been quite successful in achieving this contemporary challenge. Available statistics point to a massive and progressively greater use of this Information and Communications Technology, which is being adopted in a scale comparable to that of the private sector of the economy. For example in Africa, 86% of formal financial services use Internet technology to communicate with clients, while 82% of Parliaments do likewise.

Now, from the perspective of the structure and content of the Parliamentary web sites, there is a clear defining pattern worldwide. This permits us to conclude that the roles of legislators and the legislative function are – in general terms – well defined and well described from the communicational perspective. Compared to the web sites of Governments and NGO's, Parliamentary web sites have a visual presentation and a volume of contents which are proportional to the volume of functions performed by Parliaments.

There is a matter which is important to pay more attention: the use of virtual contact with citizens from Parliamentary web sites. According to the information previously presented, this appears to be insufficient because, in the best of cases, only 26% of web sites provide the tools for receiving feedback and undertaking dialogue with the public.

If we remember that only 38 years ago, the agency of the U.S. Defense Department responsible for developing new technologies, was just beginning to plan the creation of a network capable of connecting computers, and that the use of Internet by Parliaments, and especially web sites, only began two decades ago, we must conclude that we have made relevant improvements. It is evident that the massive

penetration achieved by this technology in rural areas and in under-developed countries is still insufficient, but -in relative terms- there has been great progress.

Parliamentary web sites are, by their nature and their function, a first-rate tool for generating higher levels of trust within the public opinion. A symptom of this is the great amount of legislative information currently available in these sites, which produces higher levels of knowledge and visibility of Parliamentary activity. For that reason, it is technologically feasible and politically convenient to continually improve this digital medium for social communication."

Contribution from Mr José Pedro MONTERO, Second Secretary of the House of Representatives of Uruguay, to the discussion:

"I. Introduction

The use of computers in a limited number of offices within the Uruguayan Parliament was introduced in 1994 for the first time. In 1997, an agreement with the UNDP and the IDB made the use of PCs and the full access to Internet possible for the remaining offices of the Parliament. In 2000, the Parliament Website has been implemented with a full range of facilities for the MPs, the Clerks and the wide public.

With such facility being implemented inside the work, the dynamics have changed and the access to information and contacts both from inside and outside the Parliament has been democratized.

In the era of globalization it is a must for any MP to be updated and in permanent awareness of the latest news, improvement, ideas, events of other Houses of Parliament worldwide, as well as deepening relations among foreign colleagues.

II. Benefits from the website implementation

The Parliament Webpage is a Website which covers all the information about Parliament activities. The public may find here every event related to its functions and legislative work, such as pure parliamentary activities as well as administration issues and cultural events. The page is divided in six areas: MAIN PAGE, SENATE CHAMBER, REPRESENTATIVES CHAMBER, MP'S, ADMINISTRATIVE COMMISSION and other departments. It has a menu in which the public may find all the information about the Legislative Power, and a section for ADVANCED searching which conducts the public directly to five types of sections: LAWS, SHORTHANDED DOCUMENTS, DIARY OF SESSIONS AND PARLIAMENTARY AFFAIRS. This type of information is also available through other links of the Webpage. As for Uruguay, we have realized several advantages regarding this implementation.

(a) The law on the web

We have implemented a system which links the laws of related subjects to allow users to see a more detailed scope of the laws consulted.

This system is structured in the following way:

(i) Law: complete texts of the laws covering a period which goes from 1935 up to present. It is possible to consult the law following several patterns of text: the number of the law for example, in this particularly case, if the person already knows the law's number, he or she has immediate access to the text. By the nature of law, e.g. elections, budgets, retirements, etc.

It is possible to consult the whole process of discussions of a certain law through a link. The public may also check specific references to the text of the law and topics. All the law's text related to a certain subject, e.g. salaries, taxes etc.

(ii) Daily Parliamentary activities: procedures and documents ordered by date according to the date of consultancy and Body of law, available in the site.

(iii) Diary of Sessions: either in html text or pdf text, the diaries of session of the General Assembly and the Senate Chamber from 1985 up to present, the diaries of the Permanent Committee since 1989 to the present and the Representative Chamber from 2001 can be consulted by patterns of text in the body of the diary by year, date or number of the diary or session.

(iv) Parliament Affairs. In this section it is possible to get the faithful history of all the Acts of the Parliament from 1985 to present, with an exhaustive development of the legislative dossier (either in Commissions or in the Chambers) and the intermediate procedures. It is possible to search according to the types of events, commissions, political parties denominations, origin, people, countries, organizations, classifications (dates, laws, etc), procedures, topics or texts.

(v) Documents of Interest. The latest documents of parliamentary relevance published on the Website of the Houses of Parliament.

(b) Sending e-mails to MPs

As for communication with the civil society, the Website made available the e-mail addresses of all MP's and Commissions, as well as the Parliamentary Commissioner, the Office of Consultancy to the Parliament of the Representatives and Senate Chambers, and the Office of Protocol and Public Relations of the

Administrative Commission. It is technically possible to incorporate the functionality related to the communication of the Parliament with the civil society. The Webpage also allows the possibility to contact the MPs and leave them enquires as well as the facility to read the biography, performance, participations, contributions, special committees of any MP appointed to the General Assembly.

(c) Committees

Our Parliament has 16 permanent committees correlated to the Ministries, which work all along the legislative period and special ones set up for specific purposes with fixed term.

The work of these bodies has become available in detail for users. It is possible to follow up the discussion and development of any subject related to any committee by number of folder, and check whether the project has already been sent to the Chambers for its approval. The user may see all the phases of the process of discussions in detail. Other facility available allows users to know the names of the MPs who are members of the committees and the name of the Chairperson.

As for the information related to the Commissions it is possible to check the following topics:

(i) Members since January 1993. It is possible to check them according to their position in the Commission.
(ii) List of Commissions called in from the date of the consultancy with members part of each commission and the order of the day to be addressed.
(iii) Topics in the area of discussions of each called in Commission.
(iv) Performance of Commissions since 1995 up to present.
(v) Shorthand versions since November 2002.

(d) Press Releases

Every important event is published on the Website with references of time, date and number of each press release. The users will find an extract and the full text of the press release. This section usually covers the sessions of the day, events, foreign visitors, etc."

Contribution from Mr Frantisek JAKUB, Secretary General of the Senate of the Czech Republic, to the discussion:

"History
The Senate of the Parliament of the Czech Republic has been attempting to better convey its activities to the citizens, as one of its strategic goals is to demonstrate the greatest possible degree of openness to the public. There are certainly a number of tools to achieve this, however, web presentation seems to be the easiest and recently one of the most popular ways. Why? It is readily accessible at any place and at any time and enables everyone to find the required information.

Furthermore, the Internet not only presents texts and photographs, but also delivers audio, video and interactive content.

The Senate launched its website upon its establishment in 1996. However, as the former site was no longer acceptable in terms of the graphic design and structure, it has been redesigned. This ambitious project was a part of a broader plan of events whose aim was to commemorate the 10th anniversary of the upper chamber foundation and to familiarise visitors with the life in the Senate rather than to provide the same information "in a new cut". What characteristics should an Internet presentation possess? Easy and intuitive orientation, clear information structuring, comfortable search tools, attractive graphic design respecting the character of the institution in question, interesting content, range of additional user services and high-quality technical support and security.

Website Structure

The homepage of our www.site is structured into five sections. To allow for easier orientation, each of them is printed in different colour. Users can thus promptly define their location within the site. The orientation is further simplified by navigation helping the user, for example, to go to back several steps at once. Yet another way of facilitating orientation is the use of pictograms for similar links. We have also used a number of infoboxes to narrow down users' search to individual subjects of interest. These infoboxes also permit visitors to browse through various interesting articles, news and the key matters currently discussed by the Senate.

Content

Citizens – electors will surely appreciate information on the outcomes of elections and individual Senators. Individual Senators can be looked up directly in the list of the Senators or searched by address. The profiles of individual Senators are also automatically displayed (one at a time) in the Senator's Profile section. The personal page of each of the Senators shows information on the year of their election, mandate period and the membership in Senate bodies, their personal website address, address of their office as well as information on their activities in the Senate. This regards primarily their rapporteur and mover roles or an overview of their voting during Senate meetings. The indexation of stenographic minutes, which is currently underway, will make it possible to view a list of speeches made by individual Senators at Senate meetings.

Other Services

The notification system is another important service provided to website visitors. It permits users to make a request for information they need, for example, on the progress of a certain document debated by the Senate. The system then automatically generates messages on all steps taken by the Senate in relation to the issue in question and the results of the meeting. Citizens will surely be interested in the outcomes of voting, including an overview of who voted, how and on what. They can also check how the Senator for their constituency voted on a particular matter.

To get a better picture of events held on the Senate premises, the Senate has published its Calendar of Events. It comprises the currently held events, but you can also download and print summaries of events for individual weeks. This application will by all means simplify the work of journalists bringing news from the Senate to the wide public. Those who would like to follow Senate meetings but are unable to participate in person can take advantage of on-line audio or video broadcasts. Users with slow connection can click on the "Progress of the Senate Meeting" page where the outcomes of each point on the agenda are immediately recorded.

Transparency and Accessibility
Website users will surely appreciate the methods and criteria for searching through documents on Senate activities. Last but not least, we should also mention that in order to improve transparency, each and every citizen has access to public tenders issued by the Senate Chancellery after 2004, including information on the contract award, parties to the contract and price. The presentation incorporates a number of interesting documents and information on the activities, history and seat of the Senate (17th century palace complex), projects that are being implemented, electronic version of the Senate magazine, quizzes and technical and educational articles. All user groups are sure to find something to catch their attention.

In conclusion, we would like to mention that the new website satisfies all the key principles of accessibility specified in the Accessible Website Design Rules as well as all the principles of accessibility determined by the Blind Friendly Web methodology. At present, the Senate web presentation is available in both Czech and English; the French version is in the process of development. We believe that the information found on the website will improve the public's perception of the Senate as a whole and allow for better orientation in our legal system."

Mr Anders FORSBERG, President, thanked Mr Carlos HOFFMANN-CONTRERAS for his communication and invited those present to ask questions.

Mr Douglas MILLAR (United Kingdom) referred to the pressure from Members and the public for constant improvement and enrichment of the internet site of the House of Commons; the problem was to bring about such changes in real time without crashing the site. For this reason it had been decided to introduce improvements gradually.

He asked whether most parliaments had both internet and intranet sites — intranet sites being those with limited access and probably containing information not destined for the public.

Mr Ahmed MOHAMED (Maldives) thought that the development of parliamentary internet sites by their nature reinforced confidence on the part of electors in the institution of Parliament and those elected to it. Referring to the experience in his own country he asked about the possibility of creating links and pages devoted to the younger generations — notably students.

Mrs Stavroula VASSILOUNI (Greece) said that use of the internet had become part of daily life in the Greek Parliament. She referred to the situation of languages like Greek which were only spoken in one country and asked about the practice of offering access to pages written in world languages (English, French, Spanish etc).

Mr Carlos HOFFMAN-CONTRERAS (Chile) replied that statistics indicated that less than 15% of web pages were available in two languages.

Mr Manuel CAVERO (Spain) thought that, like Mrs Stavroula Vassilouni, the internet had become an irreplaceable working tool and that it was now difficult to imagine a world without it. The internet was also useful for providing transparency in relation to parliamentary activities — this included Members' pay, a subject which was often sensitive and which the publication of clear information tended to make less difficult.

He also wondered about the possibility of facilitating direct contact between voters and Members of Parliament, apart from the regular meetings which were part of electoral consultations. The Spanish experience of opening up such forums was to some extent disappointing; after initial enthusiasm a certain boredom on the part of Members of Parliament had set in, in the face of the flood of questions and requests.

Mr Zingile DINGANI (South Africa) wondered about the capacity of Members of Parliament to master the internet and its various possibilities for communicating in a different way. He also raised the question of access on the part of ordinary citizens to the internet, the spread of which was considerable in developed countries but less so in those countries which were still developing.

Mr Carlos HOFFMAN-CONTRERAS (Chile) confirmed that in Chile also positions and criticism about the level of pay of Senators had been silenced after clear and transparent information had been published on the official site.

As far as direct exchanges between electors and Members of Parliament were concerned, it was true that the reaction to this was uneven on the part of those elected. In certain Parliaments, surfers on the net had the opportunity of "chatting" weekly with them.

Finally, in reply to Mr Zingile DINGANI, he referred to the possibility which young people and students had — who often had very limited financial means — of consulting the internet and using it in the cyber cafés which were widespread in all towns.

Mr George PETRICU (Romania) referred to the situation of the Senate of Romania. He said that when the first projects for developing the internet and information technology and communication had been started they had excited no interest on the part of Members of Parliament — who saw such things as working tools only of interest to the administration and their staff members. Several years later those

same Members of Parliament saw them as a “must” in their strategy for communication and never stopped asking for more resources, more assistance...

This change had made it necessary to rethink completely the organisation of the department for information systems and to recruit — often with difficulty — competent experts in the various areas concerned. The technical architecture of the system had needed to be redesigned and training projects had been started which were aimed at Members of Parliament and staff.

Mr Alain DELCAMP (France) thought that the report presented by Mr Carlos Hoffman Contreras was a most useful snapshot of the situation, at the present time, in different Parliaments, when the internet had developed considerably in the course of the last few years throughout the world.

It seemed to him, nonetheless, that this was only a first stage — that is spreading the Internet in Parliaments — and, for those who are more advanced, only the start of the second stage — to improve the working tool and its content.

For Parliaments which had been recently established or which only had limited financial resources, the advantage of the internet was considerable because it was an accessible means of communication which provided a potential visibility throughout the world. As far as internal organisation was concerned, the question was how to use the internet to make Parliament more transparent and, above all, to allow access by those parts of society which had hitherto been excluded (young, well educated people, well used to using networks, who were concentrating on the economic and financial aspects of life and who were little interested in political life).

The internet also allowed Parliament to short-circuit the traditional media outlets — in particular the press, which was never very favourable to Members of Parliament — in other words to have some sort of control over the quality of the message delivered to the public and to ensure that it was not misrepresented.

Beyond the sites which provided “shop windows”, it was crucial that the surfer should easily find information which he was looking for. It was necessary to create parliamentary internet sites which were true platforms for public general information and, in this way, be a means to re-conquer public opinion.

Mr Carlos HOFFMAN-CONTRERAS (Chile) thought that one should be optimistic about the future. Parliamentary internet sites could be proud in comparison with the many public or private official sites; the quality of such sites was continuing to improve and, at that time, only 22 Parliaments in the world did not have their own site.

Mr Anders FORSBERG, President, thanked Mr Carlos HOFFMANN-CONTRERAS for his communication and those present for their questions.

The sitting rose at 5.10 pm.

THIRD SITTING
Tuesday 1 May 2007 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

1. New Member

Mr Anders FORSBERG, President, said that the ASGP secretariat had received a request for membership which had been put to the Executive Committee and agreed to. This was:

Ms Barbara N. Dithapo	Deputy Clerk of the National Assembly of Botswana (replacing Mrs Keorapetse BOEPETSWE)

The new member was *agreed* to.

2. General debate: Mirroring Society in Parliament: representativity of parliamentary staff

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

Mr Marc BOSC (Canada) spoke as follows:

"Introduction

Our mandate as parliamentary administrators is to provide comprehensive procedural, legislative and administrative services to parliamentarians. To do so effectively, and to enable the evolution of the institutions we support, we must, as part of our mandate, continually modernize our administrative practices. A key component of our success is our ability to build a high calibre parliamentary service – a complement of staff that is skilled, professional, impartial, dedicated, that meets the highest standards of integrity and, in Canada's case that reflects the rich diversity in the Canadian population.

To keep pace with and adapt to demographic, social and cultural changes, we must develop and implement policies that are effective not just in delivering services to an increasingly diverse clientele, but also in making our administration a mirror of society.

Statistical trends predict that within a decade twenty percent of Canadians will be members of a visible minority group. It is also expected that our Aboriginal population will continue to increase at a rate greater than that of the overall

population. Modern science and technology, along with a strong social support system, are making it easier for persons with disabilities to contribute in the workplace. Women, while already well represented in the workforce, remain proportionally under-represented in certain occupational groups and in leadership positions.

In striving to be representative of both society and of the parliamentarians we serve, while responding to their evolving needs, we as administrators cannot afford to lose or misuse our valuable human resources and their skills. It is for this reason that respect for diversity and the need to introduce programs to better reflect that very diversity are essential components of our future success. Perhaps most importantly, by addressing important diversity issues in a proactive and positive manner we can all reap tremendous benefits not only in the parliamentary workplace but also in Parliament itself, as an institution that demonstrates leadership and remains relevant to citizens.

This presentation will describe how the changing demographic make-up of our country has found expression in the House of Commons membership and how this new reality has prompted us as administrators to ask ourselves a number of fundamental questions. Are we even aware of the composition of our workforce to know where we stand? Have we conducted analyses that clearly identify areas of under representation? Have we examined our employment systems, policies and practices in order to identify barriers? Have we introduced plans not only to remove barriers but also to accommodate under represented groups and individuals, complete with timetables and goals?

The most fundamental question that we must ask ourselves is whether most of our fellow citizens would recognize themselves in our organization. If our answer is less than a resounding yes, we must then set our sights on facilitating the necessary cultural change required to create and foster a more welcoming environment and on removing obstacles through intervention to make it happen.

Definitions

Before describing what Canada as a country, the House of Commons membership and the House of Commons administration look like in relation to diversity objectives, it is essential to provide a context. As House of Commons administrators, we are guided by the spirit of federal legislation on employment equity. Because their labour market experience reveals long-standing patterns of high unemployment, lower than average pay rates and concentration is low status jobs, the law focuses on four designated groups: women, aboriginal peoples, persons with disabilities and visible minorities. The legislation's key objective, one to which we willingly subscribe, reads in part as follows:

"...to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members

of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences."

This legal expression finds its origin in the Canadian Charter of Rights and Freedoms, which is part of our Constitution. It states that:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical ability."

And that this provision:

"...does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

In Canada, discrimination based on sexual orientation is also illegal, and growing case law in this area has effectively ensured protection in this area as well.

To the parliamentary context, I would add two dimensions. The first is linguistic ability. Canada's Parliament is officially bilingual. As administrators, we therefore strive, through our hiring practices, to employ staff at all levels of the organization who are proficient in both English and French thereby ensuring that services are offered to parliamentarians in the official language of their choice. A second dimension – regional representation – while not officially monitored, is of considerable importance when recruiting staff for a national parliament, notably staff who work closely with Members on a regular basis.

Why is diversity important?

Apart from the moral imperative of doing the right thing, ensuring diversity in the workplace should be a key objective for very practical reasons. In the parliamentary context, one thinks first of the democratic benefit of a representative workforce. For those outside looking in, an institution's credibility increases greatly if all citizens can easily see themselves represented. Citizens who can see themselves reflected in their parliamentary institutions are more likely to be actively engaged in society, to have hopes and ambitions, to contribute and, most importantly, to participate in the democratic process by voting. This is the kind of leadership our citizens should expect of us as parliamentary administrators – making the institution a mirror of society serves everyone.

Within the workplace, diversity further enriches the contributions of work groups. New and richer perspectives are brought to the table; innovative ideas from a wide range of cultural backgrounds increase the range and scope of discussions; solutions to problems are more imaginative. As Senator Donald Oliver, an expert

on this subject, has explained in numerous speeches and papers, the courage and determination of visible minority immigrants who have left their homeland at great risk and peril make that group in particular a motivated and resourceful pool of talent we would be foolish to ignore. And, again as Senator Oliver points out, talent breeds talent. Once the barriers have broken down, others will see the opening and seek to join the best. Best will mean tolerant, best will mean open, best will mean diverse and inclusive to be sure, but it will also mean skilled, educated and knowledgeable.

As society changes, so will the composition of Parliament. At least that is the hope. Already change is taking place in the House of Commons at a faster pace than within the House Administration. It is therefore critical for us as administrators striving to provide high quality service to Members to have a work force that is at least as diverse as our clientele. Senator Oliver explains it this way, using the example of Centrelink, an agency of the Government of Australia that pays out entitlements to citizens and administers products and services for a customer base composed of over a million people (20% of the total customer base) born in non-English speaking countries. "Centrelink gives its employees an allowance for speaking with customers in their native language, when this language is not English. Employees are further encouraged to foster ties with local community organizations. Today, 18.6 percent of Centrelink's 27,000 employees are from diverse cultural and linguistic backgrounds. The results: Client satisfaction rates are consistently high, services are continually improved, and the demand for Centrelink services continues to grow year over year."

What does Canada look like?

It must be stated at the outset that Canada is a country of immigrants. Settlement of the country began approximately 400 years ago and there have been many migratory waves over that period. The list of ethnic origins for Canada reads like the list of the member countries of the ASGP! Even today, fully 18% of our population of 31 million inhabitants is foreign born, and more than 13% are visible minorities. It was not always so. Prior to 1961, 90% of immigrants to Canada were born in Europe. In the 1991-2001 decade, that percentage had fallen to just 20%, while the proportion of immigrants born in Asia had risen to 58% from just 3% before 1961. In recent years, almost three quarters of all newcomers to Canada have been visible minorities, and this population has grown at a rate five times faster than that of the Canadian population as a whole.

Aboriginal populations, while incredibly diverse and widespread all over North America, were never very large, and to this day make up less than 5% of Canada's total population. Because many aboriginals live in remote areas where employment opportunities are scarce, and because those who leave their communities to live in urban areas face many disadvantage and challenges, this population is plagued by serious social problems at a rate much higher than the average.

Statistics regarding persons with disabilities are more controversial because there is no universally accepted definition of what constitutes a disability. Keeping that in

mind, we find that a total of 1 in 8, or 12%, of Canadians have indicated they are in some way limited in their daily activities due to physical, psychological or health problems. It should be noted that this information was gathered from persons who have described their own disability, with widely varying degrees of incapacity (for example this statistic does not distinguish between a person confined to a wheelchair due to paralysis, and a person suffering from chronic asthma, or hearing loss). As such, the number appears to be quite large and is not representative of what most of us assume when we think of disability.

What does the House of Commons look like?

The House of Commons has 308 Members and the four target groups are not, proportionally speaking, well represented. For example, only 61 Members (20%) are women. Many other parliaments have higher percentages, and in some cases legislation or constitutional provisions exist to guarantee that women will occupy half the positions. Five Members (less than 2%) are aboriginal, which represents approximately half the national statistic. With 40 Members (13%) being foreign born, it would appear at first glance that we fare much better when it comes to respecting the representation of visible minorities in the country which currently stands at roughly 13%. However, in reality only 20 Members (approximately 7%) are from visible minority groups, and not all of these are foreign born! Despite the foregoing, it is nevertheless encouraging to note that newcomers are getting involved, seeking office and getting elected. With regard to the number of Members who are persons with disabilities, it is difficult to say with any degree of certainty how many feel that they fall into that category. Suffice it to say that one Member is a paraplegic and at least two others are known to have significant hearing loss, a proportion certainly well below the figures referred to earlier.

What does the House Administration look like?

The House of Commons has approximately 1,800 employees. Here again, in comparison with the Canadian population as a whole, the four target groups are not well represented. Only 31% of our employees are women and we rank well below the national average in each of the other categories as well. The percentages of aboriginals (2.1%), visible minorities (3.1%) and persons with disabilities (3.6%) are all low.

Two areas, Information Services and Parliamentary Precinct Services fare rather more poorly than other services with regard to women in the workforce. In all likelihood this may be because the high technology, security service and trades occupational groups tend to be traditionally male bastions. Our core group, Procedural Services, fares better. The Clerk of the House, Audrey O'Brien, is the first woman ever to occupy that position in Canada and of the remaining senior managers within Procedural Services, 5 of 13 (approximately 40%) are women. With regard to our complement of procedural clerks, the balance is virtually even between the sexes.

What are we doing about it?

About three years ago, the House of Commons created a management unit responsible for employment equity and diversity in the workplace. Among the activities undertaken by this unit is a self-identification campaign that afforded us an opportunity to find out from employees themselves whether they are members of a designated group. This was the first step – collecting information on the representation, occupational groups, salary distribution and shares of hires, promotions and terminations of designated group members. Without it, it was impossible to assess the extent of the problem.

This information was then analyzed with a view to pinpointing any under representation of designated groups in each occupational group. Because self-identification information is treated as confidential, analysis within very small occupational groups can be problematic.

We also retained the services of human resources specialists to conduct a review of the House of Commons employment systems, policies and practices in order to identify employment barriers. While these experts determined that our employment systems were sound, they recommended that we conduct information and training sessions for employees, particularly managers. Such sessions are the first step in promoting cultural change and our sound employment systems and practices to a wider environment to enhance our chances of attracting persons from the designated groups. Our next steps include not only hiring, but also training, promoting and retaining persons from these groups. To do this, plans are required.

Procedural Services: A Brief Illustration

In Procedural Services, such plans have been developed and implemented. We began, over six years ago, by conducting a demographic analysis of our population of procedural clerks, which at that time comprised some 60 individuals. We found that many of them were approaching retirement age and that we needed to act quickly to bring new blood into the Service. In late 2000, we held a national recruitment campaign and brought in a dozen new clerks. Unfortunately, because we had acted somewhat hastily and without a well-developed strategy, we were singularly unsuccessful in terms of attracting persons from the four designated groups. We did however accurately foresee the retirement wave; between 2000 and 2006, 15 procedural clerks retired or departed for other reasons.

As we honed our planning skills, we actually developed a formal long-term recruitment strategy to allow for ongoing and planned recruitment. This was in response to anticipated further retirements (between 2006 and 2010, 16 more procedural clerks are or will be eligible to retire), an increase in parliamentary activity and demands on the Service. We also reviewed the profession's characteristics and developed competency profiles to provide a framework for performance evaluation. These same profiles are used to identify candidates in a pre-set annual recruitment process established to maintain a list of qualified prospects. We developed standardized evaluation tools for competitions and took a

proactive approach to increasing diversity by actively marketing the House of Commons as an employer of choice. To do so, we designed promotional material, attended university job fairs and looked into a wide range of marketing opportunities. Although the results are not yet in, a process begun in January of this year has attracted close to 400 applications.

Our strategy however does not end with recruitment. We have also developed a career management plan geared to providing the means for developing a corps of professional clerks, encouraging and recognizing capable and talented individuals and developing personnel for management positions. This is accomplished through a variety of mechanisms, including work assignments, performance evaluations, comprehensive entrance training, monthly and ad hoc training sessions, mentoring, rotations, debriefing and knowledge transfer of departing employees and, ultimately, promotions. All of this is overseen by a Human Resources Subcommittee comprised of senior managers who identify priorities and develop action plans, and by our Career Management Review Board, which makes decisions about staff rotations and promotions, as well as conducting on-going reviews of succession potential.

Myths and Realities

Efforts to increase diversity lead inevitably to questions and in some cases skepticism and apprehension among employees and managers alike. Some believe that the cost of employment equity is too high, that it will lead not only to reverse discrimination and a lowering of standards but also to the abandonment of the merit principle. These are but myths.

The reality is quite different. Increasing diversity means striving for equitable representation to mirror the proportions of disadvantaged groups as are known to be available in the general workforce, treating every one with fairness, taking into account differences while accommodating them. Some examples might include restructuring job duties, altering work schedules, providing technical equipment or adapting the work site. Sometimes, only minor inexpensive adjustments are required. For example, someone confined to a wheelchair may need the desk raised by a few inches, or the hallways to be free of obstructions to move about. Flexible work arrangements are particularly advantageous since they are mutually beneficial. For instance, accommodating child or elder care needs usually leads to happier, less stressed employees, who in turn are more productive and report higher job satisfaction.

Likewise the fear of job losses for persons in non-designated groups is ill-founded. Proactive diversity intervention in no way means that only persons from disadvantaged groups will be hired. Nor are recruitment standards lowered either. Instead, ensuring standards are fair to everyone frees the workplace from outdated and limiting rules and traditions that screen out valuable, qualified talent. By broadening the recruitment base and being more imaginative, we can actually hope to attract better, more qualified candidates that not only meet, but exceed standards!

No one said it would be easy! As an example, at the House of Commons, we cannot circumvent the need for bilingualism as a basic job requirement. For visible minority groups, this can present a serious impediment. However, we have discovered that through innovative recruitment techniques, we stand a better chance of recruiting candidates who have already learned both official languages.

Conclusion

This paper has highlighted that the House of Commons, as a parliamentary administration, has much work to do. Despite positive initiatives to analyze the situation and sensitize managers and employees to the need for improvement, we remain far from being truly representative not only of the country as a whole, but of our clients, the elected Members. Much more work remains to be done throughout the administration to help us reach a more equitable representation of the four designated groups.

In Procedural Services, the area with which I am most familiar, recruitment and career management plans are well underway and we expect to make significant progress with regard to hiring and promoting persons from the target populations. Our proactive and more rigorous approach will, it is hoped, bear fruit.

Regardless of the outcome of our latest initiatives, for the longer term, we must actively engage with key communities, build partnerships with designated group organizations and with bargaining agents if our efforts are to succeed. As administrators, we are accountable for results, not just for good intentions.

If we are successful in our endeavours, the benefits will be shared by all. We will have done the right thing. Our elected representatives will be better served. Witnesses before committees and others who interact with Parliament will take note and perhaps take similar steps in their own jurisdictions. Visitors will be more likely to feel welcome and connected to the institution. Persons from designated groups will have that long-sought opportunity to contribute to their fullest potential. In the end, building a diverse, dynamic and representative work force will enhance the performance and credibility of the parliamentary institutions that we have a duty to support."

Mr Anders FORSBERG (Sweden) presented the following contribution:

"Swedish anti-discrimination legislation and the Ombudsmen

In October 1999 following a Riksdag decision, the Government assigned all central government agencies under the jurisdiction of the Government the task of drawing up action plans to promote ethnic diversity among their employees.[1] Although the Riksdag Administration is a state authority accountable to the Riksdag, not the

[1] Government decision (1999) Ku1999/2927/IM concerning the Assignment to Central Government Agencies to draw up Action Plans to Promote Ethnic Diversity among their Employees.

Government, it has chosen to work actively towards promoting ethnic and cultural diversity in the organisation. The first action plan to promote ethnic and cultural diversity in the Riksdag Administration was drawn up in 2001.

The central government agencies in Sweden began working with diversity, defined as ethnic and cultural diversity, with the objective of preventing discrimination. Discussions regarding diversity have since then been broadened to include other groups whose rights are protected by anti-discrimination laws concerning sexual orientation, disabilities and gender as well as age and gender identity.

In Sweden there are several laws today to combat discrimination in working life. The first Swedish anti-discrimination law relating to labour law, the Act Concerning Equality between Men and Women, came into force in 1980. The present Act (1991:433) was adopted in 1991 and was made more stringent in 2001 in certain respects including the requirement for a gender equality analysis of salaries. On 1 May 1999, three new laws came into force; the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130); the Prohibition of Discrimination in Working Life on Grounds of Disability Act (1999:132) and the Prohibition of Discrimination in Working Life because of Sexual Orientation Act (1999:133). The laws, which contain prohibitions on direct and indirect discrimination, were modelled on EC law. However, there is no Swedish law at present against discrimination based on age. Such a law is expected in 2008.

Sweden's anti-discrimination laws provide the individual with protection right from the moment that he or she seeks work. The legislation consists of different parts. One part requires that active measures are taken to increase diversity in the workplace. Another part protects individuals against discrimination and gives them the right to have the matter assessed legally. In addition to the anti-discrimination laws, Chapter 16, Section 9 of the Swedish Penal Code contains a prohibition against unlawful discrimination.

Sweden has several Ombudsmen. Four of them are accountable to the Government and their tasks include supervising compliance with the above-mentioned laws to combat discrimination in working life. These are the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination because of Sexual Orientation.

Human rights

The broadening of the concept of diversity to cover other grounds of discrimination, but also differences as regards, for example, values and experiences, has led to new views of diversity gaining ground in the way employers deal with the matter. The underlying idea is that all citizens should be included. One of the views stems directly from the statutory protection against discrimination of various kinds, and a general interest in protecting our basic human rights and freedoms. In its work to promote diversity, the Riksdag Administration takes a human rights perspective.

Sweden has ratified most international conventions aimed at combat discrimination drawn up, for example, by the UN and the Council of Europe. As recently as 30 March 2007, Sweden signed the UN Convention on the Rights of Persons with Disabilities.

In Sweden, human rights are primarily safeguarded in three fundamental laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. According to the Instrument of Government public power "shall be exercised with respect for the equal worth of all and the liberty and dignity of the private person"[2] and "shall promote the opportunity for all to attain participation and equality in society". It is also stated that the public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Work is being undertaken both at national level and in the EU to develop and modernise the protection offered in the law. An all-party committee of inquiry (the Discrimination Commission) was appointed in 2002 to conduct a comprehensive review of existing Swedish anti-discrimination legislation. In February 2006 the Commission presented its report *A consolidated discrimination legislation* (SOU 2006:22), in which it proposed a consolidated legislation against discrimination and a new joint Ombudsman authority for all grounds of discrimination. The report has now been referred for comment and the proposals are currently being considered by the Government Offices.

The Government has drawn up a second national action plan for human rights 2006-2009.[3] The communication deals with a number of rights-related issues, and contains measures to increase knowledge about human rights and to improve the coordination of work to promote rights in Sweden. The main focus, however, is on measures to combat all forms of discrimination. It also deals with the issues of xenophobia and homophobia. One measure undertaken by the Government was to appoint The Delegation for Human Rights with the task of supporting central government agencies etc. in their long-term efforts to secure full respect for human rights. At the same time, the State – in its role as an employer – is to strengthen its position as a good example for the rest of society as regards respect for human rights.

The Riksdag Administration's work on human rights

Working for the Riksdag Administration involves working in the service of democracy, and ultimately, of the people. The aim is to create good conditions in which the Riksdag can fulfil its constitutional and democratic tasks, as well as its international commitments. Other actors in the Riksdag who provide services to members of the Riksdag are the party secretariats, which do not belong to the Riksdag Administration but to the parties represented in the Riksdag. Officials working for the Riksdag Administration are non-party political in their work.

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[2] Instrument of Government, Chapter 1, Section 2

[3] *A national action plan for human rights 2006-2009*, Government communication 2005/06:95

The Riksdag Administration has adopted a set of core values which serve as a common ethical platform for all employees. According to these values, the work of the Riksdag Administration is to be characterised by various qualities including impartiality, objectivity, integrity and respect for all people's equal worth. The set of core values serves as a point of departure for the Riksdag Administration's definition of its work with diversity – i.e., that diversity comprises all grounds for discrimination that are supported in Swedish legislation. As mentioned above, the Riksdag Administration bases its work on a human rights perspective. This gives diversity management work greater weight and supports the idea of the right of employees to be different, while at the same time making the most of their similarities and differences.

The Riksdag Administration is led by the Riksdag Board, which is chaired by the Speaker and has ten other members chosen by the Riksdag. In the Riksdag Administration's appropriation directions for 2005-07, the Board established that measures taken to promote ethnic and cultural diversity in the Administration, as well as measures taken in accordance with the Gender Equality Plan are to be reported on. The Riksdag Board also decides on areas requiring special attention in connection with operational planning. One such area is strengthening gender equality and ethnic diversity in the Riksdag. The European Commission has also designated 2007 as the "European Year of Equal Opportunities for All".

In the autumn of 2006, the Secretary-General of the Riksdag initiated a meeting between the Riksdag Administration's steering group and officials from the offices of the various discrimination Ombudsmen. Practical work in the field of human rights was discussed. Commitment to the issue of promoting diversity among the leadership of the Administration and the Speaker of the Riksdag is an important source of support in these efforts. In April 2007, in order to clarify the aims of the Administration's internal work with diversity, the Secretary-General of the Riksdag sent a letter to all managers with a statement of the leadership's ambitions. The document contains a broad definition of diversity with a focus on human rights and expresses its ambition of making the most of differences, sets out the fields of application, and provides a clear distribution of responsibilities in the Administration's diversity management. The document was communicated to all employees and was published on our intranet. It will also be used as a basis for discussion at departmental meetings.

Even the most colourful mix of differences does not automatically create advantages. Knowledge and awareness are essential if we are to make the most of diversity, and this in turn can provide added value. This is primarily a management issue but, as in all processes of change, it also requires the participation of the employees.

Integration into regular activities

The Riksdag Administration is in general positive to receiving interns. The Administration receives students with international backgrounds who are studying public administration at Stockholm University. This course was started on the initiative of the previous government with the aim of securing competence on a

long-term basis and increasing ethnic and cultural diversity in Sweden's public administration. The ambition is to increase opportunities for academics who have immigrated to Sweden to work as qualified administrators in the field of public administration.

During the spring of 2007, the Riksdag Administration has established a joint project with the Swedish Employment Service aimed at starting a work placement programme partly for academics from other countries, and partly for people with disabilities. The point of departure for this programme was to give participants tasks that are relevant and interesting from the point of view of their education and previous work experience. The goal is to provide them with references when they go on to seek employment either in or outside the Riksdag Administration. These placements are of great value, also for employees in the Riksdag Administration.

After an evaluation of the work placement programme in the spring of 2007, we will decide whether to establish a permanent programme.

In order to increase knowledge of and interest in issues relating to diversity we will, in a second stage in the spring of 2007, recruit contact persons among the employees of the Riksdag Administration who can form an internal network. The aim is to stimulate active human rights work at departmental level.

The Riksdag Administration already started working with gender equality issues in the 1980s. Every other year an action plan to combat gender discrimination is drawn up. The plan is followed up on an annual basis. The Administration has also drawn up a policy against sexual harassment and harassment on grounds of gender. Furthermore, the Riksdag Administration prepares an action plan on equal pay and follows up its annual salary survey. At the end of 2006, 58% of the Riksdag Administration's employees were women. At the same time, there are still departments where 90% of the employees are women or 90% are men. The Administration's salary survey for 2006 did not indicate any need for special measures.

Work to promote diversity and human rights should not be conducted in isolation but, in as far as it is possible, be synchronised with and permeate work in strategic areas such as skills provision, management training and the work environment. It should be an integrated part of operational planning.

In the process of skills provision, work with diversity is a way of securing future staff supply and of contributing to our ambition of being an attractive workplace. The recruitment process is to be quality assured from the autumn of 2007. It is to be fair and must always be based on the individual's combined skills and not on other criteria that are irrelevant to the performance of one's tasks. The diversity perspective is integrated into the current task of drawing up a new management training programme and an action plan for our ongoing work environment efforts (including victimisation and harassment).

Survey of employees – statistics on ethnic background?

Neither the Discrimination Ombudsman nor the law require that employers keep track of the ethnic background of their employees. No objectives have been drawn up regarding ethnic composition at a workplace. Depending on what approach one chooses, however, a survey of employees may be necessary in order to follow up work with quantitative measures.

In Sweden, data regarding an organisation's ethnic composition can be ordered from Statistics Sweden (without any references to names). These statistics are based on whether a person or both her or his parents were born in Sweden or in another country, which is not the same as their ethnic origin. Therefore, this method is not recommended by the Discrimination Ombudsman or the Swedish Agency for Government Employers on account of the risk that the data may be misleading and that the individual has no chance to influence either his or her participation or affiliation. The employer must also take into account and comply with the Swedish Personal Data Act (1998:204), which involves certain limitations.

For organisations that set quantitative goals, another method is preferable, namely distributing a questionnaire to employees so that they can define their ethnic origin. They can also choose whether or not to participate. It is important, therefore, that the aim of such a survey is clearly stated.

In its work with human rights, the Riksdag Administration has consciously chosen to omit the quantitative aspects of diversity. This is based on our human rights-based approach and on recommendations from the Discrimination Ombudsman. We have held an internal discussion on the ethical aspects of this issue and on the risks that an incorrect focus as regards diversity can involve.

Coordination with related measures

Alongside the staff policy measures to promote diversity among employees in the Riksdag Administration and to combat discrimination and exclusion, parallel measures of making information about the work of the Riksdag accessible, of increasing accessibility for people with disabilities to the Riksdag and of active gender equality work for the members of the Riksdag have been undertaken.

The Riksdag has a variety of information material in alternative formats and versions including brochures in Easy Swedish, talking versions of publications, information in Braille, and video cassettes and DVDs in sign language. Great emphasis has also been given to ensuring that the Riksdag website meets the requirements of various guidelines in this field, including the Web Accessibility Initiative's (WAI) guidelines on accessibility. Information on the website is available in 21 different languages in addition to English and sign language.

Between 2002-06 the entrances and Chamber were renovated to make the Riksdag accessible for people with disabilities. New floors, new technology and new fittings (including three new speakers' chairs adapted for wheelchair users) were installed.

In 2003 a working group for a gender-equal Riksdag was appointed. Its work resulted in an action programme for the Riksdag's work with gender equality, and a new programme is to be drawn up in conjunction with each electoral period. Over 47 per cent of the members of the Riksdag are women. The Speaker has also had a special reference group on gender equality issues for a number of years.

In summary

In summary it can be said that in our work to promote human rights, focus is given to ensure that the Riksdag Administration complies with current anti-discrimination legislation, i.e., combats various forms of exclusion and discrimination, works for a more permissive and open working climate, and tests and develops methods to systematically promote diversity that are integrated into the Administration's regular activities and thus into its annual operational planning.

Active efforts to promote diversity can generate considerable benefits for the development of our organisation. Our similarities and differences are an important means of achieving operational goals, improving results, broadening expertise and strengthening the Riksdag Administration's position as a good example in its role as an employer.

Regardless of how we categorise one another as individuals, a strategy for diversity should therefore include all employees and should be characterised by a perspective based on the individual, that highlights the unique qualities of each individual."

Mr Ian HARRIS (Australia) said that as far as integration of visible minorities was concerned Australia was confronted in many ways with comparable challenges to those in Canada.

The administration of the House of Representatives had agreed to important moves to support women's careers — they now represented 60% of the staff and 50% of superior ranks.

The principal difficulties which remained consisted of integrating aboriginal populations who were very underrepresented in the higher levels of the administration.

Mr Xavier ROQUES (France) said that the French conception of the Nation was one of a collection of individuals between whom it was impossible to create distinctions on the basis of ethnic identity. The law forbid keeping or establishing registers relating to statistics based on the criteria of that nature.

Recruitment into the public service, based on a system of competition and the principles of quality and excellence, was therefore incompatible with the systems based on quotas relating to origin. It had to be admitted that this system had led to the position where, for example, civil servants who were followers of Islam were underrepresented in the higher levels of the administration, whether within Parliament or the State.

The idea that the administration, whether that of Parliament or the State, should be representative of ethnic communities which made up society was therefore absent from the French view because, *ex hypothesi*, such communities did not exist.

As far as discrimination against women was concerned, the system of competition had led to an undifferentiated recruitment of men and women. There was even a period in the National Assembly when women were more numerous than men because they sat the competition immediately after their university studies where as men had to do their military service.

As far as disabled people were concerned, French law laid down that they had to make up a minimum proportion of the staff of a business or an institution, and this was backed up with financial penalties for any defaulting employers. The administration of the National Assembly was approaching the level fixed by law and it was more virtuous, in this area, than the State administration.

Mr Henk BAKKER (Netherlands) asked whether in Canada there were any difficulties with the political engagement (or non-engagement) of certain staff members in Parliament in their relationship with elected Members.

Dr Ulrich SCHÖLER (Germany) emphasised that although women were in the majority in German society they remained in the minority within the staff of the Bundestag. Although the situation had improved in the course of the last few years they remained underrepresented whether as Members of Parliament or as staff.

Various programmes had been implemented to assist the progression of women in the hierarchy and to facilitate their access to positions of responsibility.

Mr José Pedro MONTERO (Uruguay) asked whether Canadian law imposed a duty on the parliamentary administration of recruiting a minimum proportion of disabled staff.

Mr Marc BOSC (Canada) replying in the first place to Mr Xavier ROQUES, underlined that the Canadian approach — very different from the French approach — consisted in taking notice of the diversity within society and trying to take full measure of it. It was not a matter of "categorising" Canadians but of ensuring that no one was "set aside" in terms of job opportunities or available promotion.

Turning to the contribution by Mr Henk BAKKER, he confirmed that Members of Parliament were not able to impose any pressure on the recruitment of Chamber staff and that the procedure for recruitment was exclusively managed by the administration.

Turning to the matters mentioned by Dr Ulrich SCHÖLER, he said that although women represented between 40% and 50% of the Canadian parliamentary staff, the main question was what posts they occupied — the expression "pink-colour ghetto" had been invented to cover this.

Finally, in reply to Mr José Pedro MONTERO, he said that no particular law was enforced, but that a genuine effort had been made to organise the working framework for disabled people and to adapt it to their situation.

Mr Manuel ALBA NAVARRO (Spain) thought that the matters raised by Mr Marc Bosc posed a basic problem: that of the relationship between equality, on the one hand, and the desire to reflect social diversity in institutions, on the other hand. Moreover, where should the list stop, when it came to taking into consideration "visible minorities": men/women, ethnic origin, religious convictions, sexual orientation?

Mrs Doris Katai MWINGA (Zambia) said that there were 73 recognised tribes in Zambia. The President tried to ensure that most tribes were represented at Cabinet level.

On the other hand, the matter of women in posts of responsibility was of serious importance. There was a political objective of obtaining 30% to 50% of women in such posts at the regional level. As far as the parliamentary administration was concerned, there were only four women among the 14 Service Directors.

Some laws, which were trying to be favourable, could have a counter-productive effect. For example, for a long time it had been forbidden to employ women and children below the ground in copper mines. As a result, only men could reach operational and executive positions in mining. This legislation had been amended and now the prohibition only related to children.

Mr Hafnaoui AMRANI (Algeria) said that in Algeria particular attention had been given to the situation of disabled people and that the law placed an obligation on administrations and private enterprises to recruit a minimum proportion — in particular, those with a level of education which was insufficient to allow them to find work easily.

He asked Mr Marc BOSC for details about the means of recruiting staff in Canada: when a vacancy was announced and published was a competition organised or did interested people make direct contact with recruitment staff for one or several interviews? Were "advantages" given to people belonging to visible minorities?

Mrs Marie-José BOUCHER-CAMARA (SENEGAL) thought that cultural diversity was not only a strength within society but also a source of peace.

In Africa, the desire for cooperation was extremely evident, whether on an ethnic basis or a religious one. In Senegal, tradition obliged those in authority to cooperate and involve all interested parties in questions.

An important topic was that of education and the spread of literacy, which allowed minorities to express themselves and be understood.

Within Government, emphasis was placed on maintaining a balance between different ethnic groups, religious chiefs, heads of associations, civil society etc. Financial support was given to all living people within the national territory, which avoided frustrations and conflict.

As far as women in Senegal were concerned, all professional bodies — including the Customs Service and the army — were open to them and their access to social protection had been strengthened so that it was now made the same as that for men. All political parties were now forced to ensure strict parity on national lists on the principle of "one man, one woman".

Moreover, it was necessary to support parental duties related to the upbringing of disabled children and to improve the working conditions of disabled adults, by way of the law.

Mr George PETRICU (Romania) referring to the position in Romania, indicated that as result of his country entering the Council of Europe and then the European Union, a vast effort had been made to revise all the legislation in the areas considered. It was now possible to say that all forms of discrimination had disappeared in Romania, whether at the level of recruitment or education and that the protection of minorities was assured by law.

Nevertheless, it was necessary to admit that a lot remained to be done on the practical level in order to achieve the planned objectives.

Within the administration of the Romanian Senate, many women occupied senior positions, nearly 50% of the staff had university degrees and national minorities were well represented.

In 2006 a law about disabled people had been agreed to in Romania and this put the country on the same level as other member states of the European Union.

Mr Marc BOSC (Canada) in response first to Mr Hafnaoui AMRANI, indicated that there were no places reserved for disabled people in Canada, the emphasis being placed on the means of integrating them in the normal workplace in the light of their capacity.

The method of recruitment was fairly traditional: publication of a vacancy, competition and then interviews — the tendency being, in relation to this last point, to put questions relating to "experience" (not merely professional experience), allowing candidates to demonstrate their capacity in relation to real life.

Mr Douglas MILLAR (United Kingdom) said that the House of Commons was doing its best to recruit staff of varied origin and to facilitate their integration. 18 years ago promotion of diversity within the staff consisted of recruiting candidates who had not been to Oxford or Cambridge... Since then, a lot had been done and the Board of Management of the House now included four women among its eight members.

Employment of disabled people represented a real difficulty in a Palace built in the 19th century, but the administration did its best to encourage it.

Other efforts were also being made to struggle against discrimination on the basis of age or sexual orientation (homophobia).

Mr Carlos HOFFMANN-CONTRERAS (Chile) thought that the effort undertaken by the Canadian Parliament in favour of minorities could almost serve as a paradigm for the Parliaments of multi-ethnic States. He asked whether an evaluation had been made of the impact of these measures in terms of social integration and productivity.

Mr Marc RWABAHUNGU (Burundi) underlined that many African countries had State discrimination linked to regionalism or ethnic tensions: exclusion had sometimes been made a management tool by the State.

The problems of exclusion and harassment which had been observed in Burundi should be compared with the politics of inclusion of minorities undertaken in Canada. He wondered by what practical means such policies relating to positive discrimination could be put into effect.

Mr Abdeljalil ZERHOUNI (Morocco) said that in Morocco ministers had sacked staff members and replaced them with collaborators who shared their political opinions.

Such pressures even existed on the parliamentary administration. Thanks to the firm support of the Speaker of the House, a recent recruitment operation involving 50 staff members had been carried out on the basis only of the criterion of the candidates' competence.

Moreover, parliamentary parties were able to recruit staff personnel on a contract basis, taking into account their political views. At the end of the Parliament, these staff members exerted pressure — with the assistance of the political parties — so that they might be recruited as permanent staff of the administration. This would create the risk of the politicisation of the civil service of Parliament and end its neutrality: it was necessary to resist such pressures.

Mr Marc BOSC (Canada) replying first to Mr Douglas MILLAR, said that the struggle against discrimination on the basis of age or sexual orientation was also part of the priorities in Canada and recognised that the adaptation of old buildings to the constraints of the contemporary world of work were a particularly difficult challenge.

In reply to Mr Carlos HOFFMANN-CONTRERAS, he said that such an evaluation had not been made because the amount of work which had already been done had already taken up all available resources.

Finally, in reply to Mr Abdeljalil ZERHOUNI, he underlined the importance of a refusal to allow the parliamentary civil service to be politicised. In Canada, every Member of Parliament received his own budget for recruiting staff members as he chose and on the basis of his own criteria; the contract of such staff members ended as far as the law was concerned with the mandate of the Member of Parliament.

Mr Anders FORSBERG, President, thanked Mr Marc BOSC as well as all those members present for their many pertinent interventions.

3. Report by Mr Martin CHUNGONG on recent events relating to the cooperation between the ASGP and the IPU

Mr Martin CHUNGONG, Director of the Division for the Promotion of Democracy of the Inter-Parliamentary Union, expressed his pleasure at being able to come before members of the ASGP so regularly to keep them informed of the development of activities of the InterParliamentary Union.

The Inter-Parliamentary Union in 2006 had pursued its integrated strategy relating to the promotion of democracy, at the heart of which naturally, it put Parliaments.

The Union had supported, in the course of the previous year and at the start of that year, 11 Parliaments across the world, mainly in Africa, Asia and Latin America. It had also supported democracy within the Arab world and among the Pacific States, where the political participation of women frequently remained at modest levels.

The Union had recently taken part in an evaluation of the needs of the Parliament of the Democratic Republic of Congo, with the assistance of the French Senate and the United Nations.

It had made a strong contribution to the parliamentary part of the programme, established by the United Nations, for support of good democratic government of States — whether at a national level or at the level of provincial assemblies.

In Burundi, a project was being set up and, in the near future, the working meeting would take place between the planners and those in political life on the theme of post-conflict reconstruction. Moreover, financing by the UNDP would allow support for action in favour of participation of women in political life.

In Iraq and in Somalia, the results had not been as good as had been hoped because of the level of instability and insecurity in these two countries.

In Sri Lanka, a Commission of Inquiry on violations of human rights had been established. A group of independent experts had been set up to ensure transparency and impartiality of the work of the Commission and one of its members had been nominated by the Union.

A seminar on parliamentary procedure had recently been organised at Rabat for the benefit of Parliament in the Arab world and in the same way an evaluation had been made of the participation of women in political life in the States of the Persian Gulf — which had led to a project for three years assisting in improving such participation.

As far as defence of human rights was concerned, annual seminars had been organised for several years devoted to be particularly important role to be played by Parliaments.

Turning to publication of information about parliamentary matters, he said that the Union had published various reviews, established databases and improved available data about past elections. Versions of *Parliament and democracy in the 21st century: Guide to Good Practice* were now available in Spanish and Arabic.

The Union was now thinking about preparing a "parliamentary kit" on best practice relating to representation of minorities and effective participation in parliamentary activities.

He also wanted to mention the research done on initial and continuing training of recently elected Members of Parliament which had been conducted in collaboration with Monash University (Australia) and which was aimed at identifying best practice in this area.

Finally, he said that the establishment of the Global Centre for ICT in Parliament, which was the fruit of a collaboration between the Inter-Parliamentary Union and the United Nations Department for Economic and Social Affairs (UNDESA) — the President of the ASGP sat on the board of directors — had attracted a great deal of attention in the course of the previous few months.

Mr Anders FORSBERG, President, thanked Mr Martin CHUNGONG for his presentation. He then invited members to put questions.

Mr Hans BRATTESTÅ (Norway) asked whether the Inter-Parliamentary Union was planning to play a more important role in the evaluation programmes of Parliaments, since many national Parliaments were already involved in such evaluation programmes for the benefit of other Parliaments. He thought that in order to use limited resources properly, it was desirable to have better coordination and cooperation between the various partners.

Mr Hafnaoui AMRANI (Algeria) said that he had recently received correspondence from the Union asking for nomination of a "focal point" among Members of Parliament: what exactly was the role of this "focal point"? Moreover, was it really suitable to nominate a Member of Parliament, whose mandate was limited and whose political leanings might create some sort of bias? Would it not be preferable, on the contrary, to make the "focal point" a member of staff?

Mr Manuel CAVERO (Spain) thought that sometimes participation of Parliaments and their staff in Union programmes was asked for at the last moment, and that this could create difficulties. He expressed the hope that such requests might be sent out sufficiently in advance to allow positive responses.

Mr Martin CHUNGONG, responding first to Mr Manuel CAVERO, underlined that in many cases the short notice was not the fault of the Inter-Parliamentary Union and one had to take account of political changes in the course of those countries which were benefiting from programmes of assistance.

Turning to the question from Mr Hans BRATTESTÅ, he reiterated the willingness of the Union to create better coordination. Nonetheless, he underlined that those in charge of programmes were often fairly unclear about the content required — often for political reasons.

Finally, in response to Mr Hafnaoui AMRANI, he said that the "focal point" for relations with the Union and national Parliaments was normally nominated by the national group of the country belonging to the Union.

Nonetheless, in relation to specific subjects, the Union might well request the nomination of a particular correspondent in that area within Parliament (for example, relating to equality between men and women). These "focal points" were generally, Members of Parliament, but the Union could always ask for staff members to be nominated in relation to more technical subjects.

Mr Anders FORSBERG, President, said that, taking into account the lateness of the hour, the presentation by Mr Abdeljalil ZERHOUNI of the responses to the questionnaire on systems of transcription of parliamentary sittings would take place that afternoon.

The sitting rose at 12.45 pm.

FOURTH SITTING
Tuesday 1 May 2007 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.10 pm

1. Presentation of the responses to a questionnaire about "Systems for transcribing official reports of parliamentary sittings"

Mr Abdeljalil ZERHOUNI (Morocco) gave the following presentation:

"1. Introduction:

The publication of parliamentary debates is a fundamental element of parliamentary tradition. It is generally governed by the texts of law and statutory (constitution – the rules of procedures of the assemblies, parliamentary acts and orders. etc.), from which it draws its legal force.

This publication is also a reference document par excellence not only for the members of parliament and the researchers, but also for the judiciary (Judges, Lawyers etc.) because it allows to approach the intents of the legislator and thus a better understanding of the texts of law notably in case, of problem of interpretation and litigation.

It also gives the possibility to citizens to deepen their knowledge on parliamentary life, to be informed, thus, on the process of the debates of various political constituents which represent them and to follow the various phases of the discussion of the texts of law.

Essential elements for any democracy, the parliamentary debates gives the occasion to citizens to examine the relevance, the efficiency and the credibility of their elected members, what incites these latter to assume better their responsibilities.

Also, the publication of parliamentary debates protects the legislative memory of the country and brings a considerable material and intellectual help to the researchers and the consultants who need, for their professional activities or their works, to refer to the contexts of promulgation of laws and the intents of the legislator

The publication of parliamentary debates takes advantage today and has to benefit most of the development of new technologies of information and communication. A number of parliaments, worldwide, knew how to benefit from these technologies and installed modern systems of transcription which allowed a consequent development of information put at the disposal of the citizen. Unfortunately, It is not the case for all the parliaments.

This subject - concerning the fast production and publication of parliamentary debates - was evoked during our General Assembly in Geneva (16 -19 October, 2006) and held our attention.

Aiming at sharing with our various parliaments the experience and the headways acquired in this field, our Association entrusted me to collect by means of a questionnaire the essential information relative to the various systems implemented today throughout our parliaments.

The present study exposes the main lines of the questionnaire and the information received and tries to estimate the various systems of transcription implemented in our parliamentary institutions.

Its first vocation is also to offer the necessary information which would allow to have a precise idea of the possibilities offered by the new technologies, their degree of reliability as well as the levels of adaptability in every case.

It would serve, I hope, as a reference document for all those who want to perfect their system of transcription.

2. Presentation of the questionnaire:

The questionnaire, sent to all the General Secretaries of the Assemblies members of our association (more than 200) in French or English languages, concerns the following sections:

- The legal framework: statutory provisions governing the operation of transcription and publication of parliamentary debates.
- The structure in charge of the operation of transcription and publication.
- The description of the used system of transcription,
- Time dedicated to the production and publication of the debates
- The evaluation of the system

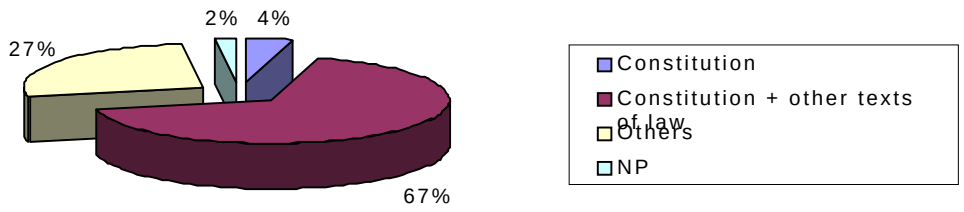
The answers received are 54 representing all the five continents and can allow a representative comparative study of all the systems set up today in the various parliamentary Assemblies.

3. Legal Framework:

Generally, the transcription and the publication of parliamentary debates are governed by the constitution of the country or by the constitution and the texts of law: organic law, Rules of procedures, parliamentary acts and orders concerning the application of parliamentary law

It is the case of 73% of parliaments having answered the questionnaire.

In 25% of the cases, the process of transcription and publication of the debates is governed by texts of laws others than the constitution.



Graphe1: legal framework of the transcription of debates

NB: other texts of Law: Rules of Procedures, Organic laws, Parliamentary Acts, Orders concerning the application of parliamentary law

In Morocco, the constitution stipulates in its article 43 "Meeting of parliaments shall be open to the public. Proceedings of the debates shall be published in extenso in the Gazette."

The Rules of procedures in its article 69, stipulates "Proceedings of the debates in public meetings are realized by the computing and visual audio means, then published and diffused according to the conditions determined by the office.

The proceedings of the debates shall be published in the official Gazette in application of the provisions of article 43 of the constitution".

4. Structure in charge of the operation of transcription and publication of parliamentary debates:

All the parliaments have a service of transcription of parliamentary debates; only the Assembly of Luxemburg, Namibia appeal to an external service

These services are organized according to an appropriate scheme with a staff more or less numerous according to each parliament.

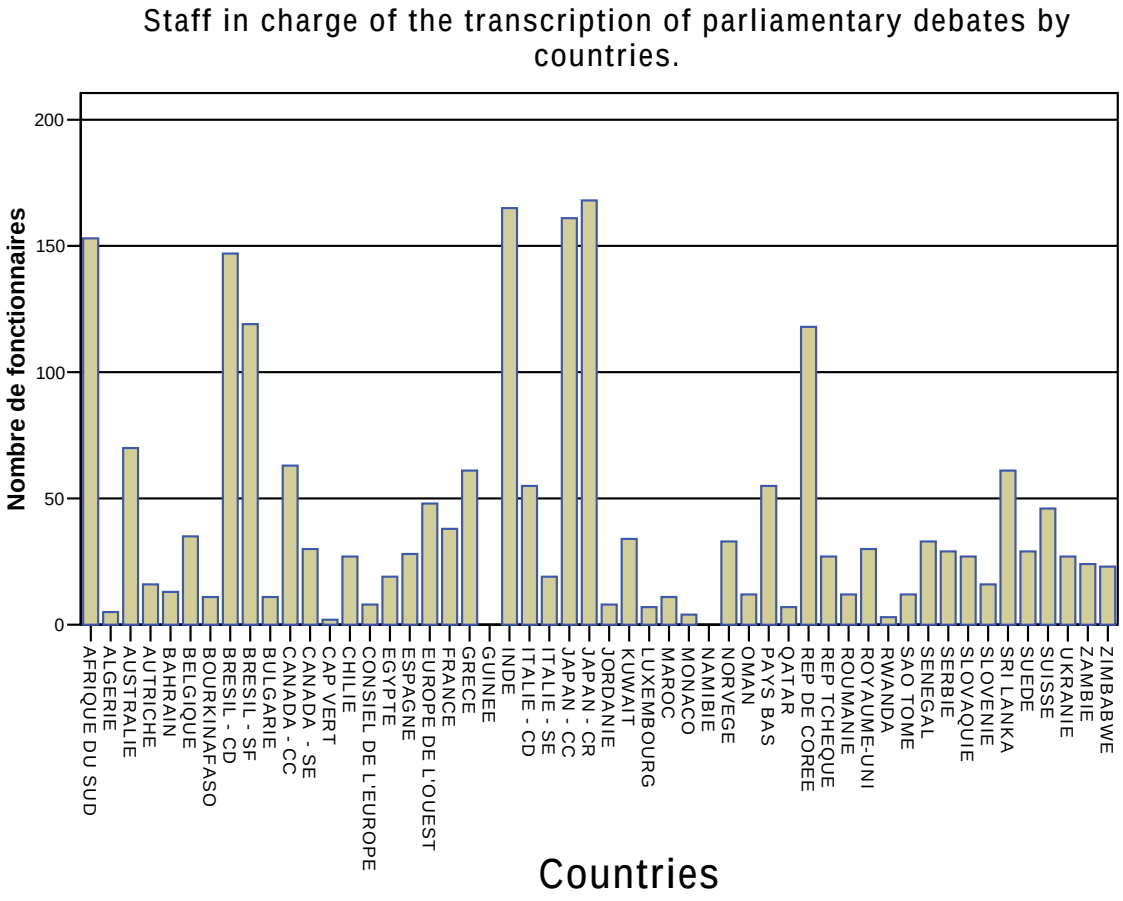
2 civil servants in the National Assembly of Cape Verde and 168 civil servants in the House of Representatives of Japan.

On average, 40 civil servants are assigned to this mission.

In certain cases (Canada, Czech Republic, Slovakia,) it is appealed to a non permanent staff for periods of overwork.

In Morocco, 16 civil servants are assigned to this mission. The publication of the proceedings is entrusted to the Secretary-General of the government.

The majority of parliaments (90%) have a service of archives and research concerning parliamentary debates.



5. Description of the systems of transcription:

Parliaments use various systems of transcription and publication of parliamentary debates. Today some use traditional system while the majority uses electronic systems.

5.1. The traditional systems:

Generally, we distinguish two types of traditional systems:

a) The system based only on the sound recording by audio cassettes

The transcription is made by listening to the audio cassettes sound-recording, the transcription of the text by secretaries and the correction by reporters and finally the proceedings are sent for publication. It is the case of the Assemblies of Jordan, Algeria, Zambia, Cape Verde, Monaco, and Netherlands. It was also the case of Morocco before the introduction of the electronic system in October, 2006.

b) The system based on the taking of shorthand notes completed by the sound recordings

The shorthand notes taken in session by a specialized team are transcribed then typed by secretaries, corrected by reporters, who refer to the sound recordings if necessary, before the publication. It is the case of the Assemblies of Greece, Chile, Serbia, and Spain.

5.2. The electronic systems:

The parliaments which use the electronic systems benefit from the new technologies of information and communication and use software adapted to the operation of transcription and publication of parliamentary debates.

The process of transcription and publication of the parliamentary proceedings in these countries differs from parliament to another. Nowadays, we can distinguish three types of electronic systems of transcription.

a) The systems based on Digital audio recording:

These systems allow to transcribe the words and to produce from the audio recordings the reports and the proceedings.

After the acquisition and the sound-recording by the appropriate media, the sound is transferred via the network towards a group of operators, provided with helmets of listening and pedals of speed check, having for mission to produce the texts corresponding to the various recordings.

All the recordings and the produced documents are collected and recorded in a database then corrected before distribution and publication.

It is the case, notably in the Assemblies of Austria (oracle-based IT system), of Belgium (DRS), South Africa (PRISM), Morocco (CST TRANSCRIPRO), Oman, Kuwait.

In Morocco, the system of electronic transcription used today in the House of Representatives consists of an audio server, a server of application, a database server, and 8 client posts. The electronic transcription takes place as follows:

At the beginning of the plenary session every transcriber is connected through a client post by using an account and a password. The audio server records the sound, divides it into fragments of 15 minutes and sends it to the server of application.

The server of application assigns the «fragment «to an available transcriber. The transcriber type the "fragment» which is intended to him (her) and transfers it to the server of application.

This latter collects the various typed “fragments” and transfers them to the proof-reader (corrector). The proof-reader corrects them and transfers them to the editor. The editor reads the texts again valid it then records it in the database.

The proceedings are then diffused in preliminary version on intranet and on Internet within 48 hours which follow the end of the sitting. They are then sent to the official printing office for publication in the official Gazette after validation by the Parliamentary Secretary of the session.

b) System of stenography assisted by a software of transcription

The transcription is realized by a team of stenographers who work in rotation 5 to 15 minutes (according to each case). The data typed by the stenographers are translated into complete text by specialized software. This system is used in the Assemblies of Brazil (SITAQ shorthand system), of South Korea (CASE, computer aided system) of Japan, Romania, Australia, Canada and Italia (senate).

To note that in Australia, the used process combines between a computer-aided shorthand transcription (stenography CAT) and a system of voice recognition.

c) Electronic system of voice recognition

The transcription of the parliamentary debates is directly made through the audio recordings by using the technologies of voice recognition. It is the case of the Assemblies of Italy, Sao Tome and Principe.

In Italy, the House of Representatives uses a system of voice recognition called CAMERAVOX.

The proceedings are entrusted to 15 information officers who take turns in the plenary hall. In every sitting audio recordings by analogical system, are made. Every information officer when he (she) returns to his (her) office dictates, the part of the report which is intended to him(her), by using the computer system of recognition of his (her) voice; he(she) uses for that purpose, the audio recording and the notes taken during the sitting.

The proceedings are revised by an adviser, coordinated by a superintendent and sent to the printing office by means of a telematic connection; the text is put in page, printed and diffused on Internet.

6. The publication of parliamentary debates

It seems that one of the big challenges met by the parliamentary Assemblies is the period of publication of the debates. We notice during this study that the duration of publication differs from an Assembly to another, and this depends essentially on the system and the used means.

The proceedings are published in a preliminary version (temporary, none revised, none authorized versions) followed by a final version.

Certain Assemblies produce and publish the proceedings within less than 24 hours; it is the case, for example, of Brazil, Switzerland, Canada, England, France, Kuwait, and Italy… Others make it for a period which spreads out between 24 and 48 hours such as Morocco, South Africa, Korea… While the others, in particular those who still use the traditional system, publish their debates only after several days, if not to say several weeks (Bulgaria, Burkina Faso, Rwanda...).

In Luxemburg the transcription and the publication of the debates are entrusted to an

external specialized company. The proceedings are published within 2 to 3 weeks

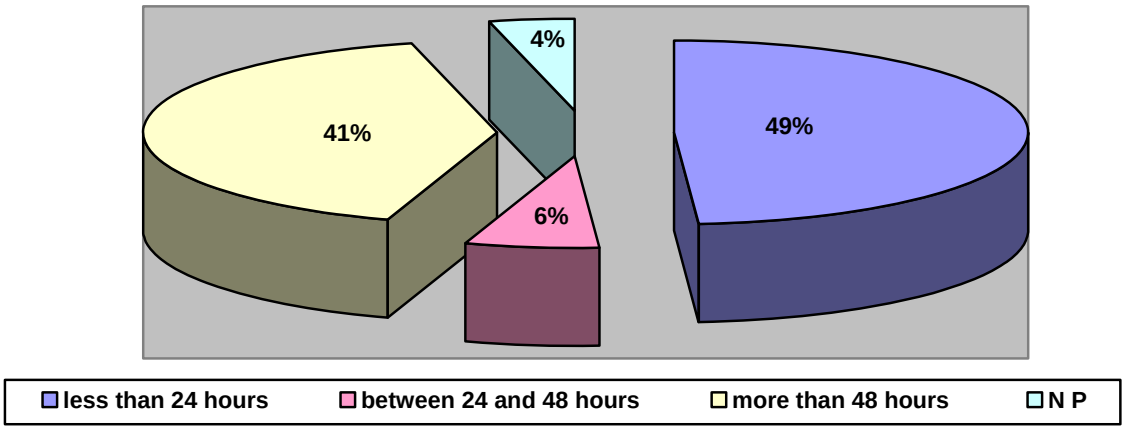
These proceedings are published in electronic version (intranet for internal usage and on the web sites of parliaments or in written version in an official newspaper called differently according to the countries (official newspaper, official bulletin, official Gazette of parliamentary debates) or in special volumes after the end of every parliamentary session.

Concerning the body in charge of the publication, it was noticed that the majority of Parliaments (71%) achieve themselves the printing of the debates, they have a budget to make this operation, whereas, the others appeal to the services of the Government or to the external services. In Morocco, for example, the Official Printing office which belongs to the General Secretariat of the Government bears this publication.

Besides, the periodicity of the publication differs from a parliament to another. According to the cases studied, every edition of a publication corresponds to a single session (40% of Parliaments) or to several sessions (44% of Parliaments). These editions, generally, do not have a regular periodicity of publication.

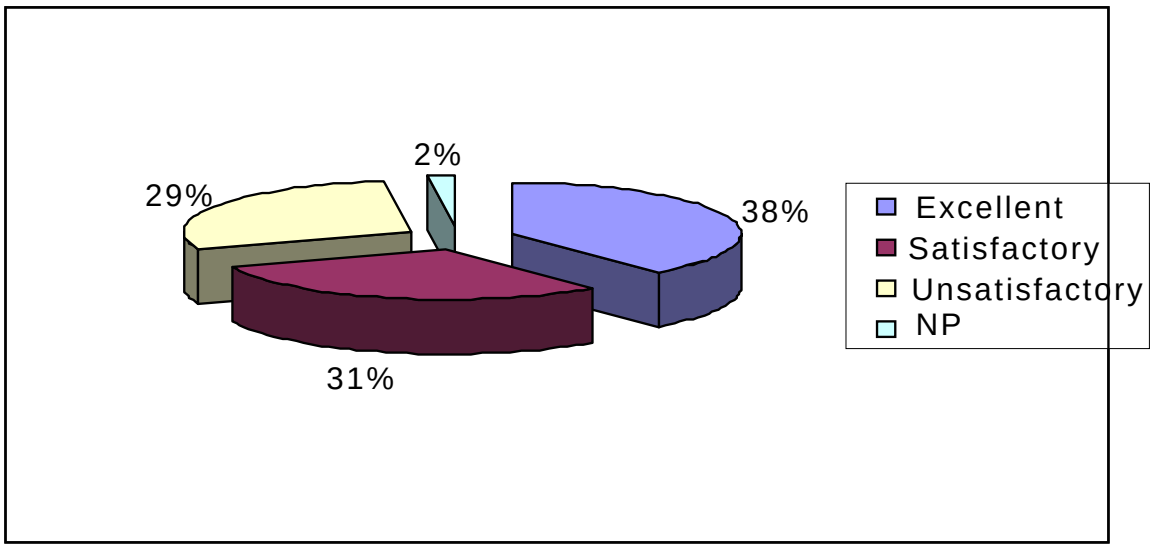
It is worth precising that in the majority of parliaments, a statutory period, after preliminary or official publication, is granted to the speakers to introduce rectifications if they wish it.

The modifications can be only formal; no substantial modification is authorized. In case of contestation, it is up to the Office of the Assembly to have the last word.



Period of publication of the first version of the debates

7. Estimation of the systems



Estimation of the systems of transcription

According to the answers received, the majority of Parliaments (69%) are satisfied with their systems of transcription of the debates. It is considered excellent in 38% of the cases, while 29% estimate that their systems is not satisfactory. In this last category are essentially situated the Parliaments which still use the traditional system.

Concerning the main difficulties met at the level of the used system, approximately half of the Parliaments agree to evoke the overwork, the irregularity of the sessions and the maladjustment of technical and human means

8. Conclusion

In a large number of countries, the constitution, supreme law, made obligation for Parliamentary Assemblies to produce and to publish the parliamentary debates; rules of procedures, laws and orders concerning application of parliamentary law clarify the forms and periods of these publications.

This publication also constitutes the basic means par excellence to insure the transparency and the opening of the parliamentary institution on all partners and more generally citizens.

This operation of production and publication of parliamentary debates often mobilizes important staff in human resources, as it requires consequent material means with, however, results considered insufficient in 29% of the cases.

Today, we witness that many parliaments worldwide knew how to benefit from the tremendous development of new technology of information and communication and installed modern systems of transcription capable of fulfilling the requirements of quality, speed and generalization of the distribution of information. Unfortunately, it is not the case for all the parliaments.

Traditional systems, based mostly on a human mobilization of an important staff and a human intervention at the level of all the phases of production and publication of the debates with sometimes big delays, are still effective in a certain number of parliaments 26%.

From the information and the appreciations collected in their analysis, it seems clear that this laborious and fundamental operation of transcription and publication of parliamentary debates has to gain everything of the introduction of the new technologies of information and communication.

Our association could, as such, recommend to parliaments not yet equipped with electronic systems of transcription and publication of the parliamentary debates to commit themselves to it quickly, and if necessary, to benefit from the experience which adapts itself best to their context. The Documents joined to this communication could help to have useful information; I hope so, in this sense."

List of analysed responses

COUNTRY	CHAMBER/PARLIAMENT
1. ALGERIA	COUNCIL OF THE NATION
2. ASSEMBLY OF WESTERN EUROPEAN UNION	ASSEMBLY OF WESTERN EUROPEAN UNION
3. AUSTRALIA	THE TWO ASSEMBLIES
4. AUSTRIA	PARLIAMENT
5. BAHRAIN	PARLIAMENT
6. BELGIUM	HOUSE OF REPRESENTATIVES
7. BRAZIL	CHAMBER OF DEPUTIES
8. BRAZIL	SENATE
9. BULGARIA	NATIONAL ASSEMBLY
10. BURKINA FASO	NATIONAL ASSEMBLY
11. CANADA	HOUSE OF COMMONS
12. CANADA	SENATE
13. CAPE VERDE	NATIONAL ASSEMBLY
14. CHILE	SENATE
15. COUNCIL OF EUROPE	COUNCIL OF EUROPE
16. CZECH REPUBLIC	SENATE
17. EGYPT	MAJLIS ASH-SHURA
18. FRANCE	NATIONAL ASSEMBLY
19. GREECE	HELLENIC PARLIAMENT
20. GUINEA	NATIONAL ASSEMBLY
21. INDIA	RAJIA SABHA
22. ITALY	CHAMBER OF DEPUTIES

23. ITALY	SENATE
24. JAPAN	HOUSE OF REPRESENTATIVES
25. JAPAN	HOUSE OF COUNCILLORS
26. JORDAN	HOUSE OF REPRESENTATIVES
27. KUWAIT	NATIONAL ASSEMBLY
28. LUXEMBOURG	CHAMBER OF DEPUTIES
29. MONACO	NATIONAL COUNCIL
30. MOROCCO	HOUSE OF REPRESENTATIVES
31. NAMIBIA	NATIONAL ASSEMBLY
32. NETHERLANDS	HOUSE OF REPRESENTATIVES
33. NORWAY	PARLIAMENT
34. OMAN	MAJLIS A'SHURA
35. QATAR	MAJLIS AL-SHURA
36. REPUBLIC OF KOREA	NATIONAL ASSEMBLY
37. ROMANIA	CHAMBER OF DEPUTIES
38. RWANDA	SENATE
39. SAO TOME AND PRINCIPE	NATIONAL ASSEMBLY
40. SENEGAL	NATIONAL ASSEMBLY
41. SERBIA	NATIONAL ASSEMBLY
42. SLOVAKIA	NATIONAL COUNCIL
43. SLOVENIA	NATIONAL ASSEMBLY
44. SOUTH AFRICA	NATIONAL ASSEMBLY
45. SPAIN	SENATE
46. SRI LANKA	PARLIAMENT
47. SWEDEN	PARLIAMENT
48. SWITZERLAND	FEDERAL ASSEMBLY
49. UKRAINE	PARLIAMENT
50. UNITED KINGDOM	HOUSE OF LORDS
51. ZAMBIA	HOUSE OF REPRESENTATIVES
52. ZIMBABWE	PARLIAMENT
53. CAMEROON °*(not analysed)*	NATIONAL ASSEMBLY
54. THAILAND °*(not analysed)*	HOUSE OF REPRESENTATIVES
55. KENYA°°*(not analysed)*	PARLIAMENT

DESCRIPTIVE SUMMARY OF
TRANSCRIPTION SYSTEMS

COUNTRY	DESCRIPTION OF SYSTEMS
Switzerland Federal Assembly	Verbalix (système inventé et développé par les Services du Parlement)
France National Assembly	Logiciel Microsoft Word adapté aux spécificités du compte rendu Les rédacteurs des débats se rendent en séance publique et prennent le débat en notes pendant 15 min. A leur retour, ils établissent un compte rendu sur ordinateur. Ce compte rendu est relu, et éventuellement corrigé par le directeur ou un directeur adjoint qui, après report des ultimes corrections, donne un « bon à tiré » pour publication sur le site internet de l'assemblée nationale et ensuite pour publication par le journal officiel des débats parlementaires.
Romania Chamber of Deputies	Microsoft Word System: After decoding the notes, the stenographers edit them in the Word System. All operations related to the transcriptions verification, reviewing and final control are made by using the Word System. Their transmission to the websites of the Chamber of Deputies/Official Gazette of Romania is made by electronic way.
Assembly of Western European Union	/All debates are transcribed and typed up by a team of stenographers and reporters. An audio recording of all debates is made (MP3) and incorporated into a CDRom together with written transcriptions.
Australia Parliament	Système audio numérique, système de reconnaissance vocale (logiciel Dragon Naturally Speaking) et sténographie (à l'aide d'un logiciel de transcription assistée par ordinateur). Hansard Production System (HPS, système de production du Journal des débats). Système d'enregistrement, d'allocation, de production et de distribution des transcriptions. HPS utilise Microsoft Word ; il est prévu de remplacer ce système. Le système audio numérique a été mis en place en 1997 (un projet de remplacement est en cours) et le système HPS a été instauré en 2000 (un projet de remplacement devrait être lancé sous peu). Le système de reconnaissance vocale a été introduit en 1999. Il s'agit uniquement d'un système de dictée dépendant de la voix, et un projet dont le but est d'étudier la reconnaissance et la transcription directement à partir des chambres est prévue pour 2007.
	Raw transcripts of speeches are typed by typists from a digital audio recording into a WORD document, which is the input into a taylor-made, ORACLE-based IT system supporting the workflow, during which the documents are edited by

COUNTRY	DESCRIPTION OF SYSTEMS
Austria Parliament	the parliamentary reporters (who also incorporate their stenographic notes taken down in the chamber). The resulting temporary report is placed on the intranet within 3 hours. After the end of the sitting, as soon as the complete temporary report of the sitting is available, it is automatically re-structured from 10-minute-documents into speech-related documents, which are electronically submitted (automatically, using the MP's e-Mail-address from the Parliamentary administration's database) to the speakers for authorization (and electronically authorized by them, with or without requested stylistic corrections). After a second editing, the speech-related reports are automatically merged into a complete document. This is provided with a Table of Contents (NOT generated fully automatically, because it contains a variety of procedural details which require careful analysis of the report of that sitting), final layout, pagination, page references and hyperlinks and is published both in electronic form on the internet, and in paper from (the latter to be forwarded to the in-house printing department, which produces a limited number of hard-copies).
Algeria Council of the Nation	la transcription s'effectue par : - L'écoute des enregistrements sonores des débats - La consolidation des débats par le visionnement des enregistrements vidéo (si nécessaire).
Belgium Federal Parliament	Système DRS Note descriptive du système : Les 12 salles de réunion desservies (plénière et commissions) sont enregistrées en permanence. Un outil de gestion permet de définir à l'avance – ou, en cas d'imprévu, après coup – les réunions ou les parties de réunion qui doivent être rendues accessibles. Séance tenante, celles-ci sont alors découpées manuellement en petits morceaux prêts à être transcrits par les rédacteurs travaillant uniquement dans leur langue maternelle. Le software permet de distribuer les morceaux entre les rédacteurs (dispatching), de classer les textes rédigés dans une base de données, de les assembler ensuite et de finaliser le document. Un autre logiciel permet de préparer à l'avance toutes les parties de procédure et d'insérer dans les textes tous les codes (styles Word) nécessaires à ajouter de façon automatisée un sommaire complet bilingue et à produire un texte final prêt à être imprimé ou publié sur internet.
Japan House of Representatives	Physical attendance in the Chamber or Committee room for manually taking down deliberation in shorthand. Shorthand symbols taken down in shorthand notebooks are transcribed into PC by Japanese-language Microsoft Word software.
Luxembourg	Transcription (en sous-traitance) des discours fournis par fichiers audio en

COUNTRY	DESCRIPTION OF SYSTEMS
House of Deputies	document texte au format Windows - Word. Outil de transcription : Start Stop Universel Transcription System - Version 9.0.
Norway Parliament	Stenographic notes (hand stenography) Transcription on PCs Digital sound recording, custom adjusted version of Winamp Pedal system
Serbia National Assembly	Manual shorthand system, audio recordings and keyboarding. Shorthand assistants draw up shorthand notes and at the same time the sessions are recorded on tape. After 10 minutes shorthand assistant lives the session hall and goes to the typing office to read what he/she has wrote to the typist who types the text using the computer and the Microsoft Word processing system. Editors use the same form (Microsoft Word) for editing
Slovakia National Council	It is made electronically by special elaborated system called: audio-WeM
South Africa National Assembly	PRISM, the same system that is currently used in the House of Lords in the UK. Reporters no longer have to go the hansard recording bay to record their takes. sound is transmitted to their PCs at their workstations.
Czech Republic Senate	Shorthand writers change terms in the plenary sessions lasting 10 minutes circles and further they transcript their records with help of recording with typists for 1 hour.
Brazil Chamber of Deputies	The transcription is done electronically straight from the shorthand records into the computer. The system used is called SITAQ (Shorthand System), which was developed by the Chamber of Deputies Computer Center. It is a client server system and uses the SQLServer as database. This software was developed in Visual Basic 6.0, using Word as the text editor and Windows Media Player for audio reproduction. The SITAQ has been used since October 1998. (Attached are three screens of the system).
Republic of Korea National Assembly	CAS(Computer Aided System) Stenographer enters appropriate codes by the means of a keyboard and the codes are saved in a memory device. When the memory device is connected to a computer, the computer automatically translates the codes.
Sri Lanka Parliament	All speeches made in the House are recorded verbatim by Hansard Reproters in shorthand.

COUNTRY	DESCRIPTION OF SYSTEMS
	Transcription and editing are done on the computer for which there is an in-house developed software programme. All computers are inter-connected in a client/server network operated in Windows environment.
Council of Europe	The work is done by stenographers in the assembly chamber and report writers.
Sweden Parliament	Shorthand notes Word-document for the editing of the transcriptions... Audio/Video-system as a technical aid when editing the transcriptions
Rwanda Senate	Electronique (prière préciser le type de système : hardware, software....) : saisie sur ordinateur, Archivage sur le support matériel(cassette audio, flash disk, support papaier) et archivage électronique
Italy Chamber of Deputies	Suite à la réforme administrative de 2000, la rédaction des comptes rendus intégraux a été confié à des documentalistes qui n'utilisent pas la technique sténographique mais se servent des enregistrements audio; pour dicter les textes ils utilisent un système de reconnaissance vocale dénommé CAMERAVOX.
United Kingdom House of Lords	A customised template based on Microsoft Word 2003, which generates XML based on our output schema. This is then put into XPP (XML Professional Publisher) software to generate pages for printing and html for the internet.
Oman Majlis a'shura	Microsoft office(MS Word) Personal computers connected through internet network (LAN)
Namibia National Assembly	Debate are recorded and thereafter transcribed, analogue
Senegal National Assembly	les secrétaires de débats transcrivent à partir d'un magnétophone à pédale, un casque d'écoute et un ordinateur pour saisir les débats enregistrés sur des cassettes d'une durée de 05 minutes
Guinea National Assembly	La transcription est faite par une équipe de secrétaires sténo pour assurer la mise en page des débats enregistrés La révision consiste à mettre en forme les interventions des députés et membres du gouvernement Après la correction et mise en forme définitive les interventions sont envoyées à l'impression

COUNTRY	DESCRIPTION OF SYSTEMS
Zambia National Assembly	The recording is done in the studio. Transfer of signal from the chamber. Tapes are made and manually transcribed
Burkina Faso National Assembly	Manuel .par sténotypie Electronique : saisie informatisée après la prise par sténotypie
Jordan House of Representatives	Write script in long hand than check
Cape Verde National Assembly	À travers l'enregistrement en fil magnétique et la transcription à l'aide d'un enregistreur pédale
Spain Senate	The current stenotype machines are mechanical though models are about to be purchased
Greece Parliament	Stenograher takes down the proceedings for 5 mnn. As soon as the 5 min time is over , another stenographer takes over following the instructions by the responsible in charge in the plenary hall. There is absolutely no lapse of time , not any one word is missed Each stenographer dictates his 5 min's proceedings to the typists.working on the computer. Immediately after written text is corrected by the supervisor and distributed to the journalists accredited to the parliament. It is worth mentioning that for safety reasons the proceedings are alse recorded by a tape recorder. The recorded tape is used in case of misunderstanduing or doubt as regards the use of a word whatsoever. In addition tothis, the parliament's own TV channel may provide the meeting"s video for the same purpose. The first printing of the minutes is on a five minutes' basis under the name of each stenographer . when the written text is corrected bu the supervisor then the pages are numbred in con tinuity. Approximately 1 hour after the end of the parliamentary's sitting the shorthand minutes are given to the IT directorate of the house and are uploaded on the website 3 days after, once the shorthand proceedings have been overviewed by the supervisors and the respective speakers(i.e the MP's) the final version of the proceedings is uploaded on the parliament's website
Egypt Majlis a'shura	Enregistrement et transcription des débats puis les mettre dans des CD-Rome selon les dispositions du règlement de la chambre.
Qatar Majlis a'shura	

COUNTRY	DESCRIPTION OF SYSTEMS
Bahrain Parliament	Electronic : MSRS et TRANSCRIPTION AUDIO PLAYER SOFTWARE The first system use dis : THE MSRS : conference and court recording system MSRS: is a powerful multiple channel voice recorder program designated for recoirding conferences , court proceedings and similar multi-speaker forums. MSRS has the ability to record up to 32 separate audio channels, then send the recording for transcription using the email or a computer network Transcription Audio Player Software: Express Scribe is professional audio player software for PC or Mac designated to assist the transcription of audio recordings. It is installed on the typist's computer and controlled using the keyboard.
Bulgaria Parliament	Microsoft and adobe software product Stenographic session records are taken by hand, by stenographers, who are present at all times in the plenary hall, for the duration of the national assembly sessions. These shorthand records are then decoded (transcribed into longhand) and entered into a computer as text files. These files are entered into a database created and maintained by staff of the IT Department, in order to be style edited, completed with additional materials and published either electronically or in book form.
Netherlands House of Representatives	The official reporters work in shifts of 13 people, who take so called 5 minute "turns". During their turn the reporters sit in the plenary meeting Hall, making notes. The reporters can make a sound recording of the debate by means of a tape recorder on their disk. The reporters work out their 5 minute turn into a verbatim report in 50 minutes, after which they will take their next turn in the plenary meeting.
Ukraine Parliament	Electronic: SPEED SYSTEME OF COMPUTER TRANSCRIPTION
Sao Tome and Principe National Assembly	SISAUDIO, an audio recording system that allows the tracking of all debates in real time
Slovenia National Assembly	Desktop standard cassette transcriber Marantz PMD 660, Maranz DD1 transcription Kit
Canada Senate	sténotypie + logiciel Eclipse, son numérique
Kuwait National Assembly	Enregistrement des débat et Saisie par Microsoft Word
	The transcription is made up by means of stenographic signs . the sessions

COUNTRY	DESCRIPTION OF SYSTEMS
Chile Senate	are also recorded, so we can use the type to prepare the transcription All the personnel involved in registration and transcription work in a rotating shift during the session (head and reviewers are changed each 20 minutes; editors and stenographers are changed each ten minutes). After his ten minutes shift, each stenographer makes the transcription and prepare a preliminary version (literal), and afterwards a Non-definite version. This one is verified by a reviewer, who prepares the definite version.
Monaco National Council	Tout d'abord un enregistrement audio est réalisé puis l'opération de transcription est réalisée par une secrétaire sténodactylographe
Canada House of Commons	Logiciel privé, plateforme Microsoft d'encodage HTML/XML
Japan House of Councillors	All proceedings of plenary sessions, are recorded by hand-written shorthand symbols by stenographers ho enter the chamber in shifts of certain periods. In a separate office these shorthand symbols are then transcribed using electronic methods(personal computer, input using MSWord) After proofreading, ect, the minutes are made available on the internet and are also printed and distributed
Italy Senate	Clavier électronique (clavier MICHELA) Total éclipse MS Word.
Morocco House of Representatives	le système de transcription électronique utilisé aujourd'hui à la Chambre des Représentants est composé d'un serveur audio, d'un serveur d'application, d'un serveur de base de donnée, et de 8 postes clients. La transcription électronique se déroule comme suit : Au début de la séance plénière chaque transcripteur se connecte à travers un poste client en utilisant un compte et un mot de passe. Le serveur audio enregistre le son, le divise en morceaux de 15 minutes et l'envoie au serveur d'application. Le serveur d'application affecte le «morceau» à un transcripteur disponible. Le transcripteur saisit le «morceau» qui lui est destiné et le transmet au serveur d'application. Ce dernier rassemble les différents «morceaux» saisis et les transmet au correcteur. Le correcteur corrige et transmet à l'éditeur. L'éditeur relit le texte et le valide puis l'enregistre dans la base de donnée. Le compte rendu est alors diffusé en version provisoire sur intranet et sur Internet dans les 48 heures qui suivent la clôture de la séance. Ils sont transmis à l'imprimerie officielle pour publication au Bulletin officiel après validation par le Secrétaire Parlementaire de séance.

COUNTRY	DESCRIPTION OF SYSTEMS
Zimbabwe Parliament	Manual short hand+ computer- Word processing Reporters take 10 minutes takes- typed – proofread-edit-sent to printer. Also printed in the Website
India Rajia Sabha	Speeches are noted in shorthand by very high speed Shorthand writers (reporters) and then transcribed on individual computers through a software PRISM specially made for reporters and then merged sequentially to form a comprehensive debate.
Brazil Senate	La saisie sténographique des débats parlementaires est réalisée sur place et manuellement par les sténographes, avec un recours au magnétophone et à l'ordinateur individuel. Les ordinateurs utilisés sont du type Pentium-4 et les logiciels sont le Word et le SITAQ, développé par le Secrétariat spécial de l'informatique-PRODASEN du Sénat fédéral pour la gestion des fichiers produits par les La saisie sténographique des débats parlementaires est réalisée sur place et manuellement par les sténographes, avec un recours au magnétophone et à l'ordinateur individuel. Les ordinateurs utilisés sont du type Pentium-4 et les logiciels sont le Word et le SITAQ, développé par le Secrétariat spécial de l'informatique-PRODASEN du Sénat fédéral pour la gestion des fichiers produits par les sténographes.
Thailand House of Representatives	The minutes of proceedings of the Constitution Drafting Assembly (CDA) are prepared by stenographers who are the officers of the Bureau of Minutes and Stenography who recorded the proceedings of the meetings in verbatim. The Sittings of the CDA will be displayed online. Additionally, both online video and audio broadcasts of sittings can be downloaded online a file which the stenographers who are preparing the transcriptions of any sittings can replay them as many times as needed. By this method we will have an accurate verbatim minute of proceedings of the CDA.
Kenya Parliament	Transcripts using Dictaphones and computers Using recorded cassettes by use of Dictaphones and computers using WordPerfect version 5.1
Cameroon National Assembly	Sténographie et transcription par PC TAO : transcription de la sténotypie assisté par ordinateur (sténotype Grnadjean-Tempo+ Connection clef USB rechargeable pour transmission des données+ relecture et impression .

Draft recommendation for developing systems of transcription and publication of debates of parliamentary assemblies

Mr Abdeljalil Zerhouni
Secretary General of the House of Representatives of Morocco

The plenary assembly of the ASGP,

1 remembering the high importance of production and publication of parliamentary debates which are carried out in most parliamentary assemblies under the Constitution, organic laws and internal rules,

2 convinced that the production and publication of parliamentary debates guarantees the preservation of memory and parliamentary history of a particular country in documents which are the best primary source reference works for Members of Parliament, the media, legal and judicial institutions, researchers and the general public,

3 remembering that the publication and preservation of parliamentary debates allows electors and the general public to learn about the progress of debate, to follow the different stages of discussion of bills and allows citizens to judge the contribution of various political actors and more generally the relevance, efficiency and credibility of their elected representatives,

4 considering the recent and very rapid changes in information and communication technology, particularly in the area of transcribing and publication of parliamentary debates and the advantages of transparency, speed and reliability which they offer,

5 acknowledging that several parliamentary assemblies still use traditional systems of transcribing and publishing parliamentary debates which have various handicaps and weaknesses,

6 considering the possibilities of partnership and co-operation programmes whether bilaterally between parliamentary assemblies or multilaterally (ASGP, IPU, UNDP...),

7 aware, finally, of the importance of the role of our association (ASGP) and our respective roles as Secretaries General in encouraging the exchange of experience and organising co-operation between parliamentary assemblies,

1 -- Recommends the general use in parliamentary assemblies of electronic systems with a view to responding to the obligation, often under the Constitution, to produce and publish parliamentary debates.

2 -- Calls upon the ASGP, and through it the IPU, to encourage co-operation programmes which are able to assist parliamentary assemblies which wish to develop their systems of transcribing and publishing parliamentary debates.

3 -- Calls upon all the Secretaries General who are members of the ASGP to facilitate and encourage co-operation programmes and exchange of experience within the framework of bilateral relations in this area.

Mr Anders FORSBERG, President, thanked Mr Abdeljalil ZERHOUNI for his report. He then invited those present to put questions.

Mr Xavier ROQUES (France) said that the French experience seemed to confirm the superiority of digital solutions over manual ones. In the National Assembly there was a "rapid" summary — an interim summary, available several hours after the end of the sitting — and an official report — previously made by reporters, given to typists, read by "revisers" (and, where necessary, by the Director of the Service), sent to the Official Journal and then printed.

The publication of the official report several years ago took about 10 days — often longer. Thanks to IT, and at the cost of various difficulties with staff who were often very attached to their working practices, the Assembly had made spectacular improvements: it was no longer necessary to use external contractors to cope with overload of work, the Official Journal now appeared 48 hours after a sitting, the increase in productivity had allowed certain staff to be reassigned to reporting meetings of committees, etc.

Mr Hafnaoui AMRANI (Algeria) said that the Algerian Parliament still used a traditional system of transcribing, notwithstanding an obligation relating to the time limit of publication of reports of debates. He asked Mr Abdeljalil ZERHOUNI whether, when he mentioned "Parliamentary" debates, he was referring only to debates in public or whether he also included committee discussions.

Mr Austin ZVOMA (Zambia) said that in Zambia the report of committee meetings was published within three days.

When the official report of such meetings was published, Members of Parliament had 14 days within which to make corrections.

Mr Abdeljalil ZERHOUNI, in reply to Mr Hafnaoui AMRANI, said that he had been referring to public sittings — the rules relating to publication of reports and minutes of committee meetings were a special case.

Mr Anders FORSBERG, President, thanked Mr Abdeljalil ZERHOUNI and all those members present for their questions.

2. General debate: "Induction of new Members of Parliament: the role of the Secretariat"

Mr Anders FORSBERG, President, invited Mr Henk BAKKER to start the debate.

Mr Henk BAKKER spoke as follows:

"The parliamentary system in the Netherlands

The House of Representatives of the States General in the Netherlands has 150 members out of 150. Elected by twelve million eligible voters, the members of the House represent the more than seventeen million inhabitants of the Netherlands. The electoral system is almost completely proportional. We do not recognise any electoral threshold. To delegate a legislator, however, a party must achieve at least the electoral quotient. In the most recent elections, which were held in November 2006, the electoral quotient was 81,000 votes.

Because of this system, there are usually many parties in the House of Representatives. There are currently ten parties, the smallest of which has two seats and the largest of which has forty-one seats.

Breaking away

Elections are usually held once every four years. Until 2001, elections did not usually lead to major shifts. In recent years, however, voters in the Netherlands have broken away from this trend. In 2002, a new right-wing party emerged, which placed particular emphasis on the issue of immigrants and integration (if not assimilation). This party quickly won twenty-six seats. Despite its unprecedented success, however, this party has since disappeared from the parliament.

Major shifts occurred again in 2006. The farthest left party increased from nine to twenty-five seats. The farthest right party increased from one to nine seats. The social democrats lost nine seats, leaving them with thirty-three.

Parliamentary memory

Because the major political currents have recently been working to renew their candidate lists, seventy new members entered the House of Representatives after the elections of November 2006. Because similar renewals had occurred in the wake of earlier elections as well, 118 of the 150 current legislators have less than five years of parliamentary experience.

This situation places heavy demands on the civil-service organisation for the House of Representatives. At times, the demands are too great. The parliamentary memory is currently maintained primarily by the official support services. This is an undesirable state of affairs.

Reception of new members

In the Netherlands, no single party has ever had an absolute majority. After the elections, therefore, it is necessary to forge a coalition. The period around the elections is thus relatively calm in terms of legislative activity. It takes several months for another full-fledged administration to emerge, allowing the parliament to resume its functions at full capacity. In this respect, the current system allows plenty of space for the introduction and orientation of new members and, in some cases, brand-new parties.

Accommodation

The beginning of a new parliamentary session is also characterised by commotion, at least for the civil-service organisation. After the elections, our primary concern is to provide all parties and new members with appropriate accommodation.

The House of Representatives has 15,000 square metres of office space and 3,691 square metres of meeting space (divided into 42 meeting rooms) at its disposal. The current area provides 52 square metres of space for each representative. This space must be allocated to the various parties for both their members and their official support services. It is not so much the distribution that causes a scuffle that recurs every four years; it is more a question of who is to receive which particular square metres. We allow the parties to decide amongst themselves how they will distribute the space that is allocated to them.

Introduction

Another matter that must be arranged after the elections is the introduction of new Members of Parliament. Over time, various methods have been employed to acquaint new legislators with the work of the House of Representatives and the services of its civil-service organisation. This originally took the form of a weeklong introductory training course. It was not effective. New legislators are confronted with many new matters immediately after their election. They must establish themselves within their parties, spokespersons must be designated and a new government must be formed. In the midst of all these activities, journalists are constantly seeking opinions. In some cases, the final sessions of the training courses were attended by only two members.

We have now learned to think from the outside inward. For example, we have learned that we should no longer tell new legislators that ‘Access badges can be obtained from office A133 between 9:30 and 11:30, but not on Monday or Friday’ or that ‘We will be available to answer questions concerning your legal position only on Tuesday and Wednesday afternoons’. We now ensure that all services are available in a single location on several different days, so that the necessary arrangements can be made. This location has come to be known as the ‘reception hall’. Once the new legislators have left this room, they have their restaurant accounts, access badges, e-mail addresses, laptops, access tokens, telephone numbers and information folders.

Before legislators can be sworn in, a number of formalities must be attended to, including establishing that there are no legal impediments to admitting the newly elected representatives, that they all possess Dutch citizenship and that they are all over the age of 18. The goal is always to ensure that all newly elected members of the House of Representatives are ready for inauguration within eight days of the elections. In this time, the civil-service organisation has had the opportunity to record personal information, make official photographs and conduct interviews for the website of the House of Representatives.

Official support team

As I mentioned earlier, an entirely new party with twenty-six members arrived after the elections of 2002. None of these legislators had any parliamentary experience at all. This situation gave rise to the concept of an official support team. The official support team takes new members by the hand and instructs them in the basics of the parliamentary process. New parties are assigned the services of an official mentor for several months. These mentors help parties to find their way in the parliament, both literally and figuratively.

Flexibility and adaptive capacity

The reception and introduction of new legislators requires a considerable amount of flexibility and adaptive capacity on the part of the civil-service organisation. A project leader is appointed from within the management team to coordinate the services that will be provided to the 'new members' without taking away their own responsibility. For example, the project leader prepares a schedule. The training courses around which the introduction originally revolved are now listed in the information folder. The Registry, Committee staffs and Information Facilities thus offer a menu of course options, which legislators can attend at times that best suit their own needs. The training courses can even be offered individually, if a new legislator prefers.

Introductory meeting

The introductory course of the past has not disappeared completely. Matters such as indemnity and plenary activities are addressed briefly in a short, concise meeting. Intensification meetings and custom training courses are organised at a later stage. Examples of custom courses include how to read the budget, the influence of 'Brussels' the European Common Market and the legislative process.

<u>Good for the organisation</u>

The compact and centralised working method has the added advantage that the services of the party's own civil-service organisations are obliged to look beyond their own boundaries. It is necessary for services to cooperate and, in some cases, seek joint solutions in order to fulfil special requests. A parliament's civil-service organisation should be neither overly official nor bureaucratised. We should remain creative and customer oriented, and we should continue to learn. It should be possible to improvise when necessary, and the political leadership should allow

space and trust for such improvisation. I hope that we can be a learning organisation. This type of operation can help to make this possible."

Dr Ulrich SCHÖLER (Germany) presented the following contribution:

"I would like to give you a brief insight into the way in which the Parliamentary Administration of the German Bundestag inducts new Members into the parliamentary work.

In the German Bundestag, the induction of newly elected Members into the parliamentary work is undertaken by various organizational units of the Parliamentary Administration. In general, the relevant information is transmitted to Members by the Secretary-General of the German Bundestag. I will begin by providing a general overview of the "initial steps" taken at the start of an electoral term, and then focus in more detail on some of the practical aspects of relevance to newly elected Members.

At the start of a new electoral term, the Secretary-General of the German Bundestag first of all writes to the new Members of the Bundestag and supplies them with various items of essential information in the form of brochures and memoranda on the general legal, financial and practical conditions pertaining to a parliamentary mandate.

Included in this documentation for Members are notification of the agenda of the constituent sitting of the new Bundestag, the texts of the Rules of Procedure to be adopted, a memorandum about elections and voting procedures, and guidelines on the parliamentary right to put questions. The Parliamentary Secretariat also runs information events for Members' assistants and the staff of the parliamentary groups, focussing on Members' right to put questions and on the procedure for preparing the plenary agendas and parliamentary items such as draft laws and motions.

We often find that immediately preceding the constituent sitting of the newly elected Bundestag, some Members have still not submitted their declaration of acceptance of election which is required by law. In such cases, the Bundestag Administration makes arrangements for the Members in question to hand this declaration to specially authorized staff of the Bundestag Administration before entering the plenary chamber.

The Members are also provided with written documentation about all issues concerning the legal status of the Members of the Bundestag. Besides explanations of Members' remuneration, this includes guidance on the expense allowance for the equipping of Members' offices and the costs of additional accommodation at the seat of Parliament, trips connected with a Member's mandate and representational duties. The rules governing the exercise of the parliamentary mandate itself are a vital item of information; these are contained in the Act on the Legal Status of Members of the German Bundestag and the Code of Conduct for Members of the German Bundestag. The Code of Conduct includes guidelines on the notification and disclosure of paid activities undertaken alongside the parliamentary mandate

and on the acceptance of donations. Tax liability, health insurance contributions and pension entitlements on retiring from the German Bundestag are also explained. The Members are supplied with copies of the relevant legislation. Members are given guidance on the recruitment of personnel to assist them with their office work, including information about labour law and sample employment contracts. Staff from the section of the Administration responsible for this area of work are also on hand to provide oral information at the initial meetings of the various parliamentary groups.

I would now like to focus on various aspects relating to Members' practical work:

A key source of information for newly elected Members is the Guide for Members. This is a reference book which describes the wide-ranging administrative, research and technical services provided by the Bundestag Administration. It also lists important contact persons and contains practical information of relevance to the parliamentary routine.

There are specific organizational units of the Bundestag Administration which deal with accommodation and technical equipment for Members. They prepare the allocation of the requisite office space, provide information about the various options for equipping the offices both at the German Bundestag's seat in Berlin and in the constituency, and provide advice on obtaining computers and telephones and other office equipment.

At the first meeting of their parliamentary groups, newly elected Members are also given information about travel undertaken in connection with their parliamentary mandate and official trips, especially booking procedures, accounting, and information on the free use of German railways (Deutsche Bahn AG). Members also receive a memorandum about travel undertaken in connection with their parliamentary mandate and official trips and a supply of forms to claim the costs of travel to their first parliamentary group meetings.

The parliamentary groups also play an important role in inducting newly elected Members. At the first meeting of the parliamentary group, and in line with their thematic responsibilities, the Parliamentary Secretaries – a kind of manager for the parliamentary parties – explain the requisite procedures and services and provide information about the options for obtaining technical equipment from the parliamentary groups. The parliamentary groups also deal with appointments to the committees and other Bundestag bodies. In advance of this process, the Members are supplied with questionnaires and are requested to provide details of their particular interests in membership of the various bodies.

Once the membership of the committees has been decided upon, the committee secretariats – consisting of staff of the Bundestag Administration – inform the new Members about the practical work undertaken by the various committees. Members are also given information about the support services provided by the research sections of the Bundestag Administration. These units compile studies, analyses and statistics, documentation and background information in response to Members' enquiries. A particular feature of our Parliamentary Administration is that the

thematic focus of the research sections coincides with that of the committees. The staff of the research sections are generally jurists or graduates in subjects such as history, economics/business management, natural sciences and political science, as appropriate. Members' assistants can also attend information events about the work of the committees and research sections. For committees which follow specific procedures, such as the Petitions Committee, special training sessions are arranged, e.g. on the handling of petitions.

In the field of international relations, the newly elected Members – after appropriate nomination by the parliamentary groups – are supplied with information about the parliamentary friendship groups and interparliamentary organizations. For this purpose, dossiers are sent out containing information about the working methods, functions and contact persons both in the international organizations and in the secretariats within the Administration. A special induction process for staff is also offered.

For the sake of completeness, I shall conclude by mentioning that every year, and therefore occasionally at the start of a new electoral term, the President of the German Bundestag invites all Members to participate (voluntarily) in two international exchange programmes. Through the International Parliamentary Scholarship Programme, Members offer a young person from one of 25 different countries a unique opportunity to complete a four-month internship in their office in the German Bundestag and thus to familiarize themselves with parliamentary procedures and political decision-making processes. Through the Congress-Bundestag Youth Exchange, a German-American youth exchange programme established by the US Congress and the German Bundestag, Members can grant a stipend to a student or young professional from their constituency to spend an exchange year in the USA, and sponsor – and, as required, support – the young person throughout their stay. In both cases, the Members receive practical assistance and back-up from the parliamentary groups and the Bundestag Administration.

I hope that my contribution has given you an insight into the ways in which the Parliamentary Administration provides support to newly elected Members of the German Bundestag."

Mr Austin ZVOMA (Zimbabwe) presented the following contribution:

"1. Introduction

This paper provides the major highlights of the Parliament of Zimbabwe's Induction Programme for new Members and what it sets to achieve.

In 1997, the Parliament of Zimbabwe appointed a Parliamentary Reform Committee (PRC) to consider the Practice and Procedure of Parliament in relation to public business and make recommendations for the more effective performance of its functions. The PRC recommended, among other things, a more systematic induction of new Members immediately after a general election. The recommendation was based on an observation that, prior to the reforms, there was no structured

induction programme for new Members. With the reforms, Parliament of Zimbabwe has developed a comprehensive induction programme that utilises some training modules developed and adopted by the secretariat in order to give Members a comprehensive introduction of their roles and responsibilities.

The secretariat plays a central role in the induction of Members, starting with the preparation up to the actual induction process. As Members prepare for elections, the secretariat will determine the dates and the venue among other logistics as well as preparation of information packages relating to the practice and procedure as well as the Administration of Parliament.

As alluded to above, the induction programme is broadly divided into two, procedural and administrative matters which are dealt with by the Clerks-at-the-Table and Functional Directorates respectively. The induction programme also includes a guided tour of the Parliament building and the issuance of a package of informational material that includes the Constitution, documentation on Standing Orders, the Parliamentary Reforms adopted by Parliament, the Subsistence and Travel Regulations and the Privileges, Immunities and Powers of Parliament Act to all Members.

2. Objectives of the Induction Programme

The objectives of the induction programme for the bi-cameral Parliament comprising the Senate and the House of Assembly are: -

- To inform Members of Parliament about the Role and Functions of Parliament as one of the three arms of the State;
- To equip Members with basic knowledge of parliamentary practices and procedures to facilitate their effective participation in the legislative the legislative process;
- To bring members up to date with latest/new developments (e.g. Parliamentary Reforms); and
- To expose new Members to the services that contribute to Parliament's effectivel discharge of its constitutional mandate.

3. The Role of the Secretariat

The various departments organised according to functional Directorates at the Parliament of Zimbabwe have different roles to play in the induction of Members. The Public Relations Department is the lead department as it is responsible for coordinating the efforts of all the other departments. That Department puts together the programme of events as well as informing Members of the dates, venue and other details of the induction. Induction for Members usually takes place within a fortnight of the elections to ensure that Members receive the necessary guidance on time and to enable them to immediately commence their duties with minimum difficulty.

3.1 Procedural Matters

The Clerks-at-the-Table led by the Clerk of Parliament and assisted by the Deputy and Assistant Clerks are in charge of procedural matters covering the details and intricacies of the rules of each House (Standing Orders). This assists the new Members to follow and participate in debates at the earliest possible time. Without this information, Members would have to rely solely on reading the Standing Orders or observing the returning Members of Parliament, a situation that inevitably puts them at a distinct advantage for some time and often leaves them open to incorrect advice.

Topics that are covered under procedural matters include;

- The functions and powers of Parliament contained in the Constitution and Standing Orders;
- The Structure and Organisation of Parliament;
- Practice and Procedure of Parliament;
- Business of the Houses;
- The Legislative Process; and
- The Committee System.

The Role and Functions of Parliament covers issues such as the mandate of Parliament as stated in the Constitution and Standing Orders and the relationship between Parliament and the other two arms of the State. The mandate of Parliament stated in Section 50 of the Constitution, "*to make laws for the peace, order and good government of Zimbabwe*" was adopted by Parliament as its Mission Statement. Emanating from the Mission Statement are the three major roles of the Legislature namely, Legislative, Executive Oversight and Representation. The role of Parliament is explained in the context of the doctrine of separation of powers among the three arms of the State. Emphasis is placed on the fact that Parliament does not and should not seek to govern, but to call the Executive to account for the manner in which it executes public policy and programmes. Governing is the preserve of the Executive.

Members are also exposed to the administrative structure of Parliament, the role and functions of Presiding Officers, Leaders of Government Business, Leader of the Opposition and Party Whips. The relationship between backbenchers and the front bench is also explained and clarified for the smooth functioning of Parliament. Emphasis is also placed on explaining how these various offices contribute towards he smooth functioning of Parliament as well as how and where Members should channel any issues of concern. The secretariat also exposes Members to the role of Party Caucuses in guiding Members on party policy on issues before Parliament.

Under the Business of the House, Members are informed of the two main forms of the business, namely public and private Members' business. This section is meant to alert Members to the different types of business that comes before Parliament. Most of the business of Parliament is public business, and thus it is allocated more time during the sessions of Parliament. Under public business such matters as legislation, ratification of treaties, protocols and agreements, Ministerial statements, consideration of financial matters etc are covered. Members are at this stage alerted to the rules of procedure relating to the types of business. This includes clarifying how the business is brought before Parliament and the rules of debate relating to each genre of business.

The presentation on the legislative process looks at the types of legislation that can be brought before Parliament, namely public, private and hybrid bills. In differentiating the types of bills, emphasis is placed on how these bills are generated and how they are brought before Parliament. For the private Members' bills, Members are advised of the assistance they can get from secretariat of Parliament if the motion to bring in a private member's bill is adopted. This is done in line with Parliamentary Reforms which advocated for Parliamentary support of private Members' efforts in piloting their bills in Parliament once the motion is adopted. Members are taken through the various stages that bills go through until they are passed by Parliament. The preliminary stages of public bills before they are brought before Parliament are explained. The role of individual Members, Portfolio Committees and the Parliamentary Legal Committee are also explained. This is done to ensure that Members are aware of when to bring in amendments to bills and how the public can be involved in the legislative process through Portfolio Committees in line with Parliamentary reforms.

The relationship between the two Houses in the consideration of bills is also explained. This covers what bills can originate in the Hose of Assembly and the Senate respectively and their transmission to either House and how amendments to a bill which originated in one House are treated by the other. The resolution of disputes in the event that the two Houses cannot agree on bills is also explained at this stage. Since the legislative authority is vested in the Legislature which comprises the President and Parliament, it is also important that Members get an insight into the role of the President in the legislative process.

The Assistant Clerk, responsible for Portfolio other Select Committees makes a presentation on the Committee System. Under this topic, Members are exposed to the various types of Committees that are provided for in terms of Standing Orders and how they are appointed thereto. The roles and functions of these Committees are also explained. This background information helps to prepare Members to identify which Committees they would like to serve on.

3.2 Administrative Matters

The Heads of the various departments at the institution are responsible for facilitating the induction of Members on the services they offer to enable Members to discharge their responsibilities with minimal difficulties. They each explain the services available and how Members can access such services.

Information on such services as the vehicle scheme, conditions of service including salaries and allowances and Members' benefits such as eligibility for state pensions is provided.

The secretariat also takes advantage of the induction programme to arrange for those Members without passports to obtain these at that time. The Public Relation Department liaises with the respective government departments to issue Members with the relevant documents. This helps to ensure that Members acquire, with minimal difficulty, all the documents that they may require during their tenure as Members of Parliament

The Research and Library Departments responsible for information needs of Members respectively, explain the research services available and interviews individual members to establish their special interests. Access to the internet is also becoming central to accessing up to date information and for communication purposes, hence the Information Technology Department explains to Members where to access internet facilities within the building. The Department also explains the basic training that Parliament offers to Members to enable them to use the internet to access information.

As part of the reform process, Parliament of Zimbabwe has established Parliamentary Constituency Information Centres (PCICs) in each of the 120 House of Assembly constituencies to serve the information needs of constituencies and to act as focal points of interaction between Members and their constituencies. PCICs house socio-economic profiles at Ward, District and Provincial levels. As property of Parliament, PCICs are for public use regardless of political party affiliation. The Public Relations Department is responsible for the administration of the services available to Members through the PCICs. The department emphasises the non-partisan nature of the offices to ensure that Members do not turn the offices into extensions of their party offices. During the induction the secretariat also explains to Members the conditions attached to the utility charges that Parliament is responsible for paying for and how this is managed.

4. Conclusion

The induction programme for new Members at the Parliament of Zimbabwe is very extensive and is meant to ensure that Members settle into the institution as quickly as possible. The secretariat organised into functional Directorates under the direction and control of the Clerk of Parliament arranges the induction of Members to provide them with information on procedural matters and the administrative services available from the institution for their convenience. For their induction, all Members receive a package of written informational material that includes the Constitution, Standing Orders, Guide to Parliament and the Privileges, Immunities and Powers of Parliament Act for future reference purposes. It is, therefore, clear from the foregoing that the secretariat plays a central role in the induction of new Members."

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

"How Are Senators Elected

The Constitution of the CR stipulates that one third of the Senators are elected every other year, therefore a maximum of 27 new Senators may be put into office every two years. With some of the Senators being re-elected, the actual number of the new Senators has been between 18 and 24 so far.

In the CR, elections to the Senate usually take place in November. The Senators are elected for a period of six years and their mandate is established on the day of their election. Upon their election, the Senators are entitled to remuneration and other benefits. The Senators, however, begin to perform their mandate only after they are presented with the election certificate from the Minister of Interior and after taking the oath of office at the first plenary meeting.

Tasks of the Senate Chancellery

What does this step mean for the Senate Chancellery as a service organisation? Its employees make preparations for the newly elected Senators well in advance. The crucial task of the Senate Chancellery, laid down by law, is to create personnel, organisational and technical conditions for the activities of the upper chamber of the Parliament of the CR. Apart from this main task, it can also use the Senate premises (if not needed for its regular activities) to organise various educational, cultural and social events for the public. As the Senate election system is based on the majority principle, the upper chamber consists exclusively of winners, which – considering there are 81 members – places high demands on the employees of the Senate Chancellery, in particular on their ability of individual approach to dealing with specific requirements and problems of each of the Senators. The key qualifications for their job are professionalism, expertise, loyalty and flexibility.

Information Service for Senators

Immediately after taking the office, the Senators receive basic information and crucial documents. These include in particular a set of legal regulations, the Rules of Procedure of the Senate and the Chamber of Deputies, examples of prints and Committee resolutions, an example of the Senate weekly agenda, a list of services provided by the Senate Chancellery including contact persons, the two latest issues of Senate magazine, the operation manual for the voting device, a CD-rom and a film summarising the activity of the Senate in the previous year and information materials on the activities and seat of the Senate which are also available to the public.

Political and Administrative Level

The following procedure has two levels: political and administrative. On the political level, the question of division into caucuses is addressed. The new Senators can choose to join an existing caucus or form a new one (this requires a minimum of 5 members) or remain independent. The membership in caucuses is very important, as this is where the issues of Committee structure and composition and nominations

for elected posts (President, Vice-Presidents and Committee and Commission Chairpersons) are debated.

On the administrative level, personnel issues are dealt with first (issuing of a Senator's card and a diplomatic passport). The Senators are offered accommodation and their offices at the seat of the Senate are furnished. The Legal Unit will arrange for all the contracts to be signed by the Senators: contracts with their assistants, lease contracts for offices in their constituencies and other contracts to satisfy their material needs. The Personnel Unit is in charge of financial matters, i.e. remuneration, lump sum compensations as well as expenses on technical and administrative works. Furthermore, the Senators' offices - both in Prague and their constituencies - are equipped with computer technology and the Senators are provided with a mobile phone, if required.

Apart from the Chancellery divisions the Senators co-operate with immediately after their electing, they are also in contact with other divisions, such as the Legislative Department, Foreign Relations Department, Protocol Unit, etc.

Regular Gatherings and Seminars for Senators

It has become a tradition for the Senate Chancellery to organise regular gatherings with the Senators and their assistants at the end of each calendar year where the current issues regarding mutual communication are discussed. The Chancellery also furnishes information on the legislative process, non-legislative activities as well as events or changes planned by the Chancellery. On this occasion, all executives of the Chancellery have the opportunity to introduce themselves and to present their activities, focusing on information useful for the Senators.

Apart from the above-mentioned gatherings, the Senate Chancellery in co-operation with the Parliamentary Institute host seminars on selected issues related to Senators' work. The recently held seminars were aimed at the following topics: Senator's mandate, legislative process and Senate functions. The themes of seminars are frequently connected with selected areas of the European Union agenda and its documents."

Mr Anders FORSBERG (Sweden) presented the following contribution:

"The induction programme

After the 1994 election a special induction programme was started. It was repeated after the following three Riksdag elections (1998, 2002 and 2006). On all these occasions a comprehensive induction programme was offered to the newly elected members. In addition each party gave their new members their own party-political induction.

Before the induction programme starts, some information is sent by mail to all new members, together with the official letter summoning them to the Riksdag. It contains a booklet where members can find the most important information they need about the Riksdag Administration's service to Riksdag Members and about their remuneration. It also contains general information about the Riksdag. For the

2006 election a completely new Parliamentary handbook was produced, containing information about the work of the Chamber and the committees and about interparliamentary cooperation.

On taking their seats, new and re-elected Members also received a file with supplementary information about service to Riksdag Members.

After the 2006 elections the induction programme was as follows:

First week

- Tour of the Riksdag premises
  A practical tour with the purpose of acquainting new members with the various buildings and premises of the Riksdag.

- The Riksdag's organisation, working procedures and service functions
  An introduction to the work of the Chamber, the committees and the various bodies for parliamentary control, and the service functions of the Riksdag.

- Introduction to the Riksdag's computer network
  An introduction to the Riksdag's computer network and the allocation of a computer account. For the 2006 election a system of IT mentors, to provide support and training in the Riksdag IT environment, was also introduced.

First month

- Budgetary procedure in the Riksdag
  Presentation of the Riksdag's budgetary procedure by members of the Committee on Finance.

- Using the travel system Tur & Retur
  Travel regulations and registering travel expenses, etc.

- Work in the committees
  Each committee gives a brief presentation to the new members after the inauguration of the first meeting of the Riksdag session. After that, each committee is responsible for arranging further presentations.

- Knowledge & Information Evening
  The Research Service, the Riksdag Library, the Information Department the EU Information Centre, the Department for Parliamentary Documents, and the journal Riksdag & Department (Parliament & the Ministries) present their activities and services.

After the first month or later

- Security issues
  Important information about personal security and IT security.

- Unwritten rules in the Riksdag
  An informal meeting for discussing unwritten rules in the Riksdag.

- The Riksdag and the EU
  Presentation of the Riksdag's EU-related activities.

- The international activities of the Riksdag
  Presentation of the International Department's various activities coordinating the international contacts of the Riksdag and its Members.

- Parliamentary control
  Presentation of the work of the Committee on the Constitution, the Parliamentary Ombudsmen and the Parliamentary Auditors.

- The legislative process
  Information about the foundations of the Swedish rule of law, the various legal fields covered by legislation, and the origin of legal regulations.

- Control, follow-up and evaluation
  Scrutiny of the Government by the Committee on the Constitution, the duties of the Riksdag's ombudsmen and the National Audit Office, and follow-up and evaluation by the Riksdag committees.

- Guide course
  Members often invite visitors from their constituencies, from schools and from organisations to visit the Riksdag. This course gives them an opportunity to take care of their visitors themselves. The training session contains not only an introduction to guiding but also information about visiting routines for groups and guiding routes.

- Associations & Societies Evening
  Associations in the Riksdag, such as the sports club and various friendship societies, present their activities.

- Open House at the Riksdag's administrative offices
  Information including travel reimbursement regulations and other financial particulars.

- Member of the Riksdag – on the same conditions?
  Information about the Riksdag's work on gender equality, etc.

Which part of the Riksdag is responsible for producing the programme?

A project group appointed by the Secretary General of the Riksdag drafted the induction programme and coordinated the Riksdag Administration's various activities in connection with the Parliamentary elections.

Under the umbrella of the project group, different working groups made up of staff from separate parts of the Riksdag Administration worked with various detailed assignments – drafting handbooks, coordinating practical matters, etc.

In the preparatory stage, the basis of the programme was discussed at meetings with the Council for Members' Affairs and with the Administrative Directors of the party groups."

Mr Nasiru ARAB (Nigeria) presented the following contribution:

"1.0 BACKGROUND

In most emerging democracies, induction programmes for new Members is paramount to the overall success and deepening of the democratic processes owing to the high turnover of Legislators. In Nigeria, though the training of Legislative Officers commenced since 1979 at the inception of the 2nd Republic, actual induction course for newly elected Members of Parliament started only after the inauguration of the Fourth Republic in 1999.

Considering the long period of military intervention (1983-1999), there is hardly any worthwhile legislative experience for new Members of both the National and the State Houses of Assembly to reply upon in the performance of their legislative duties.

2.0 AIMS AND OBJECTIVES

The main aim of conducting induction courses is essentially to acquaint newly elected Members with the legislative processes to procedure, and the challenges they face as representatives of the people. In broad terms, induction courses organized for Members are intended to achieve the objective of providing information on:

a. The general functions of the Legislature;

b. The provisions of Nigeria Constitution and the Legal System operating in the country;

c. Principle of Separation of Powers between the Three Arms of Government and the concept of Checks and Balances;

d. Law-making Processes;

e. Standing Rules/Orders of Parliament;

f. Powers, Privileges and Immunities of Parliament and Members;

g. Role of the Legislators in Institutional Building and Economic Development;

h. Details of extra-legislative functions of Members particularly the Oversight functions of the Legislature.

3.0 THE ROLE OF THE SECRETARIAT

In Nigeria, the Conference of Presiding Officers of National and State Houses of Assembly, under the Chairmanship of Senator Joseph Wayas, the then President of the Senate resolved to establish the National Secretariat of Nigerian Legislatures (NSNL) in 1980. The Secretariat was created as a Division under the Office of the Clerk to the National Assembly to serve as a clearing house for all relationships between the Nigerian Parliaments and other International Parliamentary organizations such as the Inter-Parliamentary Union (IPU), Commonwealth Parliamentary Association (CPA), African Parliamentary Union (APU), African-Caribbean and Pacific (ACP)/European Union (EU).

Among its other key functions, the Secretariat is also responsible for the planning and coordinating of orientation programmes for newly-elected Members and other core legislative staff of National and State Houses Assembly. In this respect, the Secretariat has put in place an Induction Programme for Members of Parliament elected during the 14th April, 2007 elections in Nigeria. The training has become even more pertinent as a good number of the current Members are not likely to return to the next Parliament which is expected to be inaugurated in June this year.

The Secretariat is currently competent and experienced resources persons/facilitators to handle the training to be conducted in six centres across the country. Ideally, some long-serving Members of Parliament should be involved in the Induction Programme. However, owing to the young state of our Legislature, we do not have enough of such Members in the country, emphasis is placed on sourcing for Resource Persons with the requisite academic qualification and cognate experience from the academia and retired Clerks. The new Members will also be provided with relevant publications and reference materials providing comprehensive information about the administrative and technical functions of the Parliament.

It is also the responsibility of the Secretariat to prepare a detailed budget on the financial implication for conducting the Induction Programme.

4.0 EXPECTED BENEFITS

It is expected that the Induction Programme will equip the newly-elected Members with necessary knowledge and information on Legislative ethics and Procedure in all its ramifications. This will undoubtedly enhance their performance at law-making. The training programme will also acquaint them with Constituency Outreach Strategies for the enhancement of their representation functions.

5.0 CONCLUSION

The Secretariat has an enormous responsibility in conducting the induction of new Members of the Parliament. Its discharge of this responsibility is pivotal to the development of the Parliament. The funding of its activities therefore should be

given the importance it deserves especially in emerging democracies where the is a low appreciated of the importance of such inductions and the need to provide adequate budgetary provisions for Induction/Training of Members."

Mr Zarko DENKOVSKI (The Former Yugoslav Republic of Macedonia) presented the following contribution:

"The parliamentary multiparty system in the Republic of Macedonia was established after the country gained independence and adopted the Constitution in 1991. The Assembly of the Republic of Macedonia is a representative body of the citizens of Macedonia and the legislative authority is vested in it. The Assembly is unicameral with 120 to 140 Members of Parliament, elected on general, direct and free elections with a secret ballot. The parliamentarians are elected for a term of four years, and their mandate cannot be revoked.

The last parliamentary elections in the Republic of Macedonia were held on 5 July 2006, when the present parliamentary composition of 120 MPs was elected. Their mandate was verified on 26 July 2006. With the verification of the mandate, the parliamentarians are entrusted with the rights and obligations stipulated with the Constitution, the Law and the Rules of Procedure of the Assembly.

In the current parliamentary composition consisting of 120 MPs, 88 or 73% have for the first time been elected in the Assembly, which of course for them is a new experience. Because of the fact that in each new parliamentary composition a larger or smaller percentage of the MPs are elected for the first time, there is a need for introduction of the newly elected representatives in the work of the Assembly, and the Staff of the Assembly of the Republic of Macedonia has an important role in this.

The Staff of the Assembly is consisted of 190 employees with the status of civil servants. The status, rights, duties and responsibilities of the civil servants, as well as their employment, career, and the system of remuneration are regulated with the Law on Civil Servants that entered into force in 2000. The Staff of the Assembly performs their duties on the principles of confidentiality and reliability, openness and transparency, responsibility, efficiency and effectiveness.

The Assembly Staff is composed of professional, politically unbiased and service-oriented personnel, unlike in some other parliaments, where besides the regularly employed members of the staff each political group or faction in the parliament has employees working in the function of the interests of the party, giving support to a specific political party.

For the last seven years the Internship Programme is being realized in the Assembly. It enables students nearing the completion of their studies to perform practical work in the Assembly of the Republic of Macedonia. For the period of six months, around 40 students assist the parliamentary groups, the cabinets of the President and the Vice-Presidents of the Assembly, as well as the personnel working in the departments.

During this parliamentary mandate, the Assembly of the Republic of Macedonia has in the Assembly building, in cooperation with the NGO National Democratic Forum, for the first time organized a parliamentary session for the newly elected MPs called: Services and Responsibilities: "Representing the People". Several foreign experts, parliamentarians from the previous composition of the Assembly, and heads of the Assembly departments had presentations at this two-day event. The MPs from the previous mandate shared their vast experience with the newly elected MPs. The participants at the Seminar from the Staff of the Assembly had presentations on the topics: "Your support in the Assembly" and "Your role as Members of Parliament". The heads of the Assembly departments participated in the discussion in the section dedicated to the support of the MPs in the Assembly. All of the heads of department presented the scope of work of their department; the kind of support the MPs can receive from the department, as well as the procedure for getting support. The Deputy Secretary General and the state advisers took part in the section dedicated to the section "Your role as parliamentarians", where they explained the role of the MPs as legislators, concerning their right to propose draft-laws and other acts adopted by the Assembly, the right to propose amendments to the draft-laws, to participate in the debates at the Committee meetings and the Assembly sessions, as well as the other rights deriving from the Constitution of the Republic of Macedonia, the Law on Election of Members of Parliament, and the Rules of Procedure of the Assembly.

The parliamentarians were given a brochure prepared in a way to be practical, accessible and useful to them, so that they can successfully fulfill their complex role of elected representatives. The brochure was divided in several chapters such as:

1. The Assembly resources: This part covered the organizational structure of the Staff of the Assembly, information about the contacts, location, scope of work, kind of services that each of the individual departments provides to the MPs, as well as the procedure for submitting requests for the services and assistance;

2. The Role of the MPs as legislators: Explaining the procedure for the adoption of laws, preparation of the laws, the other acts adopted by the Assembly, and the Budget of the Republic of Macedonia.

3. The role of the MPs as members of a Committee: Information on the Committees of the Assembly of the Republic of Macedonia and their competences; the role of the MPs in the work of the Committees, the political control over the work of the Government, the public debates and their organization.

4. The role as public servants: Serving the electorate: The role of the MPs as public servants, the contacts and relations with the voters, development of a strategy for communication, planning of public appearances and speeches, the relations with the media.

5. The role as party members: Information about the political parties represented in the Assembly, the role of the parliamentary groups, the role of the coalition groups, the role of the parliamentary groups in the opposition, the relations between the majority and the opposition, and addressing the challenges.

6. PERSPECTIVES: The role as MPs: The rights and obligations of the elected parliamentarians and practical advice on how to be a successful Member of Parliament.

In addition to the brochure, every Member of Parliament received the Constitution of the Republic of Macedonia and the Rules of Procedure of the Assembly. Also, the IT Department prepared a short course for the MPs on the use of the cards for the electronic voting system, and how request to take the floor."

Mr Marc BOSC (Canada) asked for details of the role of the party leaders in the training of new Members and he also wanted to know whether the changes introduced in the Netherlands were designed to last — or whether, on the other hand, it was expected that they would be replaced by new improvements.

Mr Michael POWNALL (United Kingdom) explained that in the United Kingdom the training of new Members for a long time had been limited to leaving them in a room for two hours and giving them all the useful information at one time... This practice had not turned out to be very useful and, four years ago, a new "user-friendly" programme had been established which took place over several weeks.

He thought that the English experience showed that there were various practices which were to be recommended or avoided: always speak when talking to Members of "induction" and never "training"; work in cooperation with the parties who had their own information programmes; and do not be overoptimistic — 2 or three months after such information programmes one should expect Members to return to the staff with questions on subjects which, in theory, had already been explained... To be fair to those who were recently elected, it had to be said that they were experiencing a parliamentary environment which was unknown to them and that they were particularly busy at the start of their mandates.

Mr George PETRICU (Romania) said that the Romanian Senate was already preparing itself for parliamentary elections which, in theory, would take place the following year but which might take place earlier.

The Senate was preparing for this by way of modern welcome programmes for the newly elected Members which were flexible and comprehensive. It was not easy to identify subjects which they would wish to be "informed" about — as Mr Michael Pownall had so properly said, they did not wish to be "trained"...

The two main pillars of this information were on the technical side (legislative) and administrative.

Mr Hafnaoui AMRANI (Algeria) said that in Algeria, because of the impossibility of proposing "training" directly to Members, the parties had avoided difficulty by organising a seminar on "The role of the parliamentary staff". In fact, during the first months, the attention of Members of Parliament was mainly focused on their rights and it was only afterwards that they thought more actively about the extent of their duties.

In Algeria, newly elected Members of Parliament were invited to fill in an information form which in particular requested their level of education. Experience had shown that there was a significant difference between the declared university training and reality. He asked whether there was a way of overcoming this difficulty.

Mr Carlos HOFFMAN-CONTRERAS (Chile) drew attention to those present of the existence of the Parliamentary Centre situated in Ottawa which had as its mission "to improve the efficiency of representative assemblies throughout the world". (http://www.parlcent.ca/index_f.php).

The Parliamentary Centre had published various interesting papers on the subject of training newly elected Members of Parliament, which could be downloaded. Among the chapter headings of *Parliamentary Government: information for new Members* — "The first days of the Parliament", "The role of the Member", "New members and constituency work" or even "New Members and committees" and "Management of staff for the best results".

This manual had been prepared by the House of Commons of Canada, but was of interest to all legislative organisations in the world. The Parliamentary Centre had also published a series of articles on connected subjects.

Mr Henk BAKKER, in reply to the various questioners, confirmed the importance of regular and constructive dialogue between the parliamentary administration and the political groups in order to define the wishes of elected Members and to identify the means of responding to them in an appropriate manner, with respect to roles which were, by nature, different.

Mr Anders FORSBERG, President, thanked Mr Henk BAKKER and all the members present for their numerous and useful contributions.

3. General debate: "Parliamentary Scrutiny of the Defence and Secret Services"

Mr Anders FORSBERG, President, invited Mr Hans BRATTESTÅ to start the debate.

Mr Hans BRATTESTÅ (Norway) spoke as follows:

"Since 1996, Norway has had a parliamentary intelligence oversight committee for monitoring the intelligence, surveillance and security services – or in short – the "secret services". Establishing such a parliamentary control system was quite controversial in its time, and I would like to focus on the choice of this supervisory model for the secret services in my introduction: Why choose a parliamentary oversight body? What are the objections to such a system and how has it turned out after 10 years in business?

Firstly, however, I would like to give you a very brief run-through of the relatively short history of oversight intelligence bodies in Norway. For further details I refer you to the "Information Paper" which has been distributed together with the Act relating to the Monitoring of Intelligence, Surveillance and Security Services and the Instructions given by parliament in accordance with this act.

In June 1993, the Norwegian Parliament made the principle decision that a *parliamentary* supervisory committee was to succeed the existing *governmental* supervisory committee established in 1972. This first committee – called the Control Committee for Surveillance and Security Services - was the very first oversight committee for monitoring the secret services to be established in Norway, and the issue of appointing such a control committee had first been debated in parliament. The responsible parliamentary committee stated that the secret nature of surveillance work had given rise to unfounded presumptions about the services. These presumptions were liable to harm their standing, and cause distrust among the general public. Moreover, the possibility that such special services might give rise to a professional ethic that was not in line with the community at large, could not be disregarded. Hence, both in the interest of legal safeguards and of the secret services themselves, a control committee was to be established. At that point the parliamentary committee did not support the idea of a *parliamentary* supervisory body. This was considered to be a breach of the normal distribution of power between the parliament and the government, and the standing committee feared that it might create ambiguities with potentially harmful consequences.

The mandate of the *governmental* control committee was purely one of scrutiny, with no advisory or management functions. The committee's remit was first and foremost to keep an eye on the individual's legal safeguards, and see to it that the services' activities were in compliance with applicable laws and instructions. Any complaint made by an individual or an organisation was to be investigated by the committee. It was also empowered to raise issues based on its own initiative. The committee was set up as an independent body headed by a Supreme Court justice or a barrister. It

reported each year to the government, which in turn presented its reports to the parliament every four or five years.

Allegations that the secret services had carried out unlawful registration and surveillance of Norwegian citizens had been aired in the public arena for some time when the debate escalated in 1993. The unlawful surveillance was allegedly to have taken place in part collusion with the governing political circles of the time. This prompted the parliament to set up a commission of enquiry in February 1994 to look into the allegations. The commission later found that the secret services had indeed engaged in substantial unlawful activities. Nor was the governmental oversight committee immune to criticism from the commission. By then, however, the parliament had already decided to establish a new parliamentary oversight system.

A decision which, as I mentioned, was in place by June 1993.

So, what prompted the Parliament to change the intelligence oversight committee from a *governmental* to a *parliamentary* body? And what about the objections to such an arrangement made in 1972 – were these arguments no longer valid?

As I have already implied, the factors that triggered the establishment of a new intelligence oversight system may be found in the heated debate and serious allegations that were raised against the secret services at the time. The parliamentary standing committee which dealt with the matter emphasized that if the secret services were to function as intended, society would have to be certain that they were run in such a manner to take due account of the individual citizen's democratic rights.

Where aspects of the services' operations were of a covert nature, it was all the more important to ensure that the services operate in accordance with the applicable instructions and rules. Recalling that overseeing the public administration is one of the parliament's main functions, the standing committee – in contrast to the assessment made in 1972 – found that there was no reason for a *parliamentary* supervisory body *not* to be established. Reference was made to such other parliamentary scrutinizing bodies as the Parliamentary Ombudsman. The standing committee stated that a parliamentary appointed oversight committee would give the parliament a far better basis for supervision. Furthermore, it would be in the interest of society at large that the elected representatives of the people carried out the monitoring in this field, to ensure that no misconduct against its citizens could take place.

The parliamentarians' view seemed to be that public interest would best be served by *parliament* taking a more direct role in the supervisory process of the secret services. Even if the allegations of unlawful surveillance had yet to be confirmed at that time, they had resulted in serious grounds for suspicion, ample rumours, and an increasing distrust of the services. This was clearly an unfortunate situation, and it was vital to take action to prevent further distrust from developing. A parliamentary supervisory committee would be detached from the chain of command within the government in a more obvious way than a committee appointed by the government – even though this body held an independent position.

To restore public trust in the services, it was regarded necessary to reorganize the intelligence oversight regime in such a way that not only was the committee's independence and reliability unquestionable, but it was also construed that way by the public at large. As I have previously mentioned, the investigative commission set up in 1994 to scrutinize the allegations of unlawful surveillance activity confirmed that the allegations of unlawful surveillance were in fact largely justified. The lack of trust which surrounded the secret services at the beginning of the 1990s therefore proved well founded.

The new parliamentary oversight body was given much the same mandate as the previous governmental committee, but the scope of its mandate was expanded so that in addition to the Police Security Service and the Norwegian National Security Authority, it also included the Norwegian Defence Intelligence Service. Together – these three agencies make up the core of the secret services in Norway.

The IPU has stated the following guideline for Oversight of Intelligence Agencies:

"Democratic oversight of intelligence structures should begin with a clear and explicit legal framework, establishing intelligence organizations in state statutes, approved by parliament. Statutes should further specify the limits of the service's powers, its methods of operation, and the means by which it will be held accountable".

In order to clarify the agencies' legal foundation, new legislation concerning all three secret services has been passed in the years following the debate on the intelligence oversight system. Establishing the parliamentary oversight committee also led to an enforced legal basis for the supervisory body itself. While the governmental committee was based on regulations determined by the government, the parliamentary committee is based on law and additional regulations adopted in parliament.

The parliamentary committee shall see to it that the services keep their activities within the legislative framework and run their operations without causing undue damage to public life. Furthermore, it shall safeguard the security of individuals under the law. This is mainly done through the investigation of individual complaints and by carrying out inspections within the services. To establish whether anyone is or has been subject to unjust treatment, or to prevent this from occurring and to ensure that the methods applied by the services are no more invasive than necessary, the committee may also raise matters on its own initiative.

Some potential objections to a more direct parliamentary involvement in the oversight process should be mentioned at this stage. Firstly, the parliament chose not to set up a committee consisting of serving MPs on the basis that such an arrangement was considered to create an unfortunate discrepancy between MPs with access to secret information, and MPs who did not have this access. Instead, the parliament should appoint members to an independent committee which was to report directly to parliament. Some of the members are former MPs, but to date the chairperson has had a non-political background.

Secondly, it was feared that a parliamentary committee would become implicated in the business of the secret services in such a way that it – in fact or in appearance – seemed to take on a co-decision-making role in their activities. This would, if well-founded, jeopardise its position as an oversight instrument, and create problems concerning the constitutional responsibility of the government and the minister in charge.

This problem is addressed in the legal statutes of the oversight committee. According to Section 2 of the Act relating to the Monitoring of Intelligence, Surveillance and Security Services, the purpose of the committee is purely supervisory. It follows that the committee is not empowered to give instructions to the monitored agencies. However, if we look at Section 7 of the Instructions given by parliament, the picture is less clear. This section states that the oversight committee shall normally abide by the principle of monitoring past events, but may notwithstanding require access to information on current matters and submit comments on such matters (my underlining). So far it seems the committee has been able to carry out its task and balance its activities without raising problems in this respect.

I would also like to mention that while the oversight intelligence committee is an ex-post facto supervisory body, there is also a judicial procedure of preventive control administered by the courts in regard to certain invasive surveillance methods. To give just one example, the police are required to obtain a court order before they are allowed to carry out wiretapping. The general political view on invasive surveillance methods has changed quite substantially during the last 10 to 15 years. Such surveillance is now to a much greater extent recognized as necessary, than was the case in the early 1990s. The importance of supervisory measures has presumably grown accordingly.

To sum up – the secret services undoubtedly perform a necessary duty in a democratic society, but their clandestine methods require a supervisory regime that is distinct from that which monitors the public administration at large. A *parliamentary* oversight control body may be perceived as more independent than a *governmental* body, and may be preferred for this reason. Parliamentary involvement contributes to providing legitimacy and democratic accountability to the supervisory system. In any case, the legal basis for the activities of both the acting agencies and of the supervisory body should be clear and explicit. On the one hand, the Norwegian model gives the oversight committee a focused mandate related to the services' respect for human rights and the rule of law. On the other, the committee has been given far-reaching investigative powers to carry out its task. So far this combination has proved a success. The committee is now well established and enjoys broad confidence in Parliament, with the general public and, I believe, within the secret services themselves.

INFORMATION PAPER

The Norwegian Parliamentary Intelligence Oversight Committee

About the Committee

The Norwegian Parliamentary Intelligence Oversight Committee is a permanent supervisory body for what in daily language is often referred to as “the secret services”. The Committee is responsible for continuous supervision of the Norwegian Police Security Service, the Norwegian Intelligence Service and the Norwegian National Security Authority. In Norwegian, “Intelligence, Surveillance and Security” is abbreviated to EOS and these services are therefore often collectively referred to as the “EOS services”.

The supervisory arrangement is independent of the EOS services and the remainder of the public administration. The members of the Committee are elected by the Storting, and the Committee reports to the Storting in the form of annual reports and special reports. The arrangement was established in 1996.

Continuous supervision is carried out by means of regular inspections of the EOS services, both at their central headquarters and at individual units. The Committee also deals with complaints from private individuals and organizations that believe the EOS services have committed injustices against them.

This brochure provides a brief guide to the Committee, its responsibilities and activities.

The Storting has passed a separate Act and Instructions for the Committee, which can both be found at the back of the brochure.

Appointment and composition of the Committee

The Norwegian Parliamentary Intelligence Oversight Committee has seven members, including the chairman and vice-chairman. The members are elected by the Storting in plenary session on the recommendation of the Storting’s Presidium. The term of office is normally five years. The members may be re-elected. Deputies are not elected.

The Committee conducts its day-to-day work independently of the Storting, and members of the Storting are not permitted to be simultaneously members of the Committee. The Storting has emphasized that the Committee should have a broad composition, representing both political experience and experience of other areas of society. The following is a brief presentation of the current members of the Committee:

HELGA HERNES, COMMITTEE CHAIR

Senior Adviser International Peace Research Institute, Oslo. Former ambassador and state secretary at The Ministry of Foreign Affairs (Labour Party). Elected to the Committee 8 June 2006. Term of office expires 30 June 2009.

SVEIN GRØNNERN, DEPUTY CHAIR

Secretary General, SOS Children's Villages in Norway. Former Secretary General of the Conservative Party. Elected to the Committee 6 June 1996, reelected 31 May 2001 and 8 June 2006. Term of office expires 30 June 2011.

STEIN ØRNHØI, COMMITTEE MEMBER

Teacher and film director, former member of the Storting and Chairman of the Socialist Peoples Party. Elected to the Committee 26 March 1996, reelected 16 June 1999 and 14 May 2004. Term of office expires 30 June 2009.

KJERSTI GRAVER, COMMITTEE MEMBER

Judge at Borgarting Court of Appeals, former Consumer Ombudsman. Elected to the Committee 19 May 1998, reelected 16 June 1999 and 14 may 2004. Term of office expires 30 June 2009.

TRYGVE HARVOLD, COMMITTEE MEMBER

Managing Director of the Norwegian Legal Database Foundation Lovdata. Elected to the Committee 7 November 2003, reelected 8 June 2006. Term of office expires 30 June 2011.

GUNHILD ØYANGEN, COMMITTEE MEMBER

Former Minister of Agriculture and member of the Storting (Labour Party). Elected to the Committee 8 June 2006. Term of office expires 30 June 2011.

KNUT HANSELMANN, COMMITTEE MEMBER

Regional Secretary of the Norwegian Association of the Blind and Partially Sighted. Former member of the Storting (The Progress Party). Elected to the Committee 8 June 2006. Term of office expires 30 June 2011.

The area of supervision and the purpose of supervision

The task of the Committee is to supervise the intelligence, surveillance and security services performed or managed by the public authorities whose purpose is to safeguard national security interests. Intelligence, surveillance and security services for other purposes, ordinary criminal investigation and traffic surveillance, are not included in the area of supervision.

The area of supervision is not associated with specific organizational entities. It is therefore not of decisive importance for the supervisory authority which bodies or agencies perform EOS services at any given time. These duties are currently assigned to the Norwegian Police Security Service, the Norwegian National Security Authority and the Norwegian Intelligence Service. Consequently, the Committee's continuous supervision is currently conducted in relation to these services. However, the Committee may also conduct investigations in other parts of the public service if this is found appropriate for clarification of the facts of a case. The purpose of the supervision is primarily that of safeguarding the security of individuals under the law. It is the Committee's job to establish whether anyone is being subjected to unjust treatment and to prevent this from occurring, and also to ensure that the EOS services do not make use of more intrusive methods than are

necessary in the circumstances. The Committee is also required to carry out general monitoring to ensure that the EOS services keep their activities within the legislative framework.

The responsibility for monitoring does not embrace activities involving persons who are not resident in Norway or organizations that have no address in this country. The same applies to activities involving foreign citizens whose residence in Norway is associated with service for a foreign state. This exception is particularly intended for diplomatic personnel. However, the Committee may monitor these areas too if special grounds so indicate. Public prosecutors and the Director General of Public Prosecutions are also exempt from monitoring by the Committee.

What the Committee can do

The Committee can express its views on matters or circumstances that it investigates in the course of its supervisory activities and make recommendations to the EOS services, for example that a matter should be reconsidered or that a measure or practice should be discontinued. However, the Committee has no authority to issue instructions or make decisions concerning the services.

In its reports to the Storting concerning supervisory activities, the Committee may draw attention to circumstances or issues in the EOS services that it regards as being of current interest. This provides the Storting with a basis for considering whether, for example, changes should be made in practice or legislation.

The Committee has a broad right to inspect government archives and registers and an equivalent right of access to government premises and installations of all kinds. This is necessary to enable the Committee to perform its supervisory responsibility. The Committee may summon employees of the EOS services and other government employees and private persons to give evidence orally to the Committee. The Committee may also require evidence to be taken in court. The Committee is also entitled to use expert assistance in supervisory activities when it finds this appropriate. This is done to a certain extent within the field of data and telecommunications, particularly in supervising the Norwegian Intelligence Service.

The Committee exercises supervision in two ways, by means of inspection and by investigating complaints and matters raised on its own initiative.

Inspections

The Committee inspects the headquarters of the Norwegian Police Security Service six times a year, the Norwegian National Security Authority four times a year and the Norwegian Intelligence Service twice a year. More inspections may be carried out if necessary. The services' external agencies are also regularly inspected. Prior notice is given of inspections but inspections may also be carried out without prior notice.

The Police Security Service (PST) is managed from the Central Unit (DSE). The service has units in all police districts. The main duties of the service involve prevention and investigation of illegal intelligence activities, terrorism and proliferation of weapons of mass destruction. The Committee's inspection of the Norwegian Police Security Service is concentrated around criteria and practice for

registering persons in the service's registers for preventive purposes. Supervision also includes the service's investigation activities, including the use of various methods of investigation, such as wiretapping. The service – and the supervisory activities – are primarily directed towards persons.

The Norwegian National Security Authority is organised as an independent directorate under the Department of Defence. The service's responsibilities are of a preventive nature. It is not engaged in investigation. The Committee's most important duty in relation to this service is to supervise processing and decisions in matters concerning security clearance. The Committee's area of supervision includes all clearance authorities within both the defence establishment and the civil service. In its inspections of the Headquarters of the Norwegian National Security Authority, the Committee is routinely shown the decisions in cases where appeals have been unsuccessful. The Committee also makes regular spot checks on decisions concerning refusal or withdrawal of clearances that have not been appealed. Another important supervisory responsibility involves ensuring that the services' preventive communications monitoring is kept within the framework laid down in the Security Act and regulations issued pursuant to the Act. This includes prohibition of monitoring of private communications and requirements regarding the destruction of material according to specific time limits.

The statutory duty of the Norwegian Intelligence Service is to gather, process and analyse information regarding Norwegian security interests in relation to foreign states, organizations or individuals. This means that the activities of the service are directed towards external threats, i.e. threats outside Norway's borders. The service has posts for gathering and analysing electronic communications, and has units at the High Commands of the armed forces. It cooperates with corresponding services in other countries. A major responsibility in supervising the Norwegian Intelligence Service involves ensuring compliance with the provisions of the Act relating to the Norwegian Intelligence Service prohibiting the surveillance of Norwegian natural or legal persons on Norwegian territory and requiring that the service be under national control. The supervision is characterized by the high level of technology within electronic intelligence. The Committee therefore makes broad use of expert assistance in supervising this service.

The Committee's consideration of complaints and matters raised by the Committee itself

Anyone who believes that the EOS services may have committed injustices against him or her may complain to the Committee for Monitoring of Intelligence, Surveillance and Security Services. All complaints that fall under the area of supervision and that show a certain basis in fact are investigated. A complaint should be made in writing and sent to the Committee. If this is difficult, help in formulating a complaint may be provided by prior arrangement. It is important that grounds are given for the complaint and that the complaint is made as explicit as possible.

No explicit time limit applies for complaints to the Committee. However, the Committee is cautious of investigating complaints concerning matters of considerable age unless they can be assumed to have current importance for the

complainant and it has been difficult to submit the complaint earlier. Complaints are investigated in the service against which they are directed. This is partly carried out in writing, partly orally in the form of inspections and partly by checking archives and registers. Complaints to the Committee are dealt with in confidence but, when a complaint is investigated, the service concerned is informed. If the investigation reveals grounds for criticism, this is indicated in a written statement to the service concerned. The Committee has no authority to instruct the services to take specific action concerning a matter, but may express its opinion, and may make recommendations to the services, for example, to reconsider a matter.

Even if no complaint has been submitted, the Committee shall on its own initiative investigate matters or circumstances that it finds reason to examine more closely in view of its supervisory capacity. It is stressed as being particularly important that the Committee investigates matters or circumstances that have been the subject of public criticism. A not inconsiderable number of the matters investigated by the Committee are raised on the initiative of the Committee.

The Committee has a duty of secrecy

Much of the information the Committee receives in its supervisory capacity and in investigating complaints is classified, i.e. subject to secrecy on grounds of national security interests. Classified information cannot be disclosed by the Committee. This sets clear limits for the kind of information the Committee may provide to complainants concerning their investigations and the results of them. In the case of complaints concerning surveillance activities by the Norwegian Police Security Service, the Committee may as a general rule only inform as to whether or not the complaint gives grounds for criticism. Nor may the Committee, pursuant to the Act, inform a complainant that he has not been registered or subjected to surveillance since such an arrangement would provide anyone with the possibility of confirming whether or not he or she was the subject of the service's attention. The Committee may however request the consent of the service concerned or of the Ministry to provide a more detailed explanation in a specific matter if found to be particularly necessary.

The Committee's reports to the Storting shall be unclassified. If the Committee considers that the Storting should be acquainted with classified information in a matter, the Committee shall bring this to the attention of the Storting. It is then for the Storting to decide whether it will procure the information.

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Appendix 1

The Act relating to the Monitoring of Intelligence, Surveillance and Security Services

Act No. 7 of 3 February 1995

Section 1. The monitory body and the area to be monitored

The Storting shall elect a committee for the monitoring of intelligence, surveillance and security services carried out by, under the control of or on the authority of the public administration.

Such monitoring shall not apply to any superior prosecuting authority.

The Public Administration Act and the Freedom of Information Act shall not apply to the activities of the Committee with the exception of the Public Administration Act's provisions concerning disqualification.

The Storting shall issue ordinary instructions concerning the activities of the monitory committee within the framework of this Act and lay down provisions concerning its composition, period of office and secretariat.

Section 2. Purpose

The purpose of the monitoring is:

1. to ascertain and prevent any exercise of injustice against any person, and to ensure that the means of intervention employed do not exceed those required under the circumstances,

2. to ensure that the activities do not involve undue damage to civic life,

3. to ensure that the activities are kept within the framework of statute law, administrative or military directives and non-statutory law.

The Committee shall show consideration for national security and relations with foreign powers.

The purpose is purely monitory. The Committee may not instruct the monitored bodies or be used by these for consultations.

Section 3. The responsibilities of the monitory committee

The Committee shall regularly monitor the practice of intelligence, surveillance and security services in public and military administration.

The Committee shall investigate all complaints from persons and organizations. The Committee shall on its own initiative deal with all matters and factors that it finds appropriate to its purpose, and particularly matters that have been subjected to public criticism. Factors shall here be understood to include regulations, directives and practice.

When this serves the clarification of matters or factors that the Committee investigates by virtue of its mandate, the Committee's investigations may exceed the framework defined in the first paragraph of section 1, cf. section 2.

Section 4. Right of inspection, etc.

In pursuing its duties, the Committee may demand access to the administration's archives and registers, premises, and installations and of all kinds. Establishments, etc. that are more than 50 per cent publicly owned shall be subject to the same right of inspection.

All employees of the administration shall on request procure all materials, equipment, etc. that may have significance for effectuation of the inspection. Other persons shall have the same duty with regard to materials, equipment, etc. that they have received from public bodies.

Section 5. Statements, obligation to appear, etc.

All persons summoned to appear before the Committee are obliged to do so.

Persons making complaints and other private persons treated as parties to the case may at each stage of the proceedings be assisted by a lawyer or other representative to the extent that this may be done without classified information thereby becoming known to the representative. Employees and former employees of the administration shall have the same right in matters that may result in criticism of them.

All persons who are or have been in the employ of the administration are obliged to give evidence to the Committee concerning all matters experienced in the course of their duties.

An obligatory statement must not be used against any person or be produced in court without his consent in criminal proceedings against the person giving such statements.

The Committee may apply for a judicial recording of evidence pursuant to the second paragraph of section 43 of the Courts of Justice Act. Paragraphs 1 and 2 of section 204 of the Civil Procedure Act shall not apply. Court hearings shall be held in camera and the proceedings shall be kept secret until otherwise decided by the Committee or by the Ministry concerned, cf. sections 8 and 9.

Section 6. Ministers and ministries

The provisions laid down in sections 4 and 5 do not apply to Ministers, ministries, or their civil servants and senior officials, except in connection with the clearance and authorization of persons and enterprises for handling classified information.

Section 7. (the section has been repealed by Act No. 82 of 3 December 1999)

Section 8. Statements and reports

1. Statements to complainants shall be unclassified. Information concerning whether any person has been subjected to surveillance activities shall be regarded as classified unless otherwise decided. Statements to the administration shall be classified according to their contents.

The Committee shall decide the extent to which its unclassified statements or unclassified parts of statements shall be made public. If it is assumed that making a statement public will result in revealing the identity of the complainant, the consent of this person shall first be obtained.

2. The Committee makes annual reports to the Storting about its activities. Such reports may also be made if factors are revealed that should be made known to the Storting immediately. Such reports and their annexes shall be unclassified.

Section 9. Duty of secrecy, etc.

With the exception of matters provided for in section 8, the Committee and its secretariat are bound to observe a duty of secrecy unless otherwise decided.

The Committee's members and secretariat are bound by regulations concerning the handling of documents, etc. that must be protected for security reasons. They shall be authorized for the highest level of national security classification and according to treaties to which Norway is a signatory.

If the Committee is in doubt concerning the classification of information given in statements or reports, or holds the view that the classification should be revoked or reduced, it shall submit the question to the agency or ministry concerned. The decision of the administration shall be binding for the Committee.

Section 10. Assistance, etc.

The Committee may engage assistance.

The provisions of the Act shall apply correspondingly to persons engaged to assist the Committee. However, such persons shall only be authorized for a level of security classification appropriate to the assignment concerned.

Section 11. Penalties

Wilfully or grossly negligent infringements of section 4, the first and third paragraphs of section 5, the first and second paragraphs of section 9 and the second paragraph of section 10 of this Act shall render a person liable to fines or imprisonment for a term not exceeding 1 year, unless stricter penal provisions apply.

Section 12. Entry into force

This Act shall enter into force immediately.

Appendix 2

Instructions for Monitoring of Intelligence, Surveillance and Security Services (EOS)

Issued pursuant to section 1 of Act No. 7 of 3 February 1995 relating to the Monitoring of Intelligence, Surveillance and Security Services

Section 1. The monitory committee

The Committee shall have seven members including the chairman and vice-chairman, all elected by the Storting, on the recommendation of Presidium of the Storting, for a period of a maximum of five years. Steps should be taken to avoid replacing more than four members at the same time.

Those elected shall be cleared for the highest level of national security classification and according to treaties to which Norway is a signatory. After the election, authorization shall be given in accordance with the clearance.

The Presidium of the Storting appoints one or more secretaries as well as any office assistance, and arranges premises for the Committee and the secretariat. The second paragraph shall apply correspondingly.

Section 2. Quorum and working procedures

The Committee has a quorum when five members are present. The Committee shall as a rule function collectively, but may divide itself during inspection of service locations or installations.

In connection with especially extensive investigations, the procurement of statements, inspections of premises, etc. may be carried out by the secretary and one or more members. The same applies in cases where such procurement by the full committee would require an excessive amount of work or expense. In connection with hearings, as mentioned in this paragraph, the Committee may engage assistance. It is then sufficient that the secretary or a single member participates.

The Committee may also otherwise engage assistance when special expertise is required.

Persons who have previously functioned in the intelligence, surveillance and security services may not be engaged to provide assistance.

Section 3. Conduct regulations

The secretariat keeps the case records and minutes. Decisions and dissents shall be recorded in the minutes.

Statements and comments uttered or recorded during the monitory process shall not be regarded as final unless they are reported in writing.

Section 4. Limitations, etc. of the monitory process

Monitoring responsibilities shall not include activities involving persons who are not resident in Norway and organizations that have no address in this country, or activities involving foreign citizens whose residence in Norway is associated with service for a foreign state. The Committee may however practise monitoring in cases such as those mentioned in this paragraph when special grounds so indicate.

The monitoring should be arranged in such a way as to interfere as little as possible with the day-to-day activities of the services. The Ministry prescribed by the King may wholly or partly suspend the monitoring during a crisis or in wartime until the Storting decides otherwise. The Storting shall be notified immediately of any such suspension.

Section 5. Limitations of access to information

The Committee shall not apply for more extensive access to classified information than is necessary for purposes of monitoring. It shall as far as possible observe consideration for protection of sources and of information received from abroad.

Information received shall not be communicated to persons other than authorized personnel or other public bodies who have no knowledge of it except when necessary in the course of duty, for monitoring purposes or as a consequence of the procedural regulations laid down in section 9. In cases of doubt, inquiries should be made of the person who supplied the information.

Section 6. Disputes concerning access to information and monitoring

The decisions of the Committee concerning what information it shall apply for access to and concerning the scope and extent of the monitoring shall be binding on the administration. The responsible personnel at the duty station concerned may require that a reasoned protest against such decisions be recorded in the minutes. Protests following such decisions may be submitted by the Chief of Defence and the Chief of the Norwegian Security Service Police.

Such protests shall be published in or be enclosed in the annual report of the Committee.

Section 7. Monitoring and statements

The Committee shall normally abide by the principle of monitoring past events, but may notwithstanding require access to information on current matters, and submit comments on such matters.

The monitoring and the formulation of statements by the Committee shall be founded on the principles laid down in the first paragraph and the first, third and fourth sentences of the second paragraph of section 10 and in section 11 of Act No. 8 of 22 June 1962 relating to the Storting's Ombudsman for Public Administration. The Committee may also propose improvements to administrative and organizational arrangements and routines when this may facilitate the monitoring or protect against injustice.

Before statements are made that may result in criticism or expressions of opinion being brought against the administration, the responsible superior officer shall be given an opportunity to make a statement concerning the issues raised in the matter.

Comments to the administration shall be addressed to the head of the service or body concerned or to the Chief of Defence or Ministry concerned when such comments apply to matters they should be familiar with as authorities responsible for issuing instructions and exercising control.

In the case of comments encouraging the implementation of measures or making of decisions, the recipient shall be requested to respond by giving notification of the actions that are taken.

Section 8. Complaints

On receipt of complaints, the Committee shall make such investigations of the administration as are appropriate in relation to the complaint. The Committee shall decide whether the complaint gives sufficient grounds for further action before making a statement.

Statements to complainants should be as complete as possible without revealing classified information. Statements in response to complaints against the Security Service concerning surveillance activities shall however only declare whether or not the complaint contained valid grounds for criticism. If the Committee holds the view that a complainant should be given a more detailed explanation, it shall propose this to the Ministry concerned.

If a complaint contains valid grounds for criticism or other comments, a reasoned statement shall be addressed to the head of the service concerned or to the Ministry concerned. Statements concerning complaints shall also otherwise always be sent to the head of the service against which the complaint is made.

Section 9. Procedures

Interviews with private persons shall take the form of an examination unless they are of a purely explanatory nature. Interviews with the administration’s personnel

shall take the form of an examination when the Committee finds it appropriate or when this is requested by civil servants. In matters that may result in criticism of specific officers, interviews should normally take the form of examinations.

The person who is being examined shall be informed of his or her rights and obligations, cf. section 5 of the Act relating to the monitoring of intelligence, surveillance and security services. In connection with examinations that may result in criticism of them, the administration's personnel and former employees may also receive the assistance of an elected union representative who has been authorized according to the security instructions. The statement shall be read aloud before being approved and signed.

Persons who may be exposed to criticism from the Committee should be notified of this if they are not already familiar with the case. They have a right to familiarize themselves with the Committee's unclassified materials and with classified materials that they are authorized to examine, provided that this will not damage the investigations.

Any person making a statement shall be made aware of evidence and allegations that are inconsistent with the statement, provided that such evidence and allegations are unclassified or are on a level of security classification for which the person concerned is authorized.

Section 10. Investigations at the Ministries

The Committee may not demand access to the Ministries' internal documents.

If the Committee wishes to have access to information or statements from a Ministry or its employees concerning matters other than those applying to the Ministry's dealings concerning clearance and authorization of persons and enterprises, these shall be obtained by written application to the Ministry concerned.

Section 11. Inspection

1. Responsibilities for inspection are as follows:

a) For the intelligence service: to ensure that activities are held within the framework of the service's established responsibilities, and that no injustice is done to any person.

b) For the security service: to ensure that activities are held within the framework of the service's established responsibilities, to monitor clearance matters in relation to persons and enterprises for which clearance is advised against by the security staff or refused or revoked by the clearance authority, and also to ensure that no injustice is done to any person.

c) For the surveillance service: to monitor surveillance matters, operations and measures for combating terrorist activities by means of electronic surveillance and mail surveillance and to monitor to ensure that the collection, processing, registering and filing of information concerning Norwegian residents and organizations is carried out in accordance with current regulations, and meets the

requirements for satisfactory routines within the framework of the purpose stated in section 2 of the Act.

d) For all services: to ensure that the cooperation and exchange of information between the services is held within the framework of service needs.

2. Inspection activities shall at least involve:

a) half-yearly inspections of the central intelligence staff, involving accounts of current activities and such inspection as is found necessary.

b) quarterly inspections of the security staff, involving a review of matters mentioned under 1 b and such inspection as is found necessary.

c) six inspections per year of the Police Security Service HQ, involving a review of new cases and current electronic surveillance and mail surveillance, including at least ten random checks in archives and registers at each inspection, and involving a review of all current surveillance cases at least twice a year.

d) annual inspection of at least four duty stations in the external surveillance service, at least two duty stations in the local intelligence staff and/or intelligence/security service at military units and of the personnel security service of at least two Ministries/government agencies.

e) inspection of measures implemented on its own initiative by the remainder of the police force and by other bodies or institutions that assist the surveillance service.

f) other inspection activities indicated by the purpose of the Act.

Section 12. Provision of information to the public

Within the framework of the third paragraph of section 9 of the Act cf. section 8, paragraph 1, the Committee shall decide what information shall be made public concerning matters on which the Commission has commented. When mentioning specific persons, consideration shall be paid to observation of the protection of privacy including persons not issuing complaints. Civil servants shall not be named or in any other way identified except by authority of the Ministry concerned.

The chairman or a deputy authorized by the Committee may otherwise provide information to the public concerning a matter that is under investigation as well as information as to whether the investigation has been completed or when it will be completed.

Section 13. Relations with the Storting

1. The provision laid down in the first paragraph of section 12 shall apply correspondingly to the Committee's reports and annual reports to the Storting.

2. If, in the view of the Committee, consideration for the Storting's control of the administration indicates that the Storting should familiarize itself with classified information in a case or a matter that the Committee has investigated, the Committee shall in a special report or in its annual report to the Storting bring this to the attention of the Storting. The same applies if there is a need for further

investigations of factors concerning which the Committee itself is unable to make any progress.

3. By 1 April each year, the Committee shall submit a report to the Storting concerning its activities during the previous year.

The annual report should include:

a) an outline of the Committee's composition, meetings and expenses

b) an account of inspection carried out and the results

c) a list of complaints sorted according to category and branch of service, specifying the results of the complaints

d) an account of cases and factors raised on the initiative of the Committee

e) a specification of any measures requested implemented and the results, cf. fifth paragraph of section 6

f) a list of any protests pursuant to section 5

g) presentation of matters or factors that should be dealt with by the Storting

h) the Committee's general experiences with the monitoring and regulations and potential need for changes

Section 14. Costs

1. The monitoring costs shall be covered via the Storting's budget.

2. Remuneration of the Committee's members and secretariat is fixed by the Storting.

3. Any person who is summoned to appear before the Committee has a right to receive compensation for travel expenses according to the official rates. Loss of income is compensated according to the rules for witnesses in court cases.

4. Specialists are remunerated according to the fee regulations for the courts. Higher rates can be agreed. Other persons engaged to assist the committee are remunerated according to the official scale of fees for committees if nothing else is agreed."

Mrs Claressa SURTEES (Australia) presented her contribution:

"Parliamentary Joint Committee on Intelligence and Security

After the commencement of the first session of each Parliament, the Parliamentary Joint Committee on Intelligence and Security is established, to scrutinise Australia's intelligence agencies. It is a statutory committee established under the *Intelligence Services Act 2001*, which governs the Committee's size, structure, functions, procedures and powers.

The Committee's size and structure

The Committee has nine members, four of whom must be Senators and five of whom must be members of the House of Representatives. A majority of the Committee's members must be members of the party or parties in government. Of the five government members, three are from the House of Representatives and two are from the Senate. The non government members are comprised of two members of the House and two Senators. Members are appointed by resolution of the House or the Senate, as appropriate, on the nomination of the Prime Minister or the Leader of the Government in the Senate. Prior to nomination, consultation must take place with the leaders of recognised parties in each of the Houses.

All six intelligence collection and analysis agencies are subject to scrutiny by the Committee:

- Australian Security Intelligence Organisation (ASIO)
- Australian Secret Intelligence Service (ASIS)
- Defence Imagery and Geospatial Organisation (DIGO)
- Defence Intelligence Organisation (DIO)
- Defence Signals Directorate (DSD), and
- Office of National Assessments (ONA).

The Committee's functions

Section 29 of the Act specifies that the functions of the Committee are:

- to review the administration and expenditure of the ASIO, ASIS, DIGO, DIO, DSD and ONA, including their annual financial statements;
- to review any matter in relation to those six agencies referred to the Committee by the responsible Minister or a resolution of either House of the Parliament; and
- to report the Committee's comments and recommendations to each House of the Parliament and to the responsible Minister.

The Committee is not authorised to initiate its own references, but may resolve to request that the responsible Minister refer a particular matter to it for review.

Under section 31 of the Act, the Committee is required to prepare and table an annual report as soon as practicable at the end of each 12 months period, ending 30 June.

Limitations on the Committee's powers and procedures

Unlike other statutory or standing committees of the Australian Parliament, the Parliamentary Joint Committee on Intelligence and Security has very specific limitations placed on its operations. The rationale is that these limitations on the

Committee are dictated by the need to balance national security and parliamentary scrutiny.

Some limitations are broadly directed at prohibiting potential Committee scrutiny of operational matters. Operational matters are monitored by the Inspector-General of Intelligence and Security, who operates under a separate Act of Parliament. Specific prohibitions on the Committee's activities include the following:

- reviewing the intelligence gathering priorities of the agencies;
- reviewing sources of information, other operational assistance or operational methods available to the agencies;
- reviewing particular operations, past, present or proposed;
- reviewing information provided by a foreign government or its agencies, without the consent of that government to the disclosure;
- reviewing an aspect of the activities of the agencies that does not affect an Australian person;
- reviewing rules within the Act relating to the privacy of Australian citizens; or
- conducting inquiries into individual complaints in relation to the activities of the agencies.[4]

Other limitations affect the ways in which the Committee can conduct its activities. For a statutory committee of the Parliament, where its governing Act makes no provision for the committee's powers and privileges, a committee's powers and privileges are those common to all committees of the Parliament. The powers to require the attendance of witnesses and the production of documents are regarded as fundamental powers of parliamentary committees. The Intelligence Services Act expressly modifies these powers by specifying that the Committee may give someone written notice requiring the person to appear before the Committee with at least five days notice, as well as notice of any documents required by the Committee.[5] However, the Minister may prevent the appearance of a person (not an agency head) before the Committee or, in order that operationally sensitive information will not be disclosed, prevent the provision of documents to the Committee. To achieve this, the Minister must provide a certificate outlining the Minister's opinion to the presiding member of the Committee, to the Speaker of the House of Representatives, the President of the Senate and the person required to give evidence or produce documents.[6]

The Intelligence Services Act prevents the Committee from requiring a person or body to disclose to the Committee operationally sensitive information.[7] There is also a prohibition against the disclosure in committee reports of operationally

[4] *Intelligence Services Act 2001,* subsection 29(3)
[5] *Intelligence Services Act 2001*, clause 2 of Schedule 1
[6] *Intelligence Services Act 2001*, clause 4 of Schedule 1
[7] *Intelligence Services Act 2001*, clause 1 of Schedule 1

sensitive information. In particular, the Committee must not disclose in a report to a House of the Parliament the following information:

- the identity of a person who is or has been a staff member or agent of ASIO, ASIS, DIGO or DSD; or
- any information from which the identity of such a person could be inferred; or
- operationally sensitive information that would or might prejudice:
  - Australia's national security or the conduct of Australia's foreign relations; or
  - the performance by an agency of its functions.[8]

Unlike the reports of other parliamentary committees, which are privileged documents and may not be disclosed to anyone outside the committee itself until after tabling, this Committee must obtain the advice of the responsible Minister or Ministers as to whether any part of a report of the Committee discloses a prohibited matter, as referred above. This is a serious restriction on the Committee, as a report may not be tabled until this advice is received.

Finally, the Intelligence Services Act requires that parliamentary staff working with the Committee must be issued with a personal security clearance, similar to that required for staff members of ASIS, to protect the national security status of the Committee's work and to maximise the Committee's access to information.[9]

Brief Committee history

The Committee has only existed in its current form since 2 December 2005. The first parliamentary committee to have a formal responsibility in relation to Australia's defence intelligence agencies was the Parliamentary Joint Committee on ASIO, which was first appointed in August 1988 under the *Australian Security Intelligence Organisation Act 1979*. This committee was focussed solely on the collection agency ASIO, and adopted the practice of seeking regular, informal briefings from the Director-General of ASIO and the Inspector-General of Intelligence and Security. It also conducted some inquiries.

The next significant change in this area of parliamentary scrutiny occurred following the enactment of the *Intelligence Services Act 2001*, and under this Act the Parliamentary Committee on ASIO, ASIS and DSD, was appointed in March 2002. Its responsibilities were a considerable expansion over those of the earlier committee with the ability to scrutinise three collection agencies and included the addition of a legislative review function.

As a result of the Flood Review of the Australian Intelligence Agencies, released in July 2004, the Intelligence Services Act was amended in 2005 to further expand the Committee's size and function. The name of the Committee changed from the Joint Parliamentary Committee on ASIO, ASIS and DSD to the Joint Parliamentary Committee on Intelligence and Security. This meant that the parliamentary

[8] *Intelligence Services Act 2001,* subclause 7(1) of Schedule 1
[9] *Intelligence Services Act 2001,* clause 21 of Schedule 1

committee's oversight role was extended to include the analytical intelligence agencies, the Office of National Assessment (ONA) and the Defence Intelligence Organisation (DIO) and also included the Defence Intelligence Geospatial Organisation (DIGO).

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In its last annual report, the Committee notes that it has conducted its first review of administration and expenditure of DIGO, DIO and ONA in conjunction with the review of the three original agencies, ASIO, ASIS and DSD. The broader scope of the Committee's mandate, including wide ranging legislative review, the review of the listing of terrorist organisations and the review of the administration and expenditure of all six intelligence agencies, has ensured a high level of activity for the Committee."

Mr Xavier ROQUES (France) presented the following contribution:

"In the defence sphere, the text of the Constitution and constitutional practice have led France to a complex sharing of powers between the executive and the legislative.

In effect the executive is shared between the President of the Republic and the Prime Minister who directs the operation of the Government. As for Parliament, it exercises scrutiny only over the Government which is collectively responsible to the National Assembly. Regarding defence, this scrutiny, furthermore, encounters restrictions related to the principle of the separation of powers between the executive and the legislative and also related to the need to preserve national defence secrecy. While the primary purpose of Parliament is to be the place of public and adversarial debate between the majority and the opposition on the country's politics, the Prime Minister must, for his part, ensure national defence secrecy is respected when members of the Government or civil or military personnel communicate defence policy information to Parliament.

The following developments will present, in the first instance, the sharing of the respective powers of the public authorities in the defence sphere in the French constitutional system (I).

The scope and limits of the scrutiny exercised by Parliament, and in particular the National Assembly, over the Government's defence policy (II) will then be specified.

Last, two specific fields of defence policy will be addressed: intelligence and external military operations, for which an evolution of parliamentary scrutiny has been observed in recent years and still remains under discussion (III).

I. — In the defence sphere, the pre-eminent role of the President of the Republic within the executive is combined with the Government's specific responsibilities in preparing and deploying the military, Parliament being empowered to vote funds, scrutinise action by the Prime Minister and the ministers concerned and authorise a declaration of war.

According to Article 5 of the Constitution, the President of the Republic ‘shall be the guarantor of national independence, territorial integrity and observance of treaties’. Pursuant to its Article 15, he ‘shall be commander-in-chief of the armed forces. He shall preside over the higher national defence councils and committees’.

In practice, all essential matters related to defence are examined at meetings presided over by the Head of State. When it comes to determining the main orientations of military strategy, defining the five-year programming of defence appropriations that will be submitted to Parliament, or deciding on the dispatch of troops to external theatres, the President of the Republic makes the necessary arbitrations at meetings attended by the Prime Minister, the Minister for Defence and the military officials concerned.

This primacy of the President of the Republic in the defence sphere is combined however with the rule laid down by the Constitution according to which each of his legal decisions requires a ministerial countersignature and each of his material decisions must be implemented by a minister (mostly the Minister for Defence).

Article 21 of the Constitution lays down that the Prime Minister ‘shall be responsible for national defence’. It therefore lies with the Prime Minister to answer before the deputies for serious decisions, relating for instance to the deployment of French troops, taken by the President of the Republic. As for ordinary defence decisions, it lies, on the other hand, with the Minister for Defence to answer before the National Assembly.

Parliament plays, for its part, an essential role in the defence sphere, insofar as it votes military funds. Its approval is therefore required not only for the annual defence budgets but also for the military programming Acts laying down the multi-annual schedule of defence expenditure (mainly concerning the equipment of the armed forces) and for the amending finance Acts providing the necessary funds for military operations in external theatres.

As a corollary of this budgetary role, Parliament is empowered to scrutinise the use of the funds it has voted.

Parliament also passes statutes laying down the ‘fundamental principles of the general organisation of national defence’ as well as the ‘rules on the obligations imposed for the purposes of national defence upon citizens in respect of their persons and their property’. It is empowered to monitor the implementation of these statutes, as well as, more generally, the action of the Government in the defence sphere as in the other spheres of its action.

It is to be noted, lastly, that according to Article 35 of the Constitution, ‘A declaration of war shall be authorised by Parliament’. It is however difficult to imagine, in the present state of international law and its practice, a situation that would lead to a declaration of war in the sense of the Hague Convention of 1907.

II. — In the defence sphere, ordinary parliamentary scrutiny encounters limits related to the constraints resulting from the separation of powers and related to the needs to preserve secrecy .

Parliament exercises its scrutiny, according to ordinary-law procedures, over all the action by the ministers, including when this action concerns defence in the wide sense and relates, for instance, to intelligence activities.

This scrutiny can lead to an issue being raised of the Government's responsibility by passing a motion of censure.

It can, more ordinarily, take the form of a questioning in a public sitting of the minister responsible for a given national defence measure, according to the procedures of questions for written or oral answer.

However parliamentary scrutiny of action taken within the framework of the defence policy can also take place during hearings of the competent committees (defence committee, foreign affairs committee, finance committee for budgetary aspects). This scrutiny can also be exercised within the framework of special reports of the finance committee on the defence budget or within the framework of committee information assignments. In both cases, work by the parliamentarians concerned gives rise to written reports. Highly detailed reports have therefore been drafted within the framework of information assignments at the defence and foreign affairs committees on the intervention of French troops in Rwanda before the 1994 genocide or at the time of the Srebrenica massacre.

Lastly, committees of inquiry may also be set up on subjects interesting national defence.

The Constitutional Council however emphasised, in a decision relating to a scrutiny mechanism of the intelligence activities that will be described hereafter (decision no. 2001-456 DC of 27 December 2001), that the scrutiny powers of Parliament were subject to the principle of the separation of powers. Consequently, Parliament cannot by right examine governmental action in the defence sphere until afterwards, once these activities have been finished. It has no right to interfere in the execution of ongoing operations.

Also, parliamentary scrutiny powers do not, as a rule, extend automatically to the fields covered by national defence secrecy. These powers do not authorise the assemblies, their committees and their members to have unrestricted access to information of a secret nature and concerning national defence.

The texts granting deputies or senators the widest of investigative powers indeed comprise an explicit reservation regarding national defence, foreign affairs and the internal or external security of the State.

For instance, Article 6 of the 1958 ordinance on the functioning of parliamentary assemblies lays down that committee of inquiry rapporteurs can ask to be sent any department document, 'except for those of a secret nature, concerning national defence, foreign affairs and the internal or external security of the State'. This same exception also applies to the powers to convene and hear standing committees (article 5a of the 1958 ordinance on the functioning of parliamentary assemblies).

Article 57 of the Institutional Act on Finance Acts, which grants the chairmen and rapporteurs of National Assembly and Senate finance committees broad investigative powers regarding paper and *in situ* investigations, similarly excludes

from the scope of these powers ‘subjects of a secret nature concerning national defence and the internal or external security of the State’.

Yet deputies tasked by their committees with reports on defence issues frequently receive confidential data. It is their practice to use such information prudently and they abstain from mentioning it in their reports, whereas they benefit from irresponsibility for their opinions or the votes they cast in the exercise of their duties.

III. — As regards parliamentary scrutiny of intelligence or of external military operations, changes can be seen and the subject remains under discussion.

1) Regarding intelligence

a) The French Parliament can be informed, thanks to a specific scrutiny mechanism, of secret expenditure made with a view to protecting State security.

Presently there is just one mechanism allowing parliamentarians to receive by right secret information on some aspects of the activities of the intelligence services.

This mechanism, created by the initial finance Act for 2002, concerns the management of so-called ‘special’ funds, of an amount of thirty or so million euros, allocated to certain State services for the requirements of certain secret activities.

These special funds are paid to four intelligence services (mainly the General Directorate for External Security (DGSE) and also, for very much lower amounts, to the Directorate for Military Intelligence (DRM) and the Directorate for Protection and Defence Security (DPSD) which answer to the Ministry of Defence as well as the Directorate for Territorial Surveillance (DST) which answers to the Ministry of the Interior).

Special funds are also paid to the body tasked with security interceptions of electronic communications, and to the Minister for Foreign Affairs for expenditure of low amounts relating to the security of members of government on trips abroad.

The use of these funds is not covered by ordinary-law procedures and controls laid down by the rules of public accounting and public finance.

It is however submitted to the scrutiny of a verification committee composed of: two deputies, including its chairman, appointed by the President of the National Assembly; two senators appointed by the President of the Senate; and two members of the State Audit Office appointed by a decree on proposal by its First President.

The special funds verification committee whose composition is not totally parliamentarian but where the parliamentarian element is predominant, establishes each year a report on the use of special funds. The chairman of the special funds verification committee hands this report to the President of the Republic, the Prime Minister and to the chairmen and general rapporteurs of the finance commitees at the National Assembly and Senate.

This committee is also tasked with drawing up an official record in which it notes the accounting match between the funds submitted to its scrutiny and the vouchers of their use.

The special funds verification committee has broad investigative powers: it reviews on the spot of all the documents and all the vouchers that can justify the use of the special funds, even when they are covered by national defence secrecy.

For this purpose, the committee accomplishes in particular verification missions in the external offices of the General Directorate for External Security.

Work by the special funds verification committee is strictly covered by national defence secrecy, subject to the provisions relating to the report and the official record it draws up every year.

This committee therefore gives Parliament the possibility of finding, in another form, budget scrutiny power that it cannot exercise according to the customary procedures regarding the use of special fund credits.

More generally, the special funds verification committee allows Parliament to be informed (through the chairmen and general rapporteurs of the National Assembly and Senate finance committees) of possible observations that can influence the voting of funds intended for intelligence services.

It is to be noted that, in its above-mentioned decision no. 2001-456 DC of 27 December 2001, the Constitutional Council censored the provisions of the initial finance Act for 2002 with regard to the special funds verification committee as these provisions gave the latter the power 'to intervene in the execution of ongoing operations'. It thereby intended to ensure compliance with the separation of powers between the executive and the legislative by banning any parliamentary interference in a defence operation.

It does not appear in practice that this restriction due to the Constitutional Council's jurisprudence greatly limits the scrutiny possibilities of the special funds verification committee. In effect this committee examines only the accounts of the last elapsed budgetary exercise. When these accounts are drawn up (in spring of the following year), the operational missions they relate to are for the most part finished. Yet the Constitutional Council's decision confirms that the verification committee's role must remain that of an *a posteriori* scrutiny body without the power to intervene in ongoing action.

b) A debate has been started on the setting up, within the French Parliament, of a scrutiny mechanism over the general activity of the intelligence services.

In addition to the special funds scrutiny mechanism, a debate has been conducted for several years on the setting up within Parliament of a specific parliamentary scrutiny mechanism over intelligence services.

During the XIth legislature (2002-2007), two Members' Bills were tabled for this purpose:

- One at the Senate, by Mr Nicolas About, ‘creating a parliamentary intelligence delegation’ composed of four senators and four deputies, and which would assess ‘the national intelligence policy’,

- The other at the National Assembly, by Mr Paul Quilès and several of his colleagues, ‘creating a parliamentary delegation for intelligence matters’.

This second Bill was aimed at creating, in each assembly, a delegation that would follow the activities of the intelligence services ‘by examining their organisation and their general missions, their competences and their means’. It was considered by the National Assembly defence committee on 23 November 1999, but neither of the two Members’ Bills have been included on Parliament’s agenda.

The issue has again been raised during the XIIth legislature, this time at the request of the Government.

On 24 November 2005, during the consideration at the National Assembly of the anti-terrorism Bill, Mr Nicolas Sarkozy, then Minister of the Interior, gave the commitment, on behalf of the Government, in response to a request expressed by the rapporteur of the text as well as by the Socialist group, to convene a working group made up of representatives of the parliamentary groups and of officials from the intelligence services in order to define the procedures for parliamentary scrutiny of these services.

On 8 March 2006, a Bill creating a parliamentary intelligence delegation was tabled with the National Assembly Bureau following debates by this working group.

It lays down the creation of a parliamentary intelligence delegation composed of three deputies and three senators. The chairmen of the defense and legislation committees of each assembly would be members of it by right, and they would be seconded by another deputy and another senator.

The delegation would be informed by the Government about the general activity and means of the intelligence services placed under the authority of the Ministries of Defence (General Directorate for External Security, Directorate for Military Intelligence, Directorate for Protection and Defence Security) and the Interior (Directorate for Territorial Surveillance and Central Directorate for General Intelligence). For this purpose, the Ministers for Defence and the Interior would transmit to the delegation information and elements of appreciation concerning in particular the budget and the organisation of these services. In order to preserve the security of persons and the conduct of operations, such transmission would exclude information concerning ongoing or past operational activities, instructions given by the authorities in this respect and the funding of these activities.

Information on the relations with foreign services or with competent international bodies in the intelligence sphere would also be excluded.

In order to complete its information, the delegation could merely hear the ministers and directors of the intelligence services as well as the secretary general of national defence placed under the authority of the Prime Minister.

Work by the parliamentary intelligence delegation would be covered by national defence secrecy.

The delegation would have a rapporteur who would establish, on its behalf, an annual report transmitted to the President of the Republic, the Prime Minister and the President of each assembly.

The Bill introducing this mechanism has not been included on the agenda of the National Assembly or the Senate.

2) Regarding external military operations

a) Parliament is informed in accordance with ordinary-law procedures.

Apart from the case, which is now obsolete, of a declaration of war, the Constitution does not subject the deployment of troops outside the national territory to any parliamentary authorisation procedure.

Information of the National Assembly is, in this field, ensured by ordinary-law procedures.

The procedures customarily used by the National Assembly are, in the case of military intervention of major political or military importance: making an issue of the Government's responsibility regarding a statement concerning this intervention, or a mere statement by the Government on the same subject, followed by a debate without a vote.

The procedure whereby an issue is made of the Government's responsibility was followed on 16 January 1991 by Mr Michel Rocard, then Prime Minister, on the occasion of the French participation in the multinational coalition tasked by the United Nations with re-establishing Kuwaiti sovereignty after the Iraqi invasion of August 1990. On the other hand, during the NATO bombardments of the Federal Republic of Yugoslavia (in which France participated), the then Prime Minister Mr Lionel Jospin made use, on 26 March 1999, of the statement procedure before the National Assembly followed by a debate. More recently, Mr Dominique de Villepin, then Prime Minister, made before the National Assembly, on 7 September 2006, a statement on the participation of France in the UN peacekeeping force in the Lebanon. This statement was followed by a debate in which participated the representatives of political groups and the chairmen of the foreign affaires and defence committees. The Minister for Foreign Affairs concluded the debate.

Deputies can also question the Government by the means of written and oral questions or within the framework of information work by the three standing committees (defence committee, foreign affairs committee and, for budgetary aspects, finance committee).

It is to be noted that, in this field, work of a budgetary nature presents very specific interest for information of the Parliament as regards external operations. The initial finance Act indeed funds only part of these operations. As soon as a new operation of a certain scale is triggered, the corresponding funds must be included in an amending finance Act (generally the end-of-year amending finance Act). The amounts used are then determined definitively in the settlement Act. It is therefore possible for Parliament, on voting the amending finance Act or the settlement Act, to obtain from the Government precise information on the cost of external

operations and the justification of this cost in terms of the volume of troops engaged in particular.

The competent standing committees and above all the defence committee moreover customarily hear the minister for defence, the chief of staff of the armies or other military officials, like the general in charge of commanding special operations, with regard to significant military operations.

b) The issue of a revision of the Constitution to introduce an obligation to consult Parliament in the event of the deployment of troops in external theatres has been raised.

Requests to introduce a mechanism to consult Parliament in the event of an external military intervention are often expressed.

The consultative committee for the revision of the Constitution set up by Mr François Mitterrand, then President of the Republic, thus recommended in a report presented on 15 February 1993 that any external intervention of French troops should be the subject of a statement before Parliament followed by a debate without vote in the eight days following its triggering. Similar requests were expressed during the XIth legislature, especially on the occasion of the presentation before the National Assembly defence committee of a report by Mr François Lamy on 8 March 2000.

These initiatives have not to date come to fruition. They have however led to a certain evolution of practice. Government statements on external operations are now customary. The same applies to the hearings, regarding these operations, of the Minister for Defence and the Minister for Foreign Affairs as well as of military officials, by the competent committees. Informal procedures such as information of the representatives of parliamentary groups by the Government have also been developed on the occasion of major external operations such as that triggered by the Kosovo conflict. A form of parliamentary scrutiny over external operations has therefore gained recognition in practice despite the absence of any specific constitutional provision in this respect."

Mr Dan Constantin VASILIU (Romania) presented his contribution:

"17 years elapsed since the Revolution in 1989 and the subject of the former "Securitate" continues to be in the attention of the Romanian society. A recent survey carried out by the Bureau for Social Researches, showed that a large majority of Romanians is of the opinion that the ex-officers, ex- collaborators of the *Securitate*, or the officials of the former Communist Party, were responsible for violation of the fundamental human rights and for the serious abuses of the former Regime.

On the occasion of the Conference of the Parliamentary Commissions for the Control on Intelligence Services and of the Security of the European country members, held in Bucharest, in October, 2006, the President of Romania underlined: "*Despite the fact that, at present, in the S.R.I. – the powerful Service of Information of the country, are still working only 4.5% officers of the Securitate and*

that this structure is already integrated - as efficacy and objectives-, into the Euro-Atlantic structures, there is still very common the perception of the citizens that the SRI continues the activities of the Securitate".

Taking this into account, the President decided to submit to the public debate, on the official Internet site of the Presidential Administration, the draft of the Strategy of the National Security of Romania, document considered as controversial by a part of the public opinion. The Supreme Council of Defense[10] has adopted this Strategy in April, 2006.

I've emphasized the special historical and social context of the functioning of these structures in Romania for a better understanding of the reasons which determined the parliamentarians to try to find the equilibrium between the respect of the rights of the citizens and the creation and implementation of the legislative framework allowing defense and intelligence structures to efficiently meeting the challenges of the present world, first of all the asymmetric risks as terrorism, drugs, persons or weapons trafficking etc.

According to the provisions of the Constitution of Romania, the Law concerning the National Security, the laws concerning the Romanian Intelligence Service and the Romanian Foreign Intelligence Service, the Parliament had fully assumed its functions of control, follow-up, and scrutiny, which are fulfilled through its specialized structures:

- The two Standing Committees on defense, public order and national security of the Senate and of the Chamber of Deputie;
- The Standing Joint Committee of the Chamber of Deputies and of the Senate for the Parliamentary Control of the Romanian Intelligence Service.

The Commission was set up. It is functioning according to the Decision no 30/1993 and it is composed of nine members elected with the majority of the votes[11], in a joint parliamentary sitting, for the duration of the mandate. Its members are not entitled to be members of any other committee or of the Government.

- The special Joint Committee of the Chamber of Deputies and of the Senate for the Parliamentary Control of the activity of the Romanian Foreign Intelligence Services.

The Committee was established and it is functioning in conformity with the Decision by the Parliament no 44/1998 and it is composed of 4 members (at present, 1 senator and 3 deputies), elected for the duration of the mandate, with the majority of the votes, in the same conditions as for the members of the Commission for the parliamentary control of the Romanian Intelligence Service.

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[10] The Supreme Council of National Defense shall unitarily organize and co-ordinate the activities concerning the country's defense and security, its participation in international security keeping, and in collective defense in military alliance systems, as well as in peace keeping or restoring missions. The activity of the Council is subject to the parliamentary control. On annual basis or upon request by the Standing specialized Committees of the Parliament, The Council of National Defense, presents, in common plenary sitting of the Chambers, its activity reports.

[11] Upon proposal by the Standing Bureau, in full respect of the political representation and following consultations with the political leaders.

You can find attached a comparative presentation of these committees' most important tasks, which indicates their role in the control by the parliament of the defense and intelligence services.

Finally, there is one more thing I would like mention – the importance attached by the specialized Standing Committees to the fieldwork, to the meetings with the representatives of the controlled institutions, especially at the execution level, for a clear understanding of the realities and of the problems, in order to be able to adopt the most suitable parliamentary decisions."

The Standing Committees on Defense, Public Order and National Security of the Senate and of the Chamber of Deputies	The Standing Joint Committee of the Chamber of Deputies and of the Senate for the Parliamentary Control of the Romanian Intelligence Service (SRI)	The Special Committee of the Chamber of Deputies and of the Senate for the Parliamentary Control of the activity of the Foreign Intelligence Service (SIE)
Examine and draw up advices and the reports to the draft laws in its field of activity	Examine and draft the advices and the reports to the draft laws in its field of activity.	Examine and draft the advices and the reports to the draft laws in its field of activity.
	Monitor compliance by the SRI with the provisions of the Constitution and other legislative acts in the exercise of its intelligence activities; examine cases of violations of the Constitutional and of the other legal provisions by the SRI and express an opinion on the measures needed to restore legality.	Monitor and check compliance by the SIE with the provisions of the Constitution and other legislative acts in the exercise of its intelligence activities and examine cases of violations of Constitutional and other legal provisions by SIE and express an opinion on the measures needed to restore legality.
Is in charge with the parliamentary control of the National Defense and Public Order Institutions	Conduct, upon request by of the Standing Committee on Defense, Public Order and National Security of the Senate or of the Chamber of Deputies, analyses and researches of the complaints submitted by citizens who deem that their rights and freedoms have been infringed by the methods used to obtain information for national security purposes.	Check compliance with the Constitution, with the Romanian Law or with the Decisions by the National Supreme Council on Defense of the orders, instructions and other norms, issued by the SIE.

Conduct, upon request by the Standing Bureau, or on its own initiative, parliamentary inquiries concerning the negatives aspects of the activities of the public authorities, submitted to it.	Examine and solve any other claims of legal violations that may be submitted to it by the SRI.	Examine and solve any other claims of legal violations that may be submitted to it by the SIE.
	Interview the candidate proposed by the President of Romania for the function of Director of the SRI and present a report on its findings to the plenary joint sitting of the two Chambers.	Interview the candidate proposed by the President of Romania for the function of Director of the SIE and present a report on its findings to the plenary joint sitting of the two Chambers. Check the criteria of the selection and of the promotion of the SIE Human Resources.
	Examine the reports that the Director of the SRI is bound by law to submit to the Parliament and submit a report on its findings to the Standing Bureaus of the two Chambers.	Examine the quality of collaboration and the degree of interoperability between the SIE and the institutions in charge with the domain of national security. Monitor the means of cooperation with the similar institutions from abroad.
	Examine the draft Budget of the SRI and submit its comments and proposals on the Budget allocations to the specialized Parliamentary Committees of the two Chambers; Monitor the execution of the Budget, as well as the establishment and use of extra-parliamentary funds.	Examine the draft Budget of the SIE and submit its comments and proposals on the budget allocations to the specialized Parliamentary Committees of the two Chambers; Monitor the execution of the Budget upon the basis of the controls by the competent bodies.
	Upon demand by the Standing Bureaus of the two Chambers or upon its own	Upon demand by the Standing Bureaus of the two Chambers or upon its own

	initiative, drafts and presents an activity report to the joint plenary sitting of the two Chambers. Upon request by Standing Bureaus of the two Chambers it can also, if necessary, submit reports to the Standing Bureaus on the findings and conclusions arrived at in the exercise of its duties.	initiative, drafts and presents to the Standing Bureaus of the two Chambers, reports on the findings and the conclusions arrived at in the exercise of its duties.
	The Committee may invite to its meetings the Presidents of the Standing Bureaus of the two Chambers; as well as the two Chairmen of the Committees on Defense, Public Order and National Security, and the members of the National Supreme Council for Defense.	The Committee may invite to its meetings the Presidents of the Standing Bureaus of the two Chambers; as well as the two Chairmen of the Committees on Defense, Public Order and National Security, and the members of the National Supreme Council for Defense.
	The SRI is obliged to provide the Committee, in due time, with the reports, information, explanations and documents that it is requested for and to allow the relevant people to be questioned. Are exempted from that provision: ongoing intelligence-gathering activities, operational activities deemed by the Committee - on the recommendation of the Executive Bureau of the Governing Board of the SRI - to affect national security, and the practical methods and means used by the Intelligence Service as long as these do not contravene the Constitution or the applicable legislation.	The SIE is obliged to provide the Committee, in due time, with the explications, reports, information, explanations and documents that it is requested for and to allow the relevant people to be questioned, with prior approval of the Director of the SIE. The Decision by the Parliament no 44/1998 stipulates that the request for the necessary documents and information shall be addressed to SIE by the President of the Committee. In the exercise of its duties, the Committee may use the experts of the SIE, designated by the Director of the Service. Are exempted from that provision: ongoing intelligence-gathering activities,

		operational activities deemed by the Committee - on the recommendation of the Executive Bureau of the Governing Board of the SRI - to affect national security, and the practical methods and means used by the Intelligence Service as long as these do not contravene the Constitution or the applicable legislation.
	The activities and the documents of the Committee fall into the category of official secrets, except for the conclusions contained in the Committee reports, which may be considered of public interest by the Standing Bureaus of the two Chambers.	The activities and the documents of the Committee fall into the category of official secrets, except for the conclusions contained in the Committee reports, which may be considered of public interest by the Standing Bureaus of the two Chambers.
	The members of the Committee are obliged to respect the rules concerning the complete confidentiality of official secrets contained in the documents they have access in the exercise of their duties. Any members violating those provisions are, according to the Rules of the two Chambers, deprived of their parliamentary immunity and subject to the sanctions stipulated by law.	The members of the Committee are obliged to respect the rules concerning the complete confidentiality of official secrets contained in the documents they have access in the exercise of their duties. Any members violating those provisions are, according to the Rules of the two Chambers, deprived of their parliamentary immunity and subject to the sanctions stipulated by law.

Mr Colin CAMERON (Assembly of Western European Union) presented his contribution:

"*1. Parliamentary Scrutiny of the Defence and Secret Services*

The members of the Assembly have submitted a number of reports on the subject of parliamentary scrutiny of the Defence and Secret Services, as follows:

- Assembly Resolution 113[12] on "the parliamentary oversight of the intelligence services in the WEU countries - current situation and prospects for reform", adopted on 4 December 2002, calls on national parliaments to:

1. Support plans for reforming intelligence systems, while defending parliamentary prerogatives with a view to more efficient and effective democratic scrutiny of intelligence gathering activities and of the use to which that information is put;
2. Endeavour to organise cooperation with the parliamentary bodies responsible for the oversight of the intelligence services in partner countries, by holding joint meetings on cases likely to be of interest to intelligence services beyond the national borders;
3. Use all the human and economic resources available to the committees in charge of scrutinising the activities of the intelligence services with a view to making the tools available to them more effective.

- Assembly Resolution 108[13] on "national parliamentary scrutiny of intervention abroad by armed forces engaged in international missions: the current position in law", adopted on 4 December 2001, invited parliaments of member countries:

1. To reflect on the fact that the democratic scrutiny they are supposed to exercise over government decisions on the use of armed forces for international missions is not being adequately provided;
2. To compare the current initiatives and debates going on in several parliaments in Europe and the legislative and procedural solutions being put forward;
3. As necessary, to draft legislation or statutory amendments that make it possible to institute regular procedures for consulting and informing Parliament that cannot be circumvented by the executive under pressure of political events;
4. Support initiatives of international assemblies calculated to strengthen the dissemination of information among parliamentarians from a number of countries and a comparison of ideas, in order to create a common basis for democratic scrutiny attuned to the new reality of the European Security and Defence Policy.

[12] "The parliamentary oversight of the intelligence services in the WEU countries – current situation and prospects for reform", report submitted on behalf of the Committee for Parliamentary and Public Relations by Ms Kastelijn-Sierens (Belgium), Rapporteur, (Assembly Document 1801, 4 December 2002), http://www.assembly-weu.eu.

[13] "National parliamentary scrutiny of intervention abroad by armed forces engaged in international missions: the current position in law", report submitted on behalf of the Committee for Parliamentary and Public Relations by Ms Troncho (Portugal), Rapporteur, (Assembly Document 1762, 4 December 2001), http://www.assembly-weu.eu.

- Assembly Resolution 100[14] on "the Assembly of WEU and the parliamentary dimension of security policies", adopted in 1998, stressed the importance of national parliaments being more closely involved in the framing of security policies in Europe and invited national parliaments and the European Parliament:

1. To encourage their foreign affairs and defence committees to intensify their dialogue and working relations with one another; (...)
3. To promote, in accordance with the procedure used by each parliament, the coordination of the activities of the delegations to the Assembly of WEU, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the OSCE and the NATO Parliamentary Assembly;
4. To stimulate national parliamentary debate and interparliamentary debate on the objectives, priorities and resources of a security system for Europe and on the role of national parliaments in the European security architecture.

All these reports may be consulted on the Assembly's website: http://www.assembly-weu.eu.

- In its Recommendation 1713 (2005)[15] on "Democratic oversight of the security sector in member states", the Parliamentary Assembly of the Council of Europe "conscious of the fact that the proper functioning of democracy and respect for human rights are the Council of Europe's main concern, recommends that the Committee of Ministers prepare and adopt guidelines for governments setting out the political rules, standards and practical approaches required to apply the principle of democratic supervision of the security sector in member states, drawing on the following principles.

(i) Intelligence services

a. The functioning of these services must be based on clear and appropriate legislation supervised by the courts.

b. Each parliament should have an appropriately functioning specialised committee. Supervision of the intelligence services' "remits" and budgets is a minimum prerequisite.

c. Conditions for the use of exceptional measures by these services must be laid down by the law in precise limits of time.

d. Under no circumstances should the intelligence services be politicised as they must be able to report to policy makers in an objective, impartial and professional manner.

[14] "The Assembly of WEU and the parliamentary dimension of security policies", report submitted on behalf of the Committee for Parliamentary and Public Relations by Mr Woltjer (Netherlands), Chairman and Rapporteur, (Assembly Document 1604, 28 April 1998), http://www.assembly-weu.eu.

[15] "Democratic oversight of the security sector in member states", Report submitted on behalf of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe by Mr de Puig (Spain), Rapporteur and former President of the Assembly of WEU (Document 10567, 2 June 2005), http://assembly.coe.int.

Any restrictions imposed on the civil and political rights of security personnel must be prescribed by the law.

e. The Committee of Ministers of the Council of Europe is called upon to adopt a European code of intelligence ethics (in the same fashion as the European Code of Police Ethics, which was adopted by the Council of Europe).

f. The delicate balance between confidentiality and accountability can be managed to a certain extent through the principle of deferred transparency, that is, by declassifying confidential material after a period of time prescribed by law.

g. Lastly, parliament must be kept regularly informed about changes which could affect the general intelligence policy. (...)

(iv) Defence

a. National security is the armed forces' main duty. This essential function must not be diluted by assigning the armed forces auxiliary tasks, save in exceptional circumstances.

b. The increasing importance attached to international cooperation and peacekeeping missions abroad must not be allowed to have an adverse effect on the role of parliament in the decision-making process. Democratic legitimacy must take precedence over confidentiality.

c. At European level, it is essential to avoid any step backwards in relation to the democratic achievements of the Western European Union Assembly in introducing a system of collective consultation between national parliaments on security and defence issues.

d. In this connection, national parliaments should continue to have an interparliamentary body to which the relevant European executive body would report and with which it would hold regular institutional discussions on all aspects of European security and defence.

e. Deployments of troops abroad should be in accordance with the United Nations Charter, international law and international humanitarian law. The conduct of the troops should be subject to the jurisdiction of the International Criminal Court in The Hague. (...)"

2. Interparliamentary scrutiny of European security and defence policy

European parliamentary institutions made up of representatives of national parliaments which are concerned with scrutiny matters include the NATO Parliamentary Assembly, the OSCE Assembly and the WEU Assembly (the Interparliamentary European Security and Defence Assembly). This last Assembly is unique of its kind. Formed of delegations

from the national parliaments of Europe, it is the only European interparliamentary assembly competent by treaty to deal with security and defence matters.

The purpose is to ensure that cooperation between governments at European level is mirrored by cooperation between national parliaments, meeting at that same level. Transparency and democratic accountability are better served when intergovernmental policy is subject to interparliamentary scrutiny than when such scrutiny takes place only at national level.

The Assembly was founded in 1954. Its founding treaty, the modified Brussels Treaty, contains an unconditional mutual defence commitment on the part of member states (Article V). That article stipulates that "If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power". Article IX of the modified Brussels Treaty obliges WEU member governments represented in the Council to provide the national parliamentarians who sit in the Assembly with a written annual report on their security and defence activities.

39 European countries, including all EU and European NATO member states, Russia, Ukraine and the states of South-East Europe, send parliamentary delegations to the Assembly. It currently has some 400 members, more than half of whom are members of the defence, foreign or European affairs committees in their own parliaments. (...)

The members of the Assembly meet twice yearly in plenary session and throughout the year in committee meetings, conferences and colloquies. The Assembly recently held a seminar on the subject of the European Security and Defence Policy at the Bundestag, Berlin, attracting nearly 450 participants. Its next plenary session is due to take place in Paris from 4-6 June 2007.

Following the transfer of WEU's operational activities to the EU, the Assembly's main focus is to scrutinise the EU's European Security and Defence Policy (ESDP). The system of "double-hatting", whereby a person works for his or her country in both the EU and WEU, facilitates the dialogue between parliamentarians and governments. The Ambassadors representing member states on the ESDP's main political steering body, the EU Political and Security Committee (PSC), also make up the WEU Permanent Council, which regularly meets the Assembly's committees. Foreign Affairs and Defence Ministers sit on both the EU and WEU Councils. The EU High Representative Javier Solana, who is responsible for the Common Foreign and Security Policy (CFSP), is at one and the same time the WEU Secretary-General, thus creating a link between both organisations at the highest executive level. The European Parliament, which is informed about but has no power of scrutiny whatsoever in this area – governments having explicitly refused to accord it the relevant powers – is kept abreast of ESDP-related matters either by the Presidency or by the CFSP High Representative.

The main political work in the Assembly is done by four committees: the Defence Committee, the Political Committee, the Technological and Aerospace Committee, the Committee for Parliamentary and Public Relations. Each committee appoints rapporteurs from among its members who submit draft reports and recommendations on current security and defence issues. Assembly Recommendations are sent to the Council, which is obliged to give written replies. Parliamentarians also have the right to put questions to the Council.

Progress in European security and defence integration has often been initiated by Assembly Recommendations. Instances include:

- the Petersberg tasks, agreed by WEU Ministers in 1992, which still define the scope of ESDP crisis-management activities;
- the former WEU Satellite Centre in Torrejón/Spain which now provides the EU with a degree of autonomy in analysing satellite imagery for intelligence;
- the transfer of the WEU Institute for Security Studies, Paris to the EU;
- Defence Ministers' participation in the Council's activities;
- increasing Europeanisation of NATO;
- the recognition of the need for a European chain of command;
- the handbook on European military standards and procedures, a reference for the EU Military Staff;
- Europe-wide cooperation on defence equipment and in particular the creation of the European Defence Agency.

All the above achievements are the direct result of WEU's past experience and of the political input and impetus generated by national parliamentarians working together in the Assembly.

Debate on the future of Europe

On 29 October 2004, the EU Heads of State and Government signed the draft Treaty establishing a Constitution for Europe. The text contains important procedural innovations aimed at making ESDP decision-making more efficient. The Constitutional Treaty includes a solidarity clause giving member states the possibility to request aid and assistance from the other EU countries in the event of a terrorist attack. It also contains a so-called mutual defence clause for the EU, which is not, however, considered to be equivalent to Article V of the modified Brussels Treaty. Thus, WEU membership, which remains open to countries that are members of both the EU and NATO, retains its full political relevance. The Protocol on the role of national Parliaments in the EU, which is appended to the Constitutional Treaty, opens up additional possibilities for interparliamentary dialogue on ESDP, but remains insufficient. However, the Constitutional Treaty has not been ratified by all EU member states. Following the French and Dutch "no" votes in the 2005 referendums, the governments decided to extend the "period of reflection" on the future of Europe. The European Council adopted a two-pronged approach to moving all areas of common European policy forward, firstly, by agreeing to make the most of the opportunities provided by the existing treaties to ensure tangible results. Secondly, the successive

EU Presidencies would take stock of the debate surrounding the Constitutional Treaty and explore possible solutions, the aim being to take appropriate decisions during the second half of 2008 and before the European elections in 2009.

The Assembly has been working for European integration in the field of security and defence for over 50 years. It is the means whereby the national parliamentarians of European countries can make political recommendations to the European executive. As long as the necessary institutional reforms have not been implemented at European level, the Assembly continues to help remedy the democratic deficit within the EU by conducting an "interparliamentary" debate on what still remains an "intergovernmental" policy."

Mr Carlos HOFFMANN-CONTRERAS (Chile) thought that the concept of "security" had expanded in the course of the last few years: 20 or 30 years ago it only covered the area of activities relating to prevention or suppression of crime by the security forces (police, public security agencies etc); nowadays, in the globalised world, it included areas linked to ecology, human development, social and economic matters, human rights and international law. "Security" had therefore become more complex and now involved the concerns and actions of many public and private actors.

It was therefore logical that Parliament should return to its task of defining the main scope of national security of the country and to control the means and strategies put into effect for ensuring national security.

Taking into account the growing difficulty of the different areas covered, Parliament should rely on Members of Parliament and highly qualified experts in these areas (as committee secretariat, jurists, special advisors, etc.).

To respond to this great challenge, Parliaments should put into place initial and continuing training mechanisms for those staff members who were involved in areas linked to security. It was also necessary to establish closer links between Parliament and staff in charge of security (police, army, etc.).

Mr Douglas MILLAR (United Kingdom) said that in the United Kingdom a culture of secrecy had for a long time limited parliamentary scrutiny of defence activities. 1979 had interrupted this with the establishment of the Defence Committee.

Until the 1990s, the resources given to the intelligence and security services had never been explicitly and publicly identified. Such things had only changed very recently with the creation of a committee made up of Members of Parliament — nominated by the Prime Minister — which was charged with scrutinising the activities of MI5 (internal Security), MI6 (external security) and GCHQ. The Committee reported to Parliament each year on its activities and carried out inquiries on specific subjects.

As far as wiretaps, which Members of Parliament themselves might be the victims of, the principle in the United Kingdom was that elected Members could never be the subject of such intelligence work (the Wilson Doctrine) — although it was publicly

known that the secret services had asked the Prime Minister on several occasions to abolish this rule.

Mr Alain DELCAMP (France) said that in France the activities of the intelligence services sometimes came within the area of responsibility of independent administrative authorities (National Commission for Control of Security Interceptions — CNCIS) and that the Government had recently lodged a draft bill with the bureau of the Senate aimed at creating a parliamentary delegation on intelligence matters.

He asked for details about the Scrutiny Committee in Norway and wanted to know whether this was an internal parliamentary or external institution.

Mr Manuel ALBA NAVARRO (Spain) thought that the problem of scrutiny involved three questions: who scrutinised? Who was scrutinised? What were the limits of scrutiny?

On the first point there were two possible solutions: scrutiny by Members of Parliament individually (within a specialist structure) or scrutiny by a parliamentary institution. One of the essential aspects of this question was the transparency of work carried out.

On the second point: there were intelligence services connected to the police, the army etc and even if the capacity of administrations constantly to create new institutions seemed limitless...

The third point was the most difficult because the limits of scrutiny were subject to rapid change and that access to international information was made difficult by the need to obtain cooperation from different national agencies.

Mr Xavier ROQUES (France) said that in France, Parliament for a long time had not been able to take an interest in the use of “special funds” — Government funds devoted to financing intelligence services.

In 2002, a Parliamentary Commission “on scrutiny of special funds” had been established, made up of two Deputies, two Senators and two members of the Cour des Comptes.

The Commission had the task of scrutinising the use of credit allocated to the intelligence services on the basis of written material and specific checks carried out. The work was covered by official secrets legislation and the Commission sent an annual report to the President of the Republic, the Prime Minister and the Chairman of the Finance Committees of the two Chambers.

Mrs Doris Katai MWINGA (Zambia) said that in Zambia the activities of the intelligence and security services were generally secret and, for example, the report of the Auditor General relating to them was sent only to the President. The Finance Committee did not scrutinise funds allocated to these services although they carried out that work in relation to all other State institutions.

Mr Hans BRATTESTÅ concluded by underlining that in Norway scrutiny of the Defence Services had always been within the remit of Parliament and he thought that one of the principal obstacles to the effectiveness of scrutiny was because of the difficulty of the subjects dealt with.

The Scrutiny Committee in Norway was external to Parliament: its seven members were elected for five years by Parliament but they could not be Members of Parliament.

Mr Anders FORSBERG, President, thanked Mr Hans BRATTESTÅ and all the members present for their contributions.

The sitting rose at 5.15pm.

FIFTH SITTING
Thursday 3 May 2007 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.15 am

Mr Anders FORSBERG, President, reminded members that the time limit for candidates to be proposed for election as an ordinary member of the Executive Committee had been fixed for that day at 11 o'clock in the morning.

He said that there was a proposed change to the Orders of the Day: the communication from Mr Ian Harris would be put back, with his agreement, from that afternoon to the following day — Friday 4th May, in the morning.

This was agreed to.

1. New Member

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

Mr Nini HABTAMU	Head of the Secretariat of the House of Federation of Ethiopia (replacing Mr Bedane FOTO)

The new member was *agreed* to.

2. Summary and analysis of the regional seminar on the role of Parliaments in the process of national reconciliation in Africa, organised by the Parliament of Burundi, the IPU and International IDEA by Mr Hafnaoui Amrani

Mr Hafnaoui AMRANI said that during the session of the ASGP in Nairobi in 2006, he had presented a communication on the role of Members of Parliament and Parliaments in the process of national reconciliation after civil strife.

A questionnaire had been prepared on this topic and sent to members of the Association during the session in Geneva in 2006. Unfortunately, the number of responses received was very limited (8), of which six came from members representing countries which had not known civil strife in the course of recent years.

Instead of an analysis based on limited comparisons it had seemed better — with the agreement of the Executive Committee — to present an analysis of the regional seminar on the role of Parliaments in the process of national reconciliation in Africa which had been organised by the Parliament of Burundi, the IPU and International IDEA at Bujumbura on the 7th to the 9th November 2005. 13 African countries and over a hundred people had taken part in this seminar (see: http//www.ipu.org/splz-f/bur05.ytm and http//www.ipu.org/splz-f/bur05/conclusions.pdf).

Most countries which were emerging from a conflict situation experienced serious economic and social difficulties. The authorities attempted to look to the future and engage in reconstruction of the country and to avoid a return to the past for fear of opening old wounds.

The role of Parliament was essential in the promotion of reconciliation and was regarded as important in the process of building a national consensus. Its contribution was fundamental in terms of monitoring agreements, as well as in the agreement of laws and generating resources necessary to put them into effect.

Any process of reconciliation involved the participation of all sectors of society. In connection with this, the participation of women was imperative: they represented half the population and had an interest in the future of the country. As Victor Hugo said: “Women have a singular power, which is made up of the reality of strength and the appearance of weakness”. Their sensitivity to particular events in life allowed them to undertake work which encouraged rival factions to come together and to cement the relationship between different communities, to share the same worries across national fault lines. Simple deeds — but oh how symbolic! — such as knitting clothes together (Bosnia-Herzegovina) or adopting children without reference to their ethnic origin (Rwanda) assisted the process of reconciliation.

The creation of “reconciliation commissions” followed rigorous principles and criteria. The terms of reference had to be fixed, the work programme had to be set promptly and the legal status had to be decided. It was desirable that their work should not become a “witch-hunt” and should concentrate on true reconciliation with criticism of the guilty — which should at the same time encourage victims to tell their story about what had been done to them and include those responsible for violence, who were inclined to take part in the process, if the commissions were to be successful in turning the page and starting a better life.

It was not easy to settle the way in which things were prepared and to decide the level of compensation for victims. Compensation was possible when the suffering was merely material and easily quantifiable. It was less appropriate when the damage could not be made good, in the case of human loss or serious physical harm. Although other types of assistance — such as medical help or psychological support — could be given and this could contribute to a reduction of the suffering which had to be endured.

The choice of the person who was called on to chair the Commission was important. In South Africa, Archbishop Desmond Tutu and the President of the time, Nelson Mandela, had been moral authorities without rival.

Amnesty was a very difficult question: to judge someone or to give an amnesty were two opposing approaches, to which were different reactions and opinions. Its supporters were persuaded that an amnesty could assist a society in transcending the past and that it was the only way forward when the judicial system was incapable of passing judgment on many past actions. In most of the societies concerned, prisoners spent years in prison before the decision of the court — and many cultures favoured this, particularly in Africa. Those against amnesties thought that they developed a culture of impunity and promoted a spirit of reprisal and put into question the primacy of law at the same time as breaking international conventions.

There was a consensus at an international level in favour of this last point of view in relation to crimes of genocide, crimes against humanity or war crimes. International treaties laid down that any amnesties relating to such crimes were null and void. Nonetheless, the decision to start a court process — or not — in relation to the guilty depended largely on circumstances. In this way, a provisional amnesty — even if unacceptable in moral terms — might in certain cases be the only valid option; if, for example, those responsible were still in power or still had the means of threatening the stability of the country.

Sometimes it was very difficult to put a large number of people before the courts and the classic judicial system found itself set aside. When this happened, recourse could be had to “gacaca” as in Rwanda — people’s courts which allowed society to take part in the administration of justice at a local level. In Rwanda there were up to 20,000 people accused of crimes of genocide and using the normal system of justice had not been possible: only 6,000 cases had been dealt with within five years — at this rate, a hundred years would need to pass in order to cope with all those accused.

Members of Parliament had debated questions of justice and amnesty for a long time. Those countries which had chosen this route had often been confronted with the dilemma: how to deal with crimes of such magnitude, how to give justice to victim’s and their executioners while retaining social cohesion? It had happened that countries which had signed international conventions on human rights gave amnesties to criminals whom they nonetheless were under an obligation to prosecute under the terms of international agreements... In certain African countries, amnesties had been dealt with differently, such as in Sierra Leone — where they had been given to those responsible for crimes other than genocide, war crimes or crimes against humanity — or in South Africa — where they had been given only to those responsible for political crimes who had made a full confession.

This question had arisen recently with the new United Nations Resolution aimed at suppression of the worst crimes. Suppression of crimes against international law (genocide, war crimes, crimes against humanity) were part of obligations covering every country and it was not acceptable to set aside such obligations in the case of an

individual country. In fact, was it acceptable to give an amnesty for such crimes, for whatever reason, since it seemed so revolting to think of those responsible benefiting from legal impunity?

It was envisaged that recourse should be had to international jurisdictions when the local judicial system was no longer able to carry out its functions. Was it better to allow prosecutions to be dealt with by national courts or, on the contrary, by an International Criminal Court or hybrid jurisdictions made up of national and international members? The choice was not easy because national jurisdictions might seem completely ineffective in dealing with extraordinary crimes in relation to which few local judges could claim relevant experience.

In relation to this, the role of the international community could be of the greatest possible use in relation to financial or technical help. This participation was not without its risks since, as was the case with civil society, the international community was not homogenous and was affected by diverse points of view which might understand the priorities of particular countries very differently. The international community could lend assistance by making the experience of other States available. It was also necessary to acknowledge that international courts worked very slowly and were not able to deal with a large number of accused: they generally concentrated on symbolic figures and left the great mass of defendants to be dealt with by the domestic judicial system.

The paradox of this option was that those most responsible benefited from favourable treatment compared to those who carried out their orders, who were unable to benefit from an effective defence and might well, in certain circumstances, suffer the death penalty. Another difficulty was in relation to the distance between international jurisdictions and the theatre of the particular crimes, the proximity being inversely related to the ability to give justice: not merely geographical proximity but also cultural proximity could assist in understanding the context in which crimes had been committed — a dimension which might well be completely absent from the international system with judges who might be excellent lawyers but not necessarily equipped to understand the culture and psychological environment of the defendants in order to analyse correctly their views and behaviour.

In this connection, joint jurisdictions might be an attractive alternative as long as they managed to retain the advantages of national and international systems without also taking on their disadvantages. Their composition would allow foreign judges to use their expertise as well as local judges to use their local knowledge.

In the course of the seminar, the African Members of Parliament had wanted to build sustainable democracies on solid bases, without excluding a memory of the past, based on mutual respect, solidarity and civilised relationships between all members of the Nation, in order to create true reconciliation.

The documents from Bujumbura had great technical value and were full of a wide range of experiences and sincere accounts; they were an incomparable source of knowledge

for States. The saving virtues of solidarity and the bank of experience which they represented constituted material which States, which had known tragic conflict, could use. There were no lessons to be given on reconciliation, only experience which could be shared, since the road to reconciliation in any particular country was, at all times, unique.

Mr Carlos HOFFMAN CONTRERAS (Chile) asked Mr Hafnaoui AMRANI for his opinion on the action of the Special Tribunal for Sierra Leone (TSSL).

Mr Hafnaoui AMRANI said that he did not know about this document and the work in Sierra Leone.

3. Election of a member to the Executive Committee

Mr Anders FORSBERG, President, said that the Joint Secretaries had only received one proposed candidate by the 11 o'clock deadline for election as an ordinary member of the Executive Committee — that of Mr Abdeljalil ZERHOUNI (Morocco).

He announced that an election would not be necessary and declared Mr Abdeljalil ZERHOUNI duly elected as a member of the Executive Committee of the Association, *by acclamation.*

4. Communication by Mr Tae-Rang KIM, Secretary General of the National Assembly of the Republic of Korea, on cultural events for the general public for an open National Assembly

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

"1. The purpose of art & cultural events for an Open National Assembly

You may wonder what an 'Open National Assembly' means. In general, it carries two meanings. First, it is literally opening the National Assembly to the general public, the very people who gave birth to the National Assembly, so that they can freely enter their parliament. Second, it is about allowing the general public to participate in the decision-making process of the National Assembly thereby enhancing their participation in politics.

During the authoritarian regime, the National Assembly was closed to the public and the entrance to the National Assembly was restricted let alone the public's participation in the decision-making process. In other words, the public's endowed rights of political participation and freedom were limited. The Republic of Korea shifted from an authoritarian government to a democratic government yet the vestige of the authoritarian regime still prevails at the National Assembly.

Therefore, as the secretary general of the National Assembly, I decided to contribute to bringing full democratization of the National Assembly and thus set a goal of an 'Open National Assembly, the National Assembly of the People'.

In 2006 Geneva IPU General Assembly, as one way to make an Open National Assembly, I introduced the 'NATV' (National Assembly Television). However, given that the NATV is a broadcasting media it is difficult to satisfy both the promotion of the National Assembly to the general public and the participation of the general public at the same time allowing a direct, two-way communication.

It is a painful past to us that an authority-oriented political culture was created during the authoritarian regime which in turn greatly restricted not only people's entrance to the National Assembly but also people's participation in the decision-making process. Korea now has shifted from an authoritarian regime to a democratic regime yet the vestige of the authoritarian regime still prevails at the National Assembly.

Through art and cultural events, we aimed at opening the National Assembly to the public so that they can freely enter the National Assembly thereby bringing down the barrier between the Korean parliament and the Korean people.

In addition, people who come to the art and cultural events will have the chance to visit different places in the National Assembly such as the grass area, garden, track field and so on which will give them a sense of ownership. That is, the National Assembly of Korea is a parliament of the people and by the people. This sense of ownership heightens public's participation in the decision-making process, and allows the political process to reflect the will of the people thereby materializing the ideal of direct democracy.

From now, I would like to introduce to you "Art & Cultural Events for an Open National Assembly" an effort more than any other institutional undertakings that can directly, effectively and ultimately promote people's participation in politics.

2. National Assembly Family Cinema

First, I would like to talk about the National Assembly Family Cinema.

Starting from October 1998, on the third Thursday of each month, the main conference room at the National Assembly Members' Office Building transforms into a cinema and plays movies that are highly praised for their artistic aspects, movies with political implications, and movies that are creating a buzz in Korea thereby inviting the general public to the National Assembly.

The National Assembly Family Cinema not only meets cultural demand of the employees of the National Assembly but also serves as a cultural venue to employees' families and the general public.

3. National Assembly Visual Concert

Second, I would like to talk about the National Assembly Visual Concert.

Starting from October 2006, on the second Tuesday of each month at the main conference room of the National Assembly Members' Office Building, music critics are invited and under a theme, different genres of music are introduced on the screen.

For instance, in April, under the theme of 'Spring Banquet, Flower Festival' we introduced 'Songs My Mother Taught Me' by Antonin Dvorak, 'Grand Ballabile' from the ballet, 'Le Corsaire' by Adolphe Charles Adam, Korean traditional folk songs and arias, and 'Bauern Polka, op. 276' by Joseph Strauss to create an enchanted spring evening at the National Assembly. The National Assembly Visual Concert is appreciated by the National Assembly employees and their families as well as the general public.

Both the National Assembly Family Cinema and the National Assembly Visual Concert stimulates participants artistically and awakes participants' sensitivity thereby providing a foundation for a refined politics that is combined with art and culture.

4. National Assembly Traditional Art Festival

Next, I would like to talk about the National Assembly Traditional Art Festival. Before we move on, please enjoy the beautiful surrounding of the National Assembly. The economic development achieved after the Korean War is known as 'the miracle of the Han River' to the world. The Han River flows across the center of Seoul, the nation's capital, and the National Assembly is situated on an island called Yeoido that is found at the very center of the Han River. Every year in spring, hundreds of cherry blossom trees that surround the National Assembly come to a full blossom announcing the start of the Cherry Blossom Festival. Imagine the Cherry Blossom Festival taking place at the very center of Seoul, a city home to 10 million Koreans.

Millions of Seoul citizens and tourists come to the Cherry Blossom Festival to enjoy beautiful blossoms that surround the National Assembly. I thought of ways to bring people inside the National Assembly during the festival period and host cultural events that will reduce the barrier between the National Assembly and the general public. This is how the National Assembly Traditional Art Festival came into being this year.

The reason why traditional art was chosen as the theme of the festival is because traditional art such as traditional Korean opera is ingrained with the essence of Korea and thus can easily reach out to the people. In addition, this can renew the people's understanding of creativity and uniqueness in Korean culture. The National Assembly wanted to contribute to the development and growth of Korean traditional art through this festival.

The National Assembly Traditional Art Festival was held from April 5 to April 11 this year and during the seven days of the festival, many events took place at the track field, National Assembly Members' Office Building, and the Memorial Hall of the National Assembly. Traditional dance, Korean opera, and tight rope dancing were performed, and the movie 'Chihwaseon' which depicts the life of a genius Korean painter of Chosun Dynasty, Jang Seung Up was played. In addition, aforementioned National Assembly Visual Concert along with traditional art classes also took place.

More than one million people came to the National Assembly during the festival period and discovered the National Assembly as a venue for rest and culture. The biggest achievement of the festival is that people feel the National Assembly close to their hearts and recognized that politics is with the people.

5. Special Exhibition on Constitutional Documents

The Memorial Hall of the National Assembly from April 5 to April 14, 2007 held a special exhibition on the constitutional documents on the occasion of the 88th anniversary of the Korea Provisional Decision-Making Board to display various documents relevant to Korea's constitutional history.

Official documents and objects of the provisional government that struggled to restore independence in Korea against the Japanese imperialism 100 years ago were presented for the display. In addition, a special event such as making a woodcut of the provisional government flag was held.

The exhibition provided an opportunity and experience to raise the awareness of the constitutional history in Korea while promoting the collection of documents relevant to the constitutional history of the National Assembly.

6. Achievements

Up until now, I have given you an outline of the art and cultural events at the National Assembly. Now, I would like to talk about the achievements of these events.

As for the National Assembly Traditional Art Festival which was held for the first time this year, it succeeded in sending a message that the National Assembly is with the people.

For the past 10 years, the National Assembly merely opened itself to the public during the Cherry Blossom Festival however by hosting the National Assembly Traditional Art Festival for the first time this year, it reached out to the public. Consequently, people felt that the National Assembly is close to them and realized that Korean politics is with the Korean people.

The National Assembly, prior to the democratization, was often perceived as a dysfunctional body that only resorts to authority. Such an image unfortunately still prevails today but through the aforementioned festivals and events, the National Assembly was able to show its true self, that is, a body working hard to serve the people with great love.

Second, art and cultural events played a role in building a cultural foundation to bring more 'human' aspect to the politics which can often be perceived as rigid and cold-hearted.

In other words, by organizing cultural events at the National Assembly to always communicate with the people, the National Assembly is providing an artistic stimulus to the National Assembly members and participants while awakening their aesthetic sensibility thereby building a foundation for a refined politics that is combined with art and culture.

Third, the art and cultural events showed that the National Assembly is taking the initiative to preserve Korean art and culture thereby contributing to expanding the artistic and cultural basis in Korea.

7. Closing

Mr. Chairman, representatives around the world,

Creating a healthy, productive and noble political culture depends largely on the qualities and personalities of the members of the National Assembly and the level of sophistication of the voters who elected them. However, it is the role of the National Assembly Secretariat to build a foundation for a sophisticated parliamentary culture and to nurture it.

In this light, the National Assembly while strengthening its basic roles, which are legislative right and budget control, aimed at laying the groundwork for a cultural foundation that will take our political sophistication to the next level through hosting cultural events.

We are now at a point of reviewing the possibility of regularly holding traditional art classes that were very popular during the National Assembly Traditional Art Festival. Moreover, we are transforming our parking lots into grass area in front of the National Assembly Main Building by planting *Geumgangsong*, the most representative type of pine tree in Korea. Through this change, we hope to make our National Assembly a 'beautiful National Assembly' where people can come and enjoy the green grass and forest.

This brings us to the end of my presentation, "Art & Cultural Events for an Open National Assembly," an effort to make the National Assembly a representative body of the people, a venue for communication, and a symbol of democracy.

I hope it could be helpful to your respective countries."

Mr Anders FORSBERG, President, thanked Mr Tae-Rang KIM for his communication and asked whether events were open to people from outside the capital.

[reply in Korean]

Mrs Claressa SURTEES (Australia) said that she was very impressed with the programme which had been developed. She asked what contribution Members of Parliament made to selection of items on the programme.

Mr Michael POWNALL (United Kingdom) also asked about the contribution made by Members of Parliament to selection of items on the programme. He asked whether specialist advisers were recruited to advise on the artistic components of the programme or whether this was all done by employed members of the Secretariat.

[reply in Korean]

Mr Leszek BIERA (Poland) noted that there were considerable financial resources available to the Parliament in South Korea in relation to promotion of various programmes, whether the digital chamber, the parliamentary television channel or, in this case, promotion of artistic events. He asked whether there was any adverse comment in the press in relation to the expenditure devoted to the artistic events.

Dr Ulrich SCHÖLER (Germany) praised the work of the South Korean Parliament in connecting Parliament with the people by way of promoting artistic events. Similar work was done by the German Parliament. However, he noted one important difference. In Germany it would be unthinkable to use the plenary chamber for such events. He asked whether there had been any public debate about using the plenary chamber for such events in Korea?

[reply in Korean]

Mr Abdeljalil ZERHOUNI (Morocco) congratulated Mr KIM on his brilliant presentation of how the Korean Parliament had managed to bridge the gap between political and cultural life. His remarks served as an example to all colleagues to show what could be done, even if they were imitated on a less ambitious scale. He asked what work had been done to measure the impact of such events on Members of Parliament as well as members of the public.

[reply in Korean]

A member asked whether large crowds visiting such cultural events might not attract terrorists. Many Parliaments had suffered from terrorist attack and she asked whether this might not add to the risk.

[reply in Korean]

Mr Anders FORSBERG, President, thanked Mr Tae-Rang KIM for his communication as well as all those members who had put questions to him.

5. General debate: Transition from a one party system to a multi-party system

Mr Anders FORSBERG, President, invited Mr Heiki SIBUL, Secretary General of the Riigikogu of Estonia, to open the debate.

Mr Heiki SIBUL spoke as follows:

"Estonian history has passed through many colourful phases over the last century. After centuries full of suffering, the Estonian nation proclaimed its independence on 24 February 1918. In reality, Estonia remained under German occupation until November 1918, and after the German troops left, the Soviet Union launched its own military invasion into the territory. Estonia achieved final independence only after the end of the Estonian War of Independence, in February 1920. The years of independence were not all milk and honey – although the Constitution of the young state was exceptionally democratic (Estonia was one of the first countries in the world to introduce universal suffrage[16] and grant wide cultural autonomy to national minorities), the political climate was rather unstable. The global economic crisis of the early 1930s did not improve matters and in 1934 a soft authoritarian regime was set up to block the rise to power of extremist forces. At the end of the decade restoration of democracy was on the horizon but before it could arrive the interference of foreign superpowers put an end to Estonian independence. The secret protocols of the 1939 German-Soviet Non-aggression Pact (aka the Molotov-Ribbentrop Pact) divided Eastern Europe between the Nazi Germany and the Communist Soviet Union, leaving the Baltic States under the latter's rule. In 1940 the Soviet Union occupied the Republic of Estonia. The consequent deportations and executions carried out by the Stalinist and the Hitlerian occupation forces as well as the post-war deportations reaped their devastation. It has been estimated that roughly one tenth of the population was executed or deported, which together with the emigration to the West and the children left unborn due to the war reduced the Estonian population by an approximate third (Misiunas ja Taagepera 1993: 354-6). Estonia was not given the chance to restore its independence at end of the World War II but remained annexed by the Soviet Union.

21 years ago, in 1986, Estonia was still one of the fifteen Soviet "Republics". The country was under the sole leadership of the Communist Party and followed the socialist planned economy policy. After the restoration of its independence in August 1991, Estonia has become a sovereign state with a functioning democracy and market

[16] During the 1919 elections of the Estonian Constituent Assembly, the right to vote was granted to all citizens of at least 20 years of age – including women and military personnel – with no proprietary restrictions. Nearly 61% of the population thus had the right to vote (Sikk, forthcoming). The corresponding figure in countries having introduced general suffrage earlier was in fact lower (in the 1920s it was 48% in Finland, 52% in Norway and 55% in New Zealand, Katz 1997: 236-7). It is important to note that the age limit at the April 1918 national elections was 18 years (Graf 2000: 97).

economy. Foreign policy has also made a pronounced break from the past – as a Member State of the European Union and NATO since 2004, Estonia has defined itself in terms of a Western state, reflecting this self-image in its foreign economic relations.

Analysts have stressed the complexity of democratisation simultaneous with the introduction of market economy. The post-communist transition process is triple by nature. Building up of democratic institutions and market economy was further complicated by the national/territorial dimension of the transition – changes in population, in state borders and the need to fit into the system of European states (Offe 1991). The case of the newly independent former Soviet Republics was often aggrieved by the need to build up most of the state institutions from scratch. Understandably, in the end of the 1980s, post-communist states were predicted to require a drawn out transition period. According to a well-known statement by Ralf Dahrendorf, different spheres pass through the transition phase with different speed: while the fundamentals and institutions of political democracy can in principle be enforced in six months, and transition to the market economy can be carried out in six years, the (re)emergence of the civil society necessary for the successful functioning of democracy takes a whole generation, i.e. 60 years (Dahrendorf 1990).

We can say that Estonia has successfully completed the triple transition after regaining its independence. The economy operates fully according to the rules of free market economy – even to a greater extent than in some Western European countries. This has been accompanied by a revolutionary reorientation from the East to the West in foreign economic relations – while Estonia's economy was still inexorably linked to the Soviet economy in the late 1980s, in 2005 more than two thirds of Estonian trade was directed towards the European Union, with Russia's share falling below one tenth (Statistics Estonia). Although the birth of a functioning civil society in a place where a totalitarian regime had done everything to curb it for decades is a time-consuming process, both the non-profit sector and its basis – the willingness and readiness of people to promote social development – have made healthy progress in Estonia.

It has not been easy to build up institutions of the state. At the end of the 1980s and the beginning of the 1990s, the main problems were the *de facto* inexistence of institutions characteristic of an independent state, but also the difficulty in ridding the country of certain redundant or downright obstructive institutions. One of the prominent examples is the difference in organising elections and parliamentary work in the Soviet Union and the again independent Estonia. The pseudo-elections of the Communist period had little in common with elections under democratic conditions (apart from the fact that the old ballot boxes could still be used at first). Competing campaigns, parties with differing programmes fighting for the votes cast by voters on their own free will requires a specific machinery to ensure election freedom – from voting booths to the existence of a central electoral committee – as well as understanding and acceptance of rules by the participants. There is also little in common between the puppet parliament of the ESSR – the Supreme Soviet – which met infrequently to numbly approve the policy shaped in the actual power centres of the totalitarian state, mainly in Moscow, and the representative body of the independent parliamentary democracy of

Estonia – the Riigikogu – which is the actual highest legislative body as well as the initial source and supervisor of the executive power of the state.

Communist political system

As evidenced by the above, the Soviet-era communist regime power structure in Estonia was a far cry from democracy, although formally the Constitution of the ESSR and other legislation might at first glance have appeared similar to the legislation in independent states. This highlights another important difference – while in a democratic rule of law a political system functions primarily on the basis of legal acts enforced by the parliament, in a communist political system the written laws and the reality could differ considerably from one another, without causing the balancing state powers to interfere.

In Estonia – as well as in the whole Soviet Union – the communist single party topped the Soviet political hierarchy. Although other branches of power characteristic of modern states – legislative, executive and judicial – formally existed, they depended on the dictate of the single party. The Communist Party itself was centralised, with the Central Committee bureau holding the reins. Estonian Communist Party, in turn, was the regional body of the Communist Party of the Soviet Union. The state system as a whole was characterised by two parallel systems, whereby a party structure existed alongside the executive power system – e.g., the departments of the Party Central Committee corresponded to ministries and were the bodies actually directing economy, culture and education, etc. At the same time, only a few institutions of executive power were even formally subordinated to ESSR ministries, while others were of all-Union or Union-republican status and thus even more tightly bound to the central authority in Moscow. Although the security agency KGB was relatively independent of other Soviet state-level institutions during certain periods, practically a state within a state, the security was in practice also subordinated to the dictate of the Communist Party, more specifically to its Moscow headquarters.

The Supreme Soviet of the Estonian SSR, purportedly the regional parliamentary body, was even more perfunctory. A mere glance at its working plan confirms that: until 1988 it held only two sittings a year and deputies therefore fulfilled their parliamentary duties in addition to their everyday work. We must not forget that the deputies of the puppet parliament were “elected” – not to say set into office in an election-like public ceremony – under a single party regime, without competing candidates. Any attempt at voting against the single candidate of the single party presented in itself a psychological challenge and required public display of civil disobedience from the voter (since the ballot paper only bore the name of the single candidate, a voter was simply required to slip the paper unmarked into the ballot box and already the fact of entering the voting booth was a sign of possible anti-regime attitude).

No actual work, discussions and debates generally took place in the Supreme Soviet of the ESSR until the end of the 1980s. The assembly was a prime example of a “rubber stamp”, only meeting to give the draft legislation already *de facto* approved by the party and the executive power the form of legal acts and resolutions. In setting up candidates for the elections, the party’s main concern was to assure that the representative body reflected the population make-up. In this non-democracy the stress was not on

representing the values and interests prevailing in the society, but instead an attempt was made to ensure the proportional representation of existing social groups (e.g. different age groups, professions, etc.) A somewhat greater role was played by the leading body (Presidium) of the Supreme Soviet which was active between the sessions of the Supreme Soviet; the Presidium approved changes in the structure of state agencies, administrative division, leadership, formation of judicial bodies and creation of the legislative basis for "elections" (Vahtre 2005: 252). The top leaders of the Supreme Soviet were very closely linked to the highest authorities of the Communist Party on a personal level: since the 1950s, all Chairmen of the Presidium of the Supreme Soviet had been members of the Communist Party Central Committee – usually serving in both bodies at the same time.

It would be wrong to say that there was no exchange of ideas and no discussions in the Estonian society during the Soviet era. This was certainly done at the top of the political hierarchy – in the Communist Party Central Committee – as well as at lower levels. More profound and unguarded discussions, however, were confined to the circle of close colleagues, friends and above all, the family: exchange of ideas as such was carried over from the public sphere to a strictly private space. One of the prime goals of the totalitarian regime was to reshape society and destroy free civil society and initiative. Just like the party system was substituted with the omnipotent single party, the genuine non-profit sector was substituted with organisations formed by the state, such as trade unions and youth organisations linked to the Communist Party. One of the most burdensome legacies left by the communist regime is the transfer of the free exchange of ideas – an important prerequisite of true democracy – from public sphere to domestic environment; this has been a problem for all states that turned to democracy at the end of the 1980s.

Nearly half a century of communist regime was certainly not uniformly repressive and monotonous, but also contained somewhat brighter periods. The 1960s brought along a certain thaw in the whole of Soviet Union, along with the introduction of the freedom of speech – albeit in a very restricted form. Since the 1970s, the Soviet Union faced economic problems which crumbled the legitimacy of the regime. The post-Stalin Soviet Union is usually not called a totalitarian but post-totalitarian regime, or considered under the general heading of authoritarianism (Linz 2000). At the same time, it cannot be definitively said that a shift towards democracy took place – restricted freedom of speech did not extend to political issues and the sole authority of the Communist Party remained intact. Hence, in the 1980s the leading politician in Estonia was still the First Secretary of the Communist Party, elections retained their pseudoistic character, and until the second half of the 1980s the Supreme Soviet showed no sign of acquiring a more serious role or concentrating on substantive work.

Building statehood

Transition to democracy in Estonia began years before the independence was regained. Strangely, the final Soviet years were much freer in Estonia than in many nominally independent Eastern European socialist countries and, in retrospect, the transition to democracy started surprisingly early.

The Berlin wall came down and the Czechoslovakian Velvet Revolution took place in November 1989, and the Romanian dictator Ceauşescu fell at the end of the same year. However, Moscow's plans to launch wide phosphorite mining in Estonia had caused fairly public manifestations of outrage already in spring 1987, and in August of the same year the anniversary of the Molotov-Ribbentrop Pact had been marked with a mass demonstration in Tallinn, with the clear message to declare null and void the annexation of Estonia to the Soviet Union, as mentioned in the secret protocol of the Pact. The founding process of the first non-communist – in fact anti-communist – political party, the Estonian National Independence Party, already started in early 1988. The founding of the more moderate but more widely supported Popular Front sparked in spring 1988 from a direct broadcast of the official (!) television channel, where burning social issues were discussed quite openly and critically. ESSR authorities took no serious steps to bar the activities of these organisations.

The summer and autumn of 1988 was also a period of mass gatherings in Estonia, with demands for national independence made more or less overtly. At the same time, the Estonian national flag, banned for more than four decades by the communist regime, could be seen *every day* and openly. Changes could also be detected inside the official Soviet institutions. Thus, at the 1988 autumn elections of *substitute members* of the pseudo-parliament, the Supreme Soviet, only one candidate still ran in every constituency, but the elections were preceded by a candidate-centred poster campaign and televised interviews.

From 1988 to 1992 Estonia saw a gradual shift from electing candidates without competition to choosing a preferred candidate, and from voting for a specific candidate to, first, a semi-proportional method and then to a list method. The 1989 local government elections were more democratic compared to the earlier ones, as multiple candidates ran for each seat. We must not forget, however, that the number of candidates alone is not a sign of real democracy – multiple candidate elections took place during the totalitarian era in several Eastern European countries (e.g. in Hungary since 1970, Racz 1987). The unregistered – yet active – political parties still had no right to set up their own candidates at the 1989 local government and 1990 Supreme Council elections. Although the candidates were set up in other ways allowed by the Election Act, this probably did not ensure a true party competition – party affiliation of the candidates was not well known to most voters and was not included in official election materials. Nevertheless, in 1990 a non-communist majority supporting the restoration of Estonia's independence formed in the Supreme Council under the leadership of the Popular Front.

At the beginning of 1990, another very important assembly for the restoration of Estonia's statehood and democracy was elected – the Congress of Estonia, which represented the citizens the pre-WW II Republic of Estonia and their descendants. This probably constituted the only privately organised nationwide election in the world (Taagepera 1993: 174). Unlike in elections of the Supreme Council, the party affiliation of the candidates was not concealed. This difference was mainly caused by the interests of the Communist Party who could impose its will at the elections of the Supreme Council, but not in elections of the Congress of Estonia. While familiar

candidates' chances might have been harmed by publicly labelling them communists, most of the less known non-communist candidates benefited from reference to their party affiliation.

Although the relations between the Supreme Council and the Congress of Estonia were occasionally quite strained due to different power balance, both played an important role in restoring Estonia's independence individually as well as in the framework of the Constitutional Assembly. This Assembly was formed, in spite of conflicts, on parity basis for the drafting of a new Constitution, and functioned from 13 September 1991 until 10 April 1992. These assemblies were important for recreating the parliamentary tradition and shaping the multi-party system. Before the elections of these assemblies in 1990, the main actors on the political landscape were vaguely defined popular movements (such as the Popular Front, Estonian Heritage Society) or political groups (mainly Free Estonia, made up of reform-minded communists and represented only in the Supreme Council) and not yet fully developed political parties (Estonian National Independence Party and other parties that were still in their early stages). A contemporary party system characteristic of representational democracy needs not only political freedom but also a social forum where loosely grouped people's representatives could work towards a more systematic cooperation. This explains why the party landscape started to take shape in the above two parliamentary assemblies and the Constitutional Assembly.

A remarkable fact about these elections is that although voting for candidates used on both occasions, straightforward effort was made to break from the Soviet majority election principle and one-seat constituencies. Since political parties were still in their formative stages or the authorities were reluctant to accord them sufficient roles (in the case of the Supreme Council), semi-proportional rather than proportional methods were applied in multi-member constituencies. The last Supreme Council was elected using the single transferable vote (STV) system, highly prized by electoral system experts, whereby voters rank the candidates in order of their preference. The limited vote method was used for the elections of the Congress of Estonia, whereby voters in multi-member constituencies had the opportunity to vote for multiple candidates, the number of votes being smaller than the number of seats. While selecting the system for Supreme Council elections was a compromise between the wish to abandon the majority method and the reluctance to adopt a list system, the main goal of electoral system for the Congress of Estonia was to achieve a proportional result in a financial squeeze – after all, these elections were not financed from public resources. Although the STV was later abandoned, the system itself could not be accused of obstructing party system formation or being exceedingly complicated. Rather, the development of the party system was hindered by the missing party affiliation on both ballot papers and candidate lists, and the system itself that is successfully used in other parts of the world (Ireland, Malta, sub-national elections in Australia, New Zealand, Scotland) was not to blame.

After Estonia regained its independence in August 1991, the current Constitution was adopted by referendum in June 1992. It formed the basis for the Riigikogu elections in autumn 1992. This could be viewed as a milestone on the road towards Estonian party

system development. Earlier somewhat chaotic mass movements and groups were crystallised into political parties or at least electoral coalitions of smaller parties. This was undoubtedly supported by the adoption of the list method at the Riigikogu elections. Still, a strong personal selection element has been retained until today because party lists are open and the vote is always cast for a specific candidate. At the same time the role of individuals has considerably diminished in the campaigning as well as in the eyes of the voters – a more salient feature is the intertwining of the individual and the party level, as each one advertises itself through the other.

The 1992 Riigikogu elections were no more than a milestone on the way of development simply because remarkable changes have taken place on the party landscape since: regroupings, mergers, splits, rise of new parties and fading out of old ones. This has partly been prompted by certain instability during politically and economically demanding and turbulent times. Looking back, we can nevertheless say that several changes only touched the surface – parties simply changed their name, coalitions were formed, mergers took place – while other changes in the party system have come quite naturally for many reasons. For example, important changes have taken place in politically relevant issues: privatisation, which caused much public turmoil in the first half of the 1990s, has lost most of its significance today (Sikk 2006: 33-34). It is only natural that changes in politically relevant issues bring along changes on the political landscape. Also, the frequent reference to the electoral instability of all Eastern European states springs from comparison with the calm elections period of old Western European democracies and disregards the fact that in 1990s elections in the Western Europe also became more eventful (Mair 2002: 131). And, modern party democracy might simply be more dynamic than before. Although this sets democracies face to face with new challenges, it does not necessarily mean that democracy is in crisis.

One of the reasons behind the changes in the party system has been the shift from fragmentation to consolidation. During these fifteen years party mergers have had greater impact in Estonia than party splits or formation of new parties. A recent example is the merger of the right wing parties *Isamaaliit* and Res Publica in 2006. Earlier mergers include those of rural parties in 2000, gradual consolidation of social democrats in the middle of the 1990s, merger of conservative parties *Isamaa* and Estonian National Independence Party in 1995. *De facto* consolidation can also be seen in the concentration of right-wing liberal parties and opinion leaders into the Reform Party in 1995. This list could be continued to include the merger of several minor parties with parliamentary parties. The statistics speak for themselves: while Estonia had 36 parties and 17 election lists in 1992, by 2007 the number of parties had fallen to 16, 11 of which fielded candidates for the Riigikogu elections. The clearing up of party landscape has partly been abetted by the 5% national election threshold and stricter legal acts: since 1995 a party must have at least 1,000 members to register, and since 1999 electoral coalitions can no longer run in the Riigikogu elections (only registered parties and independent candidates have the right to run).

Rule of law has been developing and constitutional institutions consolidating along with the party system. The adoption of the 1992 Constitution was followed by the speedy adoption of other legal acts. Legislators were living in busy times: the Riigikogu elected

in 1992 adopted 169 consolidated texts of legal acts during its 28 month term. The invitation to the European Union accession negotiations was received in 1997, leading to very active legislative activity in the end of the 1990s in order to transpose the EU *acquis*.

The organisation of parliamentary work has also been perfected over time. The Riigikogu Rules of Procedure Act was adopted in 1992 and has been amended with consolidated versions twice. The 1994 version stipulated the list of standing committees and detailed specifications of parliamentary procedures. This version was amended in 1999 with more detailed stipulations regarding the Question Time of the Riigikogu, and interpellations and written questions by MPs. The 2003 consolidated version improved the use of the Riigikogu working time and specified the types of committees and forms of debate. In addition to standing committees, the Riigikogu also has select committees, committees of investigation and study committees. All Bills were required to pass three readings instead of two, competence of the leading committee was increased in proceeding Bills and the competence of the President of the Riigikogu in organising the work of the Riigikogu was also expanded. A *faction* can be formed only by MPs who stood as candidates on the same list, and such MPs can form only one faction. A separate procedure has been stipulated for presenting opinions on the EU draft legislation – generally it's the European Union Affairs Committee and the Foreign Affairs Committee who give a mandate to the Government of the Republic on behalf of the Riigikogu and on the basis of their competences.

Similarly to the parliament, other constitutional institutions were set up at the beginning of the 1990s – the President, the Government, courts, the Chancellor of Justice - and have also gradually evolved over time. This can be illustrated with the functions of the Chancellor of Justice. Pursuant to the Constitution of Estonia, the Chancellor of Justice carries out supervision over the compliance of legislative acts with the Constitution and legal acts. In 1999, the Chancellor of Justice was also accorded the functions of ombudsman, as the increasingly better operating state clearly showed a need for this.

Estonian democracy today

Estonia, which was still a Soviet Republic in 1990, has by now become a functioning independent state. Important international landmarks on this road to progress have been accession to the UN (in 1991), to the Council of Europe (1993), complete withdrawal of foreign troops (1994), accession to the WTO (1999) and exchanging the status of a receiver of development aid to that of a donor country at the beginning of the new millennium. The most important steps of recent times have included accession to NATO and the European Union in 2004. From the viewpoint of national development, it is important to note that membership in the above organisations is not only an indication of economic and institutional development, but in many cases the existence of a well-functioning democracy has also been an explicit or implicit requirement for any prospective members.

Most of the pieces on Estonian political landscape have found their place in the puzzle, although voters are not as loyal in their preferences from one election to another as in many old Western democracies. On the other hand, Estonia has successfully swapped

the rigid Soviet single-party system for a dynamic multi-party system. There are more disputes, disagreements and occasionally also dirty public rivalry than in the old days, which is why it may seem that the society and the state are in more trouble than before. At the same time the main issue from the viewpoint of democracy – freedom to exchange ideas and the right to make decisions – has been solved. An overwhelming majority of the people also see politics as something belonging to them, instead of something forced upon them from afar. Even abundant criticism is a sign of a well-functioning democracy.

There is no reason to call Estonian democracy a "finished" democracy since democracy is *per se* a process and must evolve to exist. Sustainable development depends largely on the emergence of an efficient civil society; however, the latter is the most difficult to restore in countries which suffered under a communist regime for half a century. After all, one of the main objectives of the Soviet system was to annihilate the civil society which did not depend on the authorities. In order to restore it, we need strong economic growth and important shift in the mentality and attitudes in our society. Understandably, this might take time. The Estonian state has created the primary conditions for the development of civil society – the most important of these are the 1996 Non-profit Associations Act, which takes into account the needs of a democratic state, and the Estonian Civil Society Development Concept, approved by a resolution of the Riigikogu in 2002. Although there is room for development before reaching a civil society which functions efficiently and supports the political system as a whole, positive signs are evident. Thus the number of non-profit organisations has increased, their involvement in policy-shaping process broadened, visibility of organisations improved in the media and the Freedom House assessment of Estonian civil society (*Nations in Transit 2006*) has gained in positivity since the mid 1990s.

While the parliamentary landscape of dynamic societies tends to undergo slightly bigger transformations, slightly more frequent changes of government and maybe also more serious political scandals than in old democracies, dynamism also has a much brighter side. Estonia is dynamic in its attitude towards extensive innovation in governance. This is illustrated by several IT solutions which occasionally make Estonia something of a global pioneer and test lab. We have thus learned to take for granted e-government, internet elections and Legislative Process Database[17], launched in 1996 and steadily developing ever since, not to mention internet banking or filling in an income tax return over the Internet, which the majority of Estonian population sees as nothing out of the ordinary.

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[17] The Riigikogu information systems contain all parliamentary documents, and any speech is available on the Internet an hour after it is made at the Plenary Assembly.

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

"As it is well known, 1989 marked the collapse of the communist regimes in Europe. The communist parties had lost their monopoly of power in Poland, Czechoslovakia, Hungary, the German Democratic Republic, and Bulgaria. In Romania, where the communist system was one of the harshest among the Eastern European Countries, the regime was overthrown through a revolution, which started in a town in the Western part of the country, at 17 December 1989, and spread out very fast over the whole territory. At December 22, the President Dictator was forced to quite the power. The Council of National Salvation Front, structure directly resulted from revolution, assumed the ruling of the country. In a Communiqué addressed to the country, broadcasted the same evening, the Council of the National Salvation Front announced the future organization of free elections, the separation of the state powers, the election of the President of the country for one or maximum two mandates and the elaboration of a new Constitution.

Return by Romania to the democratic multi-party system after more than 40 years.

The Decree-Law on the registration and the functioning of the political parties and of the civic organizations.

Romania didn't pass through a *Perestroika* period of transition like the other socialist European countries; but it passed directly to the Western type democracy. In this regard, the Council of the National Salvation Front published, December 31, 1989 the Decree Law on the registration and the functioning of the political parties and of the civic organizations, stipulating, among others, that:

1. "The establishment of the political parties is free, with the exception of the fascist parties or of the parties promoting conceptions contrary to the state order and to the Romanian Law."
2. "No other restriction for reasons as race, nationality, religion, level of culture, gender or political conviction, shall impeach the set out and the functioning of the political parties".

3. The organization and the functioning of the political parties shall be according to their statute, in the full respect of the Law. The political parties shall be founded on the basis of the respect of the national sovereignty of the independence and of the national integrity, of democracy, in order to ensure the respect of the liberties and of the rights of the citizens and to promote the dignity of the Romanian nation.

4. For the legal registration, any political party shall declare its head office, its financial resources, and shall prove of having 251 members.

5. The officers and the civil staff of the Ministry of National Defense, the judges, the prosecutors and the diplomats, the staff of the National Radio and Television, shall not be members of any political party.

As a result of the strong wish of the Romanians to make a final shift from the one party system to the multiparty system, in the immediately next period, we witnessed a veritable inflation of political parties: from January to May, 1990, – five months only-, more than 80 political parties were registered.

While in the others ex-communists countries, new and modern parties were set up, in Romania, the historical political parties restarted their activity. Their founding fathers – ex- members of these parties, most of them being politically imprisoned in the communist era, - promoted the recovering by Romania of its democratic tradition and their parties belonging to the most prominent political European trends: christian-democrat, liberal, social-democrat.
Together with the re-establishment of the historical parties many other new parties were legally registered.

Beginning with February 1990, the executive power in Romania has been assumed, on interim basis, by the Provisory National Union Council – created by the representatives of all the parties legally registered following December 22, 1989, and composed, especially, of the members of the National Salvation Front. [18]

Adoption of the Law on the Parliamentary and Presidential Elections

In March, 1990, the Provisory National Union Council adopted the Law on the Parliamentary and Presidential elections stipulating that:

1. "The political power in Romania is owned by the people and it is exercised in conformity with the principles of democracy, of liberty, of the assurance of the dignity of the people, of the inviolability and of the inalienability of the fundamental human rights".

[18]"National Salvation Front" represents the name of a traditional party which disappeared from the political scene under the communist regime

May, 1990

The first free elections after the fall of the communism - Romania is returning to the parliamentary democracy

2. "The governing of Romania is set up upon the basis of democratic pluralist system, as well as, on the separation among legislative, executive and judicial powers."

3. "The candidacies for the Parliament and for the presidential function are proposed by the parties and by other political organizations legally recognized".

The free presidential and parliamentary elections took place in May, 1990.The participation to the vote was very large more than 80% and the National Salvation Front categorically won the electoral race.

Following long debates, the new Constitution of Romania was adopted by the two Chambers of the Parliament, in November 21, 1991.

November, 1991

A new Constitution for Romania

The Constitution was subsequently approved through the popular referendum held in December 1991, by 77,3% from the people expressing their vote, representing 67% from all the population having the right to vote.

According to the provisions of the new Constitution:

1. "Pluralism represents for the Romanian society a condition and a guarantee for the respect of the democratic constitutionality. The political parties shall be founded and shall act in the full respect of the law, contributing to the definition and to the expression of the political will of the citizens, to the observance of the national sovereignty, of the territorial integrity, of the Rule of Law and of the democratic principles.(Article 8)

2. "Citizens may freely associate themselves in political parties, syndicates or other types of organizations. The parties and the organizations which through their scope or activity, campaign against the politic pluralism, against the principles of the Rule of Law or against the sovereignty, integrity or independence of Romania shall be considered as unconstitutionally". The judges of the Constitutional Court, the Advocate of the People, the magistrates, the active members of the army, the policemen and others categories of public civil servant –according to the organic Law-, are not allowed to be members of a political party The secret associations are prohibited". (Art. 37)

June, 1992

Adoption of the Electoral Law

On the basis of the new Constitution, a new Electoral Law has been adopted, in June 17, 1992, putting in place an electoral system of proportional type and introducing an electoral minimal threshold of 3% for the parties

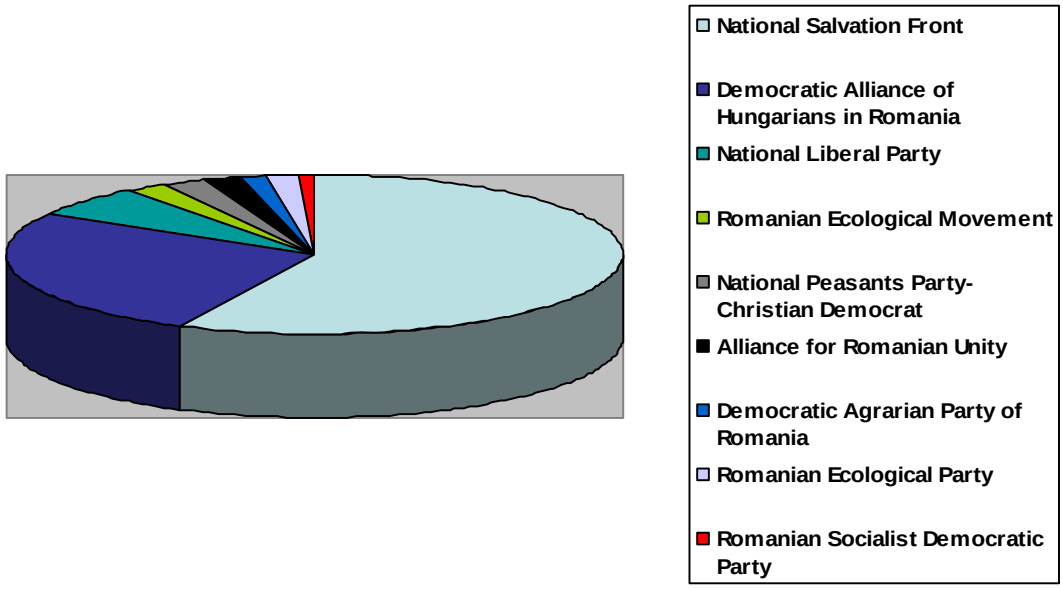
participating in the elections. For the election of the President of Romania the Law established a majority scrutiny in two rounds.

Beginning with this moment, it can be considered that the political pluralism was really implemented and, I would like to underline that, it continued to function and to enhance, both during the free elections in 1992, 1996, 2000 and 2004, and through the successively revisions of the legislative framework.

At the same time, I've presented, in the annex, the results of these elections, referring to the places in the Senate. I've also added few comments in order to facilitate the correct understanding of the process of the transition by Romania to the multiparty system."

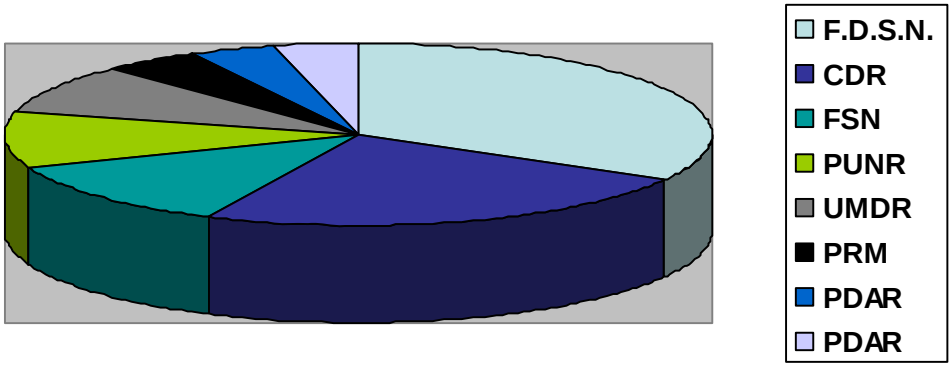
Results of the Parliamentary Elections
- The Senate-

1990



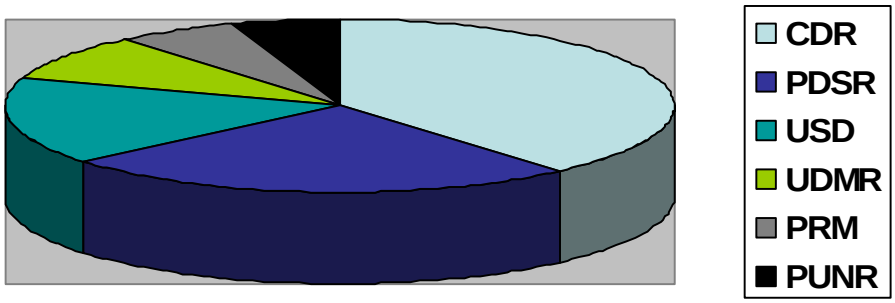
1992

Comparing with 1990, in 1992, the political choices of the electorate: witnessed important changes:



Following the elections, 8 political parties won seats in the Parliament together with 13 organizations of the national minorities which automatically received seats, only in the Chamber of the Deputies, in conformity with the new Constitution and with the Electoral Law. Taking into account that C.D.R. (The Democratic Convention of Romania) was composed by six parties, the total number of the political formations being represented in the Parliament was of 26. The most important political forces were the Democratic National Salvation Front (F.D.S.N.) and the C.D.R., followed by the F.S.N., the Party of Romanian National Unity (P.U.N.R.), the U.D.M.R.(Democratic Alliance of Hungarians in Romania) and by latest the P.S.M. (Socialist Party of Labor), the P.D.A.R.(Democratic Agrarian Party) and the P.R.M.(Greater Romania Party).

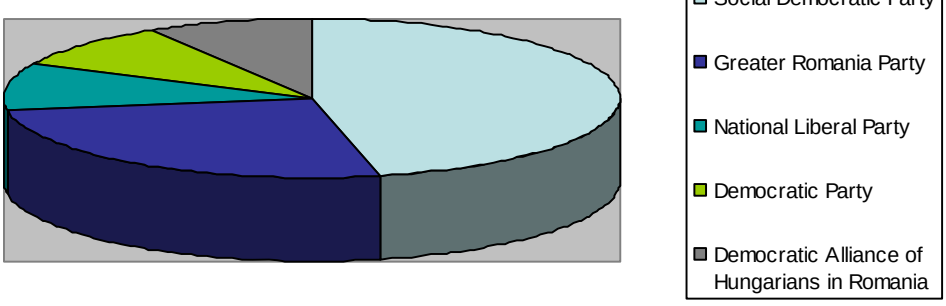
1996



The elections held in November, 1996, marked a real turning point in the political life of the country, as far as the emergence of the democratic alternative was concerned. Referring to the results of the parliamentary elections, we can observe the quite small number of the political parties which reached the threshold of 3% and, at the same time, the important difference between the two parties -the C.D.R. and the P.D.S.R.- who gained more than 50% from the number of the votes, and the other parties.

2000

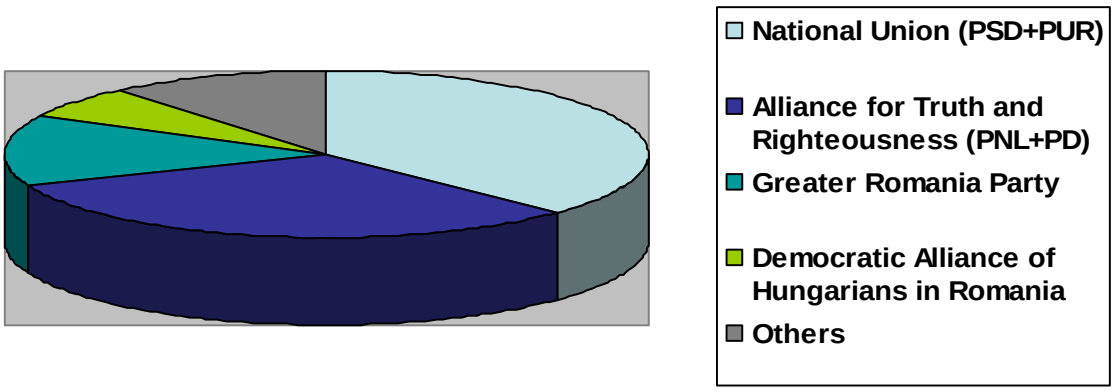
The balance of powers was radically changed in 2000 when the Democratic Convention - a four party's alliance led by the Democratic Convention of the President Emil Constatinescu- , did not reach the minimum number of votes in order to ensure its representation in the two Chambers.



At the same time, the Social Democratic Party won the elections with 37.09% of votes, followed by the Greater Romania Party who obtained this time 20.98% – in the electoral race in 1996, this party received only 4,5% of votes.

2004

In 2004, it was for the last time when the parliamentary elections were held simultaneously with the presidential elections taking into account that according to the Constitution of Romania revised in 2003, the mandate of the President will be of 5 years while the duration of the mandates of the parliamentarians rested unchanged (4 years).



At present, the Senate is composed by six Parliamentary Political Groups: The Parliamentary Group of the Social Democratic Party, The Parliamentary Group of the Democratic Party, The Parliamentary Group of the National Liberal Party, The Parliamentary Group of the Greater Romania Party, The Parliamentary Group of the Conservator Party (ex-PUR) an the Parliamentary Group of the Democratic Alliance of Hungarians in Romania).

Mr Hafnaoui AMRANI (Algeria) presented the following contribution:

"Introduction

The opening of the Algerian political scene after nearly three decades of independence has had the immediate effect of encouraging the emergence of a multitude of parties, for the most part without any basis in society, which were launched onto the political scene without any real plan for society to present to citizens. The latter, frustrated by so many years of firm single party Government, welcomed this openness as a second birth of the nation.

Law No 89-11 of 5 July 1989 relating to political associations, which was rushed through, has given birth to parties with different views, often established by a group of people without any strategic depth, even with the sole aim of existing as a party and

having access to a political platform; indeed, it is thought that their only aim is to achieve fame and to have control over the financial wealth attributed to the State.

This openness had given birth to political parties based either on a culture creed or a religious creed while others had an almost family basis; they could avoid the provisions in the Constitution which clearly set out that political parties may not be based on religion, language, race, sex, business, or region.

This extension of the Basic Law, due to inexperience or naivety of the drafters who had been unable to establish rigorous criteria in order to avoid certain difficulties which a multi-party system had created, had been corrected later by way of Order No 97-09 of 6 March 1997 which applied the Organic Law relating to political parties.

But “Mistake” had done its work, the use of religion had provoked the greatest socio-political tragedy of the post independence period and had even threatened the existence of the State.

Life of political parties

From about 60 at the start, the number of parties now approached 40. This multitude had the effect of fragmenting the opposition. Apart from the historic FLN and the FFS which had been born on the eve of independence, other political parties had been born mainly following the events of October 1988, with the exception of MDS — Social Democratic Movement — which worked in secret under the name PAGS.

Nonetheless, at the ballot box of June 1990 and then December 1991, only FIS, FLN, FFS and RCD won seats. The other parties were defeated, ignored by an electorate which they had tried to seduce.

The historic FLN had nonetheless suffered a bitter defeat during the first multi-party elections, beaten by FIS which became the main opposition of the time and which, without a political programme of consequence, had based its appeal to a great extent on the religious attachment of Algerians and the collective frustration of most of the population which had been disappointed by so many years of single party Government and difficulties in life.

Parties’ difficulties

The role of political parties is to allow a definition of electoral choices, but also to guarantee that these choices are taken into account in parliamentary work. Elected Members owe their election to citizens who have given them a mandate to satisfy their choices and ambitions within the parliamentary institutions. When these choices are satisfied, citizens have the feeling of a real participation in the institutional life.

A political body is also a laboratory for ideas which can produce an ideology, which can add to and enliven political debate and decide on the great economic and political choices facing a country. Above all it delivers an alternative political programme.

Without doubt the great majority of our political parties have separated themselves from the grassroots in order to go into political life from which they do not run the risk of coming into contact with the great part of the electorate, which is more inclined to think about its immediate future than to concentrate on the long-term objectives of men in political life.

In part this is why the single ruling party had imposed itself as it had the appearance of a body which criticised those in the leadership roles who, at the time, represented the discontent of a large part of the population with the political discourse which was more moral than political.

The multi-party system, which was installed by the constitutional reform of 1989, has not led to electoral change because of the weakness of the various political parties who seem to have the aim not of ensuring the participation of the population within state institutions but rather to represent themselves among the population.

The sporadic riots in various parts of the country, the unfortunate events in Kabylie in April 2001 and the general discontent characterised by a spirit of indifference about everything that is happening which is visible in the behaviour of the ordinary citizen shows that the gap between the State and the people has by no means been bridged by the political parties.

Without doubt this is why you will not see the people spontaneously taking to the streets to celebrate the victory of their future representatives after an election, as happens across the world, and join with them in celebrating a victory which is also one which represents their hopes and plans.

On the other hand, since it was set up in a hurry and without proper preparation or debate within society or political bodies, the multi-party system could not function normally without reference to the previous situation. As result of this it has shown itself to be limited.

The best example comes from the various elections where the rare public appearances of the candidates from the opposition descended to invective and sterile political rivalry which could only add to their discredit among the general public.

When the difficulties of life and general disenchantment are universal and street barricades become the only way of overcoming the deficit in communication, where are the political parties and the work which they should be carrying out among the young and the less young? They only emerge from their lethargy when they are about to start an electoral campaign and then as soon as the campaign is ended the return to their hibernation.

One could write an essay on the many reasons leading to the difficulties of peaceful transition from a single party state to multi-party arrangements, but on the whole, one should consider that Algeria has passed seamlessly from having a single party (the

FLN) to a party in power (the FIS) which represented a violent message of brutal rupture from the system.

Paradoxically, the popularity of this party has been a handicap for democratic transition, excluding all political balance, in particular because it included radical movements who were obsessed with taking revenge on social groups which they thought of as enemies, which had to be neutralised and, in general, on society as a whole.

It is possible to deduce from the results of the elections after January 1992 and those of the parliamentary elections of June 1997 that there was a change of political forces at the centre of power.

It appears from the results in favour of the RND, which had been created three months previously and which managed to win 155 seats in 1997 — therefore an absolute majority — and which was beaten five years afterwards suffering an important defeat (48 seats), losing two thirds of its representation in favour of FLN which had returned to pre-eminence with the majority of seats (199 out of 388).

It is very rare for a party to experience such variation in its results in such a short time, particularly in the absence of basic changes in the country or major events which might be the source of such a scale of adjustment in the weight of a political party.

Party ideology

The situation in Algeria shows three main currents of thought: FLN and RND have a great capacity for organisation. The support which they show within Government allows them to be considered as parties capable of exercising power.

FLN has historically had a strong nationalist tendency and has attached itself to the demands of the hour and has, not without difficulty, undergone changes relating to globalisation and liberalisation.

Although it was considered as moribund at the time of the serious events of October 1988, it has been able to regain the confidence of electors.

RND, the child of the grave crisis which nearly destroyed Algeria, both State and Nation, was based on the ideals of the 1st November 1954.

In the course of the years it has shown itself to be a Republican Party and, although open to social ideas which are part of its fight for progress and democracy, it includes a modernist elite made up of most State and business managers.

The Islamic parties, MSP, MNR, and El ISLAH represent a vision which claims to solve social differences generated by modernity by way of the return to ethics and morality.

The non-Islamic, so-called Democratic, parties with a weak social or geographical basis are generally established with support among civil servants, employees of public enterprises, or those in the liberal professions. They remain largely cut off from the reality of Algerian life.

In this political background, only PT and FFS, and to a lesser degree RCD, have a certain hearing within the population, principally regional in terms of the last two and all have had a varied range of representatives.

The Workers Party is a “first” in the Algerian political landscape. Basically Trotskyist, it has been able to take opportunities which have been presented to it in order to make a remarkable entry into institutions with a serious number of Members of Parliament.

It is true that the charisma of its leader has been connected to this success. His anti-liberal views on defence and support for the public sector have attracted the support of those workers who felt that their jobs were threatened.

In conclusion, the problem with a multi-party system is based in the separation of the political class from those in ordinary life in Algeria and this has been marked by strikes in the world of work and other action started by a public which has had enough of its precarious lifestyle and which are for the most part ignored by political parties.

Without a long-term view, even without a future, political parties which have already got a bad press among the general public, and which are suspected of looking after their own interests, lose themselves and become moribund.

They can only gain credibility by bringing about a rebirth and in “pushing” their arguments more in order to adapt to the historic social changes and to avoid being perceived as meaningless acronyms.

In the face of the clear sterility of political debate should one decide to encourage and support the promotion of civil society, at least in this transitional phase?

It would no doubt be wonderful to envisage the opening of society to the cultural, organisational and audiovisual forces which make up the richness and vitality of the best democracies. Above all, the area of the media involving all the serious means of communication allow expression of speech and a plurality of programmes which do not necessarily support conventional themes.

This can only encourage the emergence of public opinion which is rich, intelligent and liberated and which could positively influence the economic and political choices of the country.

This is also one of the ways of contributing to the establishment of the perennial values of democracy and openness, tolerance and sharing in hearts and minds.

In these times which are devoted to national reconciliation, this would represent reconciliation between Algerians and politics."

Mr Xavier ROQUES (France) said that in Western Europe main lines of thought in politics were roughly comparable between one country and another — Conservatives, Liberals, the Christian Democrats, Social Democrats etc. These had existed in Eastern Europe before the arrival of communism. In some countries, these points of view had returned after communism's disappearance — for example, the Czech Social Democrats and the Christian Democrat party in Romania etc.

In Estonia, he had the feeling that there was a completely new party system without any relationship to the one which had existed between the two wars. Moreover, the system did not seem yet to have settled down fully: parties were still being established and others were disappearing.

He wanted to understand the reasons for the relative "instability" of the party system and wanted to know whether, as the time when the communist system became more distant, there was a growing stabilisation and entrenchment of political groups within society.

Mr Heiki SIBUL said that the "former" parties were not popular in Estonia and that the Communist Party was so unpopular that it had had to change its name several times.

Mr Hafnaoui AMRANI (Algeria) asked: whether political parties in Estonia had to receive permission before they could be formed and, if so, from whom this permission was obtained; whether the threshold of a thousand people referred to a thousand founder members or a thousand members; and whether parties with a purely regional basis could be established.

Mr Heiki SIBUL replied that you needed at least a thousand members to register a political party and that it was advantageous to form "corporatist" parties (women's parties, Russian language parties etc) even if the support for such parties remained in practice well below those of the main political groups.

Dr Ulrich SCHÖLER (Germany) thought that the Estonian example perfectly showed the democratic changes in progress in Eastern Europe — a transition which Germany had seen happen on its own territory during the reunification in 1989.

The German experience underlined the length and complexity of this process, including for those *Länder* in the East which had received support from the former West Germany. He asked what assistance Estonia had received in the course of recent years in order to encourage the process of transition to democracy.

Mr Tomasz GLANZ (Poland), comparing the experiences of Estonia and Poland in the parliamentary sphere, thought that Estonia had had to create completely new democratic institutions whereas Poland had been able to confine itself to transforming existing institutions. Nonetheless, in the light of new requirements in the post-

communist era, the Polish parliamentary administration had been forced to transform itself in a radical way. He asked whether that had happened in Estonia.

Mr Ian HARRIS (Australia) asked whether the differences between the various political parties were clearly marked or whether members of political parties changed from one to another according to circumstances or personal advantage.

Mr Heiki SIBUL said that Estonia had received a great deal of help from the Scandinavian countries, in particular Sweden and Finland.

Mr Edouard NDUWIMANA (Burundi) said that unfortunately in Burundi there had also been a certain "political nomadism" which had meant that certain politicians had passed from one party to another. As far as the electoral system was concerned, he asked whether parties were based on closed lists and, if that was so, what the mechanisms were for negotiating within political parties who should be on such lists.

Mr Manuel ALBA NAVARRO (Spain) said that Spain had also been through a comparable process of change towards democracy 30 years previously — from the Franco dictatorship to constitutional monarchy. He noted that sometimes those who lived under the dictatorship adopted a third way as an alternative to supporting the regime or opposing it: many people chose simply to work silently under the regime.

Mr Heiki SIBUL agreed that many people did adopt a third way under a dictatorship. He explained that the electoral system in Estonia required a political party to have 5% of the electorate supporting it in order to qualify for a seat in Parliament and every party had the right to present 125 candidates for an election. There were 101 available seats in Parliament.

Mr George PETRICU (Romania) said that the change to democracy in Romania had only been obtained by way of violent revolution with many victims and with lasting breaches within society.

Mr Moussa MOUTARI (Niger) asked for details of the development of the number of political parties in the course of recent years. Moreover, he asked whether the role of Parliament had changed to take account of the situation where there was now a multi-party system as opposed to a single party system.

Mr Ahmed MOHAMED (Maldives) said that the Maldives had been a one-party state until 2005. Up to that time the previous Attorney General had ruled that it was unconstitutional to have more than one party. There had been a change and now it was possible for there to be several parties. At present five parties were registered and four more were in the pipeline. Most Members of Parliament belonged to a political party. This had had an impact on business in Parliament. Formerly, bills had passed easily; but now they did not. There were some problems in the transitional period to a multi-party system. He asked what mechanisms there were to help in this period of transition.

Mr Heiki SIBUL said that there were a lot of similarities between the experience of Romania and the experience of Estonia. In reply to Mr MOUTARI he said a political party had to have a thousand members and keep them if it wished to survive as a legal entity. Up to 1992 there had only been one party in Estonia — the Communist Party. Thereafter, there had been 36 parties. Not all of them had got representatives elected to Parliament. Having so many parties was a serious threat to the ability of Parliament to work. There were now 16 parties and only 11 parties were running candidates for election to Parliament. Of these only six political parties would be represented in Parliament.

Mr Anders FORSBERG, President, thanked Mr Heiki SIBUL and all the members present for their numerous useful contributions.

The sitting ended at 12.45 pm.

SIXTH SITTING
Thursday 3 May 2007 (Afternoon)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 3.10 pm

1. Short scoping debate moderated by Mr Alain DELCAMP, Secretary General of the Presidency of the French Senate, on different aspects of parliamentary autonomy, to prepare for a forthcoming questionnaire

Mr Alain DELCAMP (France) started by saying that the question of the autonomy of parliamentary assemblies was a basic question for all Parliaments, whether ancient or modern. This question was part of the daily work of Secretaries General to which they turned in order to define it, as well as to defend it or to increase it.

This autonomy was very difficult to settle, because its criteria changed according to the system which it served and it might cover varied aspects. Moreover, it was a question which was subject to great change — notably, under pressure from the courts. In France, the administrative courts constantly attempted to bring the legal status of parliamentary civil servants administrative acts of assemblies within the scope of general law; the Constitutional Council sometimes was tempted to deal not only with the wording of laws but also with the procedure by which they had been agreed. Finally, within the European Union, international laws might oblige Parliaments to adopt certain provisions and at the same time to decide on the compatibility of national laws with European ones.

A report on the subject had been made to the ASGP about 10 years ago but it had only covered administrative and financial autonomy of parliamentary institutions. It included various tables which it was proposed should be updated.

But the basic point was slightly different: it was about adopting a general point of view which was based on the belief that the different aspects of parliamentary autonomy could not be separated and that was better to approach this subject as a whole, on its theoretical basis, and to see how this basis was applied in various areas. So the question arose: why should there be any parliamentary autonomy and what was its justification?

A study of this subject was also needed because autonomy needed to be defended within the framework of political or judicial controversies. We therefore needed to try to build a common conception of this autonomy. The questionnaire would include several parts. The first would be on the basis of autonomy and arguments in its favour as well

as a list of the sources which justified it: tradition, political theory, constitution, law, practice... Was the principle of the separation of powers (Executive Legislative Judicial) still relevant? The "dogma of parliamentary sovereignty" — did that still exist? Finally we would take questions on the way in which this autonomy could be combined or reconciled with another contemporary imperative within the "rule of law" — that is that Parliament should not avoid applying to itself rules which it makes for others.

So there were two series of distinctions. On the one part, Parliament and its relationship with other powers:

-autonomy and the Executive;
-autonomy and judicial power (ordinary judges, constitutional judges).

On the other hand, there are different areas of expression of this autonomy:

- the institutional political level: what freedom of organisation should the Chambers have? What was the status of Members of Parliament? What was the authority of parliamentary procedure? What laws and what budget apply? What freedom of scrutiny was there?

- administrative support for parliamentary autonomy (the Secretary General and his parliamentary staff): the ability to control one's own organisation (and the limits on this), the capacity for preparing an Assembly's own rules (and the limits on this), the ability to own and manage property, the right to make contracts, the right to define the way in which it recruited its own staff and manage them etc — in other words, the power of defining an original personality within the institutions of the State.

- financial autonomy: the power of preparing and setting a budget, the power of expending money, internal financial management within Parliament.

This questionnaire was a starting point which would lead to a general reflection and the comments of members of the Association would contribute to and enrich this. It would take the form of a series of questions in the course of the summer and, if the President agreed, by a discussion at the session in Geneva.

Mr Douglas MILLAR (United Kingdom) thought that work on the autonomy of parliamentary institutions should include pressure coming from public opinion: the House of Commons and British Members of Parliament often held back from the full exercise of their rights as a result of close scrutiny and public opinion — notably expressed by the press. He also said that in many cases the British Houses of Parliament applied the provisions of general law freely to themselves even though they were not legally obliged to do so.

Mrs Stavroula VASSILOUNI (Greece) said that the linguistic differences and the variety of national political systems might create difficulties of interpretation and mutual understanding. What was understood, for example, by the term "parliamentary secretariat" — a term often heard within the Association but which had no equivalent

within the Greek Parliament? She therefore suggested the preparation of a parliamentary organogram which could allow everybody to understand what it meant. Moreover, she thought that questions would ideally be very short and very explicit.

Mr Alain DELCAMP admitted that its precise definition in advance of words and concepts was an extremely important prerequisite. In case of difficulty, those replying should not hesitate to express themselves in their own language. The questions would be precise and open, in order to allow freedom to express the widest possible range of views. It was also desirable to emphasise, where necessary, divergence between law and practice.

Mr Abdeljalil ZERHOUNI (Morocco) said that the Moroccan democracy was more recent than that of Finland, France or the United Kingdom, which meant that they were very keen to know about their experiences, their successes and their failures. There was no financial autonomy enjoyed by the Moroccan Houses of Parliament and such questions were usually the subject of negotiation between the Speaker and the Prime Minister. He therefore suggested that one part of the questionnaire should be devoted to the stages through which the various assemblies had passed to arrive where they were today.

Mr Alain DELCAMP said that he had avoided including a historical dimension in the questionnaire in order to avoid making it too long. But he thought that the suggestion of Mr Abdeljalil ZERHOUNI would allow a light to be shone on the often considerable legal changes which had taken place in recent years and in some States (particularly France, Italy or Spain).

2. Communication by Mrs Georgeta IONESCU, Secretary General of the Chamber of Deputies of Romania, on open Parliament – a successful initiative

Mrs Georgeta IONESCU (Romania) presented the following communication:

"To open our Parliament, to make it more close and transparent to the citizens was one of my priorities since I became Secretary General. At the ASGP meeting held in Geneva, our Austrian colleagues have had a presentation of their Open Parliament Initiative, which we found that is very successful and similar to our project. As a conclusion, thanks to the openness of our colleagues, we have visited the Austrian Parliament in December last year and we had the possibility to discuss not just about the functioning of their parliament but also about this event and get a glimpse of how they managed it.

Talking about the calendar,
We scheduled our event to happen in the first week of January, to celebrate as well Romania's accession to the European Union. Even if the first day was January 1st, when usually the people are staying at home with their families, we had the pleasant surprise

to have over 5,000 visitors. During the five days, we had approximately 50,000 visitors, from children to elderly people, a wide variety of citizens willing to spend their time of vacation visiting our institution. We closed the event on Friday, January 5th. Every day, we had our doors open for visiting between 10 to 4 p.m.

Other events:
The Open Parliament didn't mean just a visit of the Chamber of Deputies. We had drawing exhibitions of children from seven art schools and clubs from Bucharest, named "Integration through children's eyes", the topic of the exhibition being how do these children see Romania's accession to the European Union.

Two more exhibitions took place during these days: one in cooperation with a coalition of NGOs. It was about the natural beauties of our country, photos taken by the volunteers of this coalition. The other exhibition was about the laws the Romanian Parliament had to adopt in order to fulfil the accession's conditions. We have exhibited over 10,000 pages of the Official Gazette of Romania, more than 2000 laws passed.

As of organizing,
we have delimited a special route for the visitors to follow. In the first day we tried to organize groups of 20 to 30 people with a guide, but we got to the conclusion that we have no human resources or time. So in the next days we have given free access to the visitors, but we gave a short explanation about the route and we put our guides all over the route, so that the people could get further explanations along the way. Of course, given the size of our building, only a part of it could have been visited, but it was for the first time when the public could visit openly the plenum.

The event had a big echo in the media as well. In these five days, there were 31 articles in the written media and 26 in the audio-visuals. Just to compare, the figures for the last trimester of 2006 were 77 in the written media and 14 in the radio-TV. As context, around 60% of the articles were positive regarding our initiative, around 17% neutral and around 23% negative connotation, but these negative remarks were referred to logistics and the behaviour of some visitors.

As regarding the number of the visitors, as I mentioned before we had in these five days around 50.000 guests. The total number of visitors we had in the first 3 months of 2006 was 22,297, so less than half of the visitors we had during the Open Parliament. Moreover, the total number of visitors we had in 2006 was 122,119, so we reached almost half of this number in only 5 days.

For an even more openness, we involved our MPs in this activity. The president of the Chamber, Mr. Bogdan Olteanu was the host of the visitors on Wednesday, January 3rd and one of our vice-presidents hosted the guests on Thursday and even Friday.

To continue this policy of opening our institution to the citizens, our next plan is to open the gardens of the Parliament by demolishing the fence that separates the Parliament from the public area and to transform it into a public space, similar to a park. But more than a park, with grass, trees and fountains. It should be a place with access to

information regarding the Parliament and legislative. There should be a museum, open air exhibition and other cultural events organized. We plan this project to happen in partnership with the Association of the Architects of Romania, with whom we already started some projects.

Some quotes from our guestbook:

„I was very impressed by what I've seen. We should visit this place more often, especially when the politicians are here." unknown

„Here, at the Palace of Parliament was wonderful, like a dream, I liked the most the big rooms. I hope I will work here one day" Nicolae Bianca, 9 years old

„Nice! Beautiful! An institution we can invite with pride foreigners. All institutions of Romania should look like this... All Romania should look like this building!" – unknown

„I liked it very much, some places are huge and very nice." Mihai Marina, 8 years old

„Muy impresionante, muy grande e incredibile, pues como se puedo hacer una ombra arquitectonica en este tiempo!" Baris de Bolivia

„We have seen too few rooms. A suggestion for the next time: a little more places to visit." 54 year old lady

„We liked it very much. Today we have issued the papers for our wedding. It meant a lot to us." Florin and Irina"

Mr Anders FORSBERG, President, thanked Mrs Georgeta IONESCU for her communication and invited members present to put questions to her.

Mr Alain DELCAMP (France) asked for further details about the participation of civil society in debates in the Chamber of Deputies.

Mrs Georgeta IONESCU said that non-government organisations could register and gain accreditation for themselves, if they wanted, which allowed them in particular to take part in standing committees. In addition, on Wednesdays they had the opportunity of access to particular places in order to organise, for example, debates on particular bills.

Mr Anders FORSBERG, President, thanked Mrs Georgeta IONESCU for her communication.

The sitting rose at 5.30 pm.

SEVENTH SITTING

Friday 4 May 2007 (Morning)

Mr Anders FORSBERG, President, in the Chair

The sitting was opened at 10.10 am

1. New Member

Mr Anders FORSBERG, President, said that the ASGP secretariat had received a request for membership which had been put to the Executive Committee and agreed to. This was:

Mr Leng Peng Long	Secretary General of the National Assembly of Cambodia (replacing Mr Pheng Kol)

The new member was *agreed* to.

2. Communication by Mr Ian HARRIS, Clerk of the House of Representatives of Australia, on The Australian Parliamentary Studies Centre

Mr Anders FORSBERG, President, invited Mr Ian HARRIS to present his communication, as follows:

"Australian tradition of parliamentary inspiration from other jurisdictions

Australia takes great pride in the fact that its federation was forged not by war or rebellion, but by discussion groups, called "conventions", and by consultation with the people at the plebiscite and ballot boxes. Even though the participants of the constitutional conventions in the 1890s took considerable inspiration from the Westminster tradition, there was a quite conscious global search to identify the most appropriate elements of other systems of government for the new nation.

At the Adelaide Convention in 1897, there were many references to the impact of international influence on the minds of those drafting the Constitution. The person who was to become the first Prime Minister, recognising the concept of responsible government, indicated that he did not want his boots made in Germany, and that he did not want his Constitution made in Switzerland. He thought that British forms of government, as adopted and adapted, were the best fitting. His boots clearly had always been made in Britain. However, the person who was to become the first

President of the Senate believed that it was possible to learn lessons from other countries, and pointed to federations in Germany, Switzerland, and America, and to a limited extent in Canada. He responded to the suggestion of only British "footwear": 'I want my boots made where I find they fit me best'.

Lao Tzu said that a long journey starts with a single step, and the boots chosen by Australia have done a lot of walking. Australia has been open to adopting successful procedures operating in other institutions that have come to light along the path of that walk. Initially, the choice related to a House of Representatives and a Senate, more along the Washington model. One of the early decisions of the Australian High Court (the Supreme Court) contained the reflection that probably the most striking achievement by the founders was the successful combination of British parliamentary government with American federalism. The American inspiration has led some to think that Australia, rather than being in the Westminster mould, is more appropriately characterised as "Washminster".

Subsequently, Australian national procedural evolution has occurred inspired from within and by observation of the practices of other jurisdictions. The changes have been so far-reaching in many instances that the appropriate descriptive term would be "Ausminster" rather than "Westminster" or "Washminster".

Establishment of the Parliamentary Studies Centre – Building on, and developing, tradition

In what may be a further step down this procedural path, a Parliamentary Studies Centre (PSC) has been established in Australia. The House of Representatives and the Senate of Australia have joined together with policy and governance/political science programs in the Australian National University to support the establishment within the university of the PSC.

The three main aims of the Parliamentary Studies Centre are:

- Research Output: To promote internationally-recognised parliamentary studies in Australia, the Asia Pacific region, and beyond.

- Research Network: To build linkages between researchers and parliamentary institutions in Australia, the region and beyond.

- Policy Network: To promote parliament in Australian public policy debate.

In pursuit of these aims, the PSC proposes to provide an international linkage centre, at which international researchers in the parliamentary field will work with Australian researchers interested in parliaments and legislative institutions in Australia at all levels and internationally, particularly in the Asia Pacific region. It will promote comparative parliamentary research across the Australian federation and comparative investigations of Australian experiences in the light of appropriate international developments (see the website: http://www.parliamentarystudies.anu.edu.au/).

Australian Research Council Grant

The Department supporting the Senate and the Department supporting the House of Representatives in Australia joined together with the Australian National University to apply for a linkage grant from the Australian Research Council (ARC). Funds available from the ARC will supplement contributions in cash and in kind from each of the three partners in the project.

The *Strengthening Parliamentary Institutions* Project: Examination of parliamentary capacity building

The principal theme of the project will be to examine causes of success and failure in parliamentary capacity-building stemming from attempts to modernise and strengthen legislatures. The partners in the project believe that the Australian Parliament has much to offer parliamentary scholars. Australia possesses a relatively stable constitutional environment. (That is not to say that there have not been some instances of constitutional excitement, such as led to the 1975 dismissal of a validly-elected Prime Minister by the Head of State's representative). There have been a number of variations attempted, such as:

- the combination of responsible government together with American federalism referred to earlier,
- bicameralism,
- strong party government, with a government by definition, able to control a majority in the House of Representatives,
- selection of Senators by a proportional representation (PR) voting system, and an increase in the number of Senators so as to make it extremely difficult for the government of the day to command a majority in the Senate,
- compulsory voting,
- public funding of political parties,
- an independent parliamentary administration,
- independent officers of the parliament exercising oversight functions such as the Auditor-General (working closely with the Public Accounts and Audit Committee and other parliamentary committees) and the Ombudsman,
- procedural innovations such as the House Main Committee, in effect a second Chamber within the House, adapted and adopted by other jurisdictions such as the United Kingdom House of Commons and House of Lords, with concomitant increased opportunities for private Member participation.

The project will enable the Australian experience of parliamentary innovation to be placed within the wider context of international parliamentary capacity building. Three research streams are expected to flow, under the direction of a project Advisory Committee representing the ANU, the Senate and the House of Representatives Departments:

- A parliamentary fellowship stream to enable parliamentary staff, Members or former Members to articulate case studies of the Australian parliament's institutional changes,
- An Australian parliamentary scholars stream to enable Australian parliamentary researchers to make use of the Centre's resources to examine change processes in the national parliament and other Australian parliamentary institutions, and
- A stream of international parliamentary scholars to enable international researchers to make use of the Centre's resources to place Australian developments in a wider comparative context of legislative studies.

The Parliamentary Studies Centre will be responsible for academic and public communication of the results of the research. There will be a web-based series of discussion papers relating to interim findings. Appropriate papers will be published in one of the ANU-based academic journals. The project's ongoing legacy will be three edited volumes in the series *Strengthening Parliamentary Institutions.*

One purpose of bringing the project to the attention of members of the Association of Secretaries-General of Parliaments is to flag the possibility of members playing some role in the third stream of the project outlined above. Many of the Association's members are highly regarded in the international academic community, and on occasion are the most appropriate source of description and evaluation of developments in the international sphere. Reports of the project's progress, including participation by ASGP members, will be notified at future Association meetings."

Mr Anders FORSBERG, President, thanked Mr Ian HARRIS for his communication.

3. Communication by Mr Marc RWABAHUNGU, Secretary General of the National Assembly of Burundi, on the brain-drain in Africa: an important factor in under-development

[We have not published this communication, because it was only provided in one language.]

4. Rules changes

Mr Anders Forsberg, President, said "after consultations with Mr Ian HARRIS and Mrs Adelina SA CARVALHO, immediate past Presidents of the ASGP, and in the light of recent experience in connection with Thai colleagues where there was confusion about the final decision of the IPU relating to suspension of the Thai delegation, the Executive Committee proposed to amend the Rules. You will remember that I informed you about this by e-mail and on the website.

A copy of the amendments was put on the documents table yesterday. The drafting of this has now been amended and a revised version is available.

The only substantial amendment is designed to amend Rules 5 and 10(2).relating to suspension of members. At the moment, the Rules place the decision about suspension of members with the Executive Committee. We think that this is undesirable in principle and would like to share what is always a difficult decision with the Association sitting in plenary session.

If the Rules change is agreed to, the Executive Committee will report on a situation relating to a member's status to the Association sitting in plenary session, which can then make the final decision. This places the method of dealing with the question of suspensions on a par with questions of new membership.

The other change is a technical one which corrects a reference to the IPU Rules".

Are there any comments about the proposed changes?

They were agreed to.

5. Examination of the draft agenda for the next meeting (Geneva, Autumn 2007)

Mr Anders FORSBERG, President, read the draft Orders of the Day for the next session in Geneva (8-10 October) which had been approved by the Executive Committee:

1. Communication by Mr Tomasz GLANZ (Poland) : "Publications of Parliament as part of its public relations policy"

2. Communication by Mr Tomasz GLANZ (Poland)): "New Technologies as a way of internal communication within the Parliamentary Administration"

3. Communication by Mr Carlos HOFFMANN CONTRERAS (Chile): "Interparliamentary organisations in the world: objectives, functions and areas of interest"

4. Communication by Mr Douglas MILLAR (United Kingdom): "The Role of the Backbencher"

5. Communication by Mr Ulf CHRISTOFFERSSON (Sweden): "Managing Business: Balancing the demands of Forward Planning with Flexibility"

6. Communication by Mrs Georgeta IONESCU (Romania): "Regional cooperation"

7. Communication by Mr Brissi Lucas GUEHI (Côte d'Ivoire): "Methods for preparing a Session of Parliament in Côte d'Ivoire"

8. Communication by Mr Sarith OUM (Cambodia): "Parliamentary system in Cambodia"

9 Communication of Mr Edouard NDUWIMANA (Burundi): “Establishment of a permanent framework of dialogue between the members of the Senate of Burundi and their electorate”

10 Communication of Mr Marc RWABAHUNGU (Burundi): “On the problems experienced by victims of state violence in relation to national reconciliation”

11 Questionnaires and Reports:

Presentation of the responses to a questionnaire about “Parliamentary Relations with the Medias” (Mr Xavier ROQUES, France)

Presentation of the responses to a questionnaire about “Parliamentary legal, financial and administrative autonomy” (Mr Alain DELCAMP, France) (to be confirmed)

12. Possible subjects for general debate:

- “Parliamentary procedures for the disciplining and expulsion of Members” (Mr Ian HARRIS, Australia)
- “Impeachment: still a relevant institution – Recent changes” (Mr Hans BRATTESTÅ, Norway)
- “Parliamentary diplomacy as an effective alternative means for the promotion of international cooperation, synergy and democracy – challenges and opportunities” (Mr Zingile A. DINGANI, South Africa)
- “Watching the watchdogs: Parliaments and accountability” (Mr Zingile A. DINGANI, South Africa)
- “New dimensions/developments in regional Parliaments in Africa: the Pan-African Parliament and regional Assemblies – roles and challenges” (Mr Samuel Waweru NDINDIRI, Kenya)

13. Presentations on cooperation between the ASGP/IPU and EBU and on cooperation between ASGP/IPU and UN on parliamentary communication (Mr Anders FORSBERG, Sweden)

14. Discussion of supplementary items (to be selected by the Executive Committee at the Autumn meeting)

15. Administrative and financial questions

16. New subjects for discussion and draft Agenda for the next meeting in Spring 2008

The Orders of the Day were *agreed* to.

6. Closure of the Session

Mr Anders FORSBERG, President, thanked the interpreters, the staff in charge of organising the conference and members of the Executive Committee.

The sitting rose at 1.00 pm.