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GENEVA

25 – 27 SEPTEMBER 2002

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS
Minutes of the Autumn Session 2002

Geneva
25-27 September 2002

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Artan Banushi	Albania
Dr Hafnaoui Amrani	Algeria
Mr Boubeker Assoul	Algeria
Mr Valenti Marti Castanyer	Andorra
Mr Diogo De Jesus	Angola
Mr Ian Harris	Australia
Mr Georg Posch	Austria
Mr Dmitry Shilo	Belarus
Mr Robert Myttenaere	Belgium
Mr Vedran Hadzovik	Bosnia & Herzegovina
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Carlos Hoffmann Contreras	Chile
Mrs Guillaumette Kiakouama	Congo
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Constantinos Christoforou	Cyprus
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Farag El-Dory	Egypt
Mr Samy Mahran	Egypt
Mr Heike Sibul	Estonia
Mrs Mary Chapman	Fiji
Mr Seppo Tiitinen	Finland
Mr Jean-Claude Becane	France
Mrs Hélène Ponceau	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Dirk Brouër	Germany
Mr K.E.K. Tachie	Ghana
Mr Panayotis Tzortzoulos	Greece
Mr Albino Fonseca	Guinea-Bissau
Mr Madelain Fils-Aimé	Haiti
Mr G.C. Malhotra	India
Mr Yogendra Narain	India
Mr Faisal Djamal	Indonesia
Mr Kieran Coughlan	Ireland
Mr Arie Hahn	Israel
Mr Guiseppe Troccoli	Italy
Mr Hukumaru Tani	Japan
Dr Mohamad Al-Masalha	Jordan

Mr Patrick Gichohi	Kenya
Mr Yong Sik Kang	Korea (Republic of)
Mr Sheridah Al-Mosharji	Kuwait
Mr Adnan Daher	Lebanon
Mr M.G. Maluke	Lesotho
Mr Pierre Dillenburg	Luxembourg
Mr Daadankhuu Batbaatar	Mongolia
Mr Mohamed Rachid Idrissi Kaitouni	Morocco
Mr Carlos Manuel	Mozambique
Mr Moses Ndjarakana	Namibia
Mr Willem De Beaufort	Netherlands
Mr Bas Nieuwenhuizen	Netherlands
Mr Moussa Moutari	Niger
Mr Ibrahim Salim	Nigeria
Mr Hans Brattesta	Norway
Mr Muhammed Rafiq Haider	Pakistan
Mr Shahid Iqbal	Pakistan
Mr José Gomez Nunez	Panama
Mr Vladimir Aksyonov	Parliamentary Assembly of Belarus & the Russian Federation
Mr Oscar Yabes	Philippines
Mrs Isabel Corte-Real	Portugal
Mr Constantin Sava	Romania
Mr Cristian Ionescu	Romania
Mr Alexander Lotorev	Russian Federation
Mr Petr Tkachenko	Russian Federation
Mr Franscisco Silva	Sao Tome & Principe
Mrs Piedad Garcia-Escudero	Spain
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mr John Clerc	Switzerland
Mr Hans Peter Gerschwiler	Switzerland
Mrs Sirilak Panbamrungkit	Thailand
Mr Chinda Chareonpun	Thailand
Mrs Roska Georgievska	The FYR of Macedonia
Mr Mohamed Salem Al-Mazroui	United Arab Emirates
Sir William McKAY	United Kingdom
Mr Paul Hayter	United Kingdom
Mr Vu Mao	Vietnam
Mr Colin Cameron	Western European Union
Mr Milan Lucic	Yugoslavia
Mr Austin Zvoma	Zimbabwe

SUBSTITUTES

Mr Christopher Paterson (for Mr Bernard Wright)	Australia
Mr Claude Cossi Djankaki (for Mrs N. Avognon-Detinho)	Benin
Mrs T. Chephethe (for Mrs C. Mompei)	Botswana
Mrs Marie-Andree Lajoie (for Mr W Corbett)	Canada
Mr Paul Cahoua (for Mr Xavier Roques)	France
Mr Horst Risse (for Mr Gert Schmitt)	Germany
Ms Belinda Theriaullt (for Mr Fridrik Olafsson)	Iceland
Mr Carlo Guelfi (for Mr D Nocilla)	Italy
Mrs Anna Szklennik (for Mr A. Witalec)	Poland
Mr Wojolech Kulisiewicz (for Mr K Czeszjeko-Sochacki)	Poland
Mr Michael Coetzee(for Mr S Mfenyana)	South Africa
Mr Leonid Pashkovsky	Ukraine
Dr José P. Montero (for Dr M Reyes)	Uruguay

OBSERVERS

Mr Jiri Krbec	Czech Republic
Mr Yohannes Dawit	Ethiopia
Mr Ethiopia Beyene	Ethiopia
Mr Mubarek Sanni	Ethiopia
Mr Zeshanew Alemaw	Ethiopia
Mr Everhard Voss	Germany
Ms Stavroula Vassilouni	Greece
Mrs I. Darsini	Indonesia
Ms Cait Hayes	Ireland
Ms Luisa Accarino	Italy
Mr Josef Hilti	Liechtenstein
Ms Ipi Cross	New Zealand
Mrs R A Ahmadu	Nigeria
Mrs Cristina Dumitrescu	Romania
Ms Mihaela Militaru	Romania
Mr Dominique Mwemayire	Rwanda
Mr Dhammika Dasanayake	Sri Lanka
Mrs Marianne Carlbom	Sweden
Mr Narongporn Pinyo	Thailand
Mrs Rungarun Sangsuan	Thailand
Ms Irene Manda	Zambia

APOLOGIES

Mr Bernard Wright	Australia
Mrs Noele Avognon-Detinho	Benin
Mrs Constance Mompei	Botswana
Mr William Corbett	Canada
Mr Henrik Tvarn?	Denmark
Mr Xavier Roques	France

Mr Gerd Schmitt	Germany
Mr Damiano Nocilla	Italy
Mr Yoshinori Kawamurai	Japan
Mr Takeaki Ishido	Japan
Mr D G McGee	New Zealand
Mr Hans Brattestå	Norway
Mr Adam Witalec	Poland
Mr Krzysztof Czeszejko-Sochacki	Poland
Mr Sindiso Mfenyana	South Africa
Mr Sune K. Jonansson	Sweden
Dr Margarita Reyes	Uruguay
Mr Mwelwa Ng'ono Chibesakunda	Zambia
Ms Helen Dingani	Zimbabwe

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FIFTH SITTING – Friday 27 September [am]

FIRST SITTING,
Wednesday 25 September 2002 (Morning)

Mr Ian HARRIS, Vice-President, in the Chair

The sitting was opened at 10.00 am

1.   Opening of the Meeting

Mr Ian HARRIS, Vice-President, thanked participants for their presence at the meeting. He reminded them that this was a new type organised in parallel to that of the Council of the Inter-Parliamentary Union, which was provided for in the new Rules of the Association which had been adopted in Marrakech the previous March and recently validated by the Executive Committee of the IPU.

He commented on the role which had been played within the Association by the previous President, Mrs Adeline SÁ CARVALHO who had resigned as Secretary General of the Assembly of the Republic of Portugal, and wished her every success in her new duties.

He referred to the provisions in the Rules under which the Senior Vice-President would be called upon to replace the President if there was a vacancy or if the President was absent. Because of this, that meeting should have been presided over according to the Rules by Mr Mohammed Rachid IDRISSI KAITOUNI, the Senior Vice-President. Nonetheless, Mr IDRISSI KAITOUNI had asked him, as the Vice-President who had been elected the previous year in Havana, to substitute for him that morning.

2.   Orders of the Day

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

Wednesday 25 September

(8.30 am)

Meeting of the Executive Committee.

General debate

Debate on the impact of new technology on the work of parliaments

(10.00 – 11.30 am)

A.   Availability of information

Lead speaker: Mr Paul Hayter (House of Lords, United Kingdom)

Related topics: use of the Internet and use of Intranets

(11.30 am)

Break

(12 noon)

B.   Management

Lead speaker: Mr Georg Posch (Austria): e-parliament and mobile computing

Related topics: procurement issues
project management
homeworking
disaster recovery and business continuity

(3.00 pm)

C.   Procedural Questions

Lead speakers: Mrs Marie Andrée-Lajoie (House of Commons, Canada) and Mr Robert Myttenaere (House of Representatives, Belgium)

Related topics   IT in the Chamber
IT in committees

Thursday 26 September

(9.00 am)

Meeting of the Executive Committee.

(10.00 am)

Communication from Mr Martin CHUNGONG, on recent activities of the IPU.

Communication from Mr Carlos MANUEL, Secretary General of the Assembly of the Republic of Mozambique, on **the Re-organisation of the Secretariat of the Parliament of the Republic of Mozambique**.

Communication from Mr Ibrahim Mohamed IBRAHIM, Secretary General of the National Assembly of Sudan, on **the Sudanese Parliament.**.

Communication from Mme Hélène PONCEAU, Secretary General of the Questure of the Senate of France, on **the management by a parliamentary assembly of its property.**

(3.00 pm)

Communication from Mr G.C. MALHOTRA, Secretary General of the Lok Sabha of India, on **Ethical Standards for Members of Parliament.**.

Communication from Mr Yogendra NARAIN, Secretary General of the Rajya Sabha of India, on **Raising matters of urgent public importance: zero hour submissions and special mention procedures.**

Communication from Mr Colin CAMERON, Secretary General of the Assembly of Western European Union, on **The Assembly yesterday, today and tomorrow**.

Friday 27 September

(9.00 am)

Meeting of the Executive Committee.

(10.00 am)

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

General debate "Constitutional and Parliamentary Information".

Discussion of supplementary items.

Administrative and financial questions. Adoption of the draft budget for 2003.

New subjects for discussion and draft agenda for the next session in Santiago, Chile (Spring 2003).

He noted that there was no host parliament for that meeting so there would be no presentation about the parliamentary system of the country in which the meeting was being held.

3.   <u>New Members</u>

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

Mr Dirk BROUËR   Secretary General of the
                                                          Bundesrat of Germany
                                                          (replacing Mr Georg-Berndt
                                                          OSCHATZ)

Mr Gerd SCHMITT	Deputy Secretary General of the Bundesrat of Germany (replacing Mr Christian DÄSTNER)
Mr Kenneth Enos Kofi TACHIE	Clerk of the Parliament of Ghana (replacing Mr Rex OWUSU-ANSAH)
Dr Yogendra NARAIN	Secretary General of the Rajya Sabha of India (replacing Mr R.C. TRIPATHI)
Mr M.G. MALUKE	Clerk of the Senate of Lesotho (replacing Mr H. MOROKOLE)
Mrs Isabel CORTE-REAL	Secretary General of the Assembly of the Republic of Portugal (replacing Mrs Adeline SÁ CARVALHO)
Mr Yong Sik KANG	Secretary General of the National Assembly of the Republic of Korea (replacing Mr Byung-O KIM)
Mr Alexander N. LOTOREV	Secretary General of the State Duma of the Federal Assembly of the Russian Federation
Mr Valentyn Oleksandrovych ZAICHOUK	Secretary General of the Supreme Rada of Ukraine (replacing Mr Vyacheslav KOVAL)

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

The list of new members was *agreed* to.

The Vice-President said that for the first time, the meeting would start with a day given over to one subject under the new Rules. That subject would be the Impact of New Technology on the Work of Parliaments.

4. Day's Debate on the Impact of New Technology on the Work of Parliaments

Mr Ian HARRIS, Vice-President, called Mr Paul HAYTER of the House of Lords (United Kingdom) to speak as main speaker on the first subject for that day which was the availability of information.

Mr Paul HAYTER (United Kingdom) said that he was the Clerk Assistant of the House of Lords but that he had some responsibility for information technology for both Houses of the British Parliament.

He noted the differences between the various parliaments, particularly relating to the economic development of the different countries and that this had a direct consequence on the level of access to information. He had just come back from a meeting of the Commonwealth Parliamentary Association in Namibia. He said that the parliament of that huge country which was mainly one with a subsistence economy had just established a mobile education unit for new technology which travelled across the nation. This exercise aimed to use new technology to increase voter participation in public life and to make access to information easier.

In a country like the United Kingdom, for example, the situation was completely different because access to information technology was taken to be a n end in itself.

He said that he would start by talking about different uses of the Internet which was a technology which asked some fundamental questions and then he would talk about management issues.

A recent report of the Modernisation Committee of the House of Commons noted that most parliaments felt cut off from the electorate. This was particularly true among young people in whose view members of parliament were shut off in their own world and those in political life disconnected from the rest of society. These observations raised questions about access to parliament, in particular by electronic means.

What were the new ways of accessing information? It had evolved as being based on writing and books. That method of access to knowledge and understanding was formidable, but static, expensive and sometimes unavailable, notwithstanding the use of libraries and bookshops.

In the world of the Internet, things were now different. Nowadays children no longer asked adults who were close to them for information, but searched for what they wanted on the Internet and found it. This was a direct action without any intermediaries. This idea of direct action related to everybody including ourselves and members of parliament.

Information was more and more available which in itself created a growth in need. People needed information whatever the source might be. This might, from now on, be less trustworthy, indeed completely unverifiable.

Within parliament, there was a tendency to regard information as something it produced. But in an electronic form, it was not necessarily so and parliament needed to adapt. Electronic information was dynamic and changing. It was easily published. It could be shared and made up in itself a new source of information. The interactive character of electronic information was essential.

There were some people in developed countries, who did not trust the new electronic tools and feared that they might well be put out of work. If interaction between parliaments and electors, between parliaments and pressure groups was made easier what need was there for managing information. The competition provided by electronic means of communication was noteworthy. Parliaments could publish directly to the public minutes of evidence or of committees or reports and so on.

If profit-making organisations or commercial companies set up a system of providing information about parliament which officials could not give, then members of parliament would criticise us as officials, so we, as officials, were under pressure to improve the service that we give.

Taking into account the potential offered by the Internet and information technology, it was impossible to say where the evolution which was taking place at present would stop. Officials could not do everything. They had to identify expectations and what efforts could be made to live up to them. Therefore it was necessary to define a strategy and to fix from the start very strict rules.

Therefore it was necessary to establish compatible systems which could be adapted, a common language, in particular between the two chambers of the same parliament, so that a structure could be set up which was indispensable if parliaments were not to be cut off from the wider public. The question of consultants was also important. There were certain ideas about this that were unacceptable so priorities would have to be identified.

There was already a considerable quantity of information which was available but it was often difficult to find. Without a good search engine much effort may be in vain.

In an attempt to modernise access to information, we had to look at how money should be spent which was available to us.   Most of us had no experience of the professional management of projects. All information technology projects had a high visibility. If they turned out badly this would be immediately reported in the press. If we wished to keep hold of our good reputation, we had to make sure that everything turns out well and the risks are limited.

It was necessary to take account of the kind of expenditure which would be made as well as watching over the competence of people who were in charge of it. A system had to be installed as a long term exercise so it was better not to give such tasks to people who were only temporary. Such matters should be given to permanent colleagues. In the House of Lords, courses were offered to anybody who was involved in projects dealing with information access. This should be something available to co-workers at all levels.

Mr Ian HARRIS, Vice-President, thanked Mr Paul HAYTER for his presentation. He invited participants to intervene or ask questions.

Mr W.H. DE BEAUFORT (Netherlands) said that sometimes Senates were more advanced in the area of new technology than lower chambers. The United Kingdom was a good example of this. The main speaker had underlined that the user was more important than the producer. Nonetheless, there were many problems, particularly those linked to the existence of structures. There was also sometimes a confusion between the two chambers or between the government and parliament. In the Netherlands, an effort had been made to standardise the constitutional language. It was because of that standardisation that the same language was used in common speech and in writing.

He said he was opposed to the idea expressed by Mr Paul HAYTER that the parliamentary service should be able to be in charge of all the structures and means of giving out information. He noted that in the United States, a private institution, "The Congressional Quarterly", provided members of Congress with very precise and useful information.   Such private

organisations could make available information and commentary that was very pertinent and that would not always be possible to be done by parliamentary services. Members of parliament paid between 2,000 and 3,000 dollars a year to subscribe to the service. Further, in the Netherlands, there was a private business which provided biographies of various people. It was necessary to accept that parliamentary services should not be responsible for all information.

Mr Arie HAHN (Israel) said that the Internet which had been set up in the Knesset in 1996 had started slowly. Nonetheless, the Israeli Parliament had a sophisticated website and almost everybody in the assembly had a connection and an e-mail address. The first services to be connected were to the library and to the document service. The site was accessible in Hebrew, Arab and English The information provided was of all kinds, political, institutional, historical, educational and so on. The pages which were consulted most often were the orders of the day of the plenary sitting and documents relating to the work of committees and information on members. An external organisation managed the site and the security levels were variable according to who was using the site and what pages were being consulted.

The Intranet in a strict sense was very limited. The Knesset had an electronic information system and a sophisticated search engine. Every section or department was connected to all those with which it had working relations. There was a detailed index of archives which included reports of sessions from 1981 and draft public and private bills from 1986. As far as information on members was concerned, there was information about all the electronic votes in which they had taken part.

Mr Anders FORSBERG (Sweden) thought that the effects of information technology in parliament and on its work was a complex subject. He agreed with those who thought that specialists should be hired for managing large projects, but there was a difficult balance to be found between using external consultants and internal experts. Technological changes were an important evolution for members of parliament and for the public. It also represented an important means of exchanging information between parliaments. A move in this direction had already been decided between the parliaments of the European Union. He said that he was responsible for the platform which was charged with developing new technology in managing draft bills.

Mrs Claudia Lyra NASCIMENTO (Brazil) underlined the great disparity in development which existed in her own country. In Brazil, in the developed parts, there was large recourse to the Internet for looking at the budget, parliamentary proceedings, debates, speeches and so on. There was even an electronic virtual library. Printing of parliamentary documents was computerised.

Institutional communication was largely used for civic education and this was done by means of radio, television and even over the telephone using a free number. By this means, parliament also kept in contact with municipal assemblies of which there were about 7,000. Nonetheless, although much information was provided about Parliament, it was much more difficult in return to find out what the situation was at the level of such municipal assemblies and their 70,000 municipal councillors.

Mrs Isabel CORTE-REAL (Portugal) praised the work which had been carried out by Mme Adeline SÁ CARVALHO, her predecessor at the Assembly of the Republic, within the Association. Referring to the intervention from Mr Anders FORSBERG, she thought that as far

as the domain of new information technology was concerned, as in other matters, Secretaries General should be decision makers rather than technicians.

She wanted to make two initial remarks. Adelina SÁ CARVALHO had presented in Marrakech the system for computerisation of parliamentary debates which had been developed in the Assembly of the Republic in collaboration with the computer department of the University of Aveiro. That project was continuing as planned. She had also drawn attention to the computerisation of parliament in other areas. This had given a good view of the systematic and gradual work done in this area of growing importance within the Assembly of the Republic of Portugal since 1988.

Acquisition of new areas affected by information technology had always been considered as a priority within the framework of modernisation of the services of the Portuguese Parliament. So much so that at present, the new parliamentary organisation was ready to accept new challenges and demands. At the moment it was a priority to encourage the use of new materials with a view to increasing efficiency.

Among the various initiatives which had been set up, she mentioned the five following:

1. The new version of the Internet site of the Assembly of the Republic
2. The creation of a site which had taken the name Forum Europe
3. The creation of a new Internet gateway
4. The establishment of a parliament channel which was broadcast nationally over cable
5. The Development of an ASGP site in the Portuguese language.

These areas represented future development as well as political lines within the institution of the Portuguese Parliament. In fact, within that current Parliament, the institution was giving priority to all activity or initiatives which reinforced the links between parliament, society and citizens and which gave information about parliamentary activity and which supported prestige of the parliamentary institution.

Mr Moses NDJARANKANA (Namibia) said that the Parliament in his country had only been in existence for about twelve years. In that time, great effort had been made to make progress in the area of democracy and to make democracy accessible to everyone. It had been necessary to approach all citizens by visits throughout the country in order to respond to the needs of the population that had little information available to it. An Internet site had been created but the wider public hardly knew about it. This initiative had been followed by the creation of cyber cafes in various areas of his country. These had been set up by the regional authorities. Information was put out on the texts of bills and the site allowed citizens to make their views known.

Namibia had a problem with the multiplicity of languages in the country. Even if English were the official language, a majority of citizens did not understand it. Nonetheless the authorities hoped that they could encourage debate at national level and that government and parliament would be able to put information into the public domain with as many of the languages used in the country as possible. Namibia was still on a learning curve.

Mr W. KULISIEWICZ (Poland) said that in the course of recent years, there had been a revolutionary development which was without precedent in technologies which were employed

to collect, transmit and broadcast information. The Americans said "close your eyes for a moment and you will certainly miss something". It was not surprising therefore that this speed of development and its impact on society had become an object of interest for the European Community, which had taken quite a few important measures to advance the availability of information among the public. Candidate members of the European Union had been asked to liberalise their telecommunication markets to develop online business and to permit electronic access to big institutions as well as to guarantee that their populations could have access to the Internet, and therefore access to all information at a reasonable price.

Unfortunately, the nature of public access to information was still badly understood and this complicated an assessment of the possibilities that it offered. Nonetheless, some progress had been made with this subject.

Information had become a priceless product. Its quantity had increased at the same time as its quality had improved considerably. Now access to information was universal and new methods of transmission and treatment of information had revolutionised working practices and management. Some scientific commentators considered that a good use of information technology could significantly reduce the costs of many services.

The need for new technology in parliamentary work had been recognised for many years in Poland. A presentation on information technology which was used by the Polish Senate in the course of the conference held in the town of Pultusk in 1994 on "information technology in parliaments" showed that the authorities of our chamber had understood the necessity for putting into effect work on these new tools. Since then the Senate had accomplished a great deal in this area.

The object of his intervention was not to set out a list of new technologies which had improved the work of the Polish Parliament, but to concentrate on the impact which certain working practices had on the work of parliament and society in general.

Any information system or telecommunications installed in parliament had to be ready to change and to correspond with the expectations of users and to take maximum advantage of new technologies to create efficiency in parliamentary working practices. This referred, for example, to computerisation of the legislative process, technical control of that process and establishment of an advanced system of electronic voting, a system of research and transmission of information within and between parliaments and to communication with electors.

With databases that specialised in giving quick access to bills and laws on the basis of a good search engine, parliament could legislate better and reduce the number of errors. Systems of artificial intelligence would be able to take over certain types of legislative work. Exchange of information on an individual basis required by parliamentary work between members as well as their staff in real time over long distances was permitted by the very popular e-mail which was also used as a means of transmitting documents.

The Senate turned towards new technology in its working practices once it realised that it could access sources of information throughout the world in a number of disciplines. This had an obvious impact on the quality of the work of preparing laws based on reliable knowledge. All the officials in the Senate in Poland who were in charge of legislative work had a limitless access to whatever sources are available to government, parliament, non-governmental

organisations, scientific centres and libraries, as well as all international sources including the documents of the European Union, which had been so useful in the process of integration. Nonetheless, there was a great deal of information which was not correctly treated or adapted to the needs of parliament. For this reason, the parliamentary authorities did everything in their power to guarantee the efficiency of new technologies used in the parliamentary process. New software, new processors and new systems of publication were used to produce documents of the highest quality. Multi-media communications were creating new possibilities of organising work. Network software connecting various people working in particular subject areas had been developed, including methods of sending documents without error.

Another stage in the improvement of parliamentary work had relied on the development of mobile computer work stations and means of communication (laptop computers, organisers, etc.) which allow worked to be carried out anywhere. As a result members of parliament could be contacted and could work wherever they might be.

Registration of documents, classification and archiving was a part of the legislative process. Digital imaging and techniques of registration of text and sound used by the Senate showed that it was possible to reduce the required space for collecting and archiving information. Improved means of maintaining support for information which were more durable were used, and therefore these permitted the transmission of information to those who needed it with a lower risk of corruption. Furthermore, documents in formats such as scanned photographs or CD-ROM could be in a form which could be kept forever.

New technologies used in parliamentary work also improved the service to citizens who had become more and more interested in parliamentary information and its documents, such as legislative acts, reports of meetings, etc. This allowed them to take part on a virtual basis in the preparation of laws and to follow debates on the Internet. This had been enshrined as one of the elements in the law on access to public information which had been effective since January 2002 and which represented a stage towards the democratic functioning of the State.

Another important part of parliamentary work consisted of contacts between parliamentary officials, ministers, and officials in the ministries. Exchange of information between officials was more and more done by electronic means. In this way, use of the Internet and its derivatives might be considered in a simplistic way, perhaps as a form of government. Parliamentary procedures and government actions could be conducted electronically and decisions could be made immediately accessible to the public. Furthermore, citizens could contact government institutions and parliament through electronic means.

It was also necessary to keep in mind that as far as preparation of legislation was concerned, parliament must not only take into account existing technology but must also have an eye towards trends in the development of such technology in the foreseeable future. If this was not done, new legislation would be rapidly obsolete or ineffective. The law on telecommunications did not take into account advanced technologies. For example, the use of electronic signatures and the matter of rights of authorship of matters on the Internet were not covered. Sometimes such delays in developing the law were because of the absence of any decisions about the rules made by the government or guidance on application of the rules.

Poland did not wish to be behind the rest of Europe in this area. In 2000, the Sejm agreed a resolution on the creation of a society based on information. The Committee on Scientific Research produced a document on the objectives and directions of development in a society

based on information, which described the most important questions to deal with in this area, notably universal access to the Internet, adaptation of law to the electronic economy, education and the development of an electronic information infrastructure. In response, the Ministry of Communications had prepared a programme called "Poland – An Action Plan for Developing a Society based on Information (2001-2006)" which was adopted by the Council of Ministers on 11 September 2001. This programme was to be put into effect each year. The programme was in the course of being worked on by the Ministry of Infrastructure.

Use of new technology in the Polish Parliament was not a closed subject. Many scientists thought that a new vision of the development of a society was linked to the notion of a mobile society. Therefore fixed computers would be progressively replaced by portable ones, by organisers and calculators. These developments would completely change the way in which parliamentary work was organised. The new age was coming in quickly and was making its presence felt, but we could not as yet entirely foresee the consequences of its arrival.

Mr Seppo TIITINEN (Finland) agreed with the remarks of Mr Paul HAYTER. He underlined the importance of making information rapidly available and this required a change in working practices. He said that the Internet site of the Parliament of Finland contained all the required elements for information. The reports of sittings were available the following day. Nonetheless, citizens complained that there was too much information which created difficulty in finding what they actually wanted. For this reason it was necessary to organise the way information is made available, to adapt it and to personalise the way it was presented, taking into account particular target groups.

He said that the media had its own interest in this area. Some areas of the media were asking themselves what their role would be if Parliament was directly contacting the public. The response to this question, made by some, was that the press should explain, to draw attention to things, analyse, open the debate on certain issues. As for Parliament, the information which it provided on its Internet site was aimed at putting basic elements of information at the disposal of citizens for their own use.

Citizens wanted to use the Internet also as a means of contacting their members of parliament. E-democracy was a far off objective but which raised interesting thoughts. Nonetheless, it was necessary to bear in mind that the principle of representative democracy had to be respected.

In many cases, searching for information on the Internet was difficult because of the flow of information. He also noted that in many cases the trustworthiness of information provided was doubtful.

Dr Yogenda NARAIN (India) presented the following intervention:

"Today, we are living in an information society where information has become a critical resource and basic input to progress and development. Information, in other words, has become synonymous with power. The world is witnessing, what may be described as information explosion – the release of a formidable volume of information by the official and non-official organisations, both nationally and internationally. It is both the cause and effect of the path breaking changes in the arena of information and communication technologies. Fusion of the split second computing and faster communication especially through the Internet has heralded an era of global-information-networking. It has cut down heavily on the cost, time and distance. These technologies, in fact, have changed conventional and hitherto followed

methods of information storage, retrieval and dissemination. Adoption of such innovative technologies in a wide variety of fields has also enhanced the expectations of users, beneficiaries and even the public in general for better and effective results. This calls for an urgent need to grasp the immense opportunities offered by the widespread use of these modern technologies especially in legislatures for providing speedy and efficient access to relevant information for the benefit of Presiding Officers, Members of Parliament and the officers of the legislature secretariats. Since Parliament is one of the fountainheads of information, such technologies are of extraordinary significance to disseminate such information among the people. The large scale use of these new technologies for interaction between Parliament and people has the potentiality of making democracy more meaningful for the citizens.

Members of Parliament also need to have latest and relevant information, without which they will perhaps find it difficult to discharge their responsibilities effectively. It will not be possible for them to assess, review, appreciate or scrutinise the governmental activities, as people's representatives. Without a proper exchange of information between the government and Members of Parliament and the vice versa, people's aspirations can hardly be met. This calls for sharing of information amongst legislature Library and Research services in India and abroad. Sharing and exchange of information, ideas, experiences, etc. by legislature libraries would certainly enable them to cope with the recent challenges which the legislatures and their Members have come to face in the wake of globalisation, liberalisation, etc. In this exchange of information, networking facilitates communication through electronic mail, bulletin board, file transfer, etc. Computer/audio/video conferencing may also play an important role in more quick and effective exchange of views and information. The ultimate aim of these technologies is to avoid duplication of efforts in acquiring information from various sources and passing these off to the legislators through a well articulated information networking of the legislature libraries.

The rapid strides in communication and information technologies and convergence of various such disciplines have opened up newer vistas of information sharing. It has made access to data easier and enabled our legislators to remain better informed. At the same time, the information explosion that we are experiencing, makes the process of information management for legislators more challenging given the fact that they need objective, up-to-date and authentic information.

Position in the Rajya Sabha

The idea of introducing automation services in the Indian Parliament was conceived way back in 1982 and a computer based information retrieval system called PARLIS (Parliament Library and Information System) was set up in 1985 with the help of the National Informatics Centre (NIC). PARLIS is linked with the NIC's satellite based network called NICNET which is linked with the capitals of all the States of India and also with all district headquarters enabling faster exchange of information with State Legislatures and district headquarters through e-mail. The Rajya Sabha Secretariat had set up a Computer Cell in 1997 to deal with various issues arising out of the adoption of new information and communication technologies for the use of Members of Parliament and its officers.

In an effort to increase information availability to Members and also to the public, the Rajya Sabha Website was augmented in 1999. It provides up-to-date information about the business before the House and its proceedings including legislative and other business transacted every

day. Session-wise Resume of the work done and Session-wise Journal are also available on the Internet.

Further, to use the Internet for research purposes and access information lying in the World Wide Web, the Rajya Sabha Webpage provides links to several important search engines. Other useful links on the Rajya Sabha Webpage allow users to get access to the websites of different newspapers, Election Commission of India, States and U.T.s, State Legislatures, Parliaments of other countries, International Parliamentary Union and other such bodies.

The overall emphasis has been to use the Internet for disseminating essential information about the Rajya Sabha to the world at large and at the same time provide easy access to Members to all the information available on the World Wide Web. It also enhances the institution's image both nationally and internationally by providing a flexible access to information in this age of globalisation. Our long-term aim is to facilitate automation so that paper use in the office is reduced an information retrieval from different sections and sources is speeded up. Towards this end, all the services within the Secretariat are being computerised and put on a Local Area Network (LAN) for easy electronic transfer of official information and other related matters.

Another significant area in making use of the information technology has been the wider use of e-mail facility. Each Member of the Rajya Sabha has been provided with an e-mail address and parliamentary information is regularly mailed to him or her on that particular address. In fact, with a view to making information available to Members as quickly as possible, the Secretariat sends the daily List of Business and Parliamentary Bulletins Part I and Part II, through e-mail to Members of the Rajya Sabha both in English and Hindi. This is done in addition to the normal distribution of printed material.

Effective functioning of democracy demands effective communication between the citizens and their representatives. The new technologies make possible instant linkages between the electorate and the representatives paving the way for making the representative democracy more meaningful and responsive. Information regarding Members is also made available through the 'Members' Home Page' which provides *inter alia* links to their detailed bio data, the questions asked by them on the floor of the House, answers given by the government to such questions in each session, their membership of different committees, etc. as also information regarding the allocation of funds and its utilisation, under the Member of Parliament Local Area Development Scheme (MPLADS). Moreover, the details about the officers and sections of the Rajya Sabha Secretariat with their respective responsibilities and e-mail addresses are also available on the web page for direct sharing of information, quicker contact and effective response.

Archival photos of Parliament House with important information are put in the photo album giving the viewer a sense of history. The statues, busts and paintings of noted freedom fighters, which adorn the Parliament House and its precincts, have been made available through these new technologies. The corridors of Parliament House boast several panels of mural paintings by noted artists. These have been incorporated in the Rajya Sabha Webpage in the form of a Photo Gallery. Virtual visit to Parliament House at the click of a mouse has thus become more informative."

Mme Hélène PONCEAU (France) underlined the importance of the development of the Intranet and the Internet in the administration of parliaments. In France, the Senate used the

Internet more and more for personnel management. The Intranet was an essential means of communication for management of human resources and intervened in almost all the aspects of the collective life of the administration. The site included, for example, information on recruitment competitions etc.

The Intranet was used for information on status, the rules, plans for reform, descriptions of jobs, competitions for promotion, education and the yearly reports on staff, and professional elections. It also served as a permanent address book.

As far as the use of internal management or external providers was concerned, the Senate mainly used the latter for providing applications. Nonetheless continuity in provision was assured by internal staff.

Mr Jean-Claude BECANE (France) invited participants to read the online documentation on the subject on the French Senate's Internet site, at the address: www.senat.fr. He said that the Senate had interested itself in information technology at an early stage. The first applications dated from the start of the 1970s. Important developments had been made since then. The Internet site had been set up in 1995. Now every Senator had a personal computer and the 800 officials had over 1,000 computers between them. The Internet site had 12,000 subscribers, who were able to access 2,000 reports online. The legislative part of the site gave access to reports of debates, to drafts of public and private legislation, to opinions and reports, as well as the legislative dossiers.

Apart from the Senate's actual Internet site, there was a network of special groups which were aimed at particular participants whom the Senate had a vocation to represent in the parliamentary sphere. Therefore there was a site designed for businessmen and women which was aimed at innovation. The Senate had also opened up a site aimed at young people aged between 8 and 12 years old, as part of its commitment to educate the public. There was also a site on the institution of second parliamentary chambers within Europe.

He referred also to his presentation on the management of amendments online (AMELI), which he had presented at the last conference in Marrakech in March 2002.

Dr Mohammad AL-MASALHA (Jordan) said that new technology had a great impact on all aspects of life and work. Parliaments were no exception to this. Nonetheless, the impact of new technology varied between countries and, of course, from one parliament to another.

He outlined how this affected the Jordanian Parliament, by listing services which were either accessible or which would soon be accessible in the Jordanian Parliament, which was in the final phases of modernisation of its information network and its access to the Internet.

New technology permitted a collection and easy search of information with the minimum effort, cost, space and personnel, relating to the great volume of information which Parliament dealt with, and this included information on debates in plenary session, activities of committees, information linked to government institutions or non-government institutions, as well as regional and international organisations. This required work with the minimum of routine. For this reason, databases and databanks achieved these objectives with the greatest of efficiency.

The Jordanian Parliament used new technology for the following aspects of its work:

- Management of documents and archives
- Its payment system
- Its staff records
- Supplies
- Expenditure
- Budget
- Reports of debates
- Petitions
- Law and drafts of government or private members' laws
- Management of correspondence (both in and out trays)
- Official Journal
- Library records
- Studies and various other documentation

The Website of the Jordanian Parliament could be described as a window of international contact which reinforced the image of Parliament. Furthermore, it could be used to transmit messages to members; a special page permits them to see their diary and facilitates their work.

Thus, members of parliament can obtain information relating to the legislative orders of the day or other matters, and this makes the service of members of parliaments that they give to the population much more efficient, not least because they can compare information on similar types of legislation in other countries. The objective of reinforcing representative democracy was one of the basic objectives of Parliament.

Mr Panayotis TZORTZOPOULOS (Greece) said that the Greek Parliament had started using information technology in 1988 with the installation of electronic equipment and the recruitment of specialist personnel. A great deal of effort since then had been devoted towards two principal aims:

(a)   automatisation of the working of Parliament and its services, and

(b)   the support to members of parliament for the use of new technology in their work.

In the course of 2001 and after an appeal for international support, the development of an integrated system of information had begun. A private company had been chosen for this work. It was collaborating with the parliamentary service in the relevant areas to develop this system. The budget for the project was about 10 million Euros and it was hoped that the whole project would be finished at the end of 2003.

As far as access to information was concerned, the Greek Parliament had created its Website in 1996. Since then various improvements had been made and now the user could obtain a great quantity of information. Most of it was also available in English. It related to work in the plenary session, in committees, the agenda of parliamentary work and control exercised by Parliament, and so forth. The Website also gave out information on the country's Constitution, the constitutional history of Greece and biographies of members of parliament. A link also allowed people to follow sittings in the Chamber. Each member had their own site, as well as an e-mail address. An Intranet was also in the course of being set up.

Management of new technologies relating to information about the Greek Parliament was split up into four sections. Each head of section was responsible for management of the part of that section in the integrated system of information. Co-ordination of the project was the responsibility of a member of the Scientific Advisory Committee of Parliament, who specialised in new technology and information. There was a special committee, chaired by the Secretary General, which had management of the whole system.

The sittings chamber as well as the committee rooms were equipped with an electronic voting system and a system of microphones. Their sittings were recorded both by video and by audio. The plenary sittings were broadcast both on the Internet and on a satellite television channel.

Mr Everhard VOSS (Germany) asked Mr HAYTER how he thought information technology could free itself from certain restraints to concentrate better on the essential areas of the legislative work. He also wanted to know how it would be possible to manage the attempts of various people. Was standardisation desirable? Was it possible? How was it possible to find solutions to the current problems.

Mr G.C. MALHOTRA (India) said that the day's debate reflected the importance of new technology in the parliaments of today. He said there was a certain division between the three themes in which the day had been divided. He did not wish to repeat the remarks of his colleague from the Rajya Sabha and he said that he would limit himself to those matters which were specific to the lower chamber of India. First of all he said that neither of the two chambers could go against the interests of its members.

The development of new technology depended on knowledge and power. It also depended on the level of wealth of each country. The level of use of information technology was directly proportional to the resources of each country. India being a country with rather a low income, the development of information technology in Parliament's work was also at a correspondingly low level. It had used experts in information technology and in legislative procedure in order to co-ordinate both areas of knowledge. All services of the Lok Sabha had benefited from information technology. Today there were 584 PC computers, 27 servers, 328 printers: all members were equipped with information technology equipment. There was also a scanner, an Internet connection, LAN connectability and a satellite link. The library of the Lok Sabha was partly digitised and had a connection with other libraries throughout the world.

Nonetheless, the evaluation of the use of information technology was not measured simply by the number of machines, but also on how it was used and from that point of view the Lok Sabha could be quite satisfied.

Mr Paul HAYTER replied to the various participants.

He underlined the fact that many countries with an Internet site for their parliament had put their information on this site in various languages. It was in fact very important to think more about who would connect to the site in a parliament than who was going to produce it. As far as this was concerned, it was essential that the staff of an assembly should think about what its members expected of the Internet site attached to their chamber. In this respect, the United Kingdom had some way to go.

If the Parliament was bicameral, those reading the material on the site did not always know which House they were looking for information, or in which assembly a draft was being debated. For that reason it was important that the staff of both Houses should co-operate.

There was some disagreement about the way in which internal experts and external consultants might be used. It was necessary that information should pass in a satisfactory way and that information should not be aimed only at those on the inside. A balance had to be found. It was also necessary to have internal experts who were qualified to deal with information technology. The balance was very difficult to strike in this area, because the needs and possibilities of relating to information technology changed so much from one year to the next. For this reason it was not possible to avoid having recourse to outside consultants, but at the same time they had to ensure that the permanent staff of an assembly were properly trained. It was not possible to rely only on internal staff because everyone knew how difficult it was for those who were not properly trained to understand the language of computers. In the House of Lords, a group of senior staff were working in co-operation with internal experts and external consultants. In this way it was possible to explain to the specialists, both internal and external, aims and expectations.

In order to manage expectations from a day to day basis, there were three indispensable considerations: explanation, examination and control. As far as work to do with explanation was concerned, it was necessary that a group should be set up within an assembly in order to find an appropriate solution. It was necessary that that should be accepted by the lower levels in a comprehensible language. Furthermore, in a bicameral parliament, explanations should not be aimed only at one of the Houses.

Control was equally necessary. In the Lords, this was achieved by the central procurement service. This was a good thing and the organisation assured that there was a moderating effect, at the same time as it guaranteed a compatibility in equipment and use which avoided disparity in working. Information technology systems were everything.

In Portugal, debates in the Assembly of the Republic were permanently accessible on a digital television channel. This system was possible because Parliament is unicameral. This would not be possible in the United Kingdom where the debates in the Lords are not broadcast except when the House of Commons is not sitting.

As far as contacts with local municipalities and councils was concerned, the United Kingdom was not in a geographical sense very large. Nonetheless, the United Kingdom had just started up decentralised parliaments. In the Lords, there was no geographical link or constituency arrangement. Nonetheless, a great deal of contacts had been established with the decentralised parliaments.

Mr Ian HARRIS, Vice-President, suggested that that was time to stop the debate on the first round table subject. At the start of the afternoon, the orders of the day would be turned round and the third matter for debate that day would be brought forward as the second.

This was _agreed_ to.

The sitting ended at 1.00 pm

1.   Introductory Remarks

Mr Ian HARRIS, Vice-President welcomed members to the second session. He reminded them that that morning they had decided to start the session of the afternoon with the third subject which was the impact of new technology on procedural matters.

He called Mme Marie-Andrée LAJOIE of the House of Commons of Canada to speak on the PRISM project which was the technological project in the House of Commons, in the name of Audrey O'BRIEN, Deputy Clerk of the House.

Mme Marie-Andrée LAJOIE gave the following presentation:

"The publishing of parliamentary documents began years ago and has evolved with different technologies including pen and paper, typewriters, word processors, computers, off set printers, laser printers, and now the Internet. Legislatures are now looking to technology for more sophisticated means of managing and disseminating their information. Recent technological advances and the emergence of standards that enable the re-use and exchange of information in many different formats have made it possible to rethink the entire process for capturing and organizing information found in the parliamentary documents, while continuing to provide the traditional paper publications. At the House of Commons, the result has been creation of a new integrated technology system called Prism to replace nine stand alone systems. Prism creates a shared database environment that allows employees to capture information once, at the source, eliminating duplicate data entry and increasing the consistency and integrity of the information across parliamentary publications. This article describes the launch of the Prism Project in September 2001.

On September 17, 2001, Hansard staff sat down in front of their computer screens and formally signed onto the Prism system for the first time. As each Member of Parliament rose to speak, the time along with the details about who was speaking and what item of business was under consideration was entered into the new system. Using this log of the day's events as a series of electronic hooks, staff in the Parliamentary Publications Directorate of Information Services and the Translation Bureau at Public Works and Government Services Canada created Hansard and its translation by attaching pieces of text to the skeleton data.

The launch faced the added challenge of a late-night sitting since the House decided to hold a special evening debate on terrorism. Yet despite the midnight adjournment, the first Prism edition of Hansard rolled off the House of Commons presses before the House met again the next morning. To the Members who found copies of Hansard awaiting them when they returned to work the next day, there was little immediate evidence of the change. But Prism

will eventually yield some exciting improvements in the way that both Members and the public access and retrieve information about what goes on in the House and in Committees.

Prism is not an acronym, but a name meant to evoke the image of a spectrum of information – information about Members, about the House and its committees, about their debates and decisions. It is also the name for the sophisticated environment that has been built to sustain well into the 21st century the record-keeping activities of the Commons and its committees. To date, this new environment is supporting the work of approximately 300 employees and is the primary means of producing not only the daily Hansard, but also the Journals, the Order and Notice Paper, and all committee evidence. In the year ahead, more committee publications will be added to the list of Prism products and the total number of users will exceed 500.

The concept of linking all the information associated with a Member's participation in debate, from the moment he or she rises to speak, is at the heart of Prism.

The new environment will create an indispensable archive of structured information that will allow users to find and retrieve the details of debate and decision-making in the House and in committee. Whereas in the past, the House's record-keeping systems were designed primarily around the demands of publishing, Prism generates the traditional documents as by-products of a database that is focussed on capturing information at the most granular level possible so that it can be presented in many different ways and so respond to the full range of needs of those who follow parliament.

Prism tracks a bill's progress through the legislative process as a series of events: it begins with the submission of a notice for the Notice Paper; continues through first and second readings cataloguing the speeches in the House and testimony and interventions in committee; the tabling of the committee's report; debate at the report stage, if any, and eventually the passage of the bill at third reading. In the future, a list of these events can be published to a web page for each bill, with links to the relevant extracts of the publications, giving users a huge advantage over the present scenario whereby they themselves must take the time to find and follow the applicable entries in the various publications.

Similarly, users will be able to find all events associated with a particular Member of Parliament, creating a comprehensive index of all his or her interventions in Commons and committee proceedings.

The launch of Prism is an important milestone in meeting the House of Commons commitment to improving information resources for Members. In June 2000, the Board of Internal Economy agreed to spend almost $9 million on the Prism program over a two-year period. The program's primary goal for those two years was to replace the aging technology that supported the publishing of the parliamentary documents. Prism increases the House's ability to integrate emerging technologies in the areas of voice and video, data exchange, the web and information management.

Due to the mission-critical nature of the systems being replaced, it was necessary to provide assurances to Members that the ability to deliver the publications and other services would not be put at risk during this move forward. The program's commitment was therefore to make the development and deployment as invisible as possible. It was agreed that the first priority was the creation of a solid and reliable foundation for the future, and that more visible improvements

to the information management environment at the House would be made as part of a second phase of the program.

The first phase of Prism has been a major project for the House of Commons. The application had to be designed and built to meet the operational needs of more than 15 groups of employees, each of which plays a distinct and crucial role in supporting the work of the House of Commons. Extensive testing and training had to be conducted during breaks in the parliamentary calendar, so as not to interfere with regular production schedules.

The launch of Prism was not, however, the first time that the House has embarked on an ambitious project. The publication of House of Commons Procedure and Practice 2000 in February was the culmination of another massive project that required combing through decades of records and documents to reconstruct from primary sources the events of the past in order that their significance could be substantiated and set down as a guide for the future. The editors of House of Commons Procedure and Practice – Robert Marleau and Camille Montpetit – retired shortly after the book's publication, leaving a significant portion of the institution's collective memory safely stored between its covers.

By investing in Prism, the House has sought to ensure that as it moves forward, the institution is able to capture and classify more key parliamentary information at its source. Not only will this serve the day-to-day needs of Members of Parliament and other users of the parliamentary websites, but also when it comes time to prepare a second edition of Marleau-Montpetit, Prism will provide an exhaustive catalogue of all the business of the Chamber and its committees.

The development of Prism has also provided an extraordinary opportunity for procedural clerks to capture the intricacies of the unique classification systems they use to record procedural events, as well as the standards of phrasing and terminology adhered to in preparing entries for the Journals and the Order Paper and Notice Paper. By creating an application that has the capacity to store this type of information, as well as the flexibility to adapt as parliamentary procedure continues to evolve, the House of Commons has dramatically reduced the risk that this knowledge could be lost and has ensured that each new generation of clerks is well-equipped to do their work.

Prism has a great potential for safeguarding the raw material of the organization's institutional memory. The knowledge and experience that the House of Commons staff draws on every day to support the work of the Members of Parliament constitute assets that cannot be valued or replaced.

Members of Parliament in Canada, like their counterparts around the world, are examining the ways that technology and electronic communications can enhance the role of elected representatives, improve their working methods, and encourage more productive interaction between elected assemblies and their electorates. The Prism program puts the House of Commons at the forefront of legislative assemblies around the world in the way it manages, publishes and disseminates its core information.

Discussions about the relationships between parliaments and other institutions (whether government, NGO or civil society) often raise expectations around concepts of e-democracy and e-parliament. No one can predict where the evolution of parliamentary government will take us or what the term citizen engagement will eventually come to mean. In the meantime,

however, the Canadian House of Commons hopes that the Prism program will provide the foundation that will allow it to respond strategically to these new imperatives."

Mr Ian HARRIS, Vice-President, thanked the speaker and invited the second principal speaker, Mr Robert MYTTENAERE of the House of Representatives of Belgium, to speak on management of the legislative process in the House of Representatives of Belgium: "the electronic legislative dossier".

Mr Robert MYTTENAERE (Belgium) said that in the past few years, various factors have heightened the awareness that information technology must be used more effectively in the management of the legislative process. He gave the following presentation:

"The federal and regional parliamentary assemblies of Belgium have recently examined the question of the integration of electronic communication into the parliamentary work. Among other things, the following observations have been formulated :

- in each assembly, legislative documents are put on the net shortly after the distribution of the printed text ;

- at federal level : draft bills are only admissible if they are signed and dated. In practice, the ministerial offices always, so to speak, supply a version containing the printed text on floppy disk.

The project of the Prime Minister's Chancellery, which aims at the complete computerization of the legislative process, holds that :
- the government should pass on the draft bill to the House of Representatives by means of an electronic medium ;
- this draft bill should be printed as such (an order to be printed is no longer required) ;
- all the possible mistakes should be examined by the Parliament in amendment of erratum form.

In the House of Representatives, the College of Quaestors (i.e. the Board of Administrators) proposes to adapt the Rules of Procedure of the House in order that a report should be considered as distributed as soon as it is available on the website of the House (Remark: this also implies an adjustment of the law of 6 April 1995 organizing the parliamentary committee which co-ordinates the activities of the House and the Senate).

A pilot project will be launched in order to make it possible to table private member's bills, amendments, questions and interpellations via electronic medium on standardized forms.

The awareness of the use of electronics, has also led to the constitution of a study group during the last session, composed of representatives from the legislative chambers; Chancellery (of the Prime Minister); the Council of State; and the Official Journal. They have developed a project called 'Electronic legislative dossier,' which is currently in the testing phase.

Although the original plan was modest – to deliver electronic texts to the Belgian official journal – the study group quickly concluded that one must be able to have a reliable, 'official' electronic version of the text concerned in *each* phase of the legislative process.

Therefore, the study group also devised a structure with four electronic phases or 'bulletin boards':

- the 'bill introduction' bulletin board;
- the 'transmission' bulletin board;
- the 'draft' bulletin board;
- and the official journal's bulletin board.

The fundamental principle is that, at the end of each phase, an authorised individual posts a text on the bulletin board, which can only be accessed by another authorised individual. This accessed text is then the (official) starting point for the next phase.

On the **'bill introduction' bulletin board**, the minister who is introducing the bill completes the electronic bill with the place and date of signing by the King. Then, he creates a directory [abbreviated name of the bill + place and date of signing] and puts the files in their original format into the directory (these must be 'suitable for printing' versions; typos and so forth can no longer be corrected on the printer's proof, but must be rectified during the parliamentary deliberations). When forwarding the paper version of the bill, the minister notes the directory in which the electronic version of the documents may be found, including the date and time of creation.

As soon as a new directory has been posted on the bulletin board, House and Senate are automatically notified by email and they download the files. (To prevent several versions of a document being circulated, each document can be downloaded only one time, and the person posting the file is notified automatically by email that the bill has been downloaded.)

This official electronic version is used by the printer of the House or the Senate for printing the parliamentary paper. So, in the future, the person introducing the bill will no longer receive a paper proof copy.

After discussion and adoption of the bill, the House or the Senate creates a directory on the **'transmission' bulletin board** [number of the parliamentary document + date of adoption]. In the cover letter of the hardcopy version of the adopted bill, the House / the Senate notes the directory in which the electronic version of the documents may be found, including the date and time of creation. The receiving assembly is automatically notified by email and downloads the files; the transmitting assembly is automatically notified by email that the text has been downloaded.

After the text has been adopted at the Parliamentary level, the House or the Senate (depending on the situation) creates a directory on the **'draft' bulletin board** [number of the parliamentary paper + date of adoption]. The House / the Senate puts the files into the directory and notes in the cover letter to the minister who has introduced the bill, the directory in which the electronic version of the documents may be found, including the date and time of creation.

The minister introducing the bill is notified automatically by email and downloads the files; the transmitting assembly is notified automatically by email that the text has been downloaded.

In the final phase, the text – having received royal assent and promulgation by the King – shall be posted on the **'Belgian Official Journal's bulletin board** (not yet developed).

All of the bulletin boards are accessible via Fedenet (the network of the federal government) which is separate from the Internet. They are protected by a user name and password. The user sees only the bulletin board of which he is a member, and has wider or narrower privileges according to the situation.

At the moment, the system described above is **still being tested**. In the meantime, the trial run has demonstrated that it is very difficult to get all the departments introducing bills to line up and comply with the same procedure.

Meanwhile, one of the attractive aspects of the system described above is that the persons introducing bills will be impelled to exercise a lot more care. At present, it happens all too often that a bill is introduced when it is not yet finished. In the future, the bulletin board system will make that impossible: whatever is introduced is printed, and a printed error can only be rectified via an amendment.

Another attractive side of the project is that, although it was indeed originally developed for introducing government bills, without much effort it can be applied to private member's bills.

Still, a number of critical considerations need to be made concerning the project described above:

- First of all, the last bulletin board (publication in the 'Belgian official journal') is not yet operational, while it is in precisely this phase that a lot of errors slip into the texts;
- secondly, it is still not at all clear how this project will be connected to databases in which the current legislation – in an unofficially co-ordinated form – is gathered;
- and thirdly, the project is almost exclusively focused on electronic version management of adopted texts, which means that (for example) in the course of the parliamentary deliberations one will still be confronted with amendments that are not available in electronic form.

Moreover, tabling amendments via electronic medium is one thing, having them on paper for discussion is another one (the electronic tabling of amendments can lead to noticing, as a kind of surprise, that a great many amendments have been tabled via electronic medium before the end of the general discussion). Therefore, rules about the deadlines for tabling amendments must be defined in the framework of the Rules of Procedures of the House. Should these deadlines be exceeded, only the technical amendments and/of these resulting from the discussion would still be allowed to be tabled.

Therefore, the 'Electronic legislative dossier' project is a modest but none the less meritorious initiative that shows clearly that government and Parliament can work together efficiently to make concrete improvements in the legislative process.

Meanwhile, however, new applications are already coming forward that will perhaps supersede the 'Electronic legislative dossier.' In this respect, the Regedoc database of the Federal Government Chancellery – the database containing all documents that have been discussed in the Cabinet – must be ready in a following phase (2003/2004) to automate the calling up and forwarding of dossiers (including government bills and private member's bills) among various databases. That could be done, for example, with the aid of a 'bridge'-database that contains a list of cross-references to various other databases.

Mr Ian HARRIS, Vice-President, thanked Mr Robert MYTTENAERE for his presentation. He invited Mr Hans Peter GERSCHWILER, Deputy Secretary General of the Federation Assembly of Switzerland, to speak on the use of its Parliament of the VERBALIX system.

Mr Hans Peter GERSCHWILER (Switzerland) said that despite the very different needs of users of the big system of 'Verbalix', nowadays known as 'Enterprise Verbalix', a great part of the technology and knowledge of the engineers who set it up had been able to be re-used for 'Portable Verbalix'.

The portable Verbalix was much more than a simple replacement of the former tape-recorders. It was an integral system of editing in which audio recording and the corresponding text were intimately linked.

Therefore it was possible to find instantly any passage which had been audio recorded on the basis of recognised marks which were made by the operator during the recording.

The use of standard formats for storage of data (XML for text, MP3 for sound) has greatly facilitated integration of portable Verbalix in the current management system, particularly for publication of records of debates in various formats and for archiving data. This system allowed not only speedy publication on the Internet of sessions of the Federal Chambers, but also supplied all the needs of the service of the Official Bulletin.

The introduction of an easily transportable system designed to produce complete records of sittings of committees of the Parliament had started in 2001 with an analysis of the needs and preparation of the first prototype.

As one would expect, the requirements for preparation of records of plenary sessions were very different from those relating to committees. Speed of publication is not as important. The Internet was not required because of the confidentiality of speeches and it was necessary to have a portable system which could be put into action very quickly.

The development of the software part of the portable Verbalix system was coming to an end and now the introductory phase was starting for the entirety of the editors attached to committees.

Mr Ian HARRIS, Vice-President invited Mme Marie-Françoise PUCETTI (Gabon) to speak on the introduction of an Internet site by the National Assembly of Gabon

Mme Marie-Françoise PUCETTI (Gabon) said that the National Assembly of Gabon had stepped into the era of information technology and communication since 7 April 2000. This was the fruit of a project started by the Bureau of the Parliamentary Assembly of French Speaking Parliaments in July 1999 at Ottawa. This project related to the creation of websites in all the parliamentary assemblies in French speaking countries, so that they could exchange information between sites within the framework of the French speaking union, and also to allow members of parliament to obtain an instrument which allowed them to work and communicate.

She thanked the APF for this generosity in initiating this, which had allowed the Gabonese Assembly to move away from its former system of work and to get access to modern technology.

The Embassy of the United States, as well as other outside organisations, were furthermore involved in the purchase of a certain number of computer equipment.

<u>How the Internet site worked?</u>

The use of the Internet in the Assembly was for:

- looking for information
- sending electronic mail
- exchanging information between Gabonese members of parliament and those in other countries

The site was a considerable source of information which was grouped in site areas. The site area which related to presentation and composition of the site, allowed everybody to understand how the site was set up and how it worked.

The site area dealing with legislative activity provided access for information on the various procedures for agreeing the law and meetings of groups as well as the different calendar of activities and work and reports of meetings.

<u>Use of the Internet in legislative work</u>

The Internet was nowadays a universal source of information, an invention in which the whole world took part. The National Assembly had a database through the Internet which was limitless and covered all areas.

It was also possible to communicate easily to those surfing the net and more particularly to those in other parliaments all data relating to progress of work in committees. For example, the account of the work at the administration of parliament established at the end of every session can be consulted on the website, or for example details of the blockage which had been avoided when the Gabonese Parliament, in carrying out the difficult task of bicameralism, did not agree between the two chambers on a proposed amendment to the Constitution which had been put forward by the Government in 1997.

As far as the organisation of work was concerned, members of parliament and their administrations were able to access the methods of work of committees in other parliaments. They could learn about the procedures and how things were done, either to inform themselves or to inform others within the framework of their own work.

Now it was possible within the framework of committee work to carry out a quick comparative study between various legislative plans so that not only the text before the committees but also the evidential basis on which they had been prepared could be examined. The member of parliament was therefore better informed and could harmonise better his work with the work of his colleagues throughout the entire world. As an example of this, there was a recent examination of two bills relating to the law covering mining and the law covering forestry in the Gabonese Republic. The Committee which was in charge of this work took account of the political background of mining and forestry in Europe and in many other countries in Africa.

Nonetheless, although there were many benefits it was necessary to take account of the possible downside of using new technology. It was necessary to have computers which could

store information and which could defend against the disadvantages of technology. Most computers used by committees had either to have ZIP readers or CD monitors which could allow the administration to conserve data in the most trustworthy and durable way.

<u>Perspectives of the National Assembly</u>

The Assembly had taken some time to open itself to new technology and this was essentially due to the rather long period between 1990 and 2001, in which it had been in provisional buildings.

With the opening of the fixed seat of the Assembly on 25 May 2001, certain preparations had been made relating to the installation of the Intranet. Cabling and other material support had been planned from the moment of the construction of the assembly building.

A large number of computers had been obtained with scanners relating to the legislative service so that a rapid scanning of texts and preparation of copying and printing could be set in train. The information network would allow everybody in the assembly service to have access to the Internet from their office.

It was also planned to establish in a large room, twenty machines which would allow members to connect to the Internet as they required and also for students to do research work. An annexe was being constructed which would house information services and the printers.

Mr Arie HAHN (Israel) said that the electronic voting system used in the Knesset had certain particular characteristics. The Secretary General could, at any time, modify the orders of the day or the speakers' list during the public sitting, thanks to the Internet. Most of the committees used information technology in an indirect way, for example, publication of work, use of the database of the Assembly, etc. It was planned to extend the use of information technology in committees, for example by allowing the public to take part in meetings. Until now, what a member of parliament said was put directly on the Internet in the text which was typed up. The contributions of the public would be projected or on screens in real time in the committee room. This would allow members of parliament to react to public opinion. Until now, however, only one member of parliament had found this system useful.

As far as the press was concerned, instead of a press review in agreement with the main daily papers, the newspapers would put their main articles on the website of the Knesset from 8.00 am. In this way the member of parliament was able, once he had typed in a code, to have a review of the press which was created for him or her relating to what the Israeli press thought of that member.

Mr Ian HARRIS, Vice-President, thanked the contributors to the second round table and invited Mr Georg POSCH of the Nationalrat of Austria, who was the main speaker in the round table B which was devoted to management and administration.

Mr Georg POSCH (Austria) spoke as follows:

"**1. Introduction**

In 1999 the first talks concerning a reform of the production of legal texts were held in Austria. In early February 2000 the Federal Chancellery prepared a discussion paper according to which, primarily for the purpose of cost-cutting, the <u>texts of legislation drawn up by ministries</u>

were to be given a <u>uniform layout</u> and were to be <u>prepared on the same electronic text basis from draft to publication in the Federal Law Gazette</u>.

The E-RECHT ("Electronic Law") project aims at creating <u>one continuous electronic production channel</u> from the invitation to comment on legislation to promulgation (on the Internet). As a result, it will only be required to enter amendments to the text during the legislative stages (for example by a committee, or in the plenary of the Nationalrat). In the future, texts of law on paper are to be replaced by electronic texts, that is to say, printed government bills, committee reports and other parliamentary printed matter will cease to exist. Technology will make it possible to draw up texts which can be queried electronically while <u>all stages can be tracked</u> in a fully <u>transparent</u> process.

Shifting the layout of the text to an earlier stage in law-making facilitates the editing of the Federal Law Gazette in the Federal Chancellery but leads to a considerable <u>additional workload</u> in Parliament. The introduction of a continuous electronic channel also changes requirements on the database because it must be possible to query <u>legally authentic texts at an early point of time</u>.

The <u>re-design of the legislative procedure</u> for the ministries <u>was formally adopted</u> by resolution of the Austrian <u>federal government</u> of <u>6 June 2001</u>. <u>The Conference of Presidents</u> of the Nationalrat also advocated the implementation of the E-RECHT project in 2001. However, at the same time the Presidents called for better EDP equipment for the members of parliament. <u>To translate E-RECHT into reality</u>, two projects were launched by the Administration of Parliament in view of the complex task on hand and the brief period available by decision of the federal government (trial operations were to start as early as on 1 September 2001):
- the "Implementing E-RECHT" project (in April 2001) to ensure one continuous electronic channel for the legislative procedure in the Nationalrat and the Bundesrat, as well as
- the "Roll-out Plan for laptops to be used by members of parliament" (in December 2002).

I would like to emphasise that performing these change-over tasks in the form of projects has proven to be an excellent solution.

2. Objectives to be met by Parliament
The objectives to be met in the reform of the legislative process were defined as follows:
1. building up on existing databases
2. ensuring that the high quality requirements for parliamentary materials will be fulfilled
3. taking the separation of powers applying to government and parliament into account
4. considering the principle of true costs (no passing on of costs or tasks from the government to parliament)
5. minimisation of the total costs of parliamentary materials
6. considering the special working conditions of parliament.

3. Tasks to be Fulfilled in the Course of the "Implementing E-RECHT" Project
The most significant tasks to be fulfilled in the course of the "Implementing E-RECHT" project can be summarised as follows:
- <u>a comparison of previous work processes</u> with electronic processes, identifying the changes (studying the impact of the electronic process)
- <u>an analysis of the high quality status of legislative bills</u> (quality criteria also include the time factor, the possibility to track changes made, the complexity of changes to be put in, and quality management by dual control)

- an analysis of printing and layout costs (it turned out that the electronic communication of government bills saves costs as the pre-printing stage is no longer required, and that foregoing the printing and reproduction of materials also comes with a potential for cost-cutting)
- technical quality management (this included issues such as: What kind of technical quality management is up to current quality assurance requirements? How can undesired changes and damage to files be prevented? Is a higher level of technical security required when the electronic signature is introduced?)
- international comparisons (in this context, studying the model of computer-assisted legislative processes in place with the Swiss Federal Chancellery and the Swiss Federal Assembly showed that
  - the needs of parliament and government are so different that different EDP solutions are required and that there can be no workflow between government and parliament without any interface;
  - in view of the large number of possible error sources in drafting and formatting texts, quality control instances must be introduced at various stages of the procedure
  - it seems useful to convert Word documents into XML for several reasons (for example data security, automatic compilation of texts, creation of knowledge portals)
- a <u>detailed analysis of the impact</u> which the entire development has <u>on procedures under the Standing Orders</u>
- <u>a concept for the EDP solution</u>
- <u>proposals</u>
- for the amendments to the Federal Constitutional Act and the Standing Orders of the Nationalrat and the Bundesrat required to implement the change-over, and
- the user-friendly implementation of the layout guidelines, as well as
- organisational supporting measures and training.

4. The Technical and Organisational Solution

The technical and organisational solution chosen is characterised by a high degree of user-friendliness as

- the Austrian parliament builds up on <u>existing databases</u> (that is to say, the new process is integrated into parliamentary materials)
- an <u>independent workflow</u> has been established to account for the special features of parliamentary procedure and the separation of powers.

The exchange of documents with the federal administration, where a separate workflow is in place, is based on compatible formats and an independent interface, and detailed procedures have been developed for the exchange of data between parliament and government.

Parliamentary processes are supported by the EDP users of Parliament; in this context, it has to be mentioned that a <u>special upload mask</u> was created for members of parliament to enter the electronic versions of adopted motions into the system.

In a competence centre specially established in Parliament, which has meanwhile successfully taken up co-operation with the Federal Chancellery, staff supports the rapporteurs of the committees in the preparation of committee reports and the execution of resolutions adopted by the Nationalrat, and is in charge of know-how transfer from the State Printing Office, quality management and the layout of legislative bills as well as covering the need for additional labour in peak times.

The electronic exchange of data between government and parliament takes concrete shape as follows: the Federal Chancellery sends government bills to Parliament, Parliament returns the consolidated electronic version of the resolution adopted by the Nationalrat once parliamentary procedures have been completed.

5. Change-over Requirements: Laptops for Members of Parliament
The decision in favour of an electronic law-making procedure lent special weight to a wish many members of parliament had already voiced a long time ago: to be equipped with laptops. After agreement had been reached in the Conference of Presidents, the Administration of Parliament was asked in the spring of 2001 to make laptops available to all members of the Nationalrat and the Bundesrat, a total of 247 persons. In the framework of that major project it was not only required to procure the necessary hardware and software but also to create an infrastructure for hand-out, computer configuration and integration, support and training. One thing that needs to be stressed about this project was that the Administration of Parliament would offer a completely novel service directly addressed to the members of parliament, contrary to services hitherto provided via the parliamentary factions.

After an EU-wide invitation to tender for the procurement of the laptops, a separate project was established to plan the hand-out of laptops to the members of parliament. The task was to prepare a list of measures to be taken concomitant with hand-out and an appropriate time-schedule:

The tasks connected with the hand-out of the laptops fell into six groups:
1. organising the laptop hand-out
2. configuration and network link-up
3. training measures
4. support measures
5. legal issues
6. acceptance-related and supporting measures.

In this context, one could safely assume that, given the standard-setting nature of the project, E-RECHT would be the final touch on the larger "E-Parliament" project whereby as much non-binding or less binding information as possible is to be made available electronically to stop the much decried "paper deluge".

The acceptance-related measures accompanying the "Mobile Computing" project were required in view of the inhomogeneous target group. Very high quality and versatility of the notebooks, a user-friendly and simple configuration (for example, a feature allowing for automatic updates when logging into the Parlinkom network as the mechanisms of the existing download system are used), accompanying training measures and appropriate support are to ensure that the members of parliament accept the notebooks.

The notebooks allow for access to data of the Administration of Parliament via the Internet and intranet from within the House of Parliament and from outside. The notebooks are equipped with a wireless LAN so that data access within the building is possible without requiring cabling in the plenary meeting rooms and committee rooms.

The following applications are available on the laptops:

- access to the Intranet services offered by the Administration of Parliament via Internet Explorer
- an office communication environment
- a mailing environment including access to the exchange server of the Administration of Parliament
- a security structure consisting of maintained virus protection, data encryption and authentication components.

The installation of a two-partition system is of decisive importance for the practical use of the laptops. Thus, a notebook system maintained by the Administration of Parliament is made available to members of parliament, who only have limited access to the administrator level. The second partition, which is not maintained by the Administration of Parliament, can be used for applications installed by the individual members of parliament themselves. That way it can be ensured that members of parliament use a uniform notebook; that is to say, a uniform configuration for "E-Parliament" is in place (specially for parliament-related documents) while members of parliament do not need a second notebook for other purposes.

The following schedule was prepared for the hand-out of the laptops and accessories:

Early April:	start-up of internal trial operations
Late April:	extended trial operations involving 20 members of parliament (friendly users), launch of support and training
Late May:	beginning of hand-out process
Autumn 2002:	ending of hand-out process
Subsequently:	start-up of trial stage

In retrospect, the time schedule turned out to be realistic; no major time buffers had been foreseen from the start, anyway.

The reason for the long hand-out stage was that the workload for support staff was to be spread over time as evenly as possible. As it was expected that an over-proportional amount of support would be required by users immediately after hand-out, the timeframe for handing out the computers had to be extended. In this context, it had to be borne in mind that the number of workstations requiring support from the Administration of Parliament would rise from 450 to 700 in a very short time, while practical experience had shown that the support required for laptop workstations was twice to three times as much as the support required for a desktop.

Training for members of parliament has been organised at four levels:
- users are given brief written documentation and brief practical instructions upon hand-out of the computer
- training documentation is available in printed form and on the Intranet
- e-learning (ECDL) is available on the laptops
- classroom training is restricted to parliamentary specifics.

Support is a central criterion for the success of the "Mobile Computing" project. For this reason, a special helpdesk was created in the Administration of Parliament; it is staffed from 8 a.m. to 5 p.m. Monday to Friday and until sittings close on plenary or committee days. An integrated remote support system, which can be activated and de-activated by the members of parliament themselves, also aims at providing the most efficient support possible.

The notebooks do not become the property of the members of parliament, they only borrow them, and it is not possible for them to buy the computers later on. The hand-over agreement which the members of parliament sign when they receive the computer is as brief as possible, governing, amongst other things, the borrowers' liability in case of damage to or loss of the computer.

6. Change-over Costs and Savings Potential
The costs of change-over have been estimated at approximately 1.94 million € (roughly € 710,000 per year). The savings potential of an annual 60 tonnes of paper which are no longer needed due to the full-scale use of electronics amounts to more than 1 million €.

However, it will only be possible actually to attain these savings if the parliamentary groups (clubs) waive the delivery of documents on paper. For this purpose the Standing Orders will have to be amended accordingly.

At this point, it is not possible to say whether the projects will also lead to potential personnel savings due to a decrease in distribution needs.

7. Experience Gained in Trial Operations
During the period from January 1 to June 21, 2002 the federal government sent 105 government submissions to the Nationalrat, 58 were government bills, 47 were state treaties. Out of the 58 government bills, 9 were sent to parliament in electronic form as "e-law" documents, and 6 of these (10% of the government bills) were suited for further processing. One resolution of the Nationalrat has left parliament via the "e-law" channel so far. One private members' bill submitted by members of the Nationalrat has been dealt with using the "e-law" system.

8. Summary
Even though the reform of legal text production has only progressed to the point where about 10% of government bills reach parliament as "e-law" documents, we can still say that, all things considered, the E-RECHT project has developed positively so far.

However, we still have a long way to go until we have fully switched from paper to electronics so as to eventually arrive at "E-Parliament".

On the one hand, the secure transfer of data outside the internal workflow from one office to the other will require electronic signatures.

On the other hand, the legal basis has to be created to lend legal authenticity to the electronic transfer of government bills and resolutions of the Nationalrat as well as the electronic reproduction and distribution of parliamentary materials.

The legal authenticity of electronic promulgation, the introduction of which has been scheduled for January 2003 by the federal government, also needs to be set forth in an amendment to the Federal Act on the Federal Law Gazette; in view of the wording of article 49 of the Federal Constitutional Act, an amendment of the Austrian constitution will be necessary, which requires a two-third majority in the Nationalrat and the Bundesrat."

Mme Hélène PONCEAU (France) thanked the Vice-President and **Mr POSCH** for an exhaustive account of information technology in the Austrian Parliament. She noted that the French Senate equipped members much on the same lines as the Austrian Parliament and had done since 1995. A lump sum was given to senators for each three years, partly because one third of the Senate was renewed every three years and partly because three years was more or less the life of a computer. Senators were free to choose their own equipment although they usually tried to get the electronics department to purchase goods for them. Purchase in bulk usually ensured a better rate but senators were free to choose their own equipment. The National Assembly in France had earlier that year decided to give all members their own computer and a lump sum. The Senate was putting a large amount of investment into speeding up communication links. She referred to her paper on Management Applications. Outside service providers were called on but there were also in-house experts. IT was important for managing public procurement. Applications were now used to follow purchases. Calls for tenders were required for all purchases above a certain financial limit. Programmes especially devoted to this were available. It was possible to check whether the threshold for a call to tender had been exceeded and then the tender procedure was started automatically. This was a very recent introduction and the system was connected to a major application which was essentially a book-keeping application. There was a premises management database.

Mrs Claudia Lyra NASCIMENTO (Brazil) said that there was an exchange of documents between the Executive and the Legislative in Brazil. There were no rules yet relating to electronic signatures, so two versions had to be used. An archive for amending documents was being developed. As far as procurement was concerned, e-competition would be introduced next year. Purchases would be opened up by electronic means and all firms would know how much other firms were bidding.

Mr Arie HAHN (Israel) said there were three computers in each member of parliament's office, one of which was based in Parliament. There were plans for providing MPs with laptops in the Chamber so that they could access their offices from the Chamber. As far as project management was concerned, there was a large computer department until 1999 within Parliament. After 1999, most services were provided externally. There were now very few employed staff handling information technology. Programmes were developed either in-house or by outsiders. Projects might be individually started or be started for universal use. If a member wanted an individual project, he had to ask the Director who would vet it. A tender might be issued. A decision would be made on major projects after an experiment. The decision was made at the highest level. The Speaker took a personal interest in information technology as he was a computer buff.

Mr Paul HAYTER (United Kingdom) had three thoughts relating to the distribution of laptops. First of all, giving out laptops rather than cash was a non-threatening way of obtaining convergence. The second point was to do with support in-house or externally. Members liked to feel they knew those who provided support and this suggested that an in-house solution was better. The third point related to the reduction of paper. In fact this was less than might have been thought. Messages were speeded up but this raised the question of how information could be stored when equipment was changed or improved. Paper was still the best means of keeping records. Careful thought would have to be given to records management.

Mr Horst RISSE (Germany) referred to the Bundesrat documents. He wished to emphasise a few points. The Bundesrat could now organise its work very well and an electronic form was

much more important now than paper. Hard copy was essentially thrown away. There was current work continuing in two areas:

- creating a new Internet home page;
- the working relationship between the Bundestag and the Bundesrat.

The Government gave the Bundesrat most of its business. Up to now this had not been done electronically.

Mr POSCH (Austria) replying to the debate, said that from the start of the project about 10% of bills were prepared electronically. It was more complicated for the government to organise electronic co-operation between ministries. There was large cultural resistance to this. The government was also under parliamentary pressure. If a bill was not sent electronically, however, it was a blow to the government's prestige. The proportion of electronically submitted bills was likely to increase.

He noted the three important points underlined by Mr HAYTER. If some laptops were handed out then power was gained by some members. There was a financial benefit in centralising the issue of equipment. The system was more concentrated but there was a risk element because if the equipment failed everything would fail. As far as support was concerned, the parliament had chosen the middle way – the use of outside objective advisers as well as in-house staff. The point about the reduction of paper was a well taken one. There was a problem about to store information. Non-paper media did not last. He had not said much about the staff and their computers because they did not have laptops. Any references to outsourcing tended to replicate the position in Austria. In parliament, there was an imbalance between in-house and outsourcing people. There were not enough people who were able to develop programmes and so necessarily external sources had to be used. He referred to Mrs NASCIMENTO of Brazil's remarks relating to draft bills and electronic signatures. There was a need to resolve the question of which document was the authentic copy. As far as member support was concerned, Mr POSCH said that in Austria the member chose where to get their support. This meant it was simple for the Assembly because it cut down on administration. The laptops were not the property of members but had to be returned at the end of the parliament.

The Vice-President thanked **Mr POSCH**.

3.   Concluding Remarks

The Vice-President drew the debate to a close and thanked participants for their interesting contributions. He encouraged colleagues to think of further subjects for communications, questionnaires or topics for general debate to be included on the agenda for Santiago.

The sitting would resume the following day at 10.00 am with the first speaker being **Mr Martin CHUNGONG**, who would speak on the recent activities of the IPU.

THIRD SITTING,
Thursday 26 September 2002 (Morning)

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, in the Chair

The sitting was opened at 10.00 am

1.   Introductory Remarks

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, welcomed participants to the third sitting. He said that at the request of the IPU Secretariat, Mr Martin CHUNGONG whose presentation had been planned for the following day, Friday, would make his presentation on the activities of the Inter-Parliamentary Union that morning.

2.   Communication from Mr Martin CHUNGRONG on recent activities of the IPU

Mr Martin CHUNGONG (IPU) introduced Mme Ingeborg SWARZT, who was in charge of human rights in the Inter-Parliamentary Union and asked the Chairman if he would allow her to speak.

Mme Ingeborg SWARZT said that the Committee for which she was responsible was one of the most active and dealt with one of the most important questions affecting the IPU. She hoped to have the assistance of members of the Association in her work. The Human Rights Committee of members of parliament had been set up in 1976 in the wake of several coups d'etat in Latin America, as a result of which many members of parliament had disappeared. The question had been raised, how to ensure that members of parliament were able to carry out their duties. The Committee examined complaints relating to attacks on the rights of members of parliament. Unfortunately, the workload had continued to increase since the Committee's establishment. The Committee which was made up of five members and five alternates represented each region of the world. The current president came from Chile. The Committee met four times a year.

The Committee's procedure for intervening was as follows: the Committee would receive a complaint from a qualified source. It mainly dealt with prosecutions or arrests and imprisonment of members of parliament who were carrying out their duties and functions. Complaints might come either from members of parliament or their families, from lawyers or non-governmental organisations. The Committee would examine the admissibility of a complaint. The member of parliament had to have a current mandate, or to have been illegally removed from his position. After consulting the Speaker of the parliament referred to, the Chairman of the Committee, assisted by the Secretary General, would start a formal procedure. The authorities would be sent a request for observations. Then the phase relating to discussions with the authorities of the Parliament concerned would be begun. The Committee was able to hear parties to court cases. It made recommendations and could act as a mediator. This procedure was unique at the international level. The Committee would examine a dossier until it thought that a satisfactory solution had been found. All proceedings were

confidential. Nonetheless, in certain cases, the Committee might make matters public within the Inter-Parliamentary Council, if it concerned a particularly serious violation of rights, or when the authorities complained of seemed to be dealing in a less than frank way. The Committee organised international missions and had direct contacts with the authorities concerned. However, the financial cost of such investigations was very heavy and necessarily meant that their scope was limited. At inter-parliamentary conferences the Committee could also hear delegations. After each conference, a circular letter from the Secretary General of the IPU was published on the situation of each parliament with regard to human rights.

The aim of this intervention was to ask Secretaries General to support these moves so that parliaments could take note of particular cases. It often happened that when a parliament intervened in a particular case which was happening in a country with which it had close relations, positive results might occur.

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, thanked Mme Ingeborg SWARZT. He noted that there was a long road ahead before human rights would be entirely respected everywhere.

Mr Ibrahim SALIM (Nigeria) thought that the Committee had, by its nature, a mediatory role. When mediation was impossible, he asked whether the Committee could have recourse to legal action. He also wanted to know about recent cases where intervention had been successful.

Mr John CLERC (Switzerland) thought that the establishment of the Committee was a significant step by the Inter-Parliamentary Union. The IPU was useful if only to get prisoners set free. He asked how many successes there had been and wanted to know whether the trends were an improvement as regards human rights. Also he wanted to know whether the procedure requesting an intervention was misused by members of parliament who were being properly prosecuted, for example having been convicted of corruption.

Mr Colin CAMERON (Western European Union) asked what sorts of relations the Committee had with regional specialised organisations like the OSCE, Council of Europe and others.

Mr Everhard VOSS (Germany) underlined the importance of the Committee's work, which he followed closely. He said that the Bundestag profited by the delegations which it received as much as the missions which it organised or took part in abroad, in order to raise the case of members of parliament illegally detained or who had disappeared.

Mme Ingeborg SWARZT replying to speakers, said that it was difficult to give a clear number of significant successes. International pressure for release of members of parliament was not based on the action of the Committee by itself. Nonetheless, in certain cases, the Committee's action had been decisive. For example, this happened in the case of Mr Kondé, who was a candidate in the presidential elections in Guinea in 1998. The Committee on that occasion organised two missions to the country, of which one was continuing during a trial where it had been shown that all the evidence was invented. Other people had also disappeared on that occasion.

The Committee also occupied itself with the case in Chad and Tunisia. On other occasions, the Committee had been able to play a preventative role. It almost always received the support and co-operation of the parliaments themselves as had been the case recently in the Maldives.

Sometimes the law was changed, where it concerned revocation of mandates or immunity from prosecution.

The Committee was increasing its co-operation with other bodies. For example, it co-operated closely with the Parliamentary Assembly of the Council of Europe. It acted with the European Court of Human Rights particularly in the case of the four Kurdish members of parliament in Turkey who were still serving prison sentences. The Committee also co-operated with the OSCE in the case of Belarus, where a mission had been organised in November 1999.

Contacts had been established with the Inter-American Committee on Human Rights, with the international pact on civil and political rights and with specialised institutions of the United Nations.

The Committee insisted also that when parliaments received foreign delegations or sent delegations on foreign missions, the cases of detained members of parliament or those who had been made to disappear should be raised with the authorities.

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, considered that the fact that the Committee existed was a guarantee and a bulwark against temptation. He thanked Mme SWARZT and invited Mr Martin CHUNGONG to speak.

Mr Martin CHUNGONG (IPU) referred to recent changes within the Inter-Parliamentary Union. He said that the day before, Wednesday 25 September, the Executive Committee of the Union had approved changes to the Association's Rules. Henceforth the new Rules applied. He referred to the desire of the President of the Association to reinforce co-operation with the IPU. Support for parliamentary institutions was the ideal area for this co-operation and there were already many fruitful results.

Several members of the Association took part in supporting parliaments in emerging democracies. A seminar in Manila the previous July had been organised on the role of parliaments in the budgetary process (ASEAN and 3 countries). The role of parliaments was growing in this area. Identical seminars had been organised in Africa and were being carried out in other parts of the world. The Manila seminar had raised a great deal of interest; another one was planned for Sri Lanka, on the balance between men and women and the budgetary process.

Action in the educational sphere allowed parliaments to use their own infrastructures and were addressed as much to members of parliament as to officials.

The IPU was involved in the construction of democratic institutions in Kosovo, where it was taking part in the establishment of a central system of archiving and information, jointly with PNUD and in co-operation with the Secretariat of that Assembly.

In the course of the previous months the co-operative action had been supported in Eastern Timor. The provision of expert advice had allowed the new Parliament to be established and educational programmes had been designed for new members of parliament and for supporting the capacity of the secretariat.

Jointly with PNUD, action was organised in Albania, Gabon and Rwanda, where there were two projects running.

Another initiative was aimed at Uruguay. An inquiry had been set up on programmes to provide legislative assistance.

One report was aimed at studying technical co-operation in Africa and drawing out useful experience.

Another project was aimed at relations between the executive and the legislature. Some years ago members of the Association had responded to a questionnaire on that subject. The Union had a draft report and at the end of that year the final report would be published.

The difficult financial situation of the IPU meant that the budget had to be reduced. The Secretary General had been instructed to identify those areas where cuts could be made in order to be able to finance other activities, particularly in the area of good governance and democracy.

Within the Secretariat, new demands were placed for funds on the part of donors. It was hoped that the Secretariat could count on the assistance of various parliaments in discussion with the different countries' co-operative agencies.

The question of subvention of the ASGP budget had been dealt with and it had been possible to propose a satisfactory solution from the point of view of both the Union and the Association.

Various other decisions had been raised in the course of that conference. Pressure still existed to reduce expenses even though activity was increasing.

As far as membership was concerned, the only decision taken had been the return of Fiji. A decision would be taken on the following Friday, 27 September relating to the Marshall Islands and the United States Congress, which might have to be suspended because of a delay of over three years in the payment of subscriptions.

For several years past, the IPU had been working to obtain the status of observer within the United Nations, and in particular following the Millennium Conference. That decision was imminent.[1] The IPU Secretariat was optimistic about this matter taking into account the information which they had received from the Heads of Mission in New York.

The seat of the Union was still being renovated. Work was planned to finish on 29 November next. The new building would be more spacious than the old one and had various meeting rooms. This would assist the activity of the IPU.

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, said that the Association counted on the IPU to reinforce its relations and hoped that that would be translated into budgetary terms.

Mr Wilhelm H. DE BEAUFORT (Netherlands) thanked the IPU for organising that conference. He noted that it was rare that the Netherlands was asked by the Union about inter-parliamentary co-operation and said that he was ready for such co-operation. His Assembly already took part in projects with PNUD, in Kazakhstan and Kirghizstan.

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[1] Since the meeting in Geneva, the General Assembly of the United Nations had decided, in November 2002, to give the IPU the status of observer.

Mr Everhard VOSS (Germany) said that Germany was looking to respond positively to any requests coming from the IPU. Nonetheless, he hoped that follow-up measures would allow a proper evaluation of the result of co-operative actions between parliaments.

Mrs Isabel CORTE-REAL (Portugal) said that the Assemblies of Eastern Timor and Portugal had signed a co-operative agreement. Two officials from Portugal were permanently posted there and another one was going to be recruited on a long-term contract.

Mr Robert MYTTENAERE (Belgium) said that the PNUD had considerable means to develop programmes in favour of parliamentary assemblies. He asked for details on the links between PNUD and the IPU, and hoped to know if it was planned to develop programmes in common.

Mr Martin CHUNGONG replied that the IPU was ready to reinforce co-operation. He said it was true that establishment of partnership agreements with the Netherlands was relatively rare and that he hoped they could be developed further. There was already an education programme for members of parliament in the area of human rights in the Yemen.

As far as co-operation with PNUD was concerned, he said it was true that this organisation had ever greater resources which were important in the development of parliamentary capacity in various countries. Henceforth, a third of its funds would be given up to good governance and reinforcement of democracy. He said it had previously been very difficult to convince PNUD of the need to work with parliaments but now its position had noticeably changed. Since 1998, a co-operation agreement had been established aimed at promoting the place of women in political life. The IUP was developing a specific project in the framework of its general activities. This agreement, which would come to an end in the subsequent year, would very certainly be renewed.

The IPU had plans to prepare a practical manual on the role of parliaments in the budgetary process.

As far as Portugal was concerned, he remembered the co-operation developed with Mme Adeline SÁ CARVALHO, the former President of the Association.

Mr Mohamed Rachid IDRISSI KAITOUNI, Vice-President, thanked Mr Martin CHUNGONG for his speech and his commentary. He gave the Chair to Mr Ian HARRIS, Vice-President.

Mr Ian HARRIS, Vice-President, drew the attention of members of the Association to the situation of Mr Mohamed Rachid IDRISSI KAITOUNI, who had during that conference taken on the duties of President of the Association. Elections were to take place the following day in his country, in Morocco. He said that Mr Mohamed Rachid IDRISSI KAITOUNI had carried out his duties as Vice-President of the ASGP for three years. He had welcomed the Association with a great deal of warmth and friendship the previous spring, and everybody had very much appreciated that. Before his departure he wanted, in the name of all the members of the Association to thank him for his important contribution to the development of the ASGP.

3. Communication from Mr Carlos MANUEL on the Re-Organisation of the Secretariat of the Parliament of the Republic of Mozambique

Mr Ian HARRIS, Vice-President, then invited Mr Carlos MANUEL, Secretary General of the Assembly of the Republic of Mozambique, to speak and present his contribution on the re-organisation of the Secretariat of the Assembly.

Mr Carlos MANUEL (Mozambique) presented his communication as follows:

"I. Historical Background of the Secretariat of Parliament of Republic of Mozambique

The Secretariat of Parliament of the Republic, interchangeably AR, has experienced an evolution determined by the three phases that preceded the building process of the Mozambican parliament – 1977 to 1986, whereby the Secretariat took the form of an Office solely to attend to matters pertaining to every session of the then People's Assembly and human means were drawn from the public sector and Parastatals. The People's Assembly held two sessions annually, each running for eight days. It was a one party type of parliament.

The second phase, from 1986 to 1994, whereby the Assembly of Republic (AR) started convening more often as a result of the reduction of duties that used to be concentrated on the Head of State. This Organ began convening more frequently. Members of Parliament approved their Status and Internal Rules and Regulations of Parliament (AR). Hence, on grounds of Parliament Rules that contemplated the Secretariat as its administrative support apparatus, some actions were initiated, namely:- the approval of the Organic Statute of the Secretariat and an attempted to professionalize its staff.

The Organic Statute of the Secretariat was approved by the State Administration Committee (an instrument of the executive), ordered for its publication in the Government Gazette by the Speaker of Parliament.

The Third Phase, from 1994 to 1999 has been marked by the introduction of a multiparty parliament. As a first attempt to adjust it to multiparty environment framework and the modernization process still in force towards creating a better institutional relationship between the Secretariat and Parliament (AR), a new organic statute was approved in 1988.

In the three successive phases referred above, the Secretariat played a secretariat role as well as the administration of parliament services. However, it was not equipped with modern support means for its functioning, which resulted in MPs and parliament organs performing administrative duties entrusted to the Secretariat, instead of strengthening it institutionally.

This situation was noticed in the following fields:

> ➢ Finance – approval of expenses, technical assistance per project and funds from co-operating agencies; and
> ➢ Recruitment of local and foreign experts to render advisory and consultancy services to Parliament

The findings and analysis conducted indicated that there was a need to adopt a formula that would allow clarity and establish the difference between policy definition function and the administration function and management of services.

II.   The Role of Secretariat of Parliament (AR)

In Mozambique, the parliament representative role under the multiparty democracy paradigm has been in place for just eight years.

In view to equipping it with capacity to meet efficiently the demands of the new environment, it became vital to embark upon a functional and structural re-structuring process in the Secretariat (SGAR), coupled with its modernization. In order to accomplish these goals, it was created through Resolution 3/96, the Parliament Modernization Committee (COMAR).

The Secretariat re-structuring is a process still at a crucial phase, thus, too early to assess its feedback. Albeit, the Secretariat functions based on the existing legal framework, pending its reformulation soonest.

In spite of the Secretariat forming part of the Parliamentary structure, its organic statute is defined through a ministerial ruling, which is in conflict with the autonomy principle and the sovereign nature of parliament. However, the ministerial ruling does not specify the goals nor the functions or competencies of the Secretariat of Parliament, which again deprives it not only of a mission but also of the expected results and indicators to assess its role. Therefore, article 2 of the ministerial ruling1, dealing with the role of the Secretariat states only that "the Secretariat comprises Parliament organs namely Legislative Technical support, administrative and financial management, which assist parliament in performing its duties and own goals".

III.   Organization of the Secretariat

The Ministerial Ruling 59/98 that establishes the Organic Statute of the Secretariat in its article 1, establishes the organization of the Secretariat in the following domains:

- a) Legislative services;
- b) Administrative and Finance
- c) Advisory and Studies/Research;
- d) International Relations; and
- e) Public Relations and the Press

These areas are subdivided into the following organic units and services:

- a) Office of the Speaker of Parliament;
- b) Legislative Services Directorate;
- c) Administrative Services Directorate;
- d) Technical Office;
- e) Auditor's Office
- f) Public Relations and Press Department;
- g) General Secretariat; and
- h) Informatics Center

The Secretary General, the Office of the Speaker, the International Relations Office and the Auditor depend directly on the Speaker and the rest fall under the Secretary General.

IV   The Relationship between the Secretariat (SGAR) and the Parliament

The institutional relationship that encompasses the command lines/authority and functional relations between the Secretariat (SGAR) whilst a technical support structure and parliament or political organs, such as the Speaker (PAR), the Standing Committee (CPAR), parliament Benches, Specialized Task Teams and MPs, is not clearly defined in the organic Statute of the Secretariat and the Parliament Code of Conduct.

In spite of the lack of the aforesaid clarity, certainly, the Secretariat provides secretarial and protocol services to the Speaker, the plenary and the CPAR. The Speaker is the highest post responsible for the functioning of the Secretariat (SGAR), which is carried out through delegation of powers to the Secretary General. The secretariat services consist of drafting agenda minutes, work programs and reports of activities of parliament, minutes, memos, amendments of draft laws and resolutions, verify the quorum, count votes, ensure magnetic registration and audio-visual of sessions, print and distribute documents for sessions. These services are ensured by the Legislative Services Directorate.

It is also the duty of the Secretariat the provision of assistance in matters pertaining to inter-parliamentary relations and operating aspects for scheduling of sessions.

On protocol services, a function entrusted to the International Relations and Press Department, it deals with the allocation of seats through CPAR members, MPs, Government members, guests and dignitaries, and provides assistance during sessions, helping in circulating information and ensuring that events unfold as scheduled.

The relations of the Secretariat with Parliament benches may be summed up to the provision of adequate functioning means, ensuring that people selected and trusted by the benches to render secretariat services are legally contracted.

On relations with the Working Committees (CT), eight in number, the Secretariat (SGAR) basically renders secretariat services, budgeting, protocol, and is at an early stage of quality improvement to advance to perform other technical duties such as internal advisory to CP and parliament benches, through the Technical Office.

V.   The Status of Parliamentary Official

The Secretariat Officials of Parliament of the Republic of Mozambique are like all other public servants. As such, they are governed by the General Statutes of Public Servants as well as by the Career and Remuneration General Framework emanating from Ministerial Rulings and establish broad guidelines on the management of public servants. To highlight that these rulings/directives have a generic character, therefore, without prejudice to the power to define the statutes, careers and special remuneration for institutions or services whose the nature of work so warrants.

From this it is clear that Parliament Officials in Mozambique do not have their own status from which immunities, specific careers, financial incentives and other privileges would derive and make their careers more attractive and secure. Thus, there have been proposals suggesting

the drafting and approval by the CPAR of a Parliament Official Statute, in view of the present restructuring process of the Secretariat of Parliament.

VI.   Statute and Competency of the Secretary General in dealing with Administrative matters of Parliament

The Secretary General of Parliament is, like any other public servant, appointed by Parliament of the Republic, with the difference that the CPAR has to be consulted, in terms of article 130 of Parliament Code of Conduct (Act 6/01, of 30 April) and paragraph 2, article 4 of the Ministerial Ruling 59/98, that approve the Organic Statute of the Secretariat of Parliament.

The Same legal rulings establish the legal status of the Secretary General and likewise are evasive in defining his/her competencies, restricting itself to state that "The Secretary General oversees parliament services as directed by the Honorable Speaker of Parliament" in terms of paragraph 1 of the Organic Statute of the Secretariat. So, the Secretary General is the Chief Executive Officer functioning as a formal conduit between the political and technical establishments, administer implementation of political decisions pertaining the Secretariat of Parliament and look after the management of its current affairs.

To add that the Parliament of the Republic does not have a board of directors, a role played by the CPAR, where the Secretary General and the Director for Legislative Services have been taking part on permanent basis.

VII.   The Relationship Between the Secretariat of Parliament and Other Sovereign Organs: Presidency of the Republic, Council of Ministers/Cabinet, The Supreme Court, The Administrative Court and the Attorney-General's Office

Within the legislative process framework and information relations, the Secretariat establishes relations with sovereign organs, particularly, with the Presidency of the Republic and the Council of Ministers/Cabinet. The Secretariat is responsible for channeling draft laws for promulgation by the Head of State and their publication thereof, upon deliberation by the plenary. The Secretariat also attends to returns of legislative propositions to the plenary, should the Head of State choose not to promulgate them.

The submission of legislative propositions for debate in Parliament, by the Head of State and the Council of Ministers, the entities with the right to initiate an inaction of a law, is also carried out through the Secretariat, making it the centerpiece of legislative flow.

For sovereign organs dealing with the administration of justice, the Secretariat ensure the forwarding of invitations to attend plenary sessions of the Parliament as well as legislative propositions prior to their deliberation by the plenary, in the ambit of information relations.

VIII. Conclusion

The efficiency of parliament service in Mozambique, in a way, depends on the successful restructuring of its Secretariat. It is a pressing and relevant matter that in the course of modernization and reorganization of the Secretariat, Parliament (and not the executive) carry out a review and clear definition of its statute and role, definition of competencies and lines of command between Parliament, CPAR and the Secretary General in the management of this support organ as well as the specialization and motivation of its staff.

The roles played by the Secretariat lack support, distinction and legal bond.

The present role, organization and the Secretariat structure are outdated, which affects its performance and placing it far from maximizing the benefits of the modern era.

They lack not only a formal definition of procedures and relationship between the Secretariat and internal political structures of Parliament, but also with the Head of State, the Council of Ministers/Cabinet and other sovereign organs."

Mr Ian HARRIS, Vice-President, thanked Mr Carlos MANUEL for his communication. He said that there was a status of parliamentary official in Australia. He asked the speaker whether it was possible in Mozambique to suspend the Secretary General in the case of a breach of the code of good conduct.

Mr Carlos MANUEL said that the Secretary General could be sacked by the President only. The Permanent Committee was just consulted.

Mr Everhard VOSS (Germany) asked whether officials could be attached to the Executive as well as to the Legislature.

Mr Carlos MANUEL said that this could happen. He said that that was a matter for the Ministry of Public Service. He said that in Mozambique there was only one career for all administrative groups. The categories of official were identical as between areas of administration, including in the Assembly.

Mr Marcel ODUNLAMI (Benin) asked how the autonomy of parliament could be assured if this was the case. Were there other differences between the official organigram of the administration and practice?

Mr Carlos MANUEL said that ministerial decisions and orders organised the functioning of the Assembly. The theoretical organisation corresponded to the practice.

Dr Yogendra NARAIN (India) said that in democracies, the functioning of the legislative power depended on a great deal of autonomy. If parliamentary officials were staff who were on attachment from ministerial departments, there was reason to fear that they were still receiving instructions from their original department. In India, there was no interference of that sort. He asked whether, in Mozambique, parliamentary officials suffered from undue influence by the Executive.

Mr Carlos MANUEL recognised that it was a paradox that the Executive controlled the functioning of Parliament. He thought that it was the survival of the single party structure. Pluralism in parties should assist in changing that. At the start parliamentary officials came from the Executive. Nonetheless, since the Secretariat of the Assembly had been established, it was the Secretariat which recruited new officials.

Mr Ian HARRIS, Vice-President, thanked Mr Carlos MANUEL for his communication and for the replies which he had given.

4. Communication from Mr Ibrahim Mohammed IBRAHIM, on the Sudanese Parliament

Mr Ian HARRIS, Vice-President, then invited Mr Ibrahim Mohammed IBRAHIM, Secretary General of the National Assembly of Sudan to speak on the Sudanese Parliament and its history.

Mr Ibrahim Mohammed IBRAHIM presented his communication as follows:

"Foreword:

The Sudanese parliamentary experience and practice is influenced by the historical and geographical circumstances which the Sudan experienced during the colonization era. As opposed to other colonies, the Sudan experienced the co-domini (Anglo-Egyptian rule) which shaded the political life. Each party tried to ingratiate communities, entities and influence even after their departure. This reflected on Sudanese political life and national movements by plurality of loyalty, conflicts and fragmentation which accompanied the political experience todate.

16th March 1943 witnessed the setting up of an Advisory Council to the Northern Sudan following the recommendations of a committee set up by the Governor General of four British nationals. Consequently, a legislation was issued detailing the law of the council which covered only the Northern Provinces headed by the Governor General. Membership amounted to 28 appointed members. Representation included tribal leaders, religious bodies, notables and the wealthy. This representation with its directionism and selectionism consequently participated effectively in shaking and unwielding the Sudanese social structure.

The distinctive characteristics of the council is that the chairman alone decides on the subjects to be included in the agenda. It is held for three or four days annually. The chairman may break off the session whenever he thinks fit deferring the outstanding items to a forthcoming meeting. The composition of the council in the aforesaid manner confronted a strong national opposition.

When the Second World War came to an end and in the midest of its implications and the quick consequential happenings and breaking out of armed struggle against colonization in a number of third world countries, the Governor General resorted to holding an administration conference to go into scientific ways and means as to how the Sudanese can rule themselves. That was an intelligent trick to absorb the public grievance by setting up a new shadow institution. It is pertinent to mention here the graduates conference submitted a report to the Governor General condemning establishment of the Advisory Council, and demanding true representative council.

Irrespective of the efforts exerted by the colonizer to debar the Southern Sudan from the North and make it a special entity, Juba conference, which was held in Juba in 1947 for the period from 12-13 June, culminated in the interest of the Southern citizens to unite with the North with the necessity of representing the South in the proposed legislative assembly as an integral part of the Sudan political movement.

On October 23rd 1947, the British Government agreed to the recommendations. The colonial authorities in the Sudan embarked on draft resolutions in implementation of the

recommendations irrespective of the objections lodged by the graduates conference and unity parties.

Legislative Assembly (1948-1952)

On 19th June 1943, the Legislative Assembly came into being following a legislation issued by the Governor General on the light of proposals put forward by administration conference.

A. Composition:

The legislative Assembly consisted of 86 members out of whom 13 represent Southern Provinces Councils, four ex-officio members by virtue of their membership in the Executive Council.   The Governor General was vested with the appointment of ten members, taking into consideration the representation of groups that called for the establishment of true legislative body.

B. Eligibility:

Imperative a candidate for membership of the assembly is a male with a minimum age of 30. he should be a resident in the area of candidature for not less than two years and of sound mind.

C. Term of Office:

        Four years.

D. Jurisdiction:

The duties of the assembly are summed up in deliberation and consideration of draft resolutions submitted by the executive body.   Validity of the resolution is subject to the approval of the Governor General.   If the assembly passes a draft resolution with amendments to which the Executive Council does not agree, the latter may withdraw the resolution and pass it to the Governor General.   In this case, whatever the Governor General approves becomes a valid law in its original form or according to the amendments made.

The Sudanese people continued to condemn the performance of the assembly and demanded full supremacy particularly that many African and Asian countries attained independence after the Second World War.   Liberation trends then prevailed.

The First Parliament (1954-1958)

This is the first real parliamentary practice in the modern history of the Sudan.   The self-government adopted the system of two houses.   House of Senate and House of Representatives.

<u>House of Senate</u>

A. <u>Composition</u>:

The House of Senate consists of 50 elected and appointed members.   The Head of state appoints one fifth of the members.   Others come by direct elections.

B. <u>Eligibility</u>:

Terms are as follows:

Age should not be less than 40 year

Completion of secondary education

He should be well versed with literature, science and arts.

He should have long experience in social work and state management.

C. <u>Term of Office</u>:

The term of office consists of three years from date of inauguration.   It is not liable for dissolution.   Sittings pend on the dissolution of House of Representatives.

D. <u>Jurisdiction</u>:

The Senate is concerned with taking necessary action starting with political self-determination and them passing constituent assembly law.

<u>House of Representatives</u>

A. <u>Composition</u>:

It consists of 95 members through direct and indirect elections plus graduates constituencies.

B. <u>Eligibility Terms</u>:

The same as in the Senate.

C. <u>Term of Office</u>:

The sessions continue for three years unless otherwise dissolved.

D. <u>Jurisdiction</u>:

Termination of transitional period and resolve on necessary steps to start self-determination and passing constituent assembly electoral rules.   It is vested also with laying down the permanent constitution of the country in addition to constitutional right of executive control and the right of withdrawing confidence from the government.

Most Outstanding Achievements:

The most outstanding achievement is declaration of independence from within the parliament on 19th December 1955.   all political colours, parties and organizations with their tribal and different ideologies, unanimously agreed on independence and unity; causing a great shock to both of the colonizing partners..

This is considered the first parliament where elections were conducted on geographical, partisan and national principles after the Sudan has had its independence early in 1956.

It was then decided that work continues on the light of self-government statute with some amendments and omission of some articles.   The temporary constitution came out with the following title (We members of House of Senate and House of Representatives, in a joint sitting, unanimously agree on supporting articles of the law and promulgate it as a Sudanese expedient constitution to be looked after and abided by Sudanese people until after issue of other articles in the foreseeable future).

Though both the structure and the powers vested on both houses appear to be perfect compared with the modern standards, yet practice proved to be extremely poor.   That was mainly due to the meager experience of the infant parties in democratic and parliamentary exercise.   The parties structure was based on tribal, sectarian and regional basis.   The source of power inside the party is represented by the volume of sects and tribes and the proportion of loyalty to the party headquarters and leadership.   It follows then that the loyalty of political parties does not go to the principles and value as much as it goes to sects thereby debarring the parties from being national entities that cater for the interest of the people.   All that resulted in poor achievement and public dissatisfaction, which in turn provoked the army to seize power.

Central Council (1962-1964):

Consequent upon the Que Etat of the 17th November 1958 and after three years rule and as a result of national pressures, the system found himself compelled to set up a committee to develop constitution on 18th December 1961.   the object was to resist the grievance on the part of people demanding freedoms and democracy.

Among the terms of reference of the committee is to study ways and means to adopt the system of proportionate election in the formation of local councils and submit recommendations for the formation of a central council representing a legislative organ some members of which come through province councils, while others come through appointment.

In January 1964, the committee submitted its report recommending setting up of a central council on a national level with legislative powers.   The Central Council law was promulgated in 1962.   together with the President of the Higher Council of the armed forces, it constitutes the legislative power in the country.   Its legislatures become operative after approval of the President of the Higher Council of the armed forces.   It consists of 86 members as follows:

A. Composition:

The Central Council consists of 86 members as follows

Government ministers numbering some 14 are ex-officio members.

Elected members numbering some 54 are elected by province councils. Every province is represented by six to be appointed by Minister of Local Government. This means that all members came by appointment.

Appointed members by higher council of armed forces numbering some 18.

B. <u>Eligibility</u>:

Through appointment and limited elections.

C. <u>Term of Office</u>:

Two years.

D. <u>Jurisdiction</u>:

The Council is entrusted with legislative powers that include approval of draft resolutions and approval of the budget. This is in addition to control over of the executive. We are not divulging a secret that the Council, in fact, was a shadow council and never exercised legislation or control. It was a support and an aid to the ruling regime. Never it was a democratic parliament voicing the grievances of the people and defending their rights and aspirations. Despite of all that, honesty necessitates mentioning that the interim military period witnessed some developmental measures in different fields. Lack of democratic life, deprivation from human rights, and the offensive attitute from the ruling military regime, forced Sudanese people to move, led by the elites, against the military corp achieving October Revolution and restored their rights.

<u>First Constituent Assembly 1965-1968</u>:

After October 21st up rising, democracy was restored and the political field was inundated with numerous parties. A constituent assembly was formed of one house with four years term of office as against the first parliamentary experience of 1958-85 where a two-house parliament prevailed.

A. <u>Composition</u>:

The temporary constitution issued in 1964, stipulated that membership in the assembly was by election. Appointment was eliminated. Electoral rules of constituent assembly 1965 laid down that the assembly is composed of two factions representing regional constituencies and graduates constituencies. Out of the total of seats 15 were allocated for the graduates.

B. <u>Eligibility</u>:

a) Sudanese,
b) Attained 21 years of age.
c) Of sound mind
d) Literate in reading and writing.
e) Enjoying his political rights.

f)   No previous conviction affecting honour or character.

C. <u>Term of Office</u>:

Four years.

D. <u>Jurisdiction</u>:

a) Setting and approving a permanent constitution.

b) Handling legislation on the proviso that the legislative body should be from the supreme council (group of five resembling head of state).

c) Selecting members of supreme council and prime minister.

d) Control of the executive.

The assembly composed a national constitution committee of 37 members representing different political colours and 15 legal bodies.   The constitution draft was placed before the assembly.   Unfortunately the assembly was dissolved as a result of narrow partisan conflicts. Leaders of ruling coalition meant to dissolve the assembly by instigating representatives to submit joint resignations.   Hence, the assembly lost its eligibility and ability to pass the permanent constitution - its initial task.

Following new elections the assembly resumed sittings in May 1968 and formed a new national committee to revise the former draft constitution prior to approval, but unfortunately the same known conflict and dispute between the competing parties prevailed and paved the way for the May 1969 military regime.

<u>Peoples Assembly from 1st to 5th (1972 -1985)</u>:

"May" regime attempted to establish a shadow council complimentary to the institutions of the state.   It set up the first national assembly by republican decree (No. 104, 1972) with ex officio members of 6 (Ministers), elected members (regional and public constituencies) and appointed members.

Selection to the second national assembly (1974-1976) concentrated on representation of geographical areas, administrative units and peoples working power.   The President of the Republic has had the right to appoint ten members.   Thus assembly selects a speaker from amongst the members..   This practice continued with the same composition and duties from the second assembly up to the fifth assembly (1972-1985) except for the variation in the total number of members.

A. <u>Composition</u>:

First Assembly membership 254 (six months)
Second Assembly membership 246
Third Assembly membership 300 (
Fourth Assembly membership 358
Fifth Assembly membership 151

B. <u>Eligibility</u>:

According to the Constitution issued in 1973.

a) Sudanese,
b) Attained 21 years of age.
c) Of sound mine.
d) Literate in reading and writing.
e) Enjoying his political rights.
f) No previous conviction affecting honour, character or national security

More and above, he should submit a certificate from the Socialist Union unopposing his candidature.

C. <u>Term of Office</u>:

Duration is four years from date of first sitting.   Election for new assembly is conducted within sixty days after the expiration of the previous assembly taking into consideration that the first assembly continued for only six months concentrated mainly on passing the Sudan Constitution 1973.

D. <u>Jurisdiction</u>:

Sudan constitution 1973 granted the assembly all duties enjoyed by presidential parliamentary systems viz. legislative, control of the executive.

This interim military period witnessed some proportionate development that covered economic, social and services fields as the case in the first military regime but freedom and democracy were still lacking.

The practical practice of these assemblies crystallized in dissolution of assemblies prior its term of office wherever it tried to tighten control or in case of difference of opinion with the ruling regime.   The system came to an end consequent on Rajab – April Uprising similar to that of October 1964 and thus the third democracy evolved.

<u>Second Constituent Assembly (1985-1989)</u>:

A. <u>Composition</u>:

273 geographical constituencies.
28 graduates.

B. <u>Eligibility:</u>

Same as in the First Constituent Assembly.

C. <u>Term of Office:</u>

Four years.

D. Jurisdiction:

1. Passing constitution and issue of laws, orders and legislative regulations.
2. Vetting and passing the budget.
3. Executive control.

A number of new parties cropped up plus traditional and creed parties already in existence. Despite the bitterness of the prolonged military regimes, the political parties failed to learn the lesson.   The outcome of the experience was as:

1. No party has had a majority to rule alone.

2. The parties came back with their old sicknesses, chequared careers and conflicts.

3. Parties practiced a coalition rule with continuous changes and substitutes that culminated in a new comprehensive rule (June 1989 Salvation regime).

The First Transitional Assembly (1991-1995):

After the "Ingaz" national system came into being on 30/6/1989 and which steadily stepped into numeracy and democracy right from revolutionary legality to constitutional legality, a transitional national assembly was set up on the strength of the fifth decree with the object of filling the constitutional gap.

A. Composition:

Due consideration in the composition of the national transitional assembly whose membership amounted to 303 was given to geographical, factional and social representation.   It envisaged all different factions viz. cultured and experts with their various political colours plus members from Revolution Supreme Council, Walis and members from Ingaz Peoples Committees as ex officio.

B. Eligibility:

Through appointment.

C. Term of Office:

Four years.

D. Jurisdiction:

1. Legislation, planning and executive control until after elections of national assembly.
2. Building political system and work towards peace.
3. Approving comprehensive national strategy.

This assembly came as a preliminary step to strengthen "Shura" and democracy after issue of a number of constitutional decrees organizing and systemizing organs and framework of the rule.

The Second National Assembly (1996-1999):

This assembly, inaugurated in the first of April 1996, came after free elections characterized by neutrality, honesty and confession of political structure and bilateral diversity and also tribal and geographical aspects.

A. Composition:

Membership amounted to 400 members. Composition came in exercise of article 27 of 13th decree as follows:

- 275 seats are by direct election in geographical constituencies with fair representation to the population in the country.

- 125 seats are elected from the National Congress in strict accord with the basic system and rules re balanced representation to peoples manual power, sorts and regions.

B. Eligibility:

1) Eligibility for the membership of the national assembly was that the candidate shall be:

    a) Sudanese,
    b) At least twenty one years of age,
    c) Of sound mind,
    d) Not convicted during the last seven years, of an offence involving honour or honesty.

2) Whoever is a member in a State Assembly or assumes the office of Governor, or a member of a State Council of Ministers shall not be eligible for nomination for membership of the assembly or for continuing in the same.

C. Term of Office:

Four years.

D. Jurisdiction:

Duties of the assembly are specified in accordance with section 33 of the same decree as follows:

1) Passing plans, programmes and national policies concerning the state and the society.

2) Passing constitutional draft resolution, laws and federal temporary decrees.

3) Passing of the budget.

4) Passing draft resolutions approving international treaties and agreements.

5) Control of the executive.

<u>Performance and Practice:</u>

In exercise of the duties specified the elected national assembly played its role in the field of legislation and control in coordination with the leadership of the executive authority.   The most outstanding achievements during the four years were as follows:

In completion to the legislative resolution which covered the country after the setting up of the elected national assembly and which participated effectively in implementation of legislations of federal rule, a national and technical committee was set up to prepare a draft constitution.

In response to a summons from the President of the Republic, the assembly held an emergency session to consider the draft constitution submitted to the assembly.   The assembly allocated fourteen sittings out of which seven were in the form of committees.   Experts, religious bodies and outstanding politicians participated.

There was full attendance from members and some participants from outside the assembly.   In the end, the draft resolution was passed unanimously with some amendments and slight redrafting of some of the articles.   It was then submitted to the President of the Republic who signed it and hence become operative.

The assembly passed a number of draft resolution organizing constitutional performance e.g. constitutional court, political numeracy, elections and public grievances and accountability org.

By its own initiation the assembly passed Press and Printing Law and wealth distribution law 1999.

In the sphere of control, the assembly listened to a number of ministerial statements and urgent questions to ministers which were duly answered.   Respective committees duly answered ministerial statements supported by recommendations and draft resolutions.   Summoned some minister to explain about certain problems

A quick survey reveals that the assembly as opposed to former parliaments is singled out by the large number of intelligentsia it contained.   Women gender constituted a worthwhile proportion.   Membership included specialities and expertise that enriched the assembly legislative and control work.   The assembly made an unprecedented innovation by allotting public sittings attended by people of substance and repute who are particularly interested in matters of public interest e.g. discussion of draft constitution and Khartoum Peace Treaty.

This is in addition to the international and regional participation of the assembly e.g. Inter-Parliamentary Union , Arab Parliamentary Union, African Parliamentary Union, the ACP-EU and the other union of member countries in the organization of Islamic Conference and all sub-organizations where the Sudan was a member.

Just three months before the end of the assembly's life span it was dissolved as a result of a dispute between the presidency and leadership of the assembly.

The Third National Assembly (2001-0000)

The present elected national assembly came into being in complicated political circumstances. Some opposing elements called for postponement of both presidential and parliamentary elections, giving further chance for harmony.   The government on the other stand believed that absence of a legislative institution represent a stumbling block in the rule of the country. Accordingly the government insisted on elections.   Thus the second national assembly came into being.

A. Composition:

- 270 directly elected
- +35 representatives of the women
- +26 representatives of the university graduates.
- +29 representatives of the trade unions.
 _____
- 360 members.

B. Eligibility:

The same as in the Second National Assembly

C. Term of Office:

The term of the National Assembly is four years commencing from the date of its first convening..

D. Jurisdiction:

1.   In exercise of the terms of the constitution, legislation, control and mobilization duties as follows:

   a. Passing plans, programmes and policies affecting the state and the society.

   b. Passing constitutional amendments, draft resolutions and temporary decrees.

   c. Passing the budget.

   d. Passing draft resolutions approving treaties and international agreements.

   e. Control of the executive.

   f. Issue of resolutions in public affairs.

2.   Endorsing nominations for filling posts according to constitution and law.

3.   In exercise of its powers in controlling the executive, the assembly has the right to recommend to the President of the Republic expulsion of any federal minister. This is subject to answering the minister and loss of confidence of the assembly.

The first session witnessed much parliamentary work as a result of the absence of a legislative organ for one complete year.   This involved the assembly through its standing committees to study decrees and legislations issued with the object of passing, amending or annulling.   94 legislatures were passed.   On the control side, the assembly listened to 22 ministerial statements on the policies of their respective ministries in addition to urgent questions and issues.   All that was conducted in one three months session.

The National Assembly participated effectively in all conferences held by parliamentary unions and organizations wherein the Assembly has the honour of membership. Its view points and proposals were distinguished by gallant subjectivity and were admirably acceptable.

This active participation resulted in the National Assembly gaining seats and positions in the Joint Parliamentary Council (ACP-EU).   It was accredited with Women Coordination Parliamentarian Committee in addition to the chairmanship of Arab Parliamentary Union which is now headed by the Speaker of the National Assembly.

The parliamentary diplomacy did not differentiate from the official diplomacy.   It adopted the policy of openness with the outside world with the consequence that the National Assembly broadened its bilateral relations with Asia and Europe without prejudice to the eternal relations with Arabic, African and Islamic world.

The National Assembly played an effective and influential role singled out by hosting Arab Parliamentary Union in February 2002 plus the ongoing efforts to host African Parliamentary Union in October next. This assembled together to revise and change the picture and outlook of the Sudan and acquaint others with its real face. It reflected and proclaimed the magnificent political development covering all spheres – political and constitutional.

More and above the Assembly propose to host the Joint Parliamentary Council for ACP-EU early next year.

The diplomatic achievements of the Assembly well placed and classified the National Assembly with countries with long experience. Hence, it gained new friends and new ground and put into action a lot of world policies.

Notabene:
1)   The subjugation of the Sudan to the condominium rule (Angelo-Egyptian) affected directly the parliamentary partisan experience in the Sudan.   There cropped up parties advocating unity with Egypt whereas other parties outwardly called for independence irrespective of its invisible bias to the British Crown.

2)   That political parties grew up on the basis of sectarianism and personalities with no ability to develop and absorb modern thoughts and currents, this led to its failure of parliamentary democratic practices throughout the three democratic eras.

3) As a result of conflicts and disputes, none of the parties gained a majority to enable it to rule alone. It grossly failed to render services and anticipated development. This is as opposed to the proportionate success attained by the system of military rule thereby causing some people to doubt the suitability of multi partisan rule in a country in similar circumstances as the Sudan.

4) Although seizing power by military force has become a normal phenomena in developing countries, nevertheless, repetition and re-iteration of rule in the Sudan through military systems (Qu de Etat) on one hand and peoples revolutions on the other, is a matter worthy of consideration and investigation. The man of the street in the Sudan led stwo peoples revolutions to oust two formidable military systems. On the other hand, the preliminary parliament which preceded independence, declared the independence of the Sudan unanimously as against the interest of the two colonizing countries. This confirms Sudanese interest, understanding and awareness for freedom and democracy."

Mr Madelin DILS-AIME (Haiti) said that the presentation seemed to say that there was still restrictive suffrage. He had thought that that had been changed. On the criteria for eligibility, the laws referred to judicial precedent. Was it therefore possible to speak of representative democracy in Sudan? If one of the criteria for eligibility was to know how to read and write, was it the case that an illiterate elector was not thought able to make a good choice?

Mr Everhard VOSS (Germany) raised the question of parliamentary diplomacy. That aspect of parliamentary activity had been raised by the IPU in the course of the five previous years. He asked who had encouraged the Parliament to develop a similar direction in the Sudan.

Mr Ian HARRIS, Vice-President, asked how participants in the Transitional Assembly in 1995 had been able to intervene in decision-making.

Mr Ibrahim Mohammed IBRAHIM explained that importance attached to university degrees for members of parliament was explained by the strong level of illiteracy among the Sudanese people, over 70%. For that reason it was thought a good idea to use resources for the best as far as the country had them.

Parties were structured originally around religious groups and clan chiefs. If the country had been contented with that, intellectuals would have had no voice in government. He said that it was not just a matter of those with tertiary educational qualifications, but also those who had secondary school diplomas.

As far as the arrangements between the Legislature and the Executive were concerned, he said it was a good idea to keep in minds the basics. Sudan wished to re-integrate itself with the international community. It was necessary to resolve the question of debt. Yesterday, the Speaker of the Sudanese Parliament had met his opposite number from the Netherlands. The Sudan had demonstrated that a popular uprising could bring to an end a military regime.

As far as representation of women in institutions was concerned, the choice fell between using quotas or having no women. For that reason the Constitution and the electoral framework reserved them a place.

In addition, pressure groups and the unions had a number of seats which, although limited, allowed them to make known their point of view.

Mr Ian HARRIS, Vice-President, thanked Mr Ibrahim Mohammed IBRAHIM for his speech. He said that there had been a change in the order of speakers who would follow and invited Dr Yogenda NARAIN, Secretary General of the Rajya Sabha of India, to give his communication on urgent question procedure.

5. Communication from Mr Yogendra NARAIN on Raising matters of urgent public importance: zero hour submissions and special mention procedures

The Vice-President invited **Mr Yogendra NARAIN**, Secretary General of the Rajya Sabha of India, to present his communication on Raising matters of urgent public importance: zero hour submissions and special mention procedures.

Mr Yogendra NARAIN gave the following presentation:

"Introduction

Matters which are raised in Parliament by members through various procedural devices certainly receive utmost attention of the Government primarily because government is directly accountable to Parliament. This accountability of the executive towards Parliament is enforced through the various procedural devices available under the Rules of Procedure and Conduct of Business in the House out of which in this communication an effort has been made to inform about two devices, namely, zero hour submissions and special mentions. Both these devices were informally used earlier in the Rajya Sabha because they were not finding a place in the Rules of Procedure and Conduct of Business in the Rajya Sabha. Now the special mention procedure has been incorporated in the Rules of Procedure and Conduct of Business in the Rajya Sabha.

Zero Hour Submissions

Zero hour submissions, which are made in the Houses of Parliament of India, do not form part of the Rules. In an informal manner zero hour matters are raised by members after the Question Hour and before any other business listed in the day's agenda is taken up in the House. Because zero hour submissions are usually made around 12 noon, this period is, therefore, termed as zero hour. For raising matters during the so-called zero hour in the House of the People (Lok Sabha) members give notice before 10.00 am to the Speaker stating clearly the subject which they consider to be important and wish to raise in the House. It is, of course, for the Speaker to allow or not allow raising of such matters in the House. Earlier, a member was allowed in the Rajya Sabha to mention a matter, which was agitating his mind, with prior notice during zero hour. Many of the former Chairmen of the Rajya Sabha had made efforts to regulate the mentioning of matters during zero hour and issued directions in this regard. In its seventh report even the Committee on Rules also dealt with the practice of making zero hour submissions and made certain recommendations about regulating them. Now, in the Rajya Sabha, zero hour has been dispensed with but, at times, the Chairman may permit a member to raise a matter of public importance. But the general tendency in the House

nowadays is to discourage zero hour submissions. These have largely been replaced by special mentions.

Special Mention Procedures

Under Rules of Procedure and Conduct of Business in the Lok Sabha, a member can raise a matter which is not a point of order. Through Special Mention a member can raise a matter of public importance. The items to be raised through this procedure do not find a place in the Order Paper but they are generally taken up after the disposal of questions and laying of papers and calling attention, if any. Until 1 July 2000, the Special Mention procedure was not part of the Rules of Procedure and Conduct of Business in the Rajya Sabja. Matters were raised under this procedure only informally, under an established convention of the House, of course, with the permission of the Chair. The Committee on Rules of the Rajya Sabha in its Eighth Report recommended for the incorporation of the Special Mention procedure in the Rules. This procedure, therefore, now finds place in the Rules of Procedure and Conduct of Business in the Rajya Sabha. Normally, Ministers do not respond to the matter raised by a member through this procedure on the floor of the House. However, if a Minister wants to do so, he may make a statement with the permission of the Chair. Normally, the Minister replies to the member individually informing him about the views of the government or the action being taken in the matter. As part of the decision of the Committee on Rules, the Ministers are required to examine the matter raised through Special Mention procedure and send replies to members who raised those matters in the House within one month from the date the matters have been raised. In case it is not found feasible to stick to this time limit of one month in respect of any matter for reasons like having to collect information from different sources, etc., an interim reply is required to be sent from the Minister to the member concerned stating the reasons for the likely delay and the approximate time that may be taken for final disposal of the matter."

The Vice-President thanked **Dr NARAIN** for his interesting communication.

Mme Marie-Andrée LAJOIE (Canada) asked what the procedure was in the Upper House for raising issues of importance.

Mr Willem DE BEAUFORT (Netherlands) asked for clarification about what members could do in respect of oral, written and priority questions. He asked what the distinction was. Was there a difference between the notice given and time of answering? Was there any limit on the number of members who could use this procedure?

Mr Arie HAHN (Israel) said that in Israel there were written questions and urgent written questions. The Speaker had to approve urgent and written questions and the government had to reply within two days. There was also a new procedure called "a one minute speech" which was very much like the thirty second speech in Canada. Time was allocated for this once a week for half an hour with no notice given. The topics were raised as members wished. It was up to the Speaker whom to call. The average length was about 45 seconds. He thought it was a wonderful system. It gave the government an opportunity to speak for 2-3 minutes to answer small speeches.

Mr Kieran COUGHLAN (Ireland) said there was a problem with raising topical issues in the Dail. There was Leader's question time at the start of the day which allowed wide latitude to members to raise anything at all. He asked how replies were published in India.

Mr Ibrahim SALIM (Nigeria) asked about the delay in replying. He asked why a month's delay was allowed for an answer if the question was an urgent one.

Mr Robert MYTTENAERE (Belgium) said that in the Senate in Belgium there was question time once a week. Urgent matters were often dealt with in standing committee.

The Vice-President noted that in the House of Representatives in Australia there was a question time every day where members and the government were present. There was a ninety second speech slot. He also said that the House of Representatives had divided the Chamber in two and this allowed longer statements by members. He asked whether ministers ever planted questions in order to be able to provide a response.

Mrs Claudia Lyra NASCIMENTO (Brazil) said that in the Senate in Brazil, senators had five minutes for urgent matters at the start of the plenary. The leaders of parliamentary groups had extra time. Priority was given to the President of the Republic and the Government. Questions were always in written form and the Government had thirty days to answer. Ministers could be summoned to Parliament to answer if they failed to give a reply.

Mr Arie HAHN (Israel) wished to add to his earlier remarks by saying that there was a one hour period where ministers were questioned without notice and the Speaker invited questions and gave the questioner less than one minute to make the question. The minister had to answer immediately.

Mme Hélène PONCEAU (France) said there was a topical question period in the Senate twice a month. Questions had to be notified just before the session. The Government was well represented. Each member had two minutes only to put the question. This one hour period was broadcast on national television.

Dr Yogendra NARAIN (India) thanked his colleagues. He said that question hour was every day from 11.00 am till noon. Each day covered a particular department so the minister was necessarily present. Usually there was a 15-day notice period but short notice questions were allowed if the Chairman agreed. Starred and unstarred questions existed. A star indicated that a question was of extra importance. The Chairman would decide if the star was merited. There were about 150 questions allowed each day in each House. Of these perhaps twenty would be starred. The zero hour name came about because it was not on the agenda and it came immediately after zero hour. The Lower House allowed a liberal use of this procedure. The Upper House converted such questions into special mention questions with notice which were limited to 250 words and which were given on the previous day. He noted the time limit in Israel and that one hour was available in Belgium. A similar time for questions was available in India. He referred to the 5 minute time allowance in Brazil. In India he said that at 10.30 am the leader of the parties gathered to discuss business and they endorsed special mention procedure. There was a consensus approach. It was necessary for special mention procedure questions to be related to an urgent matter. He referred to Mr SALIM's question about why urgent matters were not given an immediate response and said that the problem was that the minister would not have collected the information. Without the information a minister could not give a proper answer. He said that it was not usual for questions to be stage-managed.

6.   <u>Concluding Remarks</u>

The Vice-President concluded the session and reminded members that the plenary would resume that afternoon at 3.00 pm.

FOURTH SITTING,
Thursday 26 September 2002 (Afternoon)

Mr Ian HARRIS, Vice-President, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

The Vice-President welcomed members to the fourth plenary sitting and referred to a change in the agenda which had been mentioned earlier in the day at the request of various members. There would be a communication from **Mme Hélène PONCEAU** on the management by a parliamentary assembly of its property, then the plenary would hear from **Mr Colin CAMERON** as indicated on the agenda. If **Mr MALHOTRA** was able to be there his communication would then be taken, otherwise it would be taken on the following morning.

He referred to various housekeeping matters and reminded members that the agenda for Chile would be considered on the following day, and invited members to submit subjects for general debate in the same style as had been taken in that session.

2. Communication from Mme Hélène PONCEAU on the management by a parliamentary assembly of its property

The Vice-President called **Mme Hélène PONCEAU**, Secretary General of the Questure of the Senate of France to speak about the management by a parliamentary assembly of its property.

Mme Hélène PONCEAU presented her communication as follows:

"   Six years ago Michel Couderc, at that time Secretary General of the French National Assembly Administration, talked to us about his experience in the management by that House of Parliament of its property.

Occupying the same position today in the French Senate, it appears to me that our assembly has adopted an energetic and original approach in this domain, enabling it to acquire a command over its property that the rules of law did not attribute to it at the outset.

This evolution owes much to the historical circumstances of the creation of the Senate and is apparent in both the shape and form of its property and the manner in which it is managed.

As Michel Couderc has reminded us, the property of a parliamentary assembly is made up of the assets required by its members as both a setting and a working tool. In the case of the Senate, the ruling No 58-11 -- of 17 November 1958 --confined itself to establishing its official seat, the Luxembourg Palace, while stating that this Palace was assigned to it. In the absence of any relevant texts, the Senate has acted on three fronts and used a somewhat strong-arm approach :

- in the significance given to the notion of "assignment;"

- in the use made of the specific shape and form of the Luxembourg Palace,

- in the manner in which further property has been added to meet new needs.

Under French law, the use of the term "assignment" to define the legal statute of the seats of the houses of parliament has a very precise significance: The assemblies cannot be owners of their property, because they lack legal status. This property is therefore part of the domains of the state, which is sole owner. The consequences of this situation ought to be regarded as follows:

- by virtue of the principle that the state domains are of a unique character, the assets at the disposal of the houses of parliament have to be put on the general list of the state's properties ;

- when these assets no longer serve the operations of the assembly, they must be returned to the office for the administration of state property, a department of the Finance Ministry, with a view to their reassignment or their transfer to another use.

The Senate has progressively shed these bonds by stressing the traditional principle of Parliament's administrative autonomy. In this manner it has developed over time a regime of quasi-ownership of the various elements of its property.

At the same time it has affirmed its rights not only over all the real estate of the Luxembourg Palace itself, the only property genuinely necessary for the Senate to function, but also over the Luxembourg Gardens which are intrinsically linked by history to the Palace buildings and are traditionally open to the public. The Senate has argued that its internal security depends on it taking this attitude. But it has also progressively assumed control of all the activities that take place inside this domain, including those of the Luxembourg Museum. It has achieved this by integrating them into the missions assigned to the Senate, particularly in its policy of institutional communications.

Finally, the Senate has been very active for the past thirty years or so in conducting a real estate policy designed to establish alongside its official seat a series of properties designed to meet new needs. In doing this, it has used procedures and management methods totally modelled on those of a private owner.

That is how a system of quasi-ownership has been modelled around the three entities which make up its assets : the Palace itself, as official seat of the Senate, the domain of the Luxembourg Gardens, and the outbuildings in the neighbourhood. For each property, the Senate has refined the rights it intended to exercise: the owner's prerogatives are subject to certain limitations for the Palace itself. They become blurred where the Gardens are concerned and disappear completely for the other premises.

The Luxembourg Palace

While the Senate considers itself completely free to fit out the Palace as it wishes in order to meet its requirements for functioning effectively, it clearly cannot exercise the same rights as an owner to sell or rent out his property. Furthermore, the Senate has two duties: to respect the historic monument that it represents; and to use it in conformity with its vocation.

But within these limits, the Senate acts with sovereign powers. It rejects the right of any other authority to have a say in its maintenance work, or any programmes that it undertakes to

modernise or extend its buildings. The Senate considers it is not obliged to seek building permits or to obtain the agreement of the appropriate departments at the Ministry of Culture which normally are responsible for the historic property of the state. It draws these prerogatives from the financial autonomy of the French houses of parliament which require them to bear the entire cost of the works that they undertake while giving them sovereign powers to set the scale of their own budget.

The same approach is to be found in the management of the Senate's stock of furniture. Besides the furniture that the Senate usually owns for practical use, it has at its disposal a collection of artistic and historical furnishings for most of which it is only a depositary, even if part of these have been acquired out of its own budget. In theory, the items of furniture and works of art confided to the Senate must be returned on demand to the authority which originally lent them. But that is not the present practice: the Senate considers it has the right to decide whether to accept or refuse the return of the objects concerned. It does this by basing itself on the principle, which is fundamental in French law, that where furniture is involved possession is equivalent to ownership. It also argues that it assumes responsible for the costs of maintaining and restoring these works, just like any other owner.

One might be surprised that a parliamentary assembly should claim the right to such freedom of action outside legal rules with general scope. The reason is simple : no authority except the judiciary could rule in a conflict originating from decisions taken by the Senate in this domain. However the matter can only be referred to the judiciary following legal recourse by a third party with grounds for complaining about such a decision. How could we imagine the Minister of Culture taking legal action against the Senate on the grounds that it refuses to hand back a work of art or undertakes works without the Ministry's approval ? It is also hard to see what damage could be invoked by a third party when it is a matter of property over which the state alone is entitled to exercise its rights.

The Luxembourg Gardens

The Luxembourg Gardens have always been run by the Senate as if they were an extension of the Palace itself. In this respect, the Senate is certainly unique among parliaments in including in its property a public park whose activity until the recent past has been completely independent of parliamentary life. In this manner it exercises complete authority over the maintenance of the Gardens itself out of its own budget. It determines which police regulations should be imposed on the public and ensures its staff apply them. It issues permits for private activities destined for the public. It sets the conditions and charges for these activities. It also establishes and collects fees from the beneficiaries of these permits.

As with the Palace itself, the Senate exercises all the rights of an owner, except for the right to get rid of the Luxembourg Gardens. It is also required to respect and prize this historical heritage and use it in conformity with its vocation. The difference in the system of management lies in the difference of vocation: whereas the Palace is fitted out for the needs of the Senate, the Gardens have to be organised for the needs, not of the Senate, but of the public, whereas the Senate assumes all the responsibilities of ownership. This gives rise to the question that is often posed : could the Senate "confiscate" the use of all or part of the Gardens and reserve it for its own purposes or use its grounds to put up buildings for its own use?

The answer is more complex than it seems: this element of the Senate's property is part of the state's public domain, just like the Palace, but its vocation of being open to the public has to be respected. Nevertheless, in certain special circumstances, the Senate authorities order the Garden

to be closed to ensure the safety of the Senate. As for the second part of the question, the answer is both historical and juridical. Historically, the buildings constructed in the grounds of the Senate, by the Senate itself or with its permission, have always been designed to provide the public with new activities (puppet theatre, Orangerie and, even more so, the buildings of the Luxembourg Museum). They were never built for the needs of the Senate itself. From a legal standpoint, if it were a question of meeting the needs of the Senate, it would be difficult to contest this possibility of "confiscation", even if today it is hard to imagine.

This was the approach taken by the authorities of the Senate when they decided during the second half of the nineteenth century to put up new buildings to house the Luxembourg Museum which until then had been installed inside the Palace. This decision was certainly dictated by the need to free new space for the needs of the Senate.

Even odder and bolder were the negotiations started during the 1970s to exchange these buildings and consequently the adjoining part of the Gardens for a plot which would enable an office building to be put up outside the Palace walls. This exchange was negotiated directly between the Senate, the City of Paris and the Ministry of Culture. Likewise, parallel a series of special agreements made between the Speaker of the Senate and the Ministry of Culture enable the Senate to obtain responsibility simultaneously for maintaining, equipping and, more recently, running the Museum. In this manner it was able to recover, in effect if not by law, the attributes of an owner.

It would be difficult today to imagine initiatives of this type, for if the Senate decided to put up buildings in the Gardens to meet its own needs for space, it could only do so by distancing itself from the rules of common law concerning town planning. Such a move would certainly be the object of legal action on the part of third parties who use the Gardens and who would suffer from such decisions. The courts would certainly censure the Senate for behaving in such a manner.

The outbuildings of the Luxembourg domain

The shortage of space to meet the new needs imposed by parliamentary activities has led the Senate authorities to create more and more buildings outside the Palace. With this objective in mind, the Senate has chosen a specific method of its own which, for the past twenty-five years, has distanced itself from the traditional processes for state-owned property. Instead, an approach has been taken which has much in common with that of a private owner: the Senate now acquires and resells buildings through a notary and in accordance with independent decisions taken by its own authorities (the "Questeurs" – as the senators responsible for finance and discipline are called -- and the managing bureau. In so doing, the Senate differs from the National Assembly which still uses the classic administrative procedure under which the authority for state properties makes purchases by administrative decision. The change in the Senate's approach follows an incident in 1983. On that occasion a plot of land acquired for the Senate and with funds from its budget was reassigned to a government ministry by the administrative office for state properties, whereas the Senate's wish was to sell it and to recoup for itself the sum paid by the purchaser. The Senate considered that it could not be deprived by the government of all control over the sale of property acquired with its own funds. It felt that it risked losing the sum of the loans obtained for this purpose and without any counterpart.

Three years later – in 1986 – the Senate took the opportunity to uphold its own doctrine against that of the state properties office on the occasion of the purchase through a notary of premises adjoining the Senate and of which the Post Office was the tenant. In this manner a

principle was confirmed according to which the independence of Parliament is naturally extended to the domain of its assets. According to this principle the Senate is fully empowered to acquire property if it considers this necessary for it to function as an institution.

The Senate is not an administrative department of the government. It is therefore not required to obtain advance permission from the Ministry of Finance for making acquisitions because the state property office, which is an offshoot of the Ministry, is not "empowered to intervene in the execution of a decision taken by the Questeurs, except to seek advice on the property's market value."

This jurisprudence has subsequently been applied on a many occasions without challenge. It enables the Senate to buy, lease and sell property. It also enables the Senate to choose between becoming owner, co-owner or tenant of the space of which it wishes to make use. In return, and contrary to the practice chosen for the Palace itself, the Senate accepts the rules of common law in matters of town planning, notably when it conducts works that require it to obtain a building permit. For these same reasons, in making acquisitions, the Senate did not use the prerogatives attributed to it by law, such as expropriation, a procedure over which the Senate authority would not exercise complete control. Two examples deserve to be quoted in this context. In one case a building was put up together with the City of Paris on the basis of an agreement which shared the building and the land itself between the two partners. The other example concerns a building which the Senate sought to buy because it was close to the Luxembourg Palace. As a result of this purchase, the Senate became owner of a café. After failing to put an end to the café owner's lease and obtain use of the premises, the Senate has decided to resell the property.

This description cannot be complete without referring to the space at the disposal of the two houses of France's parliament in Versailles for meetings of the Congress, the joint sittings of the two assemblies. Once again ruling 58-11 -- of 17 November 1958 -- concerning the functioning of the houses of parliament applies. It provides that "when Parliament meets as a Congress, the Congress premises situated in Versailles are assigned to it."

The detailed assignment of the premises put at the Senate's disposal is the outcome of the Convention of 16 March 1988 between the Ministry of Culture and the Senate. This Convention states how the premises occupied by the Senate inside the Chateau of Versailles should be allocated and designated. This assignment process has been the subject of numerous special clauses which are now directly negotiated with the president of the Versailles Public Authority by exchanging plots of land or by putting certain areas temporarily at the disposal of the Senate in the interests of both these parties. The costs incurred by the premises thus defined are borne by the Senate, in the general framework of the rules for maintaining and ensuring the security of the Chateau buildings. These rules are determined by the authorities responsible for the Domain of Versailles.

In conclusion, it must be asked whether the framework that the Senate has created for managing its property – a system which distances itself broadly from normal practice – is completely justified by the fact that it serves the interests of the Senate and whether its juridical basis is adequate.

In this regard it could be tempting to consolidate the somewhat restrictive legislative foundations based on the 1958 ruling whose terms only partly take into account the configuration and diversity involved in the notion of property within the two houses of parliament.

However, it could be very risky for the Senate to modify the present texts because it has used the gaps in the law to build up the instruments that give it a free hand. For example, any modification including the outbuildings into the domain assigned to the Senate would suffice to deprive it of its freedom to make the transfers of property that it deems necessary. The Senate would then fall back into a state of dependence on the various administrative departments of the government. With alternating shifts in political power, these might not always be favourable to the Senate's projects. This perhaps explains why the National Assembly has not felt the same need for independence."

The Vice-President thanked Mme Hélène PONCEAU and invited members to put questions.

Sir William MCKAY (United Kingdom) said that there was a similar situation in Westminster relating to the management of historic buildings. There was a less than clear legal status about management of the Palace of Westminster. It was a similar situation to the one described by Mme PONCEAU in that Parliament met in a Royal Palace. The House of Commons had had no power over the building where it met until 1965. The problem was that the House had had no legal personality and when it was given one it was expressed as being the Clerk of the House. The House only had control of its own budget in 1990. It was not liable for local taxes or bound by planning law. It had volunteered to observe such restrictions. Neither was it possible so far to have moved into nearby land. It would have been desirable to have moved to occupy Parliament Square as the Senate had moved into Luxembourg Gardens. New accounting procedures meant that the building was now valued as a world heritage site. Finally it had been decided to register the building as a museum. The extent of parliamentary privilege was very wide and it still extended to outside buildings, but there were now problems. Privilege no longer protected as it used to because of political developments and it had to comply with European Directives. In the old days it was not possible to sue the House but this was no longer so.

Mr Kofi TACHIE (Ghana) said that in his country Parliament was trying to regularise the situation of the Parliament building. The premises were shared with the State Protocol Office.

Mr Willem DE BEAUFORT (Netherlands) said that one of the oldest buildings of the Dutch Parliament was a royal palace. The last King to live there had been Louis Napoleon. He took all the carpets, furniture, etc. with him. Two hundred years later, they were still faced with difficulties because the original furniture had disappeared. He thought they must still be in France.

The Vice-President said that in Canberra, the current building had only been occupied for 14 years, but the building had been designed by an Italian architect who sank the building into a hill. They had inherited the concept of design integrity as the building was regarded as a work of art. A team existed in Parliament to keep a close eye on the maintenance of design integrity. He wondered whether a similar internal body exercised such a function in France.

Mrs Claudia Lyra NASCIMENTO (Brazil) said that the capital of Brazil had moved 40 years previously. In Brazilia, there were buildings for the three parts of the Government, the Executive Legislature and the Judicial branches. There were problems with dealing with the buildings because it was a world heritage site. An artificial lake had been created in front of the Parliament building and this created problems with security. Inside it was very had to change things and sometimes it was necessary to build underground.

Mr Robert MYTTENAERE (Belgium) said the Senate had no legal status in Belgium and its situation was particular. The Senate authorities would not think of asking for permission to reorganise and he wondered whether this was not contradictory. He wondered how it was possible to be immune from the law relating, for example, to planning, if there was no legal personality.

Mme Hélène PONCEAU (France) said she was unable to shed much light on the future and what it held. She referred to the encroachments of European law as mentioned by Sir William McKAY. This had not yet happened in the Senate but might do so. As for safety standards within the Senate, the Architectural Department tried to follow relevant safety standards very closely. There were some safety regulations to be observed. The authorities paid close attention to them. She thanked her colleague from Ghana for his question and noted that parliaments were under various constraints eminating from the government.

Mr Willem DE BEAUFORT (Netherlands) mentioned the missing works of art.

She assured him that they were not in the Senate. She referred to Mrs NASCIMENTO's remarks about building underground. The ground under the Palais du Luxembourg had been used a lot in order to preserve the building's integrity. Some buildings had in fact been bought outside the Palais du Luxembourg as well, Mr MYTTENAERE had been referring to planning issues and had raised a delicate matter as far as the Luxembourg Palace was concerned. The planning requirements for the Luxembourg Palace were different from those of the Senate outbuildings. Mr HARRIS had asked about design protection. The Senate had a special architecture service. The Questeur was in change of the management of the Senate's property and the Speaker of the Senate also had an interest.

The Vice-President thanked Mme PONCEAU for her contribution.

3. Communication from Mr Colin CAMERON (Western European Union) on The Assembly yesterday, today and tomorrow

The Vice-President then invited Mr Colin CAMERON, Clerk of the Western European Union to present his communication on The Assembly yesterday, today and tomorrow.

Mr Colin CAMERON gave his contribution as follows:

"When, in 2005, the Assembly of WEU invites you to the **50th anniversary** of its first session, it will be celebrating half a century of parliamentary debate on European security.

Maintaining the stability of the European continent – the scene of two terrible wars in the first half of the 20th century – has been one of the great political objectives of Europe. Attaining that objective has certainly been one of the great achievements of international relations since 1945. However, during the wars in the former Yugoslavia, we were once again brutally reminded of the fragility of peace.

In response to the perception of impotence in the face of the humanitarian horror brought to our television screens from the Balkans, Europe is now moving forward towards a further stage of

integration: that of EU-led international civil and military crisis management in the framework of a joint security and defence policy.

This **European Security and Defence Policy** (ESDP) is not a *single* policy. It remains – for the moment at least – intergovernmental.

One of the fundamental democratic cornerstones of our times is that any **intergovernmental cooperation** should be mirrored by **interparliamentary cooperation**. NATO, OSCE and the Council of Europe are examples of that principle.

It is also the founding principle of the Assembly of WEU, whose parliamentary experience as well as its founding Treaty – the modified Brussels Treaty - constitute a valuable democratic and integrative *acquis* for Europe.

The **modified Brussels Treaty** of 1954 *"promote*(s) *the unity and encourage*(s) *the progressive integration of Europe",* hence enshrining a vision that was later to lead to WEU becoming *"an integral part of the development of the EU"* (Article 17 of the Treaty on European Union as amended in Amsterdam).

With the "historic" invocation of Article 5 of the Washington Treaty following the terrorist attacks in the United States on 11 September 2001, security policy has taken on a new dimension. Efforts to ensure that Europe is more involved in international security issues will need stronger public support than ever before.

Against this background the Parliamentary Assembly of the Western European Union, which has its premises in Paris, continues to make a dedicated contribution to all issues of security and stability on the European continent. The "Petersberg Tasks" defining the scope of ESDP's crisis-management activities, the "former WEU Satellite Centre" providing the EU with a certain degree of autonomy in analysing space imagery, the growing "Europeanisation of NATO structures" and the vision of a "European line of Command", the handbook of "military standards and proceedings" that was handed over to the EU military staff, all these are results of WEU's past experience and of the political impulse and input provided by national parliamentarians working together in the Assembly.

Despite all the institutional changes in Europe, the Assembly of WEU is still the only European parliamentary institution that allows national parliamentarians to monitor security and defence issues. It provides a forum for debate where European political leaders – such as heads of state and government as well as foreign affairs and defence ministers – regularly engage in discussions with national parliamentarians from all the WEU nations, which today number 28, including all EU member countries.

The WEU Assembly has long experience as the parliamentary counterpart of the WEU Council. Their relationship is defined by Article IX of the modified Brussels Treaty of 1954, which states that *"the Council of Western European Union shall make an annual report on its activities [...] to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe."*

Following the transfer of WEU's operational activities to the EU in 2000, that role has seen its substance eroded somewhat by the fact that the WEU Council, for the time being, is no longer meeting at ministerial level. The Assembly has therefore decided to act as the interim

European Security and Defence Assembly, focussing on the European Security and Defence Policy. It also continues to scrutinize intergovernmental cooperation in the field of armaments and armaments research and development, which are funded by WEAG and WEAO, two 19-nation organisations closely linked to WEU.

However, until now, neither the Assembly nor the **European Parliament** has been given the remit necessary to ensure the same level of parliamentary scrutiny for the EU's ESDP activities as is provided for in the modified Brussels Treaty. This includes the fundamental obligation on the part of the Council to provide a written annual report on its activities and to reply to parliamentary recommendations and questions.

The **European Convention** is now tackling the question of how best to ensure participation by national parliaments in the EU. The Assembly is actively contributing to its work. Its Rapporteur, the former Belgian Prime Minister, Mark Eyskens, has been invited by the President of the Convention, Valery Giscard d'Estaing, to speak in two of its working groups: those on the role of national parliaments and on defence.

With its experience, the Assembly is clearly a model for the future structure for collective participation by national parliaments in the EU. The model of an interparliamentary assembly is in many aspects superior to a **COSAC**-inspired conference-type solution. Neither the **Council**, nor the **Commission** are in any way accountable to COSAC. National parliamentarians working at EU level should have the possibility of meeting in committees and voting for recommendations based on reports. They should have a permanent secretariat to ensure they are properly independent of government. These are conclusions reflecting the discussions on the parliamentary dimension of ESDP that preluded the Convention, which took place in The Hague, and subsequently in Brussels, under the Chairmanship of the President of the Belgian Senate, Armand De Decker.

Certainly the interparliamentary model has its weaknesses and flaws. How to provide full feed-back about what delegations vote on in the interparliamentary assembly to their national parliaments is, for instance, an issue that preoccupies all interparliamentary fora. Would it be preferable to see the chairmen of Foreign Affairs, Defence and European Affairs Committees of national parliaments sit – *ex officio* – in interparliamentary assemblies? That could be an inviting prospect for collective EU representation of national parliaments. It has always been up to the national parliaments to provide the interparliamentary assemblies with the political weight they want them to have.

* * *

The profound changes in the European security architecture have, by and large, made WEU's once pivotal role in operational matters obsolete. Its place in the European security architecture will need to be redefined once the EU has fully taken on board its crisis-management functions. An important task that it was not decided to transfer to the EU is the **collective defence obligation** laid down in **Article V of the modified Brussels Treaty**, which states, in summary, that *if any member country is the object of an armed attack in Europe, the other members will give it all the military and other aid and assistance in their power.*

This raises the question, with respect to the provisions of the **EU Treaty** envisaging the creation of a **genuine defence policy**, of whether the ESDP may not be incomplete. It also raises the question of whether those countries that together decide to engage in military crisis

management should not also declare that they stand together for collective defence purposes. Apart from the fact that a crisis-management operation can escalate and turn into a case of self defence, a collective defence engagement would also crucially increase the ESDP's credibility, inside and outside Europe.

Article V and responsibility for European armaments cooperation will be the core functions of future intergovernmental work in WEU.

* * *

The WEU Assembly comprises **364 parliamentarians** from the **28 countries** of the WEU family. The **115 representatives** (and an equal number of substitutes) from the **ten signatory states of the modified Brussels Treaty** have full rights. They can send the following number of representatives (and an equal number of substitutes): **France** (18), **Germany** (18), **Italy** (18), **United Kingdom** (18), **Spain** (12), **Belgium** (7), **Greece** (7), **Netherlands** (7), **Portugal** (7), and **Luxembourg** (3). The representatives from the other 18 countries (six associate member countries (European NATO-members), five observer countries (EU-members) and seven associate partner countries (EU-candidates) have varying participation and voting rights according to their status. They can send the following number of delegates (and an equal number of substitutes): Associate member countries: **Poland** (12), **Turkey** (12), **Czech Republic** (7), **Hungary** (7), **Norway** (5), **Iceland** (3); observer countries: **Austria** (6), **Sweden** (6), **Denmark** (5), **Finland** (5), **Ireland** (4); associate partner countries: **Bulgaria** (4), **Slovenia** (4), **Slovakia** (4), **Romania** (4), **Estonia** (2), **Latvia** (2), **Lithuania** (2).

In order to carry out its tasks, the Assembly appoints a Presidential Committee, a Standing Committee and six other permanent committees which prepare reports and recommendations. The **Presidential Committee** is the steering body of the Assembly. The **Standing Committee**, composed of the members of the Presidential Committee and part of the members of the Assembly, acts on behalf of the Assembly between plenary sessions. The current President is Bundestag member Klaus Bühler (CDU) who took up office on 1 January 2000. The Assembly has ten Vice-Presidents. It is assisted by the Office of the Clerk.

The main political work is done by the **Defence Committee**, which is concerned with European security and defence issues from an operational and military standpoint, the **Political Committee**, which addresses the political aspects of European security and defence, and the **Technological and Aerospace Committee**, which is concerned with matters pertaining to defence and dual technologies and to cooperation in the field of armaments.

The Assembly holds two ordinary **plenary sessions** per year (three days in June and December) during which the annual report of the Council is presented orally by the representative of the Chairmanship-in-Office, who then answers oral questions from members of the Assembly. The dialogue with the Council is supplemented by an exchange of views with the WEU Secretary-General, currently Javier Solana. After debating the reports in reply to the annual report of the Council, the Assembly votes on the draft recommendations. **The Council is then obliged to reply to the recommendations** adopted by the Assembly. However, the replies to recommendations and written questions are sometimes of a very general nature owing to the difficulty of arriving at a joint position in the Council. Still, the points raised by the parliamentarians and the answers given by governments contribute enormously to the transparency of intergovernmental cooperation.

For issues that fall under the restrictions of **confidentiality**, the Council and the Assembly have developed a special arrangement.

Depending on current political events the parliamentarians also convene in plenary for an **extraordinary session**. The last such special session took place in Lisbon in March 2000 and was dedicated to the project for a European Security and Defence Assembly. Throughout the year the parliamentarians meet in committee for working sessions. Members publish articles on European defence issues in leading political and scientific magazines and participate in colloquies and debates with the public at large.

The Assembly maintains a close dialogue with the Russian State Duma and the Russian Federation Council and also regularly invites parliamentarians from Albania, Bosnia and Herzegovina, Croatia, Cyprus, Macedonia, Malta and Ukraine to take part in its debates.

In addition, the Assembly organises **colloquies** that bring together parliamentarians, experts and government representatives as well as media representatives to discuss topical issues of security policy. The topics at recent colloquies have been the response to new risks in international security and defence policy, and European armaments cooperation. The next colloquy will be dealing with Euro-Mediterranean Security and will be hosted on 8 October 2002 in Lisbon by the current WEU Presidency, Portugal."

The Vice-President thanked **Mr CAMERON**. He asked whether the evolving nature of the Western European Union Assembly had had an effect on the type of staff recruited.

Mr Colin CAMERON said that that was a continuing problem. There had been a huge growth in staff as more member countries were joining the Western European Union. He was very keen to ensure that a wide range of countries were represented on the staff. He had been able to convince various member parliaments to detach their staff to the WEU. This was starting to work with a wide range of people. A 'stagiaire' programme had been started for post graduates. He was trying to extend the use of National Assembly staff.

The Vice-President thanked **Mr CAMERON** for his contribution.

4.   Concluding Remarks

The Vice-President thanked members for their contributions and said that the next sitting would resume at 10.00 am on Friday 27 September.

FIFTH SITTING,
Friday 27 September 2002 (Morning)

Mr Ian HARRIS, Vice-President, in the Chair

The sitting was opened at 10.00 am

1.   Introductory Remarks

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

2.   Honorary Membership

Mr Ian HARRIS, Vice-President, said that the Executive Committee proposed that Mr Pierre HONTEBEYRIE, who had been Secretary General of the Assemblée nationale in France until August, and Mrs Adeline SÁ CARVALHO, the previous President of the Association who had been Secretary General of the Assembly of the Republic in Portugal, be accorded honorary membership of the Association in view of their considerable service to the ASGP.

This was *agreed* to.

3.   New Members

Mr Ian HARRIS, Vice-President, said that further applications for membership of the Association had been received during the course of the conference.   The proposed new members were

Dr Hafnaoui AMRANI   Secretary General of the Council of
                                                Nation of Algeria
                                                (replacing Mr Allaoua LAYEB)

Mr Bui Ngoc THANH   Secretary General of the National
                                                Assembly of Vietnam
                                                (replacing Mr Vu MAO)

He said that none of those applications appeared to present any difficulties.

The new applications were *agreed* to.

4.   Communication from Mr G C MALHOTRA (India) on Ethical standards for members of parliament

Mr Ian HARRIS, Vice-President, called Mr G.C. MALHOTRA, Secretary General of the Lok Sabha of India, to speak about ethical standards for members of parliament.

Mr G.C. MALHOTRA gave his presentation as follows:

"*Introduction*

'Ethics' by definition is a broad expression. It is a matter of morals of character and conduct, of rules of behaviour, of accountability and propriety.   It has a bearing on the nature and standards of governance of a country. The ethical values that permeate the Legislative, the Executive and the Judicial Wing of the constitutional system have a deep and lasting impact on the character, direction, credibility and future of representative government.

Public life, as opposed to private life, concerns the entire nation. It is because of this that people in public life are expected to conform to particular ethical standards. The maintenance of moral standards and norms in the conduct of public affairs in a democratic country tends to become a major problem for the people because of different levels of government and the involvement of a large number of public functionaries in government.   It is the people's perception of what is wrong and what is right in politics that determines their faith in a democratic system.

History shows that no state is immune from the evil of corruption. The standards of conduct and behaviour of people in political authority have their malignant influence in other walks of life in society. The ethical dimensions of how influential and powerful people conduct themselves in private life and the public domain set a precedent for the general public and groups in society to follow.

Another aspect to be kept in mind is that ethical and moral standards may transcend the narrow stipulation of law or rule book and code of regulation – many acts of omission or commission may not violate the law as much but may run counter to the norms of propriety, fairness, intellectual integrity, accountability and societal expectations. It is because of this that in public life, be it politics or administration, the use, non-use, misuse or abuse of authority assume paramount importance for the public.

Ombudsman

It is a generally accepted view that some system for redressal of public grievances is required in a democratic polity. This is evident from the setting up of the institution of Ombudsman in several countries as a useful mechanism vested with the powers to take the measures in checking unfair dealings and unethical conduct in government machinery and institutions. There are various grievances or complaints which are usually made by the citizens against the government such as delay, unfair policy, abuse of authority, violation of rules – made intentionally or unintentionally – and the like. By their very nature, these are generally not matters t be dealt with by the ordinary law courts as these may not be grave crimes, but matters of ethical conduct and fairness, but sometimes leading to criminal proceedings. As such, it is not proper to put them under the category of other criminal cases. Therefore, as an appropriate and alternative mechanism, the institution of Ombudsman has been set up by several countries which is different from the ordinary law courts. It acts as an agency to investigate the conduct of public servants and also as a means for ventilating the grievances of the people against public functionaries.

In India, there have been several attempts in the past to create Ombudsman type of redressal machinery. The Administrative Reforms Commission, set up in 1966, *inter alia* advanced

powerful arguments for the creation of a two-tier machinery, namely 'Lokpal' at the Centre and one 'Lokayukta' in each state to act as independent, impartial and effective channels for redressal of citizens' grievances with a view to arresting deterioration in the peop[e's faith and confidence in the administration and the political executive. Several efforts over the years to get the Lokpal Bill passed could not succeed because of various factors. In the latest development, the government has introduced 'the Lokpal Bill, 2001' in the Lok Sabha on 14 August 2001. The proposed Bill aims at ensuring probity in public life and will include, besides the members of parliament, the Prime Minister and his cabinet colleagues within its ambit.

An independent and autonomous body known as 'Central Vigilance Commission' (CVC) is already functioning in India to exercise a general check and supervision over the vigilance and anti-corruption work in government departments and to undertake inquiry into any transaction in which a public servant is alleged to have acted in a corrupt manner. A bill to confer statutory status to CVC, in compliance with the directions of the Supreme Court of India in this regard, is currently before parliament for consideration.

Ethics in Parliament and Conduct of Members

Every system of democratic governance requires that those who wield power should use it for the public good and not make it an instrument of self-seeking. This they can do effectively by personifying the highest standards of personal integrity, probity and rectitude. They have to control themselves as well while attempting to control others. As James Madison wrote:-

> "If men were angels, no Government would be necessary. If angels were to govern men, neither external nor internal controls on Government would be necessary. In framing a Government which is to be administered by men over men, the great difficulty lies in this: you must first enable the Government to control the governed; and in the nest place oblige it to control itself."

Indifference to ethics in conducting public affairs is an open invitation to misgovernance and majgovernance. No amount of technically well-drafted laws can do any good to a country if politicians and administrators are found to be dishonest. The main reason for corruption and failure to observe ethical standards is that the principle of accountability in respect of all public offices has not been enforced with the thoroughness which is called for.

Ethics: A Global Overview

Ensuring ethical norms in public life has assumed much concern in many countries of the world. In various parts of the world, different instruments and offices exist for that protection. Several parliaments have set up Privileges Committees, Ethics Committees, Committees on Standards and Official Conduct Ombudsmen or complaint adjudicators, to examine corruption charges or privilege issues concerning the parliamentarians.

USA

The United States Legislature has been a pioneer in the area of ethics related issues. The House of Representatives of the US Congress, has the 'Committee on Standards of Official Conduct' which was set up in 1967. In the Senate, the Select Committee on Standards and Conduct was created in 1964. In 1977, the Committee's name was changed to 'Select Committee for Ethics'.

The Ethics Committees in the United States are empowered to recommend rules or regulations necessary to ensure the appropriate code of conduct; to receive complaints and investigate allegations of improper conduct and violations of law or the code of conduct; and implement the public financial disclosures requirements. Ethical codes are prescribed for members of both houses. Besides members, officers and employees of the Congress are also brought under the scrutiny of these Committees. For example, it is laid down that members, officers and employees of the House should conduct themselves at all times in a manner that reflects creditably on the House; abide by the spirit as well as the letter of the House rules; and adhere to the broad ethical standards expressed in the Code of Ethics for Government Service. They should not seek private gain from public office nor should they attempt to circumvent any House rule or standard of conduct.

The case against Mr Newt Gingrich, the then Speaker of the House of Representatives, which came up before the US House Committee, is quite significant. Several ethics related allegations had been made against him during the period 1994-97 when he was a Member of the House of Representatives and later the Speaker of the House. Among others, it was alleged that Mr Gingrich had improperly used funds donated to a Political Committee (GOPAC) which he headed, to support his college course. It was also alleged that on four occasions he misused the House floor in violation of the House Rules; further that he had violated the House Rules with a series of 12 speeches he gave on the floor to tout a GOPAC Conference.

The House Committee on Standards of Official Conduct, on 6 December 1995, found him guilty of allowing one of his political consultants to interview candidates for congressional staff jobs. He was sharply criticized for possibly creating the impression of "exploiting one's office for personal gain". The Committee, however, recommended no punishment. In February 1996, the Committee accepted the new revised charges. Mr Gingrich pleaded guilty in December 1996. He conceded that he did give an inaccurate, incomplete and unreliable statement to the Ethics Committee.

The Committee concluded its investigation in January 1997. Mr Gingrich was reprimanded in the House and he agreed to pay $300,000 fine.

UK

In November 1995, the House of Commons agreed to significant changes in its rules and machinery relating to perceived possible conflicts between the outside financial interests of Members and their duties in the House. This was subsequent to the Prime Minister's initiative in October 1994 in setting up a committee of inquiry as a result of public disquiet about press reports questioning standards in public life. The Committee's remit was "to examine current concerns about standards of conduct of all holders to public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in the present arrangements which might be required to ensure the highest standards of propriety in public life". Lord Nolan, a distinguished judge, was appointed Chairman of the Committee on Standards in Public Life.

The Committee presented its Report on "Standards of Public Life" in May 1995. The report examined many issues, including codes of conduct, registers of annual remuneration, the appointment of an independent 'watchdog', and the practice of MPs undertaking parliamentary consultancies, and set out principles for the observation and enforcement of high standards in

public office. The Committee called for drawing up a Code of Conduct for members of parliament setting out the broad principles which should guide the conduct of members.

Following a debate on the Nolan Report, the House set up its Select Committee on Standards in public Life to advise on how the recommendations relating to the rules and procedures of the House be clarified and implemented. After intensive deliberations, the Committee produced two reports which provided the basis for the decisions taken in the House.

Due deliberations in the House of Commons led to the formation of a Committee on Standards and Privileges replacing the Nolan Committee and a Select Committee.

Pursuant to the Nolan Committee's recommendations to introduce an independent element into the House's system of self-regulation, the House of Commons had established the post of Parliamentary Commissioner for Standards. The Commissioner is an independent officer of the House appointed by the House who is charged with giving advice to members about questions of propriety and conduct including the interpretation of Code of Conduct and with investigating complaints against members and reporting to the Committee on Standards and Privileges.

A Code of Conduct for Members, together with the Guide to the Rules, relating to the Conduct of Members, was approved by the House of Commons on 24 July 1996.

Australia

The Parliament of Australia is also greatly seized of the issues relating to code of conduct and ethical behaviour among the parliamentarians. In 1991, the then Prime Minister of Australia proposed that a working group of parliamentarians be established to develop some measures on the standards of conduct expected of members. The working group thus set up relied on major work done in the field by the Queensland Electoral and Administrative Review Commission and earlier by the Bowen Committee of Inquiry concerning public duty and private interest. It also sought public views on the matter. The working group had to consider some threshold issues, including what the code was intended to provide, what its status should be and how it should be managed.

The working group eventually decided that there was a need for two documents and reported the same in June 1995. The first, a 'Framework of Ethical Principles for Senators and Members' sets out the fundamental principles and the minimum standards of behaviour the Australian people have a right to expect of their elected representatives. The second, a 'Framework of Ethical Principles for Ministers and Presiding Officers' includes principles such as impartiality, honesty, the use of influence and the appropriate use of influence, public property and services, and official information. What is to be kept in mind is that being codes, rather than legislation, the principles are aspirational rather prescriptive.

There have been instances in Australia where Senators/Former Ministers were proceeded against for having made wrong travel allowance claims.

The Position in India

As elsewhere in the world, in India too, the existence of corruption in the public life and lack of transparency in administration have been identified as the most visible aspect of the fall in

ethical standards. Way back in 1951, an *ad hoc* Committee of the House was appointed by the Provisional Parliament to investigate the conduct and activities of a member, Shri H.G. Mudgal, in connection with some of his dealings with a business association, which included canvassing support and making propaganda in Parliament on certain problems on behalf of that association, in return for alleged financial and other business advantage. The Committee in their Report, held that the Conduct of Shri H.G. Mudgal was derogatory to the dignity of the House and inconsistent with the standards which Parliament was entitled to expect of its members. The Committee recommended expulsion of the member from the House. However, before the Report could be adopted by the House, Shri Mudgal submitted his resignation from the membership of the House. Thereafter, the House adopted a motion resolving that his resignation constituted a contempt of the House as it only aggravated his offence.

The is a feeling, including in political and administrative circles, that certain perversions and ethical degradation have crept in the governing system of India. As various political leaders and parties have stressed, eliminating this pervasive trend is required to avert serious damage to our policy in the long run. They hold that the erosion of ethics in governance leads to inefficiency and malgovernance which can cause deep dissatisfaction and discontent among the general public. At the same time, they have stressed that transparency and ethical conduct in public life can ensure quality governance capable   of achieving the goals of national development.

It is against this background that both Houses of Parliament, Lok Sabha (House of the People) as well as Rajya Sabha (Council of States) have constituted Ethics Committees. An Ethics Committee of Rajya Sabja, which was constituted on 4 March 1997, has the distinction of being the first Ethics Committee in India.

However, even before constitution of Ethics Committees in Rajya Sabha, the Committee of Privileges (Eleventh Lok Sabha) undertook the preliminary groundwork in this respect. After a detailed study, the Committee presented their report on 'Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters'. The pivotal recommendation in the report was to rename the Committee of Privileges as Committee on Ethics and Privileges. This report was presented to Speaker (Eleventh Lok Sabha) on 27 November 1997. The report which could not be laid on the Table of the House due to dissolution of Eleventh Lok Sabja, was laid on the Table of the House during Twelfth Lok Sabha on 28 March 1998 by Secretary General Lok Sabha.

The recommendations made by the Committee of Privileges (Eleventh Lok Sabha) in their Ethics Report could not be considered due to premature dissolution of Eleventh and Twelfth Lok Sabhas. This unfinished task was taken up by the Committee of Privileges in Thirteenth Lok Sabha.   After due deliberation, the Committee without any prejudice to the recommendations contained in the Ethics Report of their predecessor Committee, recommended in their First Report, presented to the Speaker, Lok Sabha, on 4 April 2000 and laid on the Table of the House on 18 April 2000, that a separate Ethics Committee be constituted in Lok Sabha.

Subsequently on 16 May 2000, the Speaker, Lok Sabha constituted a 15 member Committee on Ethics.

The Ethics Committees of Lok Sabha and Rajya Sabha have submitted extensive reports on ethical norms and code of conduct and the measures for their implementation.

The Report of Committee of Privileges (Eleventh Lok Sabha) on 'Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters' which has the distinction of being first Ethics Report by any Indian Legislature, dwelt in detail upon the various aspects of parliamentary privileges, obligations of members to the electorate and the need for ensuring Code of Conduct and standards for members. Broadly speaking, this report contained recommendations regarding Financial disclosures by members, Code of Conduct for members, Anti-Defection Law, Criminalisation of politics and broad parameters of procedure for dealing with these complaints.

The Committee on Ethics after considering the recommendations made by the Committee of Privileges (Eleventh Lok Sabha) in their Ethics Report, presented their First Report to Speaker, Thirteenth Lok Sabha on 31 August 2001. The Report was laid on the Table of the House of 22 November 2001 and adopted by the House on 16 May 2002.

The gist of the recommendations made in the Report is as follows:

Norms of ethical behaviour for members

All norms of ethical behaviour for members as have already been provided for in the 'Rules of Procedure and Conduct of Business in Lok Sabha', 'Directions by the Speaker' and in the conventions which have evolved over the years on the basis of recommendations made by various Parliamentary Committees in their Reports, be strictly enforced.

Apart from the existing norms of ethical behaviour, members should abide by the following general ethical procedures:-

   i. Members must utilise their position to advance general well being of the people;

   ii. In case of conflict between their personal interest and public interest they must resolve the conflict so that personal interests are subordinated to the duty of their public office;

   iii. Conflict between private financial/family interest and public interest should be resolved in a manner that the public interest is not jeopardized;

   iv. Members hold public offices should use public resources in such a manner as may lead to public good;

   v. Members should keep uppermost in their mind the fundamental duties listed in Part-IV of the Constitution; and

   vi. Members should maintain high standards of morality, dignity, decency and values in public life.

Leaders of legislature parties inside the House and political parties outside the House might impress upon the members of their parties the need for strict adherence to the norms of discipline and decorum in the House.

Procedure for complaints

The Committee recommended the following procedure for making complaints relating to unethical conduct of members:-

a) A complaint relating to unethical conduct of a member in Lok Sabha or connected with his parliamentary conduct may be addressed to the Speaker, Lok Sabha who may forward it to the Chairman, Committee on Ethics;

b) Any person may make such a complaint to the Speaker;

c) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and is made in good faith. An affidavit to this effect shall accompany the complaint;

d) The Committee may also *suo motu* take up for investigation matters relating to ethics, whenever felt necessary;

e) The Committee shall examine all the matters referred to it and also those taken up by it *suo moto*; and

f) The procedure to be followed by the Committee for the purpose of examining complaints of unethical conduct of members may, as far as possible be the same as the procedure adopted by the Committee of Privileges for enquiry and determination of any question as to breach of privilege of the House or a member.

Financial disclosure and declaration of interests

The Committee recommended the following norms with regard to financial disclosures and declaration of interests by members:

a) It may be made mandatory for each member of the Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosures statement immediately after their election to the Lik Sabha;

b) Members may rile revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha;

c) A register of members' interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the membersl;

d) The register of Members' interests should be treated as confidential and the information contained therein would be made available to any complainant only with the permission of the Speaker of Lok Sabha;

e) Rules may be framed specifically indicating acts of commission or omission which constitute unethical conduct and are not already mentioned in the Rules and Directions.

The framing of rules/guidelines on the lines of recommendations made in the report are presently under the consideration of the Ethics Committee, Lok Sabha.

The Ethics Committee, Rajya Sabha have so far presented three reports. The First and Second Reports of the Committee were presented to the House on 8 December 1998 and 13 December 1999, respectively and were adopted by the House on 15 December 1991. Recently on 12 August 2002 the Committee presented their Third Report.

The procedure for making ethics complaints and ethical principles which the Ethics Committee, Rajya Sabha recommended for the members in their First and Second Report are similar to the ones recommended by the Ethics Committee, Lok Sabha in their First Report.

As regards Financial Disclosures, Ethics Committee, Rajya Sabha in their Second Report had recommended that:-

a) A Register of Members' interests be maintained under the authority of the Committee on Ethics or of the House;

b) Every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives; and

c) Every member may be required to notify changes, if any, in the information so furnished by him within ninety days of such changes occurring.

These recommendations are also more or less similar to the ones recommended by the Ethics Committee, Lok Sabha.

The other recommendations made by the Ethics Committee, Rajya Sabha in their First and Second Reports are briefly dwelt upon as under:-

(A) Procedure for Inquiry

i. After the Committee arrives at a decision that a complaint is in proper form and is within its jurisdiction, it would take up preliminary inquiry;
ii. After conducting the preliminary inquiry, if the Committee finds that there is no *prima facie* case or the complaint is false and vexatious, the matter may be dropped;
iii. If a complaint is found to be false or vexatious and has been made *mala fide*, the matter would be taken up by the Committee as an issue of breach of parliamentary privilege; and
iv. If it is found that there is a *prima facie* case, the matter may be taken up for examination and report.

(B) Penalties

The following penalties have been recommended to be imposed on members who are found to have indulged in an unethical behaviour or other misconduct or for having contravened the Code of Conduct:

a. Censure;

b. Reprimand

c. Suspension from the House for a specific period; and

d. Any other penalty considered appropriate by the House.

(C) Elections to Rajya Sabha and Legislative Councils by Secret Ballot

The question of holding open ballot instead of secret ballot, to insultate Rajya Sabha and Legislative Council elections from money power may be examined.

(D) Criminalisation of politics and corrective measures

Political parties urged upon to devise self-controlling norms which should regulate the conduct of their members.

Government should expedite the process of initiating major electoral reforms in order to keep criminals out of the political arena.

(E) Election Expenses

In fixation of ceiling on election expenses, ground realities must be taken into account.

Need to examine ramifications of corporate funding of political parties.

Donations received by political parties from foreign sources should be totally banned.

The Ethics Committee of the Rajya Sabha in its Third Report presented on 12 August 2002 made the following recommendations/observations:-

-       A holistic view has to be taken while dealing with the issues relating to decline in standards of behaviour of the members. There can be no single remedy for it. The ethical questions cannot be dealt with entirely by legislation. These are mainly matters of one's conscience. Merely by prescribing a code of conduct, the problem cannot be solved. However, the code of conduct, like many of them in different countries, could help in evolving certain standard norms of behaviour which everyone intending to enter a legislature is expected to follow.

-       Apart from prescribing a code of conduct for members, people should also be educated not to elect persons with 'dubious distinction'. Political parties and their leaders also can play a crucial role in ensuring probity in public life by denying tickets to persons who are criminals, corrupt or have anti-social proclivities.

-       In order to make the electoral process transparent, the Committee calls upon the political parts and the government to bring about the much desired though delayed electoral reforms for cleansing public life.

-       Behaviour and activities of some legislators inside and outside the House have eroded the credibility of legislative institutions to a dangerous level. There is an urgent need to restoring credibility of people's representatives and dignity of the people's institutions.

- Behaviour of some of the members inside the House leads to interruptions of its proceedings. Frequent interruptions of the proceedings of the House due to undisciplined behaviour of some of the members put an avoidable financial burden on the national exchequer which our economy could ill-afford.

- The Government too has its share of responsibility for ensuring the smooth functioning of the House. In a parliamentary set up, while the Government has its way, the Opposition should have its say. The Government, therefore, has to be more responsive and accommodating towards the Opposition in allowing it to raise matters of urgent public importance in the House and the Opposition in turn be aware of its joint responsibility with the Government to the people of this country to ensure that proceedings in the House are conducted uninterruptedly in accordance with the rules, established procedures and conventions of the House.

- The Ethics Committee is an internal self-regulatory mechanism which aims at inculcating in the members certain standard norms of behaviour. Viewed in this perspective, the legislature of States and Union territories may consider setting up of Ethics Committees in their respective House(s).

Code of Conduct

In the Lok Sabha, no definite code of conduct for members has been laid down so far. However, ample provisions have been made in the *Rules of Procedure and Conduct of Business in the Lok Sabha* for ensuring decorous and dignified conduct of members. Rules relating to etiquette, speech in the House, Questions, making allegations, etc. seek to regulate the conduct of members.

Thus, under the Rules, a member having a personal pecuniary or direct interest in a matter before the House is required to declare the nature of that interest while taking part in the proceedings on that matter. Similarly, Committee members too have to declare such interests in any matter which is to be considered by the Committee.

The extent and amplitude of the words 'conduct of a member' have not been defined exhaustively, and it within the powers of the House in each case to determine whether a member has acted in an unbecoming manner or has acted in a manner unworthy of a member of parliament. Thus, even though the facts of a particular case do not come within any of the recognised heads of breach of privilege or contempt of the House, the conduct of a member may be considered by the House as unbecoming and derogatory to the dignity of the House.

The House has the right to punish its members for their misconduct. It exercises its jurisdiction of scrutiny over its members for their conduct, whether it takes place inside or outside the House. It has also the power to punish its members for disorderly conduct and other contempts, whether committed within the House or beyond its walls.

The House is empowered to appoint, from time to time, *ad hoc* Committees to consider and investigate the conduct of a member of the House and to find out whether such conduct was derogatory to the dignity of the House and inconsistent with the standards expected of members.

Automatic Suspension

Given the fact that the growing incidence of disorder caused by the members leading to frequent adjournment of the House is assuming serious proportions, this matter was discussed at a meeting held on 23 August 2001 by the then Speaker, Shri G.M.C. Balayogi with Leaders of Parties in the Loki Sabha. A decision was taken at that meeting to make a provision in the *Rules of Procedure and Conduct of Business in Lok Sabha* for automatic suspension of such members who come to the well of the House and create disorder. Accordingly, the Rules Committee, at their sitting held on 27 August 2001, considered and approved a proposal regarding insertion of a new rule 374A to provide for automatic suspension of a member who comes to the well of the House and creates disorder. The new rule came into effect from 5 December 2001. This rule provides that on being named by the Speaker, a member would be automatically suspended from the service of the House for five consecutive sittings or the remainder of the Session whichever is less.

Filing of Essential Information before Election Commission

In India, the importance of free and fair elections is recognised by all including various organs of Government. It is in this context recently the Supreme Court of India by its order dated 2 May 2002 has directed the Election Commission to call for information on affidavit by issuing necessary order in exercise of its power under article 324 of the Constitution of India from each candidate seeking election to parliament or a state legislature as a necessary part of his nomination paper, furnishing therein information on the following aspects in relation to his/her candidature:-

1. Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past – if any, whether he is punished with imprisonment or fine?

2. Prior to six months of filing nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

3. The assets (immovable, movable, bank balances, etc) of a candidate and of his/her spouse and that of dependants.

4. Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.

5. The educational qualifications of the candidate.

Election Commission of India *vide* their order dated 28 June 2002 issued suitable instructions.

Subsequently the Government of India promulgated the Representation of People (Amendment) Ordinance 2002 on 24 August 2002 to put an end to the various aberrations which have crept into our electoral system.

Conference on "Discipline and Decorum in the Parliament and State Legislatures"

The All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories", held in Parliament House on 25 November 2001, adopted by its Resolution a complete Code of Conduct as also the procedure for dealing with complains regarding breach of Code of Conduct and punishment for such breach. There is thus a complete unanimity in the country over the observance of ethics in public life, appropriate and exhaustive resolution obtaining a Code of Conduct for the legislators and the machinery for its implementation.

Ethics – Need for a New Culture

In view of the growing public concern and the negative publicity attracted by the conduct of some legislators, it becomes imperative to address the issue in a conclusive way. What is to be kept in mind is the fact that there has to be a balance between the public duties and private interest of members. There is a need to entrench and strengthen the ethical values in public life and adhere to the established norms, conventions and rules. Character building in the society through education if a long-term remedy. A Code of Conduct will act as guidance for legislators which will lead to great adherence to ethical standards.

The relevance and importance of Ethics Committees can be better appreciated in the light of a very interesting and thought provoking instance that took place in India in the recent past.

During Tenth Lok Sabha, four members of Jharkhand Mukti Morcha were accused of taking bribe to vote against the no-confidence motion against the Government of Shri P.V. Narasimha Rao, the then Prime Minister of India, in Lok Sabha on 27 July 1993. A complaint in this regard was lodged by one Shri Ravindra Kumar Pandey with the Central Bureau of Investigation (CBI) the nodal investigating agency in India. After completion of investigation, the CBI submitted charge-sheets in the designated Court of Special Judge, New Delhi.

Before the Special Judge, an objection was raised on behalf of the accused persons that the jurisdiction of the Court to try the case was barred under Article 105(2) of the Constitution because the trial was in respect of matters which related to the privileges and immunities of the House of Parliament (Lok Sabha) and its member. The Special Judge, however, held that there was sufficient evidence on record to justify framing of charges against all the accused. A revision petition was filed against the said order of Special Judge in Delhi High Court. The Delhi High Court, held that there was no ground for interfering with the order passed by that Special Judge. Feeling aggrieved by the said judgement of the High Court, the appellants moved in appeal to the Supreme Court of India.

The matter was considered by a Constitution bench of the Supreme Court of India since substantial questions of law as to the interpretation of Article 105 of the Constitution of India were involved in the petition. One of the questions for consideration before the Supreme Court was – whether by virtue of Article 105 of the Constitution, a member of parliament can claim immunity from prosecution on a charge of bribery in a criminal court. On this point, the Court held that the alleged bribe takers have the protection of Article 105(2) and are not answerable in a Court of Law for the alleged conspiracy. The alleged bribe givers, however, do not enjoy any immunity. The rationale behind this judgement was what is protected in article 105(2) of

the Constitution is that a member of parliament shall not be answerable in a Court of Law for some acts that have a nexus to his speech or vote in parliament. Since acts of the bribe takers had a nexus to their votes given in the parliament, for offences committed by them they enjoy immunity from prosecution thereof.

Hence, by virtue of strict legalistic view taken by the Supreme Court, the bribe takers were exonerated for their offences. This legalistic interpretation may not be ethically tenable. The norms of morality and ethics have a far wider canvas and go beyond the rigid contours of legalistic interpretations.

Had this matter been examined by an Ethics Committee, the approach of investigation and findings may, perhaps, have been different. The bribe takers who were guilty of grave ethical misconduct could have been suitable penalised by the House. Such sort of situations underscore the need for and relevance of Ethics Committees.

The ongoing work of the Ethics Committees in our Parliament and their suggestions could well form the basis of a renewed campaign to strengthen ethics in governance and a culture of disciplined behaviour among all those involved in public affairs. At present, we are making sincere efforts to fortify ethical standards in public life. Institutions like the Central Vigilance Commission (CVC) are being strengthened. Ethics Committees have come into existence in some State Legislatures too. Earnest endeavours are on to set up the institution of Lok Pal.

Hence it may be seen that these institutional mechanisms dealing with the same goal of ethics in public life and ensuring good governance with clearly demarcated areas of jurisdiction and responsibilities have a key role to play in sustaining and consolidating democratic governance in the country. There is a discernible momentum and keenness towards building greater ethical conformity in the public life of our country.

In the ultimate analysis, the legislators have to realise that they belong to the supreme representative institutions of the democratic polity and their conduct, both inside and outside the House, has a direct bearing on its success. Being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people."

Mr Ian HARRIS, Vice-President, thanked Mr MALHOTRA for his presentation.

5. Second Draft Report of Mr Ian HARRIS (Australia) on Promoting the Work of Parliament

Mr Ian HARRIS, Vice-President, invited Mme Hélène PONCEAU to take the Chair.

The Acting Vice-President welcomed Mr Ian HARRIS to speak about promoting the work of parliament.

Mr Ian HARRIS, Clerk of the House of Representatives of Australia presented the following second draft Report on promoting the work of parliament:

"At our meeting in Marrakech in March we discussed the questionnaire on "Promoting the Work of Parliament.""

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As I then promised, I have distributed all responses to the questionnaire together with some additional questions you suggested. These additional questions are attached. A summary of the responses is as follows.

Rules of Procedure

The first two questions were additional to original question 7 which was about whether the community can get information on the rules of procedure. The additional questions related to whether there were any administrative limits on giving procedural information to the public and, in particular, whether freedom of information legislation had any impact on activities connected with promoting the work of Parliament.

The responses indicate that there are no particular administrative limits on promoting the work of Parliament, other than some restrictions on the quantity of printed material freely available for distribution to the public. This limit is based on budgetary requirements rather than any unwillingness to inform the public about the parliamentary rules including standing orders. Information is freely available on the Internet. Freedom of information legislation does not appear to impact on the work of promoting Parliament.

Non-parliamentary displays and events

There was also an additional part to question 12 regarding exhibitions or displays on the work of Parliament. The additional question related to exhibitions not directly relevant to the work of Parliament, but undertaken as a community service. The response to this additional question has been positive. Parliaments appear to want to be part of the wider cultural life of their nations. Mme Ponceau drew to our attention in Marrakech the practice of the French Senate of holding successful art expositions, and even an exhibit on volcanoes. The Austrian and Italian Parliaments supported the concept of Parliament being a good corporate citizen. Other examples include a monthly concert sponsored by the House of Representatives of the States General of the Netherlands. That Parliament also has a regular display of modern Dutch art provided by museum. My own Parliament has an art collection parts of which are in the public areas of the building. In addition there are two public display areas, one of which is used for promoting information about the Parliament and its history and the other for displays of a more general, cultural nature. Free concerts are held in the building from time to time - giving choirs and musicians (often school groups) a chance to be heard at no cost to them or the public.

Effects of media exposure

There were two additional questions on the media/parliament relationship. The first related to modernising or otherwise changing parliamentary operations resulting from media exposure. Responses indicated that media coverage did have a modernising influence on parliamentary operations. Examples include opening all committee meetings to the public, scheduling Question hour so that it can be transmitted by TV directly and holding press conferences before and after important committee activities. There is a considerable body of anecdotal evidence that the televising of proceedings has affected the public perception of the Parliament and this, in turn, affects the way Members behave when they are on television. The fact that the media have very good access to proceedings (through "gavel to gavel" television, direct observation and through still photography at particular times) helps to enforce the obligation of the Government and the Parliament to be accountable to the people.

The second additional question relating to the media was about attempts to define "state of the art" public relations activities. Attempting to define the topic appears not to be productive and no definitions were offered. "State of the art" public relations are implemented but are not defined.

Evaluation of the esteem in which Parliament is held, matters regarded as important by the public and relevance of Parliament

There were no formal evaluations by Parliaments but media coverage is a form of evaluation of these issues.

7A. Are activities of this kind subject on any way to administrative limits? (Relates to original Question 7 ? Does the information provided include details on the rules of procedure or standing orders of the Assembly or House?)

7B. Is public information in your jurisdiction subject to freedom of information legislation? Has this (or its absence) had any impact on activities connected with promoting the work of Parliament?

12A. Does your legislature promote or sponsor exhibitions not directly related to Parliament (such as artworks, photographic displays or musical evenings) or other activities designed to depict the Parliament as a good corporate citizen? (Relates to original Question 12 ? Do you arrange exhibitions or displays about the work of your Parliament? If so: …)

18A. Has there been any indication that increased media exposure has modernised the ways of your legislature or otherwise affected its operations? (relates to original Question 18 ? Is there special accreditation for particular journalists as part of a partnership between the Parliament and the press?)

18B. Has there been any attempt to define "state of the art" public relations activities? If so, what is the definition?

31A. Has any evaluation provided an indication of:
    (a)   The extent to which there has been an impact of the esteem in which the Parliament is held?
    (b)   Matters that are important to the general people?
    (c)   Whether the effect of increasing visibility has made Parliament more relevant?
    (Relates to original Question 31 ? Is there a body in the Assembly/House that monitors publicity given to the Parliament? If so, does it involve members of the Parliament, and to what extent do members demonstrate an interest in publicity given to the Parliament?)"

The Acting Vice-President thanked Mr HARRIS for his presentation.

Dr Yogendra NARAIN (India) noted that in India a Bureau had been establish to inform about parliament. This Bureau ran courses for officials in central government who could learn about the workings of parliament.

Mr Carlo GUELFI (Italy) said that the new Chamber of the Senate in Italy was making moves to promote the Chamber. He would send a revised paper to Mr HARRIS. There had been a change in the responsibility for the website but this was due to waiting for the nomination of the new Secretary General of the Senate.

Mrs Claudio Lyra NASCIMENTO (Brazil) said that work done to ensure the promotion of the work of parliament in Brazil included the organisation of concerts, cinema shows and so on. An Open University project on legislative matters had just been set up. There was a newspaper with a circulation of 45,000 which was sent out to schools and was available on the website. The radio broadcast debates live and also there was a television channel which showed Senate debates.

Mr Marcel ODUNLAMI (Benin) noted that there had been changes to the style of dress as a result of television. In Benin a law had just been passed which gave members a clothing allowance, even though the Secretary General did not get one. He asked whether there was such a special allowance for clothing in Australia.

Mrs Marie-Andrée LAJOIE (Canada) thought that the brochure about the House was very interesting and applauded the variety of subjects dealt with.

Mr Ian HARRIS, Vice-President, thanked his colleagues for the further responses which he said would be worked into the draft.

He asked Mrs NASCIMENTO whether the Open University was accessible via the website.

As far as a clothing allowance was concerned, he said that in Australia there was always a group who wanted to dress down rather than up, but television in the Chamber meant that party officials got them to dress better. Television had also created a doughnut effect. There was a small special allowance for clothing for members or staff but it was required that everybody should wear a tie or in the case of ladies a scarf. There were a number of black academic gowns so these effectively concealed the state of dress of staff sitting at the Table.

The "About the House" document was very useful. It was distributed in schools, in airline lounges and so on, and given away free. It cost a lot to produce but this was covered by the savings on publications which previously no-one had read. Some staff were engaged to write articles, as were members. There had even been an article on Ian Harris although they had managed to get the name wrong. A freelance reporter had been invited to contribute.

He asked Mrs NASCIMENTO further questions about the Open University in Brazil.

Mrs Claudia Lyra NASCIMENTO (Brazil) said that the first training course in the Open University had taken place in October. She promised to send Mr HARRIS further details. She said the website of the Senate was www.senado.br where all the details were available.

Mme Hélène PONCEAU thanked Mr HARRIS and reminded members that the work on this would be submitted to the Assembly in Santiago.

She announced that there had been a change of order of speaker and said that she would now call Mr Carlos HOFFMANN to make his presentation.

6. Presentation by Mr Carlos HOFFMANN (Chile) on the organisation of the Santiago Session

Mr Ian HARRIS, Vice-President, invited Mr Carlos HOFFMANN, Secretary General of the Senate of Chile, to speak.

Mr Carlos HOFFMANN presented his communication on the organisation of the work of the 108th Conference of the Inter-Parliamentary Union which would take place in Santiago, Chile from 6 to 12 April 2003.

"As Secretary General, it is a great privilege for me to put into your knowledge – though many of your are already aware – that Chile will be host to the 108th Inter-Parliamentary Conference, and to the Meetings of the Association of Secretaries General of Parliament, to be held in Santiago de Chile from 6 to 12 April 2003.

I am certain that this Conference will allow an interesting exchange of opinions and beliefs and the reinforcement of mutual relationship by strengthening the human bonds between a brotherhood of nations. All these elements will bring forward the projection of experiences in the social, economical and political fields.

Chile will greet the world and all the participating countries at this meeting with the best of its people and its vast geography.

It is my duty – and my pride – to remind you that Chile starts in the Andean high plateau, continues across the most barren desert of the Earth, ploughs through valleys where the best vineyards are born, walks later on ancestral forests, and ends in an unique landscape of lakes, volcanoes and glaciers. The beauty of nature pervades each region. And, at the most southern tip of the globe, there lies the Chilean Antarctica, a dormant continent, a promise of the future to come. This is Chile, the country that heartily invites you to be a part of this reunion.

I also take this opportunity to inform you that the Executive Board of the Conference has arranged previous reservations at four and five star Hotels, for the timetable comprising 6 to 12 April 2003, so as to assure the best accommodation to all the incoming guests. More information and additional changes can be found on our website: www.108uip.chile.cl.

The official language of Chile is Spanish, but there will be simultaneous translations in eight tongues at the plenaries, and English and French translation services for all the other meetings.

On their arrival in Chile, delegations will be greeted and serviced at the main airport of Santiago, "Aeropuerto International Arturo Merino Benitez", located 15 kms west of the capital city.

You must acknowledge that there are sanitary restrictions for entering some goods into the country. The Agricultural and Cattle Service (SAG) prohibits the entrance of vegetables, plants, living animals, products and end products of any king that are of vegetal or animal origin. A special authorisation is needed in case some of these products are brought into our borders.

The voltage used in Chile is 220 Volts, 50 hertz. A transformer is required if the equipment you bring has a different voltage.

The month of April in Santiago is the one inaugurating fall, with a moderate climate, slightly fresh mornings and nights, temperatures ranging from 9 to 24 degrees Celsius. Light clothing is recommended at daytime, and a more protective one for evenings and nights.

The Conference will take place at the Convention Centre of the Diego Portales Building, located in downtown Santiago.

At the Conference Centre you will find money exchange offices, international phone call and fax services, connections to the internet, printing and copying equipment, and everything needed to enable the best development of the Conference.

The facilities and installations where the Conference will take place have been already inspected by the Inter-Parliamentary Union officials, who have checked out that all of these are in accordance with the requirements sought by the Union in holding these kind of Conferences.

Last, but not least, I can only give you my assurances that, for the National Congress of the Chilean Republic, and for our people, it is a great and true honour to render the most cordial reception to you in Santiago de Chile, next April 2003, so as to convene the 108th Conference of the Inter-Parliamentary Union and the Meeting of the Association of Secretaries General of Parliament.

From no on we are looking forward to meeting all of you."

Mr Ian HARRIS, Vice-President, thanked Mr Carlos HOFFMANN for his invitation.

7.   Constitutional and Parliamentary Information

Mr Ian HARRIS, Vice-President, turned to the next point on the agenda and referred to the Association's review, Constitutional and Parliamentary Information. He said that although no decisions would be taken on its future today, he wanted to open a debate to allow members to express their opinions and make any suggestions relating to its future.

He reminded members that the production of the review represented an important part of the Association's budget because it cost (not counting receipts from subscriptions) 40,000 SFr a year out of 180,000 SFr. He said that since the review was available on the Internet, the question was raised about the need for putting all of its contents on the webpages of the Association on the IPU site. He hoped that members would consider possibilities for keeping or modernising the format or contents of the review, as well as the possibility of increasing information published on the Internet as an alternative to send out hard copy.

He suggested that before the Santiago conference, members could write to the Executive Committee or the Joint Secretaries and make their suggestions.

8.   Administrative and Financial Questions

Mr Ian HARRIS, Vice-President, then presented the draft budget of the Association for 2003, as proposed by the Executive Committee.

That draft budget was *adopted* unanimously.

9.   New matters for discussion and examination of the draft Agenda for the Session in Santiago, Chile (April 2003)

Mr Ian HARRIS, Vice-President, then presented the draft orders of the day for the conference in Santiago, Chile from 7 to 12 April 2003, as follows:

1.   Presentation by Mr Carlos HOFFMANN CONTRERAS, Secretary of the Senate of Chile, on the **Parliamentary system of Chile**.

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

3.   Communication from Mr Arie HAHN, Secretary General of the Knesset of Israel, on **Good Governance: towards sustainable development, the Israeli Parliament's Commission for future generations**.

4.   Communication from Mr Everhard VOSS (Germany) on the **International and Interparliamentary Relations of Parliaments – support and services rendered by the administration of the German Bundestag**.

5.   Communication from Mr Everhard VOSS (Germany) on **the Role of Parliamentary Diplomacy – possibilities and limits of parliamentary action**

6.   Debate on subjects connected with the general theme of the managerial role of Secretaries General.

7.   Commmmunication from Mr Martin CHUNGONG on **recent activities of the IPU**.

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

9.   Administrative and financial questions.

10.   New subjects for discussion and draft agenda for the next meeting in Geneva (Autumn 2003).

He noted that the Executive Committee proposed that elections would take place on two occasions; the election for the post of President would place on the Tuesday. He said that this was because the Executive Committee thought that it would be best to have the new President elected for the Association as soon as possible.   He also noted that this allowed for the

situation where a member of the Executive Committee might be elected, so that it would allow the resulting vacancy to be dealt with at that spring session rather than to have to wait for a year. It would be necessary for candidates for the post of President to be declared at the latest on Tuesday 8 April before 1100 am. The election would take place on the same day in the afternoon.

It would also be necessary to elect a Vice-President since the mandate of Mr Mohamed Rachid IDRISSI KAITOUNI was to end at the end of that meeting. Also it would be necessary to replace a member of the Executive Committee, Ms Helen DINGANI of Zimbabwe. The deadline for proposing candidates would be as usual, Thursday 10 April at 11.00 am with the elections taking place that afternoon.

He said that a proposal for a theme to be debated might be on the ethical norms applying to Secretaries General. He said that that subject, if approved, could be debated in autumn 2003. He invited the members to approach the Joint Secretaries to make any suggestions.

The draft orders of the day were _accepted_.

10.   Closure of the Session

Mr Ian HARRIS, Vice-President, in concluding, congratulated members on the success of the meeting which had been the first of that type. It had taken place without a host parliament or a President.

He thanked the interpreters for the quality of their work and invited members to attend next April in Santiago, Chile.

The sitting rose at 12.15 pm