UNION INTERPARLEMENTAIRE

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Association of Secretaries General of Parliaments

MINUTES OF THE SPRING SESSION

MANILA

4 – 7 APRIL 2005

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Spring Session 2005

Manila
4 – 7 April 2005

LIST OF ATTENDANCE

MEMBERS PRESENT

Mr Artan Banushi	Albania
Mr Diogo De Jesus	Angola
Mr Ian Harris	Australia
Mr Md. Omar Faruque Khan	Bangladesh
Mr George Brion	Belgium
Mr Boniface Chacrun	Benin
Mr Ognyan Avramov	Bulgaria
Mr Prosper Vokouma	Burkina Faso
Mr Samson Ename Ename	Cameroon
Mr Carlos Hoffmann Contreras	Chile
Mr Brissi Lucas Guehi	Cote d'Ivoire
Mr Constantinos Christoforou	Cyprus
Mr Peter Kynstetr	Czech Republic
Mr Paval Pelant	Czech Republic
Mr Samy Mahran	Egypt
Mr Heike Sibul	Estonia
Mr Samual Alemayehu	Ethiopia
Mr Asnake Tadesse	Ethiopia
Mr Seppo Tiitinen	Finland
Mrs Mary Chapman	Fiji
Mrs Hélène Ponceau	France
Mr Xavier Roques	France
Mrs Marie-Françoise Pucetti	Gabon
Mr Kenneth E.K. Tachie	Ghana
Mr Helgi Bernodusson	Iceland
Mr G.C. Malhotra	India
Mrs I Gusti Ayu Darsini	Indonesia
Mrs Deirdre Lane	Ireland
Mr Arie Hahn	Israel
Mr Fayez Al-Shawabkeh	Jordan
Mr Samuel Waweru Ndindiri	Kenya
Mr Ha Sung Jun	Korea (Rep of)
Mr M G Maluke	Lesotho
Mr Mamadou Santara	Mali

Mr Namsraijav Luvsanjav	Mongolia
Mr Carlos Manuel	Mozambique
Mrs Panduleni Shimutwikeni	Namibia
Mr Ibrahim Salim	Nigeria
Mr El Hadj Umar Sani	Nigeria
Mr Hans Brattestå	Norway
Mr Ano Pala	Papua New Guinea
Mrs Halima Ahmed	Parliament of the ECOWAS
Mr Oscar Yabes	Philippines
Mr Roberto Nazareno	Philippines
Mrs Emma Lirio-Reyes	Philippines
Mr Artemio Adasa	Philippines
Mr Adam Witalec	Poland
Mrs Isabel Corte-Real	Portugal
Mrs Cecilia Paduroiu	Romania
Mr Peter Tckachenko	Russia
Mrs Fetuao Roia Alama	Somoa
Mr Francisco Silva	Sao Tome & Principe
Mrs Marie-Josée Boucher-Camara	Senegal
Mr Periowsamy Ram	Singapore
Mr Manuel Alba Navarro	Spain
Mrs Priyanee Wijesekera	Sri Lanka
Mr Ibrahim Mohamed Ibrahim	Sudan
Mr Anders Forsberg	Sweden
Mr Christoph Lanz	Switzerland
Mr Pitoon Pumhiran	Thailand
Mr Montree Rupsuwan	Thailand
Mr Phicheth Kitisin	Thailand
Mr Sompol Vanigbandhu	Thailand
Mr Rauf Bozkurt	Turkey
Mr George Cubie	United Kingdom
Mr José Pedro Montero	Uruguay
Mrs Doris Katai Mwinga	Zambia

SUBSTITUTES

Ms Claressa Surtees (for Mr B. Wright)	Australia
Mr Marc Bosc (for Mr W. Corbett)	Canada
Mr Alain Delcamp (for Mr J.C. Bécane)	France
Mr Wolfgang Fischer (for Mr D Brouer)	Germany
Mr Ulrich Schöler (for Dr Zeh)	Germany
Mr George Papakostas (for Mr G. Karabatzos)	Greece
Mr N. C. Joshi (for Mr Y. Narain)	India

Mr Roberto Sorbello (for Mr U. Zampetti)	Italy
Mr Tsutomu Onishi (for Mr M. Onizuka)	Japan
Ms Kate Horrey (for Mr D McGee)	New Zealand
Mr Muhammad Rafiq (for Mr M. Salim Mahmood)	Pakistan
Mr Wieslaw Staskiewicz (for Mr J. Mikosa)	Poland
Mr George Petricu (for Mr C.D. Vasiliu)	Romania
Mr Kasper Hahndiek (for Mr Z. A. Dingani)	South Africa
Mrs Iryna Kolesnyk (for Mr V. Zaichuk)	Ukraine
Mr David Beamish (for Mr P. Hayter)	United Kingdom
Mr Le Quang Vu (for Mr B.N. Thanh	Vietnam

ALSO PRESENT

Mr Pedro Alberto Yaba	Angola
Mr Antonio Felix	Angola
Mr Juan Hector Estrada	Argentina
Mr Wayne Tunnecliffe	Australia
Mrs Catherine Cornish	Australia
Mrs Keorapetse Boepetswe	Botswana
Mr San Kim	Cambodia
Mr Jiri Krceb	Czech Republic
Mr Guillermo Astudillo	Ecuador
Mrs Stavroula Vasilouni	Greece
Mr Peter Sardi	Hungary
Mr Zoltan Horvath	Hungary
Ms Cait Hayes	Ireland
Ms Luisa Accarino	Italy
Mr Takeo Sata	Japan
Mr Pil Keun Jin	Korea (Republic of)
Mrs Rahila Ahmadu	Nigeria
Mr Amir Khan	Pakistan
Mr Andrzej Januszewski	Poland
Mr Petru Petra	Romania
Ms Adriana Badea	Romania
Mrs Cristina Dumitrescu	Romania
Mr Kasuka Mutukwa	SADC Parliamentary Forum
Mr Dhammika Kitulgoda	Sri Lanka
Mrs Charlotte Rydell	Sweden
Mrs Biljana Ognenovska	The FYR of Macedonia
Mrs Samonrutai Aksornmat	Thailand
Me Veerakarn Kanokkamalade	Thailand

Ms Neeranan Sungto	Thailand
Miss Weeranuch Thienchaikul	Thailand
Mr Emmanuel Bakwega	Uganda
Mr Abdul Ali AL-Shamsi	United Arab Emirates
Mr Abdullah Ahmed Sofan	Yemen

APOLOGIES

Mr Hafnaoui Amrani	Algeria
Mr Bernard Wright	Australia
Mr Robert Myttenaere	Belgium
Mr William Corbett	Canada
Mr Jean-Claude Becane	France
Mr Yves Michel	France
Nr Dirk Bröer	Germany
Dr Zeh	Germany
Mr George Karabatzos	Greece
Dr Yogendra Narain	India
Mr Antonio Malaschini	Italy
Mr Ugo Zampetti	Italy
Mr Francesco Posteraro	Italy
Mr Paulo Santomauro	Italy
Mr Makoto Onizuka	Japan
Mrs Valerie Viora-Puyo	Monaco
Mr Abdeljalil Zerhouni	Morocco
Mr Surya Kiran Gurung	Nepal
Mr David McGee	New Zealand
Mr Mahmood Salim Mahmood	Pakistan
Mr Jozef Mikosa	Poland
Mr Constantin Dan Vasiliu	Romania
Mr Zingile A. Dingani	South Africa
Mr Valentyn Zaichuk	Ukraine
Mr Paul Hayter	United Kingdom
Mr Bui Ngoc Thanh	Vietnam
Mr Colin Cameron	Western European Union
Mr Eike Burchard	Western European Union

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SIXTH SITTING – Thursday 7 April [pm]

FIRST SITTING
Monday 4 April 2005 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. Opening of the Session

There was a brief period of silence to mark the death of His Holiness Pope John Paul II.

Mr Ian HARRIS, President, said that arrangements for the Wednesday tour and lunch were set out in a paper which was available at the end of the Hall; members were asked to return the attached form indicating whether they would take part in the visit and lunch by 5 p.m. that day.

He encouraged members to respond to the letter to Speakers from the IPU (to be followed up in New York).

He encouraged members to visit the new more user friendly ASGP website which had a range of information including the plenary minutes from the last session in Geneva.

2. Election to the Executive Committee

Mr Ian HARRIS, President, said that there would be an Election to the Executive Committee for two vacancies. The vote would take place on Thursday at 4.00 p.m. (if more than two candidates were put forward).

Some applications for membership had not been accompanied by the required filled out questionnaire. Those applications had not been endorsed by the Executive Committee and had not been included in the list of members for approval by the Plenary. There would be a further opportunity for members to be agreed to tomorrow.

The time limit for proposing candidates for election to the Executive Committee was 11.00 am on Thursday 7 April.

3. Orders of the Day

Mr Ian HARRIS, President, described the matters on the agenda.

The proposed agenda was agreed to, as follows:

Monday 4 April (morning)

9.30 am Meeting of the Executive Committee

10.30 am Opening session.

Orders of the day of the Conference

New members

Welcome and presentation on the Philippines Parliamentary System by Mr. Oscar YABES, Secretary General of the Senate of the Philippines and Mr. Roberto P. NAZARENO, Secretary General of the House of Representatives of the Philippines

Monday 4 April (afternoon)

3.00 p.m Communication from Mr George CUBIE, Clerk of Committees of the House of Commons, United Kingdom, on "Parliamentary penalties, impeachment and self-regulation - the UK experience"

Communication from Mr Ian HARRIS, Clerk of the House of Representatives of Australia, on "The worst and best of television's involvement in Parliament"

Tuesday 5 April (morning)

9.00 am Meeting of the Executive Committee

10.00 a.m. Communication from Mr. Xavier Roques, Secretary General of the Questure of the National Assembly of France : "The right of Members of Parliament to propose public expenditure"

Communication from Mr Carlos HOFFMANN CONTRERAS, Secretary General of the Chilean Senate : "Legal initiative in accordance with Chilean law"

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

Tuesday 5 April (afternoon)

3.00 pm General Debate : " Interparliamentary cooperation within geopolitical regions" Moderator : Mr Anders FORSBERG, Secretary General of the Riksdagen of Sweden

Wednesday 6 April

Tour of Manila (old town) and luncheon hosted by the Philippine Parliament

Thursday 7 April (morning)

9.00 am Meeting of the Executive Committee.

10.00 am General debate : "The Development of Parliamentary Staff"
Moderator : Mr Ian HARRIS, Clerk of the House of Representatives of Australia

11.00 am *Deadline for nominations for the two vacant posts on the Executive Committee*

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

Thursday 7 April (afternoon)

3.00 pm Presentation by Mr Samuel Waweru NDINDIRI, Secretary General of the National Assembly of Kenya, on the organisation of the Nairobi Session (Spring 2006)

Communication from Mr. Samuel Waweru NDINDIRI : "The Parliamentary Scene in Kenya"

4.00 pm *Election of two members of the Executive Committee*

New Members.

Administrative and financial questions.

Examination of the draft agenda for the next meeting (Geneva, Autumn 2005)

Closure.

Mr Ian HARRIS, President, encouraged members to think of further subjects for communications, questionnaires or topics for a general debate which could be included on the agenda for Geneva.

Members who had such proposals should approach the Joint Secretaries as soon as possible, so that their suggested topics could be included in the draft agenda to be adopted later.

He thanked those who were to present communications.

The agenda was *agreed* to.

4. New Members

Mr Ian HARRIS, President, said that the Executive Committee proposed that the following candidates be accepted as members of the Association. He invited those named to stand up when their name was read out so that their colleagues could identify them:

Mr Md. Omar Faruque KHAN	Secretary General of the Parliament of Bangladesh (replacing Mr Khondker Fazlur RAHMAN)
Mr Otero Dajud EMILIO	Secretary General of the of the Senate of Columbia
Mr Constantin TSHISUAKA KABANDA	Secretary General of the National Assembly of the Democratic Republic of Congo
Mrs I. Gusti Ayu DARSINI	Deputy Secretary General of the House of Representatives of Indonesia (replacing Mr Faisal DJAMAL who has become Secretary General)
Mr Francesco POSTERARO	Deputy Secretary General of the Chamber of Deputies of Italy (replacing Mr Giuseppe TROCCOLI)
Mr Paolo SANTOMAURO	Deputy Secretary General of the Senate of Italy (replacing Mr Antonio MALASCHINI who had become Secretary General)
Mr Fayez AL-SHAWABKEH	Secretary General of the House of Representatives of Jordan (replacing Dr Mohammad AL-MASALHA)
Mr Henk BAKKER	Deputy Secretary General of the Second Chamber of of the States General of the Netherlands (replacing Mrs Jacqueline BIESHEUVEL-VERMEIJDEN who had become Secretary General)
Mr Constantin Dan VASILIU	Secretary General of the Senate of Romania (replacing Mr Constantin SAVA)
Mr Lovro LONCAR	Secretary General of the National Assembly of Slovenia (replacing Mrs Jozica VELISCEK)
Mr Rauf BOZKURT	Secretary General of the Grand National Assembly of Turkey (replacing Mr Vahit ERDEM)
Mr John V. SULLIVAN	Parliamentarian of the House of Representatives of the United States of America (replacing Mr Charles W. Johnson)

Mr Marti DALGALARRONDO	First Secretary of the House of Representatives of Uruguay (replacing Mr Horacio CATALURDA)
Mr José Pedro MONTERO	Second Secretary of the House of Representatives of Uruguay (replacing Mrs Margarita REYES GALVAN)

These members were *accepted*.

5. Welcome and presentation on the parliamentary system of the Philippines by Mr Oscar Yabes, Secretary General of the Senate and acting Secretary General Mr Artemio A. Adasa on behalf of Mr Roberto P. Nazareno, Secretary General of the House of Representatives

Mr Ian HARRIS, President, welcomed Mr Oscar YABES and Mr Artemio A. ADASA (accompanied by Mrs Emma LIRIO REYES) to the platform to make their presentations.

Mr Oscar YABES spoke as follows:

"Let me first extend my heartfelt welcome to all of you to our country. I say this with much enthusiasm because this is the first time that the Philippines is hosting a momentous and prestigious gathering of parliamentarians and secretaries general from all over the world. To all of you I offer our traditional greetings to strangers and friends alike: MABUHAY and welcome to the Philippines.

Let me now give you an overview of the Philippine Senate. My colleague, Acting Secretary General Artemio Adasa, will discuss the other Chamber if the Philippines Congress, i.e. the House of Representatives.

A Brief History of the Philippine Parliamentary Experience

The Philippines has had over a century of experience in parliamentary system.

The first lawmaking body in the Philippines was established in 1898 or just after the Philippine revolutionaries proclaimed the country's independence from Spain. This was popularly known as the Malolos Congress. Representatives to that Congress were elected in all the provinces where peace and order prevailed at that time. This Congress did not last long.

When the United States colonized the Philippines after the Spanish-American War in 1898, no truly representative lawmaking body was in place, at least for the early years.

In 1907, the country held its first election of delegates to the Philippine Assembly where eighty (80) seats were contested by several parties.

The Beginnings of the Senate

A truly bicameral legislature was established under the Philippine Autonomy Act, or the Jones Law of 1916. The Upper House, called the Senate, was composed of 24 members elected from the 12 senatorial districts into which the Philippines was then divided. Each district was represented by two senators. The Lower House, called the House of Representatives, was composed of 93 members.

The 1935 Constitution

In 1935, the Philippine Commonwealth was inaugurated. The 1935 Constitution provided for a unicameral Assembly composed of 98 members elected for a term of 3 years.

The unicameral legislature was short-lived. In 1940, the Constitution was amended to restore the Senate as the upper Chamber of the Philippine Congress.

The 1973 Constitution

Congress was closed with the declaration of martial law in 1972 by President Marcos. A new Constitution was promulgated. The 1973 Constitution provided for a Batasang Pambansa, or a unicameral National Assembly which convened first in 1978, and then in 1984. The Constitution established a parliamentary form of government with a strong President.

This was short-lived as People Power intervened in 1986, which toppled the Marcos regime.

The Present Constitution

The present fundamental law, the 1987 Constitution, re-established the constitutional system of checks and balances where governmental powers are shared and divided among an Executive branch, a bicameral legislature and a judiciary, independent from but co-equal with each other.

The present Constitution vests the legislative power in the Congress of the Philippines which consists of a Senate with 24 members who are elected at large, and a House of Representative whose members are elected from the country's legislative districts and from a list of sectoral parties or organisations. The House of Representatives is headed by the Speaker while the Senate is headed by the Senate President.

The Constitution gives both the Senate and the House certain shared powers, and these are:

- to conduct hearings, inquiries and investigations in aid of legislation
- to propose amendments in the Constitution
- to authorise the President to exercise powers necessary in times of war and other national emergency
- to declare the existence of a state of war
- to confirm, through the Commission on Appointments, the appointments of nominees to certain positions in the Executive branch, like cabinet members, ambassadors, other public ministers and consuls, and military officers from the rank of colonel/naval captain and up. The Commission on Appointments is headed by the Senate President, and its members are 12 senators and 12 members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties

- to nominate, through the Judicial and Bar Council, candidates to positions in the judiciary
- to concur with the President of the Philippines in the grant of amnesty
- to canvass the votes of the presidential and vice-presidential elections, and proclaim the winners.

Aside from its lawmaking functions, the Philippine Senate is mandated by the Constitution with the following exclusive powers:

- to concur in – or reject – international treaties and agreements
- to sit as senators-judges in an impeachment court for certain government officials accused of culpable violation of the Constitution, betrayal of public trust, plunder, bribery, graft and corruption and other high crimes.

The term of office of the senators is 6 years. In view of term limits set in the Constitution, no senator may hold office for more than 2 consecutive terms or a maximum of 12 years. He may, however, run for another elective office, such as in the House of Representatives, and then aspire to return to the Senate.

Our elections are held every three years, and only one-half of 24 senators, or 12, are elected every time. Thus, the Senate is considered a continuing body.

By its very nature, the Senate represents a constituency that covers the entire country. Its priorities, therefore, are directed to issues that are of national import.

The Legislative Process

The procedure for introducing legislation and seeing it through committees are similar in both the House of Representatives and the Senate. In general, it is the same process as in other parliaments abroad.

Legislative proposals originate in a number of ways. Members may develop ideas for legislation, or file bills proposed by their constituents, interest groups and non-governmental agencies.

A number of needed legislation originates in the Executive branch. Each year after the President of the Philippines outlines his legislative programme in the State of the Nation Address, executive departments and agencies transmit to the House and the Senate drafts of proposed legislation to carry out the President's programme.

Our legislative period is 3 years, and is known as a Congress. We are now in the 13th Congress.

The Philippines Congress convenes every 4th Monday of July for its regular session, and continues to be in session for such number of days as it may determine until 30 days before the opening of its next regular session. The President of the Philippines may call a special session at any time.

The present session period started 26 July 2004 and shall adjourn on 10 June 2005.

Sessions are held Monday to Wednesday, and at times, Thursday when there are local bills to take up.

The Committee System

At the heart of Congress' legislative work is the committee system. The standing committees of the Senate, operating as "little legislatures", determine the fate of most proposals. Committee meetings are held to hear the views of different sectors that may be affected by the bill.

A committee may dispose of a bill in one of several ways: it may approve, or reject the legislation with or without amendments; rewrite the bill entirely; reject it, which essentially kills the bill; report it favourably or without recommendation, which allows the Chamber to consider the bill on the floor.

If one Chamber's approved version is compatible with that of the other Chamber, the final version's enrolled form is printed. If there are certain differences, a Bicameral Conference Committee is called to reconcile conflicting provisions of the two versions. The conference committee submits a report on the reconciled version of the bill, for approval of both Chambers. In the Philippines, the bicameral conference committee is a very powerful group that is sometimes called the Third Chamber of Congress.

The bill is then submitted to the President of the Philippines who either signs it into law, or vetoes and send it back to the original Chamber with veto message. A two-thirds vote by both Chambers is necessary to override the President's veto.

The Secretariat

Under the Rules of the Philippine Senate, the body shall elect its officers, namely a Senate President, a President Pro Tempore, a Secretary and a Sergeant at Arms. Presently, there are Senate President Franklin D. Drilon who by his position is the third highest official of the land, Senate President Pro Tempore Juan M. Flavier, this colleague of yours as Secretary and retired MGen. Jose V. Balajadia, Jr, as Sergeant at Arms. The Majority Leader is Senator Francis N. Pangilinan and the Minority Leader is Senator Aquilino Q. Pimentel, Jr.

The Senate Secretary, who is elected by the members of the Senate, is the head of the Secretariat. He assists the Senate President in extending adequate and timely legislative and administrative support to the offices of the Senators. He exercises supervision and control over all offices and employees of the Senate Secretariat. He is the custodian of all the records of the Senate, and certifies all measures, orders and resolutions approved by the Senate and stamps them with the Senate official seal which is under his custody.

Under the present organisational structure, the Secretary is assisted by three Deputy Secretaries, one of whom is here with us, Deputy Secretary for Legislation Emma L. Reyes who is a member of the ASGP Executive Committee, five Directors-General, a Senior Head Executive Assistant, and a Senate Legal Counsel who are separately in charge of legislation, administration and finance, special support services and legal services.

For the maintenance of security and order in the Senate, whether in session or not, the responsibility is lodged in the Sergeant at Arms.

Unlike in some parliaments, the Philippine Senate Secretary does not have a term of office, nor does he enjoy security of tenure. Under the Senate Rules, he holds office until a successor is elected, which usually coincides with the election of a new Senate President. Thus, since the 1987 Constitution, there have been 9 Senate Presidents; there have also been 9 Senate Secretaries.

Other Offices under the Secretary

Directly under the supervision of the Senate Secretary are certain specialised and technical offices primarily engaged in research studies, namely: the Legislative Budget Research and Monitoring Office (LBRMO), the Senate Tax Study and Research Office (STRSO), the Office of International Relations and Protocol (OIRP), the Senate Economic Planning Office (SEPO), and the Blue Ribbon Oversight Office Management (BROOM).

The LBRMO serves as the technical working staff of a major committee, the Committee on Finance, which handles the national budget.

The STSRO conducts studies and formulates reform proposals on tax-related issues, and serves as the research arm of a major committee, the Committee on Ways and Means.

The OIRP takes charge of important external and internal activities of the Senate that may involve the visits of foreign dignitaries and members of the Senate on official missions abroad. It is this office that is primarily involved in our participation in the IPU, including preparations for our hosting this 112th IPU conference and our ASGP meeting.

A newly-created office, the SEPO serves as the think tank of the Senate, especially on economic and social issues.

The BROOM provides support service to our Committee on Accountability of Public Officers which conducts investigations on irregularities and malfeasance committed by government officials.

Other offices also under the direct control of the Senate Secretary include the Management Planning and Operations Audit Bureau, Electronic Data Processing and Management Information Systems Bureau, Public Relations and Information Bureau and the Public Assistance Centre.

Keeping in Touch with the Citizens

To keep up with the expanding news of the Senators as they address various national concerns, and the needs of the people to be informed of what the Senators are doing on their behalf, the Secretariat has initiated some activities and put in place certain programmes to achieve these goals.

The Senate Website

We have tapped into the vast potential of the information technology (IT) and established a Philippine Senate website (www.senate.gov.ph). We believe that this is one effective way of democratizing the people's access to proposed bills, Senators' positions on certain issues, plenary debates, committee hearings, summary reports and other documents necessary to keep the public well-informed and knowledgeable of the legislative process.

Interaction with GO's, NGOs and Academic Community

Our External Affairs Relations Office has conducted Senate study tours, courtesy calls and briefing sessions for visiting groups coming from various offices and agencies of the executive and judicial branched, local government units, non-governmental organisations, students, socio-civic groups and foreign grantees. Last year, the Senate was host to 18,096 visitors and guests on study tours coming from 37 LGU's, 124 schools and 9 countries.

We draw agreements with colleges interested to send selected students to serve as summer interns to senators and committees. We encourage students to undergo on-the-job training in difference Secretariat offices, particularly the students of history, political science, international studies, public administration and information technology. In recognition of outstanding academic achievement, we award the Senate President's Medal of Academic Excellence to high school valedictorians all over the country every year.

Outreach Programme

The outreach programme of the Senate has led to the establishment of the Senate Public Assistance Centre. The Centre caters to the needs of the people who go to the Senators for medical assistance, job referrals and other financial needs. Senators are not just lawmakers. As politicians, their constituents look up to them for help, such as funds to build roads, job recommendations or medical assistance to the indigents.

Under their so-called congressional initiative, legislators allocate some amounts in certain government hospitals and other agencies during budget approval, from which allocation they can direct their constituents for individual assistance. Last year, the Senate Public Assistance Centre has attended to 22,143 indigent patients who were given medical services through referral letters to hospitals for purchase of medicines, laboratory procedures, chemotherapy and dialysis treatment.

Media Coverage

The public is fully apprised of the daily activities in the Senate. Housed in the Senate press office are about 100 media men representing 35 print media, 13 radio stations and 7 television stations. And we have a very free and active press in this country.

Cable TV Coverage

We are laying the ground work for community cable TV coverage of the Senate sessions and committee hearings. The country's Association of Philippine Cable Television composed of 389 members nationwide has expressed willingness to telecast the Senate activities during the time allotted by law for community/public affairs programmes.

Senate Spouses Foundation

Spouses of the senators are actively involved in civil projects. They sponsor and hold medical and dental missions in different villages and depressed areas on a regular basis. The Foundation has a programme of building houses for the elderly in some areas in the country.

Concluding Remarks

Our gathering here today affords us all the opportunity to interact in the spirit of camaraderie, share experiences, exchange notes and discuss issues openly but cordially in our search for mutual cooperation and understanding. I am very candid when I say that I have picked up a lot of ideas on how to better manage the offices of the Philippine Senate from out of the experiences that you have shared in this forum, and from the discussions in the ASGP conferences that I have attended.

Thank you."

Mr Artemio A. ADASA spoke as follows:

"Introduction

The House of Representatives is the other Chamber of the Congress of the Philippines. It will celebrate its centennial in October 2007.

Its present site is at the National Government Centre, Constitution Hills, Quezon City, a sprawling sixteen hectare land overlooking the scenic Marikina Valley.

The House of Representatives building complex (used to be know as Batasang Pambansa Complex) is composed of a cluster of 4 structures consisting of the main building, the south wing, the north wing and the newly constructed Ramon V. Mitra Building.

The main building, which houses the session hall and the Speaker's Office, is designed to accommodate the more than 200 members of the House. The session hall is linked on two levels with the 6-storey office wings for the convenience of the House Members. The Members' Lounge is located adjacent to the session hall and provides the Members a place to confer with their constituents and guests during a suspension or recess in the sessions.

The Ramon V. Mitra Building, which was completed in March 2001, is named after the 16th Speaker of the House of Representatives. The Building currently houses the reference and research bureau, the legislative library, the committee affairs department, conference rooms and Members' offices.

II Bills originating exclusively in the House of Representatives

Even as a bicameral body, the House of Representatives has the exclusive authority to initiate the presentation of measures on revenue and tax proposals, the disposition of the people's money and the contracting of public debt.

Thus, the Philippine Constitution states that "all appropriation, revenue of tariff bills, bills authorising increase of the public debt, bills of local application and private bills shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments. (Sec 24, Article VI)

The spirit underlying this power is that district and party-list representatives are directly in touch with the people in their congressional districts and sectors, than senators who are elected at large. Members of the House are therefore in a better position to determine both the extent of the legal burden they are capable of bearing and the benefits that they need.

III Members of the House of Representatives

As to the membership of the Chamber, the Constitution mandates that "the House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities and the metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional and sectoral parties or organisations". (Sec 5(1), Art. VI)

"The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list". (Sec 7, Art. VI)

"The members of the House of Representatives shall be elected for a term of three years. No member of the House of Representatives shall serve for more than three consecutive terms". (Sec 7, Art. VI)

The House of Representatives is presently composed of 236 members, 212 of whom were elected from the legislative districts and 24 were elected under the party-list system.

At present, there are 37 women legislators, comprising almost 16% of the total membership of the House of Representatives.

IV The Officers of the House of Representatives

The officers of the House of Representatives are the Speaker, the four Deputy Speakers, the Secretary General and the Sergeant at Arms, who are elected by the majority vote of all members at the commencement of each Congress.

The Honourable Jose De Venecia, Jr, representative of the 4th district of Pangasinan, is the Speaker of the House of Representatives. The Speaker, in the heirarchial order of political leadership, is the fourth highest official in the Philippine Government. He is the political and administrative head of the House, presides over the sessions and overseas the comprehensive deliberation and swift approval of measures.

There are 4 Deputy Speakers, namely: Hon. Emilio R. Espinosa, Jr, Hon. Raul V. Del Mar, Hon Gerry A. Salapuddin, and Hon. Benigno S. Aquino III.

The Deputy Speakers shall choose who among themselves will assume the duties and powers of the Speaker when the latter is absent or otherwise incapacitated. The Deputy Speaker is expected to facilitate action on measures filed, requests and other concerns of members representing constituencies in Luzon, Visayas and Mindanao.

The Secretary General, subject to the supervision and control of the Speaker, is the immediate chief of the personnel of the House and is responsible for the faithful and proper performance of their official duties. He is elected by a majority vote of all the members at the commencement of each Congress.

Retired Brig. Gen. Bayani N. Fabic is the present Sergeant at Arms of the House of Representatives who, like the Secretary General, is elected by a majority vote of all the members at the commencement of each Congress. The Sergeant at Arms is responsible for the maintenance of order during sessions, security over the premises of the entire House of Representatives building complex and the safety of the officers and members of the House, its personnel and guests.

As provided in the Rules of the House of Representatives, "The Officers shall office until their successors are elected and qualified, provided, that the Speaker and the Deputy Speakers, unless sooner replaced, shall hold office until their terms end". (Sec 11, para. 1, Rule III)

However, "The incumbent Secretary General at the close of a Congress shall remain in office and shall preside over the inaugural session of the succeeding Congress until after the election of a new Speaker". (Sec 11, para. 2, Rule III)

The Honorable Prospero C. Nograles, Representative of the 1st district of Davao City, is the majority leader of the House. The majority leader, under the Rules and by tradition, is also the Chairman of the Committee on Rules. He is elected in a party caucus of the ruling party. The majority leader is the master strategist and the recognized spokesman of the majority party.

The Honorable Francis G. Escudero, Representative of the 1st district of Sorsogon, is the minority leader of the House. The minority leader is elected in a party caucus of the members of the minority party. The minority leader acts as chief fiscalizer in the discussion of legislative measures proposed by the party in power. He is the acknowledged spokesman of the minority party expected to defend the minority's rights vis-à-vis the policies and programmes of the majority.

V The Secretariat

The Secretariat is headed by a Secretary General, a position that is currently held by Hon. Secretary General Roberto P. Nazareno. In the discharge of his duties and responsibilities, he is assisted by the Deputy Secretary Generals of the different departments, namely: Operations Department, of which I am the current head, Committee Affairs Department, Administration Department, Finance Department, Engineering and Physical Facilities Department, Public Relations and Information Department, Congressional Planning and Budget Department, Legal Affairs Department, Internal Audit Department, Legislative Security Department, and the Inter-Parliamentary Relations and Special Affairs Department.

The men and women providing legislative and administrative support services to the Secretariat belong to a core of professionals covered by the Rules of the Civil Service, enjoying security of tenure, and thus may be removed only for cause.

VI Public Relations

As stated earlier, the members of the House individually represent a definitive constituency or sector. The House of Representatives is, indeed, the House of the people so much so that the people's involvement and participation in the legislative process is, as a matter of policy, encouraged, guaranteed and sustained.

Hence, the use of information technology and the development of capabilities to harness such technology has been vigorously pursued by the House not only to improve the legislative process but also contribute to a better-informed public

Through the House website: www.congress.gov.ph any interested party may wish to know the goings-on in the House such as the bills filed and being deliberated upon, the profile of the individual members and officers of the House, the highlights of House activities, and other contemporary legislative concerns.

Visitors and guests are given a guided tour of the House premises and accorded a first hand look at the working of the House in plenary and in the various committees. Through these tours the public gets a general idea of the legislative mill, and a better grasp of the congressman's daily task.

For reference and information, we have prepared for you copies of the brochure of the House of Representatives. The brochure provides a brief history of the Philippine Congress; background information on the present and previous building complex of the House of Representatives; the Officers and Secretariat personnel and their respective functions; and the legislative process.

Thank you."

Mr Ian HARRIS, President, thanked both speakers and invited questions from the floor.

Mr Ibrahim SALIM (Nigeria) said that he had two questions. The first related to the ranking of the two Houses in Congress. He asked whether the two Houses were ranked in terms of hierarchy, since the Senate had been referred to as the Upper House. He asked whether the Senate Speaker was Chairman of the two Chambers. Did the Senate have extra powers other than those relating to legislation?

The second question was about contracts which required the authority of the Speaker. He asked what contracts these might be. Did this mean that the Speaker had overall power or was there a Board to support him?

Mr Oscar YABES said that the origin of the term "Upper House" was that originally both Houses were in one building. The Senate was on an upper floor so reporters referred to them as see Upper House. Now both Houses had separate buildings -- the House of Representatives was referred to as the "Bigger House" and the Senate was referred to as the "Smaller House". The two Houses were equal under the Constitution. Both Houses had their own powers. As far as the hierarchy was concerned, after the President and the Vice-President, the third highest official was the Speaker of the Senate and the fourth highest was the Speaker of the House of Representatives. (The fifth highest was the Chief Justice).

Mr Artemio A. ADASA said that as far as approval of contracts was concerned the Speaker had absolute authority. All contracts had to be signed by him. The only time that the Secretary General had that power was during the interregnum after an election was called and no Speaker had been elected.

Mr Ian HARRIS, President, noted that there was the limit on terms in the Senate of two consecutive periods of service. He asked which was preferred: service in the Senate or in the House of Representatives.

Mr Oscar YABES said that Senators who could not run for the Senate ran for other offices: whether in the House of Representatives or as a Governor or city mayor. The House of Representatives also had a term limit on service.

Mme Hélène PONCEAU (France) thanked the speakers for the interesting presentations. She had three questions: with regard to the *pro tempore* Speaker of the Senate, who filled the job of the absent Speaker? She asked whether the *pro tempore* Speaker had any functions if the Speaker was not absent.

She noted that the Secretary General was an elected officer: she asked whether the Deputy Secretaries General were elected or appointed; and, if appointed, by whom?

How many people worked for the House of Representatives and the Senate? Was there a special service for each House, separate from the rest of the public service? Did they serve for their entire career there?

Mrs Emma LIRIO REYES said that the *pro tempore* Speaker did have additional jobs. He was able to chair committee hearings although his main task was to deputise for the Speaker.

Deputy Secretaries General were appointed as civil servants. They had security of tenure.

There were about 1200 staff in the Senate and 3000 staff in the House of Representatives.

Mr Xavier ROQUES (France) said he had two questions: he noted that there was a maximum number of terms of service. He asked what the purpose was of this limit. Was it to prevent an overlong period of service?

The second question related to elected Secretaries General: whether they were elected from the ranks of the staff or did they come from outside the House staff?

Mr Oscar YABES said that the rationale behind the limit on period of service was that 12 years was too long for a continuous stay in one House. It arose from an attempt to democratise the system. This was a recent provision and had appeared for the first time in the current Constitution; it applied to all elected positions.

It was possible for the Secretary General to be elected from outside the service of the House. He himself had been working as the Chief of Staff to the Senator who had been elected Speaker.

Mr Artemio A. ADASA said that in the House of Representatives there were two sets of employees. The first was part of the secretariat and they were civil servants who were recruited on that basis. The other set was appointed by Members of the House and served on the basis of the Members' service; they were not civil servants. The Deputy Secretaries General were career civil servants in the House of Representatives. Each was assigned to an individual department. The senior one deputised for the Secretary General.

The main reason for term limits was to give other people a chance to serve their country. The party list system was based on this. Under the previous arrangements, the President of the Republic appointed representatives in the House from various sectors. This was now institutionalised as the party list representatives. Each sectoral representative had to have at

least 2% of the total votes to obtain one seat (4% gave them another seat and 6% a further seat – the maximum number).

The Secretary General was elected by all the Members of the House of Representatives. He was nominated by the Speaker and the ruling party. There was never more than one nominee. He did not need to have served in the House of Representatives service previously.

Mr SANTARA (Mali) thanked Mr YABES and Mr ADASA for their informative presentations.

His first question was about the status of the Secretary General. He asked what the duration was of his mandate: whether the Secretary General was elected without a time limit. He asked whether they remained in office at the end of the legislative period.

His second question related to the status of the minority leader. The function of minority leader did not exist in the system in Mali. He asked how many parties they were in the Senate. He asked how the minority leader was appointed and what the role of the office was.

Finally, he asked for more details of the Presidential veto on legislation.

Mr Oscar YABES said that the Secretary General of the Senate had no time limit for his term of office. Any change in leadership of the Senate resulted automatically in the change of the Secretary General when a new Senate President was appointed. The incoming President of the Senate nominated the new Secretary General. In the year 2000 he had been elected Secretary General but had remained in office for only 8 months. In the year 2001 he had been re-elected Secretary General and had remained in office until now. The tenure of the office was very uncertain.

The office of Minority Leader resulted in the realignment between the majority and minority parties. The majority party was the one which elected the President of the Senate and the losing candidate for President of the Senate automatically became head of the minority.

Mrs Emma LIRIO REYES said that the veto power of the President was expressly provided for in the Constitution. The President reviewed the Bills brought before him. He had 30 days to veto a Bill or it became law. The Veto might be overturned by a two thirds majority vote in both Houses.

Mr Artemio A ADASA said that the Secretary General and the House Representatives had no definite term of office but remained as long as he enjoyed the trust of the Speaker. The Secretary General had served for the four previous Congresses (since 1995).

At present the minority party in the House of Representatives had only 10% of the seats. This was because there was a multiparty system in the Philippines. There were five main parties. No party could get an overall majority so necessarily there were coalitions. The coalition was headed by the Speaker.

The Minority Leader played an important role in the House. He helped in formulating laws in the House of Representatives and acted as a "fiscalizer".

Mr Ian HARRIS, President, observed that Secretaries General in Australia had a maximum of 10 years in which they could serve; they might be dismissed before that for just cause.

Mr Arie HAHN (Israel) noted that Congress met on Mondays to Wednesdays. He asked how long the Houses met each day and for how many days a year they met.

Mr Oscar YABES said that the Senate met between 3 p.m. and 7 p.m. However, the Senate might sit for up to 10 hours in the day to deal with big Bills or, for example, the Budget.

The number of session days was affected by the notional sitting days when the Senate did not sit, but was suspended. The Senate sat for less than 200 calendar days a year.

Mr Artemio A. ADASA said that the House of Representatives could not conduct sessions without the Senate so a joint legislative calendar was agreed between the two Houses by way of concordance resolution. If this was changed by one Chamber, this had to be agreed by the other Chamber.

The House of Representatives sat on Mondays to Wednesdays and sometimes on Thursdays when dealt with Local Bills. Committee hearings took place in the mornings. The House sat from 4 p.m. The House sat all year round, although breaks were taken, for example there was a break in the calendar for the IPU conference. The Recess was very important because that was the only time that members of Congress could get to their constituencies.

Mrs I. Gusti Ayu DARSINI (Indonesia) said that staff in the Indonesian Parliament had the status of civil servants. She asked what the method was of recruiting Parliamentary staff in order to get better staff. She noted that was in need to promote professionalism among members of staff: she asked how staff got their professional education.

She also asked how the television coverage was budgeted for.

She asked how Members who wanted to prepare a Bill were supported by staff.

Mr Oscar YABES said that a contract was in the process of being agreed to provide cable television. TV companies were under an obligation to provide a certain number of hours each day of Public Broadcasting Service. They telecasted one hour of Parliamentary sessions a day, on average.

Recruitment and training of staff was perhaps better discussed later in the context of the debate which had been scheduled.

Mrs Emma LIRIO REYES said that the speed of a Bill' s passage depended on its content. It might pass quickly through the House of Representatives but more slowly in the Senate. Bills that were urgent were given a faster procedure.

Mr Artemio A. ADASA said that legislation started in the House of Representatives. There were certain tasks that the House of Representatives had exclusively: the legislative process started with the filing of the House Bill. This went to the Committee on Rules which sent it to a particular Committee. The Committee would summon resource speakers and then report back to the Committee on Rules. The Committee on Rules scheduled the debate on the Floor of the House.

The First Reading was the formal introduction of the Bill. The Second Reading was when the Plenary examined the Bill. The Chairman of the Committee on the Bill and authors of the Bill sponsored the Bill in the Plenary and spoke to the Bill. Then a general debate followed. This

debate usually consisted of the majority party speaking followed by the opposition. Approval on Second Reading was taken on the basis of the Ayes/Noes. There was no nominal voting.

The Bill was then reprinted with amendments which had been submitted and approved during the Second Reading. Before the Bill had its Third Reading and the vote had been taken it had to have been distributed to Members three days previously. A Nominal Vote was then taken at the end of the debate with three minutes for speeches for explaining the votes if required. (Usually only one third of Members used this, mainly members of the Opposition).

The Bill was then sent to the Senate. After Senate approval if there was any conflict in the provisions of the Bill then a Bicameral Committee looked at the Bill and agreed on the terms of the conflicting provisions. The Bill was then returned for ratification by each House. The process was a very long one. There was some support in the Philippines for moving to a single Chamber system because of the delay.

Mr Guillermo ASTUDILLO IBARRA (Ecuador) asked whether the President the Republic had the power to initiate a Bill.

He further asked whether the President of the Republic was under an obligation to approve any Bill which Congress had agreed to.

Finally, he asked what power the President of the Republic had to veto all or part of a Bill.

Mr Oscar YABES said that the President of the Republic could initiate legislation but the Bills had to be sponsored by a member of Congress, who would normally be in the same party as the President. Each year the President of the Republic made a formal speech setting out the legislation which she wanted past in that year; on the basis of that speech members of her party filed Bills in Congress on her behalf.

She had veto power which required a two thirds vote to override her veto.

Mr N. C. JOSHI (India) asked how Senators were elected. He asked what the minimum age requirement was for membership of the Senate and what the minimum voting age was.

Mr Oscar YABES said that a Senator had to be at least 35 years old. A member of the House of Representatives had to be at least 25 years old. The voting age was 18 years.

Senators were elected by a national poll -- 12 were elected every three years.

Congressional Representatives were elected by Congressional district. Party Representatives were elected nationally by sector.

Mr George CUBIE (United Kingdom) asked about the method for electing members to the Senate and whether this was on the basis of a national list. He asked how the votes were counted.

He also asked what percentage of legislation which passed through the Senate was in effect presented by the Executive. What was the normal fate of Executive Bills; did they get through unscathed or were they much amended?

He asked whether proceedings in Committee on Bills were held in public.

Mr Oscar YABES said that election to the Senate was on the basis of a nationwide poll which was supervised by the Election Commission. The 12 candidates who received the most votes cast nationwide were duly elected.

Committee meetings were held in public, except when they dealt with matters which needed to be discussed in secret, usually relating to security.

Executive Bills represented a very small proportion of the legislation which proceeded through Congress. Most of legislation which proceeded from the Executive related to matters which were certified as urgent measures under the Constitution, so the procedures which applied to them meant that they were dealt with in rather a short time.

Mr Peter TKACHENKO (Russia) had a question to the Senate and the House of Representatives. He asked what the process was of forming their own Budgets. Who in each Chamber had the authority to authorise expenditure?

Mr Artemio A. ADASA said that the House of Representatives budget was separate from the Senate Budget. Authority for expenditure came from the Speaker. He had to consult the Committee of the House.

Mr Oscar YABES said that the internal Budget of the Senate involved circulating a paper which invited bids from the various departments for inclusion in the Budget. Officers of the secretariat looked at the bids and submitted the Budget to the Committee on Accounts who was a Senator. Final approval came the Senate President.

The National Budget was examined by both Houses but that each House's Budget was automatically agreed to as a matter of courtesy by the other House.

Mr George PETRICU (Romania) asked about the Committee on investigating irregularities committed by members or officials. Was there such a Committee only in the Senate or did the House of Representatives also have one. He asked whether members of the Senate or the House of Representatives could be taken before the courts without any previous debate in the House of which they were member. He asked how this affected Parliamentary immunity.

Mr Artemio A. ADASA said that in the House of Representatives there was a Committee on Good Government which dealt with the behaviour of public servants who were outside the House Representatives. There was another body in the House of Representatives called the Committee on Ethics which dealt with the behaviour of members of the House of Representatives.

Mr Oscar YABES said that a member of Congress could not be arrested while Congress was in session, if the offence of which the member was accused was punishable by less than six years imprisonment. The Constitution laid down that no member of Congress could be liable to anything which was said in Congress; many members used this freedom of speech.

Mr Kaspar HAHNDIEK (South Africa) noted that the Senate had considerably fewer members (24) than the House of Representatives (200). In view of this, he asked how the Senate coped with the same workload as the House of Representatives

Mr Oscar YABES pointed at that each Senator had more staff to work for them than a member of the House of Representatives. On average, any Senator would have 20 to 30 staffers working for him in addition to members of the permanent secretariat of the Senate.

Mr Artemio A. ADASA each member of the House of Representatives had six members of staff as well as the secretariat to work for him or her.

Mr Christoph LANZ (Switzerland) had two questions: the first related to the process of legislation. He noted that if there was a difference between the two Houses a Conference Committee was convened which tried to find an acceptable compromise. He asked whether the Conference Committee was made up of equal numbers from each House. He also asked whether the advice of the Committee had ever been rejected?

It seemed much harder to seek election to the Senate than to the House of Representatives. He asked who paid for electoral campaigns. Was this done by the parties or the candidates?

Mr Oscar YABES said that it was more difficult to run for election to the Senate. To be successful, a candidate had to be a national figure or a celebrity from the media or somewhere else.

Elections were paid for partly by the parties and partly by candidates, so a candidate for the Senate had to have adequate resources to carry out a campaign.

Mrs Emma LIRIO REYES said that the number of members of the bicameral Conference were different: members were chosen from the Senate majority and minority parties in proportion to their party membership of the Senate.

Deadlock was frequent in Bicameral Committees but then the Speakers would go to Caucus to settle problems. Bicameral Committees often sat very late to settle differences but in the end matters were usually sorted out.

Mr Artemio A. ADASA said that the House of Representatives always sent more members to the Bicameral Committees than the Senate, but that the approach was always to seek consensus. There had been no instances where a Bicameral Report had been rejected by the House of Representatives. If a Report was not popular it was simply archived.

Mr Ian HARRIS, President, thanked the speakers and those who had put questions to them.

6. Concluding remarks

Mr Ian HARRIS, President, reminded members that the afternoon sitting started at 3.00 p.m. (and not 2.30 p.m. as advertised in the Conference Guidebook).

The sitting ended at 12.30 pm

SECOND SITTING
Monday 4 April 2005 (Afternoon)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 3.00 pm

1. Introductory Remarks

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

He reminded members that they should return the form indicating whether they would take part in the visit and lunch by 5 p.m. today.

2. Communication from Mr George Cubie, Clerk of Committees of the House of Commons, United Kingdom, on Parliamentary penalties, impeachment and self-regulation – the UK experience

Mr George CUBIE (United Kingdom) presented his communication as follows:

"An outline note

The "High Court of Parliament", dating from medieval times, claimed wide powers to deal with miscreants.

The gradual development of an extensive body of criminal law effectively narrowed the range of areas in which the concept of Parliament as a court had any real meaning.

Generally speaking "parliamentary penalties" in modern times relate to what the House – and I am dealing here with the elected House of Commons – does in disciplining its own Members for "parliamentary" offences.

The proposal for this communication arose when the Association met in Geneva in September 2004. At exactly that time in the United Kingdom there was some excited media comment about the possibility of reviving the ancient procedure of impeachment, which had last been effectively used exactly 200 years ago in the United Kingdom. One recent parliamentary report said of impeachment:- "under this ancient procedure, all persons, whether peers of commoners, may be prosecuted and tried by the two Houses for any crimes whatever". Last year the press in the UK and abroad gave a good deal of coverage to the proposal to impeach the British Prime Minister. Most authorities considered, however, that the procedure was totally outmoded, although some lawyers argued that the "power of impeachment is one which is still available to Parliament as a matter of law". The same parliamentary report quoted above said in 1999 that "the circumstances in which impeachment has taken place [in the

United Kingdom] are now so remote from the present that the procedure may be considered 'obsolete'" (Joint Committee on Parliamentary Privilege, Session 1998-99, HL Paper 43-1, HC Paper 214-1, paragraph 16).

A motion to impeach the Prime Minister was tabled in the House of Commons, but was not signed by any of the major opposition leaders. No time has been, or is likely to be, found to debate it.

The procedure of course still applies in some jurisdictions, notably in the United States of America where the Constitution provides that "The President, Vice-President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors" (Article 2, section 4).

Modern penalties

Impeachment is widely regarded as obsolete in the United Kingdom, not least because 'political' offences may be dealt with by motions of no confidence in the Government of the day and there is the ultimate sanction that the electorate may vote out an unsatisfactory Government at the next General Election as 'punishment' for policy failures or errors.

It remains axiomatic that each House should be responsible for disciplining its own Members. In modern times the House of Commons has imposed penalties on its own Members for such offences as:

- disclosing the confidential proceedings of a committee;
- failing to declare a relevant financial interest; or
- claiming a parliamentary allowance inappropriately.

Following a number of high profile cases in the mid-1990s, and much public criticism, the House revised its procedures and appointed a "Parliamentary Commissioner for Standards". His findings are considered by the House's Committee on Standards and Privileges. It is that Committee which makes findings against individual Members who are the subject of complaints for breaches in the House's Code of Conduct. Nowadays that Committee is given added public credibility by being chaired by a senior Opposition Member of Parliament. The Committee may recommend penalties on individual Members, but it is for the House itself to impose the penalty. Typical penalties recommended by the Committee are suspension from the House (and thus loss of salary) for a few days (say five days, but sometimes for as long as a month) or that the Member concerned should make a formal public apology in the House itself.

Punishment options in the House of Commons

In theory, the House has a wide range of formal penalties available to it where it finds that a Member has committed a contempt, or a Member's conduct otherwise justifies a penalty. The penalty in a particular case may draw on more than one option. This is additional to any punishment the courts may impose in the case of a criminal act.

The range of penalties includes the power of committal, last used against a Member in 1880, and formal reprimand or admonition by the Speaker. This punishment has not been used by the House, in all its ancient formality, since 1967, although more recently Members have been reprimanded by virtue of a resolution of the House to that effect.

Expulsion

The House may expel a Member, but has not done so since 1954, when the Member concerned had been convicted of a felony. It has, over the centuries, expelled Members for a wide variety of causes, many of which would nowadays constitute breaches of the Code of Conduct.

Disqualification

In this discussion of penalties imposed by the House, it is important to note that under an Act of Parliament of 1981 a Member becomes disqualified to sit in the House of Commons if he is imprisoned for more than one year.

Suspension from the service of the House

This modern use of suspension has ancient origins. Members who are suspended from the service of the House must forthwith leave the precincts and their salary is automatically withheld for the duration of their suspension. Suspension may be for a specified period, or indefinite (such as until the end of the parliamentary session).

Withholding of salary for a specified period

A punishment in these specific terms has only been explicitly authorised by the House since 2003, although there has been a provision in the Standing Orders to withhold the salary of suspended Members since June 1998, and *ad hoc* provision had been made by the House for withholding salary in some cases of suspension before then.

Conclusion

The great majority of Members behave with absolute integrity and propriety. The House is jealous of its reputation and believes it right itself to regulate the conduct of its Members in cases in which it would be unlikely for the criminal law to be engaged.

The greatest penalty for political failure is the adverse judgement of the electorate at a General Election. The judgement of the electorate may of course (in the Westminster system) be triggered by a Government's failure to survive a motion in the House of Commons: "that this House has no confidence in Her Majesty's Government". The most recent example of such a motion succeeding was in 1979 when the Government of the day lost such a vote by the margin of 311 to 310, and then went on to lose the General Election which followed a few weeks later – the ultimate political 'penalty'!"

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

MR Kaspar HAHNDIEK (South Africa) asked whether a Motion on the Order Paper against the Prime Minister was not required to be given priority.

He also asked whether the misuse of Parliamentary allowances was not also a matter for the Speaker, as guardian of expenditure, as well as for the Standards and Privileges Committee.

Mr George CUBIE (United Kingdom) said that a Motion of Confidence if tabled by the Leader of the Opposition was given high priority. The same was not the case if only a few backbenchers signed a Motion which referred to the establishment of a Select Committee to be appointed to investigate and report on the conduct of the Prime Minister and to report has it saw fit.

As far as the role of the Speaker was concerned, the Speaker acted if there was serious evidence that the Rules were not properly understood in relation to matters such as travel allowances. Usually, however, the Speaker was not directly involved.

Mr Anders FORSBERG (Sweden) asked whether the Chairman who was traditionally from the Opposition still acted in a partisan way

Mr George CUBIE (United Kingdom) said that although it was tempting to reveal the private deliberations of the Committee this would be a breach of Privilege! There was a rumour that if an allegation was made against the leader of the party then the political pressures on the Committee were very powerful and it might take a very long time for a proper examination of the matter to be carried out.

Mrs Doris Katai MWINGA (Zambia) said that in Zambia it had been thought that impeachment was not a political hazard until 2001. In that year an impeachment process was started but was avoided because the President did not summon Parliament. Later, a petition was put before the House in 2003. This failed to achieve the two thirds majority which was required. The experience left a bitter taste and as a result there was a constitutional review. As a result, a Parliamentary party was now required to investigate and discourage any frivolous petitions. She asked whether there was a petitions committee to examine such cases.

She added that thought was being given to making provision for a public recall vote similar to the one in California.

Mr Xavier ROQUES (France) said that there was some discussion in France about the use of criminal accountability instead of Parliamentary accountability. A number of politicians had had their careers ended or delayed because of court action. Usually this was about the funding of political campaigns.

Mr George CUBIE (United Kingdom) said that in the United Kingdom party funding was an extra Parliamentary matter on which the courts could proceed. This included cases relating to fraud which were matter for the police. Although Parliament did not get involved in such cases, perhaps one should never say never! In response to Mrs MWINGA he said that there had been a Motion in United Kingdom to set up a Committee to examine allegations.

Mr George PETRICU (Romania) noted that none of the major opposition party leaders had signed the motion to impeach the Prime Minister. He asked how matters would have turned out differently if they had done so.

He noted that gifts over the value of roughly $1000 had to be declared. He asked whether this was the original figure and, if not, why it had been changed.

He asked what happened if the Member of Parliament was prosecuted and whether this would be discussed by the Committee on Standards and Privilege.

Mr George CUBIE (United Kingdom) said that he had to tried to emphasise that the Motion tabled by the Leader of the Opposition was very different because he had a party responsibility. He had an allocation of time as party Leader, although its use would make the matter a partisan one.

The value placed on gifts had been the same for some time.

Members of Parliament were subject to the ordinary workings of the criminal law and were always able to be charged with criminal matters. This was not normally a matter for the Committee on Standards and Privilege. If sentenced to over a year Members lost their seats.

Mr Manuel ALBA NAVARRO (Spain) said these were difficult matters. There were difficulties about disclosure of private Committee proceedings in Spain.

He asked about the way in which violations of the rules of debate during the session were dealt with, for example if bad language was used. He asked whether the Speaker could deal with this. Could the Speaker order that the words be withdrawn?

He asked about methods of appealing by Members against an allegation.

Were the sanctions published anywhere?

Mr George CUBIE (United Kingdom) said disclosure of private meetings was a problem. If there was no enforcement then this undermined the work of the Committees. Failure to enforce the Rules about disclosure in blatant matters would prevent Committees being trusted with confidential matters.

The Speaker could control the way in which language was used. He had powers of discipline which included a power to move a Motion to suspend a Member.

There was no formal right of reply to allegations, although a Member could put down a Motion or make a Point of Order.

Mr Ian HARRIS, President, referred to the case in South Africa where a member been found to have misused the voting system. His punishment had consisted of being made to stand in the corner rather than the being removed from the Chamber. This was because the House feared that he would be able to appeal to the courts if his constitutional right to represent his constituents was blocked. The House authorities did not wish to make the method of disciplining Members justiciable.

Mr Kaspar HAHNDIEK (South Africa) said that the matter had been dealt with by being referred to a Committee to investigate the conduct of the Member, who had been seen by a member of staff to have voted in his place and then to have pressed the voting button in a neighbouring place. The Member admitted what he had done but claimed that he did not realise it was against the Rules.

The Committee recommended that he be reprimanded and this was done by the Speaker.

Mr Petr TKACHENKO (Russia) asked whether British Members of Parliament could be prosecuted. He asked whether there was any immunity for Members of Parliament.

If a Member of Parliament was always absent was he liable to be punished in any way? If so, what action could the House take?

Mr George CUBIE (United Kingdom) said that there was no immunity from prosecution for Members of Parliament.

The question of persistent absence was not usually encountered. This was primarily a matter for the Member's constituents. About 30 years previously a Member of Parliament had spent more time teaching in California than in taking part in activities of the House. The House had done nothing about this.

Mr Ian HARRIS, President, said that the House of Representatives had only ever expelled one Member who had made remarks which had been deemed to be seditious. Subsequently, legislation had been passed to prevent either House from expelling a Member.

Mrs Fetuao Toia ALAMA (Samoa) asked what penalties there were in the House of Commons for reflections on the conduct of the Speaker or Members of Parliament or Officers.

Mr George CUBIE (United Kingdom) said the rules in the House of Commons prevented any reflections on any Members except by way of substantive motion. The occupant of the Chair would halt any reflections on Members which breached this rule.

Mrs Fetuao Toia ALAMA (Samoa) asked what would happen if a personal reflection on a Member was published in an external document.

Mr George CUBIE (United Kingdom) said that it was open to any Member to make complaint to the Speaker alleging a *prima facie* breach of Privilege which might then be investigated.

Mme Hélène PONCEAU (France) had comments to make about the French system, and in particular the system in the Senate:

In theory, the Senate had a whole arsenal of provisions allowing sanctions on Members. These ranged from a call to order through a progressive system all the way up to more serious punishments which included holding back pay or allowances. Unfortunately, in practice these sanctions were never used. If a Member misbehaved, for example by using insulting language, then the President of the session might call the Member to order, but it would be lucky if the Member even consented to apologise.

There was considerable difficulty in dealing with more serious cases, which might call for judicial or other proceedings. There was no Committee which dealt with this and there was no procedure for impeachment. She gave as an example the situation where some years previously a Senator who had been a Questeur had been accused of indirectly benefiting from the placing of the contract in respect of public works for the Assemblée. This should have led to his impeachment because of his status as a Questeur and as a Senator. In fact, this did not happen. The Bureau felt that it could not impeach the Senator, because he had been elected by the plenary of the Senate and there was no inclination to impeach him as a Senator because of the resulting bad publicity. In fact, the Bureau suspended him from his duties as a

Questeur in the hope that he would resign. In the event, he did so although he did not lose his status as a Senator.

Mr N. C. JOSHI (India) asked what happened if the complaint was false or vexatious. What remedies were available to Members?

Mr George CUBIE (United Kingdom) said that this was a very good question. Usually there was some substance to complaints. He was not aware that any allegations had been made where the party was completely innocent. If a complaint was utterly unfounded -- especially if it was made by another Member -- then this might be a Privilege matter.

Referring to the statement by Mme PONCEAU, he said that he was horrified at this story. The House had got itself into trouble over a contract for the new Portcullis House. It was possible to contemplate legal action against a Member.

Mr Ian HARRIS, President, noted that the Australian House of Representatives practice was that when a member was suspended he or she was still able to serve on Committees. He had always thought that this practice was quaint.

Mr George CUBIE (United Kingdom) said that a similar provision in the House of Comments related to Private Bill Committees only. These were arduous and service on them tended to be avoided.

Mme Hélène PONCEAU (France), a Vice-President, took the chair

3. Communication from Mr Ian Harris, Clerk of the House of Representatives of Australia, on the worst and best of television's involvement in Parliament

Mr Ian HARRIS (Australia) said that Australian television had devised a TV reality show the basis of which was that there would be a popularity campaign among those taking part. The winner would be given money to run for election for the Senate. This programme was too terrible to show members. No candidate ended up being successful. At the same time, the House of Representatives had produced a television programme of its own which was a televised version of the magazine which had been mentioned to the plenary before. The satellite television company which broadcast this was very pleased with its reception and planned to make repeat broadcasts.

Mr Harris then showed the television programme.

Mr Ian HARRIS (Australia) said that copies of the television programme were available on CD available at the back of the Hall. He was willing to send a more on request.

Mme Hélène PONCEAU (France), Vice-President, thanked Mr HARRIS and said that she admired the Australian system which looked very good on the screen. She invited questions.

Mr Prosper VOKOUMA (Burkina Faso) noted that the original title of the talk included the word "worst"; he asked where the worst featured in this programme?

Mr Ian HARRIS (Australia) said that the "worst" ended up on the cutting room floor!

He thanked Madame PONCEAU for her comments. He noted that the French programme broadcast on television had a sign in the corner of the screen indicating that this was a Parliamentary programme and complimented France on producing this.

Mr Christoph LANZ (Switzerland) said that in Switzerland it was very difficult to explain what Committees did because the public only thought in terms of the plenary. He was very pleased that the programme emphasised Committee work as well as work in the Chamber.

Mr Ian HARRIS (Australia) said that Parliament was televised mainly at Question Time, which was very confrontational. He liked to show the more collegiate discussion in Parliament and the programme achieved that.

Mr Arie HAHN (Israel) said that the Knesset had established its television station about six months previously. This broadcast between 8 p.m. and midnight on five days a week. It was like a regular TV channel but it emphasised the work of Parliament. The television company broadcasting it had put in a bid to run it two years. This was a dry run. It was called "Channel 99".

Mr Ian HARRIS (Australia) noted that in Canada there was "gavel to gavel" broadcasting. Chile also had two television channels dealing with the work of Parliament. He asked how much the TV channel cost to run.

Mr Arie HAHN (Israel) said that the television channel cost less than $4,000,000 (US) a year.

Mr David BEAMISH (United Kingdom) said he was very impressed by the video. Many members of the House of Lords would like a similar programme to show how the House Committees worked. He asked about the political backing for showing exciting footage relating to work of the House, where there was a lot of political controversy.

Mr Ian HARRIS (Australia) said that this was a very important question. He referred to one part of the programme where a minister had been asked a question about her period of service as a Parliamentary Secretary -- which the rules of the House of Representatives did not allow. In fact, she volunteered reply anyway. This was an example of a sensitive moment being televised, where the Speaker had been previously asked for the ruling on this particular Question.

Members did not act as editors of the television programme and they relied on the staff of the House to edit the programme fairly. In fact, for the next programme it was planned to get Opposition Members to speak about the workings of the Committee of which they were members. It was very important for the makers of the programme not to appear as propagandists for the Government.

Mr Marc BOSC (Canada) thanked Mr HARRIS for the video and his presentation. He asked whether it was thought that broadcasting proceedings was a good thing or a bad thing.

Mr Ian HARRIS (Australia) said that the philosophy of the Australian House of Representatives was to provide free television of the two stations. Also, Internet access was provided. It was possible for Parliamentary junkies to get the full serving of programmes from

Parliament but that was for a different market from the usual. Hw was pleased with the reception by Cable TV companies of the Parliamentary programmes.

He asked whether Canada did a summary of the Parliamentary week.

Mr Marc BOSC (Canada) said that this was done. There was also programming which involves public affairs interviews.

Mrs Keorapetse BOEPETSWE (Botswana) noted that the programming included the starting of the process of electing Speaker. She asked whether the process could be shorter.

Mr Ian HARRIS (Australia) said that this was a tactic to explain what Parliament does, so it was part of the attempt to produce a glossy magazine equivalent.

Mrs Keorapetse BOEPETSWE (Botswana) asked how the process of election of the Speaker began. Did Australia follow the United Kingdom parliamentary tradition?

Mr Ian HARRIS (Australia) said that until the Speaker was elected the Clerk chaired the election. The Speaker "struggled" when he was led to the Chair. This was rather ironic in view of the efforts on the part of the Speaker to get elected!

Mrs Isabel CORTE REAL (Portugal) said that a cable channel was devoted to Parliament in Portugal. The channel broadcast for 12 hours a day. It was good to be able to show the inside of Parliament with its meeting rooms and so on. Some evaluation had been done on the ratings of such TV programmes. Repetition of debates late in the evening was very popular. There was some success when a presenter was able to explain what was being shown.

Mr Xavier ROQUES (France) said he was very pleased to see the attachment to tradition is being shown on the television. He was slightly critical of the system in France because the Parliamentary channel was shared by both Houses. Broadcasting on television was very costly: 7 million Euros for each House..

The concept of using specialist TV channels made Parliament more accessible but this did create problems. For example, it would be counterproductive to show an empty Chamber and broadcasting all legislation would be dull so highlights were selected.

Journalists used to organise the way in which debates were broadcast but the channel ended up like being an ordinary television channel. The journalists were now getting better coverage than Members of Parliament! The only advice he would give those interested in establishing a special TV channel was to consider whether they had enough material to broadcast.

Mr Ian HARRIS (Australia) said that Australia followed the old traditions of the United Kingdom. When Parliament was opened in Prague or Budapest or Paris it was possible to see the impact of past revolutions. He noted that the United Kingdom House of Commons still communicated in Norman French. For example, when the Royal Assent was indicated the phrase "La Reyne le veult " was still used.

He agreed with many of Mr ROQUES's comments and he thought that the special TV channel and magazine would convey facts and material which otherwise would not be made public.

Mme Hélène PONCEAU (France), Vice-President, said that the Senate in France suffered from not being covered by the media so the prevailing view in the Senate was that the cost of the TV channel was worth it in order to obtain coverage.

Mr George PETRICU (Romania) thanked Mr Harris for his presentation and also Mr ROQUES for his remarks which showed a strong sense of reality. This subject had been debated for some time in Romania. After the Revolution in 1989, the Constituent Assembly had been established to decide the new Constitution and everything had been televised. Later, when the new Parliament had been established, this had been stopped. The subject was frequently on the agenda for discussion in the Senate.

The Senate had recently received an offer by a private TV company to set up television coverage of the Senate. This offer had been rejected, because journalists tended to concentrate on the worst aspects of Parliament and this affected the image of the Senate. They did not take advantage properly of the opportunity to cover the substance of debates and were often very interested in the least important matters.

This matter would return and so it was very interesting to learn about the Australian experience which was controlled by Parliament.

The basic question remained: was it better to give this to public television or to a private TV company. The political question remained - would this contribute to the good standing of Parliament? Also, who would pay for this? How much time would be taken by the broadcasts? This was connected to the question of the ratings.

Mr Ian HARRIS (Australia) thanked Mr PETRICU for his contribution which was very interesting. His point about journalists and representing Parliament followed on from Mr CUBIE's point earlier about journalists who played on the prejudices of the public by covering allegations made but not the rebuttal. He was concerned, for example, at the case of the recall of the Governor of California in which the press had played an important role. He was concerned that electors might choose candidates on the basis of their appearance on TV.

He referred to an advertisement which showed the Prime Minister and the Leader of the Opposition barking like dogs but Mr HARRIS had to advise those making the advertisement that this would lead to proceedings against them.

Mrs I. Gusti Ayu DARSINI (Indonesia) asked who made the parliamentary broadcasts. How much did the broadcasting in Israel cost?

Mr Ian HARRIS (Australia) said that parliamentary staff made the programme. They would not be allowed to film a Member out of context.

Mr Arie HAHN (Israel) said that the cost was $3-4 million a year.

Mr Ibrahim SALIM (Nigeria) asked what was done when tempers reached boiling point. Were matters transferred to television? He asked how breaches of discipline were handled.

Mr Ian HARRIS (Australia) said that many Australians had their origins as convicts from Great Britain. It was a very robust democracy and they were often severe exchanges of use. He had never seen anything physical happen. There was no TV censorship in Australia apart from things taken out of context, for example when people fell asleep.

Mr Alain DELCAMP (France) noted that in France the Parliamentary television channels were not so popular.

There were three issues which had required careful thought before the television channels were established: what the status was of the television channel (also to be run by both Houses?); who was to operate the television channel -- Parliamentary staff or journalists?; and what the content was to be of the television channel?

As far as the first question relating to the status of the television channel was concerned, both Houses set out the individual companies which were wholly owned by each House. These companies managed the two channels independently of Parliament. As far as the second question was concerned, the Speakers of both Houses recruited a person who was well-known in the media in France to give them advice about how to set up the channel. The content of the Parliamentary channel was very early on decided to be not just debates but also current affairs. This included news announcements, especially from a Parliamentary point of view. Over the last five years this has been developed considerably. Broadcasts now include debates in the European Parliament and even matters which cannot be accessed anywhere else such as the UN Security Council debates. So the French Parliamentary channel has developed its own unique type of content. This had gone a long way to provide a suitable channel which showed how much valuable work was being done by Parliament and which offset some of the unfortunate journalistic coverage of political life. Mr HARRIS had noted that the Parliamentary channel carried the logo of the National Assembly and the Senate. When this material was used in other channels this showed that Parliament was active in providing useful information.

Previously, the Parliamentary channel had been seen by only about 5 million people in France. Since March that year it had been possible to see the Parliamentary material in 14 different digital television channels.

He added that all media, including the internet, should be part of the means of publicising Parliament.

Mr Ian HARRIS (Australia) was interested to hear that the French Parliamentary channel had a more current affairs slant. He agreed that there was an image problem for politics and Parliament. He noted, however, that many journalists said that the worst criticism of politicians was levelled by parliamentarians themselves.

Mrs Marie-José BOUCHER CAMARA (Senegal) agreed with remarks of Mr ROQUES. She noted that the causes of many of the negative images of Parliament arose from the pressures of political life. She was very interested in the experience of the Australian Parliament in showing technical committees at work.

Mr Ian HARRIS (Australia) thanked Mrs BOUCHER CAMARA for her remarks and said that the French subtitles on the DVD had been prepared by a company in Senegal.

Mr N. C. JOSHI (India) said that in India proceedings were now broadcast locally over a radius of 12 miles. Recently web casting had been introduced and broadcasts of debates were now available on the State Broadcasting station. One positive aspect of the live coverage of debates was an improvement in the dress sense of Members.

Mr Ian HARRIS (Australia) thanked Mr JOSHI for his remarks. He asked Mr Arno PALA (Papua New Guinea) about the experience of running a TV channel in a jurisdiction with a high turnover of Members of Parliament.

Mr Ano PALA (Papua New Guinea) there had been quite a low turnover in the last Parliament. It was not clear whether this was because of televising Parliament. Since TV in Parliament, the public had become more aware of the performance and activity of Members. There was only one TV station and they asked for payment for showing broadcasts and this was quite expensive.

Mrs Isabel CORTE REAL (Portugal) agreed with the foregoing remarks. She thought that television was useful in Portugal for covering Parliament because democracy was only 30 years old there. It created openness and transparency and this justified the change towards television coverage.

Mme Hélène PONCEAU, Vice-President, thanked the speakers and those who had put questions to them.

4. Concluding remarks

Mr Ian HARRIS, President, announced the conclusion of that day's business and thanked participants for their contributions.

He reminded colleagues that they were encouraged to think of further subjects for communications, questionnaires or topics for a general debate which could be included on the agenda for Autumn 2005. Members who had such proposals should approach the Joint Secretaries as soon as possible, so that their suggested topics could be included in the draft agenda to be adopted later.

The sitting would resume tomorrow at 10.00 a.m.

The sitting ended at 5.30 pm

THIRD SITTING
Tuesday 5 April 2005 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. Intervention by Mr Sergio Páez Verdugo, President of the Inter-Parliamentary Union

Mr Sergio Páez VERDUGO, President of the Inter-Parliamentary Union, said that it was a great honour for him to be able to take part in the meeting of the ASGP in Manila. He was following a practice which had been started at the autumn 2004 meeting in Geneva which was aimed at ensuring that the IPU and ASGP were better informed about their respective work. At a time when the representative function did not enjoy high public regard, the tactical work of the ASGP was very useful in complementing that of the IPU and in assisting legislative organisations to be more efficient.

The current leadership of the ASGP had been able to manage its affairs so that it had an up-to-date agenda and he praised the work of the President, Mr Ian Harris, as well as that of the Executive Committee, to which his compatriot Mr Carlos Hoffmann Contreras, who as Secretary General of the Senate of Chile had done so much to modernise that institution, belonged.

His role as head of the Inter-Parliamentary Union, essentially a political one, had been to include in the Orders of the Day of the meetings of the Inter-Parliamentary Union a certain number of problems which were of interest to all of mankind, but also to ensure that they were approached in a concrete and realistic way. In accordance with this, the session in Manila would deal with the parliamentary aspects of questions relating to health, social equality and justice.

The President concluded his intervention by wishing the participants every success in their deliberations.

Mr Ian HARRIS, President, thanked the President of the IPU for his willingness to pursue a closer cooperation between the two associations and he hoped that his presence before the ASGP would become a settled tradition.

2. New Members

Mr Ian HARRIS, President, said that the Executive Committee had received one further request for membership of the ASGP, as follows:

Mr El Hadj UMAR SANI	Clerk of the House of Representatives of Nigeria (replacing Mr Oluyemi OGUNYOMI who had become Clerk of the Senate)

This application for membership did not raise any questions and was *accepted*.

3. Communication from Mr Xavier Roques, France, on The right of Members of Parliament to propose public expenditure

Mr Ian HARRIS, President, invited Mr Xavier ROQUES, Secretary General of the Questure of the National Assembly of France, to present his communication on the right of Members of Parliament to propose public expenditure.

Mr Xavier ROQUES made the following presentation:

"For a long time, no rules existed preventing parliamentarians taking initiatives in the area of public finance. They could propose both increases in expenditures and reductions in taxes without having to worry about the impact of these measures on public finances.

The first measures designed to protect budgetary equilibria appeared under the Fourth Republic, but it was the current constitution of 1958 which, in Article 40, set forth the most detailed rules, providing that: "Proposals and amendments formulated by members of Parliament are not admissible when their adoption would have as a consequence either a reduction in public resources or the creation or aggravation of public expenditures".

But having formulated the rule, the Constitution did not indicate how it should be applied. This was left to regulations adopted in the two Houses, the National Assembly and the Senate, which perhaps explains why the rules are not identical in the two assemblies.

Therefore, before examining how the constitutional measures have been interpreted and the jurisprudence that this has given rise to, it is first necessary to examine how the principle has been interpreted.

I. – PROCEDURES GOVERNING THE CONTROL OF PARLIAMENTARY INITIATIVES

As previously indicated, there are differences in how Article 40 is applied in the National Assembly and the Senate. In what follows, it is principally the procedures of the National Assembly that are described.

A. – CONTROL OVER PRIVATE MEMBERS BILLS

The regulations of the National Assembly provides for two layers of control for Private Members Bills, as well as an external control.

1. – *Control at the time the bill is submitted*

When one or more deputies draw up a Private Members Bill, they send it to the Presidency of the Assembly which, before accepting the submission and sending it to the competent commission, has the admissibility of the text with respect to Article 40 of the Constitution verified by a delegation of the Assembly

Cabinet, presided by a vice-president of the Assembly and including a representative from each political party.

In practice, this control is extremely liberal and few texts are rejected at this stage (0 between 1997 and 2001, 2 in 2002, 1 in 2003 and 0 since) and, in the rare instances where it does happen, the imperfection that the text has is corrected after a meeting between the author of the bill and the delegation that requested the modification, to enable the bill to be admitted.

In reality, as the likelihood of the Private Members Bill being accepted on the agenda of the Assembly is extremely low, it hardly seems useful at this stage to reject a Parliamentary initiative that will most likely end up in the Assembly archives.

2. – *Control after submission*

This is all the more true as, assuming the Private Members Bill has a chance of being examined, it is possible at any stage, either for the government, or another deputy, to plead inadmissibility with regard to the text resulting in it being submitted to the Cabinet of the Finance Commission. This body currently operates as a de facto court. It hears the author (or authors) of the bill, the author of the objection and then, after deliberation, issues its ruling, applying the same jurisprudence as for amendments, in other words a "normal" interpretation of the constitutional measure. In practice, today, the Cabinet of the Finance Commission is asked to pronounce on this subject at most once or twice a year.

The decision may be to declare the whole of the text admissible or inadmissible, or to censure just a part of it. Depending on when the plea of inadmissibility is made, the Cabinet of the Finance Commission pronounces either on the initial tax law or the law as redrafted by the commission to which it was sent.

Although for a long time the Cabinet of the Finance Commission did not justify its decisions, for the last dozen years it has taken the opposite view, a way of shedding light on its "jurisprudence" to "those it judges".

3. – *Control by the Constitutional Council*

Once the legislative procedure has ended and the text is in a form to be promulgated into law, the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, 60 deputies and 60 senators have the right to refer the text's constitutionality to the Constitutional Council for decision. Any text that contravenes Article 40 would not be in conformity with the Constitution. The Constitutional Council plays the role of an appeal court charge with respect to decisions taken by the Parliamentary authorities responsible for implementing Article 40 of the Constitution. In practice, repudiation is exceptional as there has only been one instance of it since 1958, and that is old. Proof of the "juridical" approach of the Parliamentary authorities in this area.

B. – CONTROL OVER AMENDMENTS

In practice, parliamentary initiatives normally take the form of amendments to proposed government bills. Amendments can come from deputies, either alone or in 2 groups, from political groups or Parliamentary commissions. They all have to comply with the same rules of admissibility.

1. – *Control at the time of submission*

In the same way as proposals, amendments are sent to the Presidency of the Assembly, in other words officials working for the Parliamentary Session. If they consider that the amendment has in any way a financial aspect, they send it to the President of the Finance Commission stamped "Admissible or Inadmissible". The President of the Finance Commission sends a copy back with his decision. From a legal standpoint, he is only giving his opinion to the President of the Assembly who can decide whether he will follow it or not. Since 1958, there has only been one instance where the President of the Assembly has not followed the advice of the President of the Finance Commission. This created such a furore between the two authorities, with the President of the Finance Commission threatening to initiate an advice "strike", that it has never occurred since. In any case, in practice, the President of the Assembly never sees the opinion of the President of the Finance Commission and normally everyone talks of the decision of the latter. In reality, if the "advice" provided is negative, the amendment is sent back to its author with the comment "Inadmissible" without any further discussion.

Statistics on the application of article 40 of the Constitution with regard to submissions to the National Assembly

	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004
Number of amendments	11,732	5,741	10,709	13,835	12,326	8,479	4,885	35,393	27,073
Number of amendments sent to the President of the Finance Commission	2,428	2,042	2,532	3,259	3,550	2,822	1,952	11,727	16,158
Number of amendments declared inadmissible	352	495	480	627	804	658	335	2,901	1,892
ie as a % of amendments sent	14.5%	24.2%	19%	19.2%	22.6%	23.3%	17.2%	24.7%	11.7%
ie as a % of amendments submitted	3%	8.6%	4.5%	4.5%	6.5%`	7.8%	6.9%	8.2%	7.0%

In this heavy task, the President of the Finance Commission is assisted by officials working for the secretariat of the Commission who examine the affair before presenting it to him. Two at the beginning, their number has doubled with the increase in the number of amendments. In practice, we have gone from a system where the Chairman of the Commission individually examined each amendment to a system in which officials sort the amendments into three categories: amendments that cause no problems, hose that are clearly inadmissible and "in-between" amendments that are submitted to the President, it being understood that "in-between" amendments include those that are politically sensitive, not just to create an exception to normal jurisprudence, but also to ensure that the decision is taken after considering all aspects of the affair.

2. – *Control after submission*

In the same way as for proposals, pleas of inadmissibility can be raised at any time either by the government or a deputy, with respect to an amendment that has already been submitted. In this case, the

decision belongs to the President of the Parliamentary Session on the advice of the President of the Finance Commission, in other words, in reality, and for the reasons already outlined, to the latter. Use of this procedure is extremely rare (one case in 1994, another in 1998 and another in 2003, within the last four years) as, unlike private members bills, controls at the time of submissions are really made. New factors need to have emerged, for example as a result of the adoption during the debate of measures modifying the initial sense of the amendment, for the President of the Finance Commission to overturn his initial position.

3. – *Control by the Constitutional Council*

When a new law is being promulgated, submission to the Constitutional Council to verify its conformity with the Constitution can embrace poor application by the President of the Finance Commission of Article 40 of the Constitution. If he has wrongly declared amendments admissible that were later adopted, these measures can be nullified and the adopted law overturned. In which case, the law is promulgated without the amendment, provided that it can be dissociated from the rest. However if the President wrongly declared amendments inadmissible (which has never occurred), it would be the whole of the legislative procedure that would be called into question as the Assembly would not have been in a position to reach its decision on the basis of an admissible Parliamentary initiative.

As can be seen, submission to the Constitutional Council is a "Sword of Damocles" which no doubt explains why successive Presidents of the Finance Commission have always taken their decisions as "lower court judges" of constitutionality rather than as partisan political personalities. Consequently, there has not been a single example since 1958 of the Constitutional Council overturning a decision of the President of the Finance Commission. And I can recall the keen delight of one President who censured himself, declaring inadmissible an amendment of which he was himself the author.

II. – JURISPRUDENCE CONCERNING THE APPLICATION OF ARTICLE 40

Presidents of the Finance Commission regularly publish, approximately every 10 years, reports providing information on "jurisprudence" applicable to Constitutional provisions. I do not wish to go over the totality of this jurisprudence and will content myself to describe the main lines.

1. – "PUBLIC" RESOURCES AND EXPENDITURES ARE NOT JUST THOSE OF THE STATE

Besides the state, public finances embrace regions, departments, municipalities and local authorities, as well as social security and assistance regimes and public administration bodies. However in a mixed economy, how far should one go? Unemployment indemnification, the financing of social housing, professional training, public enterprises, and public bodies in the commercial and industrial sector, do they also fall within article 40 of the Constitution? One can see how complex actual situations can be and in addition they can change over time, for example following the introduction of competition in a sector of activity that was previously monopolistic, or with the injection of private capital into formerly nationalised industries. Should the state as shareholder be distinguished from the State as public authority? Even when considering monopolies, should public enterprises such as the SNCF in charge of rail transport, and structurally in deficit, and EDF, responsible for producing and distributing electricity and profit-making, be dealt with in the same way? Similarly, should compulsory complementary social security schemes be assimilated, given their compulsory nature, with basic regimes that clearly fall into the sphere of article 40?

In short, in order to be able to reach a decision on the "public" nature, or otherwise, of an entity, the "admissibility judge" has to refer to a battery of criteria, a range of indicators, such as the status of the organisation, the nature of its tasks, the origin of its revenues, the status of its staff, the monopolistic or competitive nature of its activities etc.

2. – WHAT BENCHMARK SHOULD BE USED FOR ADMISSIBILITY: EXISTING LAW OR PROPOSED LAW?

A reduction in resources or the creation of an expenditure has to be appreciated in the light of existing law. However, the notion of existing law can itself be murky. Should infra-legal standards which interpret existing legal standards restrictively, be included? What about temporary measures, or if legal standards contradict each other? Similarly, perceptions of existing law can vary according to whether one considers legal standards in volume terms or percentage terms.

Finally, when the Government's proposed bill itself leads to a reduction in resources or an increase in expenditure, it would be inconsistent not to allow Parliamentary initiatives choose between existing law and proposed law. Consequently, the basis for appreciating admissibility is no longer existing law but proposed law. Again, it is difficult to know how far to go: the text under discussion is clearly proposed law but what about the amendments suggested by the Government in another assembly and not adopted by that assembly. And what about the intentions of the government expressed in an official document or even orally (communicated to the Council of Ministers for example). In the opposite sense, one can not accept the "survival" of an intention for months or even years as political circumstances will have evolved.

Lastly, it can be seen that the option between existing law and proposed law is particularly difficult when one is confronted with a general reform instituting an entirely new measure: in this case, it would appear difficult to "go shopping" and combine elements which, individually, only have meaning when considered together in context: combining the least favourable elements for public finances in the two systems results in a deterioration, whatever basis is chosen.

3. – THE RULE FORBIDDING A REDUCTION IN PUBLIC RESOURCES

The subtlety of the rule lies in the use of the plural. It is the level of resources of a public entity that is protected, not the amount of any specific resource. As a result, a Parliamentary initiative can perfectly well propose a reduction in a specific tax, levy or resource provided that it simultaneously compensates for this reduction by an increase of the same amount in other taxes, levies or resources for the same public entity.

One can see the advantages and limits of such a system of offsetting. A reduction in resources can be proposed provided that there is, as one says in day-to-day parlance, a guarantee that the loss will be covered. This guarantee must be real, legally effective, simultaneous (in other words take effect at the same time as the loss of resources), as lasting as the loss (a temporary resource can not replace a permanent resource), and, above all, must benefit the same legal entity. This is easy for the State, or a specific security social regime or public enterprise, but less so when it concerns a group of entities. A reduction in a specific local tax compensated for by an increase in another will not have the same financial consequences in each of the 36,000 French municipalities and it is impossible to assess, commune by commune, the individual consequences. The judgment therefore has to be made at an overall level for the category of public entity concerned.

Furthermore, the notion of public resources is not precisely identical to that of public revenues. To take one example, fines provide revenues to the State but were not introduced to provide the State with income. Ideally, for the State, they should yield zero resources because then all citizens would be fully respecting the law. The same goes for the repayment of legal expenses or income from assets belonging to the "private" domain of the State such as forests and monuments. Lastly, there are measures which, although they probably have an impact on the collection of taxes, do not fall within the scope of article 40: changes in procedures for the collection of taxes, declaration or payment procedures, tax inspection rules etc, will increase or decrease tax evasion, although this is an indirect consequence, and, even if one believes that a simplification of controls might lead to more fraud, it is not enough to represent a "reduction in public resources". That having been said, this does not result in considering initiatives dependent on the Laffer curve admissible: the argument that a reduction in taxes generates additional economic activity and therefore, ultimately, increases tax revenues, has never been accepted…

4. – THE RULE FORBIDDING AN INCREASE IN PUBLIC EXPENDITURE

Here, the use of the singular is deliberate. In work preparatory to the Constitution, offsetting between public expenditures was described as the "ruin of public finances", no doubt because of the illusory nature of such offsetting. As a result, any initiative creating an expenditure, even if accompanied by a reduction in another expenditure or the creation of income to finance it, it is considered inadmissible. The rigour of the rule is such that amendments that create a resource calculated on the basis of a possible expenditure are considered inadmissible. It is considered that the real aim of the author of the initiative was the creation of the expenditure and that the apparent aim of creating new income is a smokescreen. Similarly, an amendment involving borrowing is considered in the light of the expenditure represented by its future repayment rather than on the basis of the arrival of an immediate resource.

It is not considered important that overall expenditures remained constant; an increase in the number of beneficiaries of a social benefit offset by a reduction of the same amount in the amount of this benefit, and vice versa, represents forbidden expenditure/expenditure offsetting. And the notion of expenditure is considered, like that of income, for each entity individually: the transfer of State jurisdiction to the regions represents, for the latter, a creation of expenditure that is not allowed despite the compensating reduction in expenditure for the State.

The distrust of initiatives that create expenditures, even potential, has gone so far that the judge of admissibility refused a Parliamentary amendment to a law authorising the Government to legislate by decree, which extended this authorisation. The authors of the amendment contested the severity of the ruling to the Constitutional Council on the grounds that it was simply a power given to the Government who could choose to use it or not, and therefore decide whether or not to make the corresponding expenditures, which it had the constitutional power to do as article 40 applies to Parliamentary initiatives and not to government decisions. In spite of this argument, which was not without basis, the Constitutional Council confirmed the correctness of the position of the President of the Finance Commission, considering that the interposition of the Government and the purely hypothetical nature of the expenditure did not stop it from nevertheless being an expenditure.

Article 40 may seem extremely restrictive for Parliamentary initiatives. However, its use needs to be placed in context. In taxation matters, it restricts initiatives very little, as it is always possible, through the use of a guarantee – and there are many general-purpose guarantees, ranging from tobacco and alcohol duties to

those concerning VAT – to propose just about any tax measure. It is much more restrictive in the area of social security as an increase in a social benefit constitutes an expenditure, and experience shows that it is in proposals relating to social security that the largest percentage of in-admissible amendments have occurred. The 100% rate was once reached! However if one looks at the political reality, things are less bad: the Parliamentary majority always has the possibility, through its political influence, to convince the Government to submit the amendment (or proposed law) that it wants. Conversely, if the Government is hostile to the initiative, what is the point of submitting an amendment that would only provoke a conflict between the Government and the deputies that are supposed to support it. It all comes down to a matter of organisation and discussion within the majority. And as for initiatives proposed by the opposition, one might say cynically that their elimination via article 40 changes very little as they would have very little chance of being approved by the Assembly. After all, it is the spirit of the Fifth Republic to have an Executive that governs and a Legislative that controls. Article 40 of the Constitution is in some ways a translation into legislative procedures of article 20 of the same text, in which "the Government determines and conducts the policy of the Nation", in other words has the power of initiation and in which Parliament is responsible for approving or not initiatives and controlling the Government's action, in other words a forum for explanation and ratification rather than a body that initiates decisions.

GENERAL PRINCIPLES GOVERNING THE FINANCIAL ADMISSIBILITY OF AMENDMENTS WITH RESPECT TO ARTICLE 40 C.

	If the consequence of the amendment is:	It is:
1. Basic principles	- the creation or aggravation of an expenditure	Inadmissible
	- the creation or increase in a resource	Admissible
	- the elimination of reduction in an expenditure	Admissible
	- the elimination or reduction in a resource	Inadmissible
2. Offsetting rules (1)	- the elimination or reduction in a resource combined with the creation or increase in another resource	Admissible (2)
	- the elimination or reduction in a resource combined with the elimination or reduction in an expenditure	Inadmissible (3)
	- the creation or the increase in an expenditure combined with the creation or increase in a resource	Inadmissible (3)
	- the creation of increase in an expenditure combined with the elimination or reduction in another expenditure	Inadmissible (3)

(1) The letter of article 40 which forbids *either* a reduction in public resources or the creation or increase in a public expenditure explains the compartmentalisation of operations between resources and expenditures.

(2) Provided that the compensatory resource is real, immediate and benefits the same entities or organisms (decision of the Constitutional Council of 2 June 1976).

(3) The plural used by article 40 in connection with resources authorises offsetting in this domain whereas the singular used for the word expenditure explains why it is impossible to utilise offsetting for any initiative involving an operation of this sort.

RULES BASIS

Type of government initiative	Category of Parliamentary amendment	Justification
1. Reduction in resources: If the project reduces a tax from 100 to 80: The basis is the *text under discussion*	1. The amendment *can not* reduce the tax below 80 2. But it *can* increase it of course above 100 3. And it *can* reduce the tax to an intermediate level between 100 and 80	There would be a reduction in resources compared to the text under discussion as well as compared to existing law Resources are created There s a reduction in resources compared to existing law, but not compared to *the text under discussion*
2. Increase in resources If the proposal increases taxes from 100 to 120: The basis is *existing law*	4. The amendment *can not* reduce the tax below 100 5. But if *can* of course increase it above 20 6. And it *can* increase the tax to an intermediate level between 100 and 120	There would be a reduction in resources compared to the text under discussion and compared to existing law Resources are created There is a reduction in resources compared to the text under discussion, *but not compared to existing law*
3. Reduction in expenditure: If the project reduces a benefit from 100 to 80: The basis is existing law	7. The amendment *can not* increase the benefit beyond 100 8. But it *can* of course reduce it below 80 9. And it *can* reduce it to an intermediate level between 100 and 80	There would be an increase in expenditure compared to existing law as well as compared to the text under discussion There is a reduction in expenditure There is an increase in expenditure compared to the text under discussion, *but no compared to existing law*
4. Increase in expenditure: If the proposal increases a benefit from 100 to 120: The basis is the *text under discussion*	10. The amendment *can not* increase the benefit above120 11. But it *can* of course reduce the expenditure below 100 12. And it *can* increase it to an intermediate level between 100 and 120	There would be an increase in expenditure compared to the text under discussion as well as compared to existing law There is a reduction in expenditure There is an increase in expenditure compared to existing law *but not compared to the text under discussion*

Mr Ian HARRIS, President, thanked Mr Xavier ROQUES for his communication. He invited members to put questions.

Mr Marc BOSC (Canada) said that similar principles to those put forward by Article 40 of the French Constitution were observed in Canada, but that it was nonetheless possible for an MP to propose a tax cut. He wanted to know if that was also possible in France.

Mr Xavier ROQUES said that this was not possible unless there was a corresponding rise in fiscal receipts elsewhere. He said that there was a certain number of means that were usually used in such cases – as, for example, the increase of taxation on tobacco or alcohol. When the Government was in favour of a proposal for removing a tax burden it was able to remove the corresponding increase by way of an amendment to the Member's proposal.

Mr David BEAMISH (United Kingdom) asked about the practical implications of this system for Members of Parliament.

Mr Xavier ROQUES said that this system was mainly a problem for the Opposition which was in effect never able to propose an increase in expenditure, although a Member who was in the majority party could always "sell" a measure which he supported to the Government – that is to say, to get them to take over his suggestion.

This represented a break with the situation which prevailed before the Fifth Republic, where there was no limit placed on the right of Members of Parliament to propose. In limiting this right the Government from that moment had put itself into a more comfortable position.

Mr Hans BRATTESTÅ (Norway) thought that the provisions of Article 40 were extremely restrictive and as such constituted a means of restraint which was the dream of all Governments. He asked whether the French Members of Parliament were not therefore deprived of all rights to propose changes.

Mr Xavier ROQUES confirmed that Members of Parliament were only able in the course of the budgetary debate to propose an increase in taxation or decrease in expenditure. They were therefore forced to be extremely virtuous – and this is linked moreover to the original preoccupation of all Parliaments, namely that of the control of Royal expenditure. The rules even went so far as to prevent "false diminutions", which for example took the form of purely indicative amendments.

Mr Hans BRATTESTÅ (Norway) asked whether Parliament had not therefore completely abdicated its role in controlling the budget.

Mr Xavier ROQUES said that Article 20 of the Constitution reserved to the Government the duty of defining and conducting matters for which it was responsible.

Parliament each year voted for taxation at the request of the Government and approved (or not) requests for expenditure which were presented to it. But it could not substitute other expenditure – except by way of bringing down the Government by way of a censure motion which would lead to the nomination of a new Government that had a policy which was more in accord with the wishes of Parliament.

Mr Manuel ALBA NAVARRO (Spain) said that in Spain there were similar problems, but he was also astonished – like Mr BRATTESTA – to hear of the limits put on the right to make

proposals which were enjoyed by French Members of Parliament. If Parliament could be bound by the provisions of the law on finance which it had voted for he wanted to know what rights it had during the debate on the Finance Bill, since financial sovereignty was at the root of the power of Parliaments.

Mr Xavier ROQUES accepted that the Finance Bill established an initial balance. When the Constitution of 1958 was drafted, its authors expressed a certain lack of trust of Members of Parliament, who were supposed to be vulnerable to all sorts of temptations to increase expenditure in order to satisfy the demands of their electorate. It was that reason that the rule under Article 40 had been introduced and the choice had been made to reserve the right to propose matters relating to expenditure to the Government.

Mrs Marie José BOUCHER-CAMERA (Senegal) asked Mr ROQUES what he meant by the expression “Parliamentary control”.

Mr Xavier ROQUES said that control was based on an examination of the suitability of expenditure or receipts and, in the course of that, on the quality of the policy on which it was based and the nature of engagements which were undertaken.

Mr George CUBIE (United Kingdom) said that in the United Kingdom the right of Members of Parliament to propose expenditure had been limited since the 18th century, but that Members had progressively succeeded in getting past these provisions.

He asked what would happen if, when an amendment had been considered in order by the Chairman of the Finance Committee, during debate it appeared that the intention of its proposer had not been what had been originally thought. In that case, did the Chairman interrupt the debate?

Mr Xavier ROQUES said that in certain circumstances debate had shown that there was a divergence between the formal orderliness of an amendment and its real purpose. The Chairman of the Finance Committee had interrupted and declared the amendment as out of order – which showed that the final purpose of proposals were looked at rather than their formal terms.

Mr Kaspar HAHNDIEK (South Africa) said that the 1996 Constitution did not deal with this question and in principal parliament had the right to amend the Budget. He asked whether the Constitutional Council automatically looked at budget matters. He was astonished that fewer than 10% of amendments put down were successful and wanted to hear more about that situation.

Mr Xavier ROQUES said that putting down amendments was the means by which a Member of Parliament could show his political engagement and that this was a French tradition. The Constitutional Council examined a law before it was promulgated at the request of the President of the Republic, the Prime Minister, 60 Members of Parliament or 60 Senators. Referral to the Constitutional Council was automatic for constitutional laws and likely for other laws.

Mr George PETRICU (Romania) asked whether practices similar to the French practices existed in other parliaments of the European Union.

Mr Xavier ROQUES said that the French approach was borrowed from the British approach but applied in a more rigorous way. The desire to avoid a situation where once a budget was voted the finance law led to an imbalance seemed to be a common one.

Mr Ian HARRIS, President, said that in Australia as well the right to make financial proposals was restricted to the Crown. He had been struck by the number of amendments put down in France and was impressed with the amount of work which he imagined was necessary to deal with them. In Australia a Member of Parliament could always put down an amendment even if it was out of order which would allow him to speak on any matter and express himself in public debate.

4. Communication by Mr Carlos Hoffmann Contreras, Chile, on Legal initiative according to Chilean Law

Mr Ian HARRIS, President, invited Mr Carlos Hoffmann CONTRERAS, Secretary General of the Senate of Chile to present his communication on Legal Initiative according to Chilean Law.

Mr Carlos Hoffmann CONTRERAS presented his communication as follows:

"Ladies and Gentlemen,

According to dictionaries and academic reference books, the concept "initiative" denotes "the right to submit a proposal", "the exercise of said right", and "the action of anticipating others in word or in deed". Accordingly, initiative is the first step or beginning in the process of lawmaking.

For the Chilean constituent, initiative is the starting point of a bill of law, the first stage of its formation, the legal act capable of putting the generating process into motion.

The initiative can only be generated by a message from the President of the Republic or a motion from a Member of either Chamber of the National Congress.

Before analyzing how the initiative must be expressed, depending on its origin, allow me to emphasize that the above necessarily implies that it may not be generated by any other authority. According to the logic of representative democracy, citizens do not possess the right of initiative, which, as we know, is inherent to semi-direct forms of democracy. However, it should be remarked that according to our laws every citizen has the right to "petition the authority on any matter of public or private interest, with the only condition of proceeding in a respectful and convenient manner" and, in the exercise of said right, he or she may petition the President of the Republic to issue messages, or Deputies or Senators to draft motions, reflecting the legislative ideas he or she advocates.

The initiative originating from a Member of Parliament is called a motion. According to Article 62, clause 1 of the Constitution, a motion may be put forward by a Member of either the Upper or the Lower House. This established, from the very beginning, the substantial equality of both branches of Parliament in the exercise of this attribution

May I add that in comparative law of jurisprudence we find the equivalent concept of "proposal" to differentiate a motion from a Presidential initiative.

The main requirement to formalize a motion pertains to the fact that it must be signed by at least one Deputy or Senator, and by no more than ten Deputies or five Senators, the latter in order to avoid the possibility of a "pre-approval" that is prior to any debate. The initiative, not formalized unless signed by at least one Member, must also be submitted to the relevant Registry. Consequently, it is not recognized as a motion unless it has been duly submitted, by which act the authorship is formally recognized.

Deputies and Senators may initiate motions on all issues excepting those that, according to the Constitution, are reserved exclusively to the President of the Republic. This, as well shall see, considerably reduces freedom of initiative.

According to the Rules and Regulations of the National Congress of Chile, motions on issues that can only be initiated by a message from the President of the Republic are not accepted. Moreover, the Rules of the Senate establish that "motions related to issues belonging to the exclusive initiative of the President of the Republic shall not be admitted".

Furthermore, the document on initiative must be addressed to the Honourable Chamber or the Honourable Senate, and according to custom the articles are preceded by an exposition on the fundamental inspiration and basic aspects of the bill. Similarly, Article 11 of the Rules of the Chamber of Deputies establishes that, whenever possible, motions shall be submitted so as to refer to only one subject, with each disposition contained in a separate article; and Article 14 establishes that "all articles of a bill of law must include, in precise terms, the rule, prohibition or mandate that is to become law, without expounding on underlying grounds or reasons".

Before analyzing the procedural aspects of a bill initiated by the President of the Republic is should be remarked that in a classical presidential system such as that of the United States of America, characterized by a pronounced separation of the powers of the State, the President of the Republic is not granted legislative initiative. This expresses the extension and scope of the duties of the President, as well as the legislative autonomy of Congress.

Chilean constitutional law grants general powers to the President of the Republic, as well as exclusive initiative on many important issues. This, in the opinion of some legal and constitutional experts such as renowned Professor Alejandro Silva Bascuñán, "differs from the presidential type of government in certain relevant aspects, establishing [...] a juridical and political hybridism [...]". He also considers that "the power of initiative is granted to the President on account of considering that he, no doubt having a wider and more topical objective vision of national problems, may be particularly able to devise the better ways to solve them".

As to the issue of procedure, it should be remarked that in Chile the presidential message must be duly signed by the President of the Republic and the relevant Minister or Ministers, pursuant to the issue addressed by the bill. The message is preceded by an exposition in which the President explains the reasons for the request of juridical rule he is submitted for debate by both Chambers of Congress. The President of the Republic has the authority to initiate all laws, of any kind and on any issue. Chilean law contains no disposition establishing or implying an exception to this general rule.

I should add that the scope of the exclusive initiative of the President of the Republic increased throughout the course of Chilean constitutional history and up to the present Constitution, in force since 1980, to include all administrative, economic and financial issues,

provisional or not, as well as any others that, in general, might imply expenses to the public treasury.

In fact, Article 62 of the Constitution of Chile establishes that the President of the Republic has exclusive initiative on any bill related to alterations of the administrative or political regions of the country, or which State financial or budgetary administration, including any amendment to the State Budget.

More specifically, the constituent grants the President of the Republic exclusive initiative to impose, annul or condone any kind of tax; to create new public services or remunerated public employment in the fiscal or autonomous sectors of the State; to enter credit agreements or any other operation entailing State financial responsibility; to set, modify, grant or increase salaries or allowances of public administration pensions; to set minimum wages for the private sector; to establish modalities and procedures for collective negotiations; and to set or amend social security standards for both the public and the private sector.

On the other hand, the same Article of the Constitution presently in force establishes that the National Congress can only accept, diminish or deny services, employment, emoluments, loans and other relevant initiatives that have been proposed by the President of the Republic

It can be observed that, according to Chilean law, parliamentary initiative has become extremely reduced, both in scope and in importance.

The decision of analyzing the issue of legal initiative in Chilean law is based upon the fact that it is the first step in the various stages and proceedings of the legislative function of Parliament. The scrutiny of rules whose observance is unavoidable and to which the co-legislative bodies must adhere, as well as of established powers and requirements, can be a useful comparative tool to perfect the lawmaking process, both in form and in substance.

Thank you."

Mr Ian HARRIS, President, thanked Mr Carlos HOFFMANN CONTRERAS for his communication and invited members to put questions to him.

Mr Ibrahim SALIM (Nigeria) wanted to know whether private member's motions could result in laws or if that was something which was reserved to initiatives from the President of the Republic.

Mr Carlos HOFFMANN CONTRERAS said that of course that was possible and he noted that between 10% and 20% of current laws in force were the result of private member's motions.

Mr Hans BRATTESTÅ (Norway) was surprised that there were so many limitations placed on the ability to move motions and asked himself what the point of these limitations were. He thought that the right to move motions in Parliament should not be so restrained even if it might proceed differently in respect of laws which had already been put into effect (or promulgated subject to constitutional checks). He had also been surprised that the power to make judgements on the draft seemed to be reserved to the President of the Republic.

Mr Carlos HOFFMANN CONTRERAS said that the limitations had their origin in the desire to avoid Parliamentary competition – a change to the Constitution had been proposed to this end by the President of the Republic 20 years previously and had been agreed to by Congress.

This situation had not really created much of a problem in the course of previous years. Even if the President of the Republic had important powers, Parliament could always oppose his veto.

Mrs Stavroula VASSILOUNI (Greece) said that in Greece the Government also had the right to make proposals and asked what the rights were in this respect of the Government of Chile.

Mr Carlos HOFFMANN CONTRERAS said that in Chile the President and the Government were the same, which is why he had the right to make proposals.

Mr Xavier ROQUES (France) recalled that he had written a thesis on the presidential regime in Chile and asked whether ministers could be dismissed by Parliament and if this power was ever used.

Mr Carlos HOFFMANN CONTRERAS said that the Chamber of Deputies could always impeach a minister. The articles of impeachment were then sent to the Senate, which then sat in judgement. The last case had been 15 years previously. If the Senate upheld the articles of impeachment the career of the Minister was definitely compromised and his case was sent to a criminal Tribunal which applied the common law.

Mme Hélène PONCEAU (France) referring to the right to petition, said that this right was very little used in France. She wanted to know whether Chilean citizens made greater use of this right either to petition the President of Republic or Parliament. She wanted to know in what way such petitions were treated and if they resulted in motions or draft Bills.

Mr Carlos HOFFMANN CONTRERAS said that the right to petition was also very little used in Chile.

Nonetheless, the Internet site of the Chamber received many drafted Bills coming from citizens which were assembled and published in various categories. The public was then invited to comment. In this way the right to petition had found a new lease of life.

Mr Artemio A. ADASA (Philippines) wanted to know how the system of checks and balances operated between the Government and Parliament in respect of public expenditure.

Mr Carlos HOFFMANN CONTRERAS said that the public law system in Chile gave the President powers which were incomparably greater than those of Parliament. As far as draft Bills were concerned, the Executive had the financial means to be assisted by experts who prepared and defended Bills; Parliament did not have similar means.

Mrs Doris Katai MWINGA (Zambia) said that in Zambia the Constitution was being amended to give Parliament the ability to make proposals which had financial repercussions.

She asked whether the numbers set for presenting a motion – fewer than five senators or 10 deputies as signatories – had been chosen arbitrarily and also wanted to know by whom the Government was represented in the course of Parliamentary debate.

Mr Carlos HOFFMANN CONTRERAS said that the Chilean system was a presidential one which meant that the President was responsible for guiding the country. It was therefore not surprising that the right to make budgetary proposals was reserved to him. The Constitutional

reform had been approved as much by the Senate as by the Chamber of Deputies, which had both accepted the limitation on their own field of action.

The limits placed on the number of signatures were meant to prevent the launching of "micro campaigns" before debate was opened in public session.

As far as initiatives presented by the President were concerned, they were defended in the Chamber by members of the majority party, but also by ministers who were authorised to make statements in various debates.

Mrs I. Gusti Ayu DARSINI (Indonesia) wanted to know if there was a legislative programme over the course of several years in Chile and also what happened if the President refused to sign a draft Bill which had been agreed to by Parliament.

Mr Carlos HOFFMANN CONTRERAS said that there was no legislative programme over the course of several years. Normally the President announced his plans and related proposals on the 21st of May in the course of his annual Speech marking the celebration of the National Day.

A draft which was agreed to buy both Houses was sent to the President. After 30 days elapsed, even if he had not signed it, it was this seemed to have been promulgated. In return, the President had the right to veto which obliged Parliament to return to the text again in order to re-examine or amend it. In case of serious conflict, sometimes the parties themselves asked the President to use his right of veto to settle an argument.

Mr José Pedro MONTERO (Uruguay) asked for details of the urgent procedure in respect of legislation.

Mr Carlos HOFFMANN CONTRERAS said that when the President defined a draft Bill as being of "simple" urgency, each Chamber had 30 days to examine it and vote on it. There was also a procedure of "extreme urgency" which set a framework that gave both Houses only 10 days each to decide it. The President could even ask for "immediate" discussion which only allowed three days to the Houses.

Mr Mamadou SANTARA (Mali) said that in Mali, as was often the case in French-speaking Africa, the President could propose draft Bills relating to Amnesty. Did the President to have the right of initiative in respect of Amnesty in so far as it existed in Chilean law? In addition, what percentage of such draft Bills coming from the president were rejected?

Mr Carlos HOFFMANN CONTRERAS said that in Chile they were general amnesties or special amnesties. A general pardon applied to those people had already the found guilty; a special amnesty simply recognised that the crime of which someone had been accused did not exist. The right of initiative belonged to the President of the Republic but the draft Bill always began in the Senate with very few exceptions.

About 80% to 90% of draft presidential Bills were agreed to, which was explained by the large Government majority in the Chamber of Deputies – a majority which was not repeated in the Senate, where the 48 seats were divided between 24 senators of the majority party and as many from the opposition.

Mr Christoph LANZ (Switzerland) said that the different interventions showed the diversity of Parliamentary Systems.

In Switzerland, no Member of Parliament would permit any limit on his or her right to make proposals and it was Parliamentary debate which was relied on to fight and, where necessary, vote down unsuitable motions.

Mr Ano PALA (Papua New Guinea) asked whether there were constitutional procedures, customs or practices which guaranteed the right of Parliament or its Members to ask the President to undertake certain initiatives.

Mr Carlos HOFFMANN CONTRERAS said that even if there were no constitutional provisions relating to this, the need to have the votes of the majority party often led to prior negotiations among all the parties which allowed 0% to 20% of the laws to arise from proposals within Parliament.

Mr Ian HARRIS, President, thanked Mr Carlos HOFFMANN Contreras as well as those who had contributed to the debate.

5. Communication from Mr Martin Chungong on the recent activities of the Inter-Parliamentary Union

Mr Martin CHUNGONG, Director of the Division for promotion of democracy in the Inter Parliamentary Union, said he was pleased to be able to come regularly to make a presentation about the recent activities of the IPU. He introduced Mr Andy Richardson who was responsible for the resource centre of the IPU – the aim was to transform the library of the union into a more modern resource centre.

He then described the main activities within the Into Parliamentary Union without making any claim to giving an exhaustive list.

From the point of view of reinforcing Parliamentary capacity, two major initiatives had been started up. In Afghanistan, permission had been sent to couple in October 2004 in the context of the establishment of the bicameral parliament in the following autumn. In cooperation with UNDP the requirements in respect of staff, training, buildings etc had been evaluated. The French parliament had taken the lead in this operation. In particular it had organised training sessions for future managers. A French official was in post in Kabul in order to coordinate activities with UNDP.

In Iraq, after a meeting of Speakers of neighbouring states in 2004, in the course of which assistance from the IPU had been asked for in respect of establishment of democratic institutions, the IPU had established Parliamentary teams to monitor elections to the transitional national assembly. Contact had been made with the Secretary General of that assembly and it the project had been prepared. The final Assembly would be established at the end of that year.

In Nigeria, there was a fully operational project in Abuja which had at its aim the improvement of links between the Federal National Assembly and State assemblies in order to take into account better the needs and expectations of society.

In Uruguay in December 2004 a new agreement had been signed with Parliament, UNDP and the Fight Commissioner for Human Rights relating to the promotion and protection of human rights.

In Papua New Guinea case seminar on human rights had also been organised.

In Kosovo, which was a territory with its own legislative organisation, a system which allowed better public information on parliamentary activities had been set up in cooperation with UNDP.

In 2004 a contract worth 1.3 million Swiss francs had been signed with the Swedish Development Agency in respect of three main things: support for Parliamentary capabilities, protection of the rights of women and contribution by parliaments to the protection of human rights.

As far as stakes in conflict were concerned (Burundi, a one-day) in collaboration with UNDP, the IPU had set up a certain number of studies and had identified experts to define the general situation, needs and means by which assistance could be given in the most effective way possible. In the following year at an international conference would be organised in Brussels which would discuss the conclusions which had been reached.

In the area of electoral law, a study had been published in the 1990s on the main developments in the establishment of free and fair elections. In 2004, 10 years later, it had been necessary to return to this subject. Therefore, a round table had been organised in Geneva in the previous November which had concluded that it there was no need to draw up a list of good practices in itself but the question of participation of women in elections and the role of electronic communications was re-examined.

Following a decision of the 5th International Conference on New Economies (2003) the IPU had been asked to define "indicators of democracy". Rather than classify current systems according to their more or less democratic characteristics, it had been decided that it was more useful to identify criteria based on the experience of Parliaments themselves. The IPU had therefore been asked to define criteria and a working group, made up of former Members of Parliament and academics, had been established.

A questionnaire had been sent out to Parliaments which the aim of establishing a list of useful practices for the promotion of democracy at the national and local level with the aim of preparing a manual which could be discussed at Libreville that summer and put before the second World Conference of Speakers of Parliament the following autumn at New York.

Co-operation with the ASGP had been greater, in particular in the form of participation of the President the ASGP at meetings of the Executive Committee of the IPU. Australian staff had been attached to the secretariat of the IPU to support it (Mr Andres Lomp, and then Mrs Catherine Cornish) and the IPU hoped that that support would continue.

The second World Conference of Speakers of Parliament would take place in New York from the 7th to the 9th September 2005. A request for entry visas should be made as soon as possible to the US authorities since delivery of visas could take several weeks.

A meeting on sustainable development would be organised in the near future in Paris (22 – 23 April 2005) in order to define the special needs of Parliaments within that area.

Seminars were planned to be held in Latin America which had been slightly ignored in the course of the last few years. One would be held on parliamentary scrutiny of the security services in Uruguay in June 2005 and one on equality between men and women in El Salvador in September.

Mr Ian HARRIS, President, said that Mr Frank Boulin, honorary joint secretary of the ASGP, would soon take up his duties in Kabul.

As far as the questionnaires relating to good democratic governments were concerned, the documents had been sent out by the Joint Secretaries to members of the ASGP.

The Association hoped to meet for half a day in New York before the Speakers' meeting which would allow for a debate on the information which had been collected.

Mr Hans BRATTESTÅ (Norway) wanted to know what the state of relations was between the IPU and the United Nations after the difficulties following the Cardoso Report.

Mr Manuel ALBA NAVARRO (Spain) said that it seemed to him difficult to reply quickly to the questionnaire because many of the subjects touched on were on the border between politics and practice.

In addition, the questions were not always very clear and could not simply be given a yes or no reply. For that reason it would be necessary to understand better the nature of the expectations of the IPU

Mr Prosper VOKOUMA (Burkina Faso) supported the request of Mr BRATTESTA to know about the state of relations between the IPU and the UN.

Mr Martin CHUNGONG first of all referring to the conclusions of the Cardoso Report, thought that that question seemed to be in limbo. The United Nations was waiting for the result of consultations which had been started with the secretariat of the IPU. The declaration made in the course of preparation for the second World Conference might include a position statement of the Speakers on relations with the United Nations.

As far as the questionnaire of the IP was concerned, and it which was included tried to explain the principles of the project and a model had been prepared to help with identifying the characteristics of an effective parliament. What was asked for was a description of national good practice and the best working methods: it was obvious that some questions were only relevant to particular countries because of their constitutional structure. In addition, any complementary documents would be gratefully received and studied.

The sitting ended at 12:30 p.m.

FOURTH SITTING
Tuesday 5 April 2005 (Afternoon)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 3.00 pm

1. General Debate on Interparliamentary co-operation within geopolitical regions

Mr Ian HARRIS, President, invited Mr Anders FORSBERG to open the debate.

Mr Anders FORSBERG (Sweden) spoke as follows:

"Background

Regional cooperation exists all over the world in different shapes and for different reasons. Often the cooperation also includes cooperation between parliamentary assemblies in that particular region.

In the region of Europe, the European Union is in many ways a unique project. What started as a peace project in 1952 with the six member states in the Coal and Steel Community, and a common market for the sectors of industry that were the basis for the arms race – coal and steal – has today developed into a political union with supranational elements. The number of member states has grown from six to 25. The development can probably be attributed to many combined factors - apart from the political dream of peace and a unified Europe - such as an efficient organization, common culture and history, financial interests and simply a need to facilitate trade and communications in Europe.

The European Union today

Today the Union has 25 member states comprising some 450 million inhabitants. A year ago there were 15 member states and 10 years ago 12. Another four countries have applied for membership (Romania, Bulgaria, Turkey and Croatia) and there are membership perspectives for the Western Balkans.

In parliamentary terms this means 26 parliaments, including the European Parliament, with 37 chambers, approximately 430 standing committees and almost 10 000 members of parliament.

A Constitutional Treaty

A cooperation of this dimension needs clear rules and procedures. Other rules are required for 25 member states than for a less extensive cooperation. Therefore a new treaty has been elaborated, based on the current treaties in force. The new, constitutional treaty was agreed

upon by the EU heads of state last summer. The ratification procedure is ongoing. The aim is that the new treaty will come into force in November 2006. The ratification of the constitutional treaty is a hot political issue in Europe since the public opinion on the EU cooperation is divided. Several member states will perform referenda and the outcome of the referenda is definitely not clear yet. However, the new treaty will not change the basic structure of the European Union.

How does the EU work?

The member states have formed the EU by adopting a series of common treaties. They have provided the organisation with its own institutions and given these institutions the right to take certain decisions. Decisions taken by the EU institutions are binding for member states. In the treaties, the member states establish what is to be decided at EU level and how.

The EU has five common institutions, which jointly represent interests of the EU as a whole, of individual member states and of the citizens of all EU countries:

The European Council (often referred to as the EU summit) is the highest-level policy-making body and brings together the member states' heads of state or government. *The Commission* presents proposals for new regulations and monitors compliance with the rules. The member states nominate members to the Commission (at present one each). *The Council of Ministers* represents the governments of the individual member states and is the decision-making body in the EU, often together with *The European Parliament.* The European Parliament takes part in the EU's legislative and budgetary process and monitors the Commission. It comprises 732 members who are elected directly by the citizens in the member states every five years. *The Court of Justice* interprets regulations and provides rulings in the case of disputes. EU law must be applied in the same way throughout the EU. *The Court of Auditors* examines the EU budget and accounts.

The role of national parliaments

The European cooperation started off as a purely intergovernmental cooperation with a limited role for parliamentary assemblies. Today EU has a parliamentary assembly with directly elected parliamentarians – the European Parliament. This parliament has got increased powers over the years but is still rather anonymous to people. It has also a limited mandate and its role can not be fully compared to the role a national parliament has in a state.

Public opinion in several member states is not totally positive to the Union and for some years – concurrently with the Union's increased importance – a democratic deficit has been one of the problems with the Union. In the efforts to strengthen legitimacy for the union, the European Parliament has not been considered as sufficient. In the preparations for the new treaty national parliaments were invited for the first time to participate directly in the work.

National parliaments have an important role to play in contact with the citizens. People identify more easily with their national parliament and national parliamentarians than with EU-institutions. A more active involvement by national parliaments has therefore been considered as both desirable and necessary. Since EU-matters directly affect people they also need to be discussed at national level. National parliaments have to play a more active role in scrutinising their own governments.

The new EU-treaty includes provisions to strengthen the role of national parliaments. One is the introduction of the so called subsidiarity check[1]. Another is that documents with legislative proposals and other documents shall be distributed directly to national parliaments and not via their governments. It is also stipulated that a certain period of time should elapse between a proposal is tabled and a decision is taken. This to allow parliaments time to scrutinize the proposal.

In the provisions national parliaments and the European Parliament are also requested to find forms for interparliamentary cooperation.

Cooperation between national parliaments

Towards this background a Working Group, the Athens Group, was set up in 2002 by the Conference of EU Speakers on the initiative of the Swedish Speaker.

A starting point for the work was that since national parliaments have the same tasks and role in the member states they would benefit from exchange of information and best practices when fulfilling their tasks in the best possible way.

The Athens Group concluded that:
- Interparliamentary cooperation needed to be better structured and coordinated
- Exchange of information should be promoted on all levels within parliaments
- The degree of cooperation was a matter for each parliament to decide
- To new institutions within the EU were to be established
- Arrangements for subsidiarity control would be needed
- The Conference of EU Speakers should assume a coordinating role for the cooperation
- Guidelines for interparliamentary cooperation should be elaborated

Guidelines for interparliamentary cooperation

Such guidelines were agreed upon at the Conference of EU Speakers in The Hague, The Netherlands, last summer (see appendix). The guidelines comprise the following parts:

1) Objectives

-To provide information and strengthen parliamentary scrutiny in all political areas of competence of the EU.
-To ensure the efficient exercise of parliamentary competencies in EU matters, in particular in the area of subsidiarity control by national parliaments.

2) Framework

- Conference of EU Speakers
- Meetings of sectoral committees

[1] The subsidiarity check or "the early warning mechanism" is to safeguard the principle of subsidiarity, that is - a decision should be taken at the best and most efficient level; EU, national or regional level.

- COSAC (Conference of Community and European Affairs Committees of Parliaments of the European Union)
- Simultaneous debates in interested parliaments
- Secretaries General
- IPEX (Interparliamentary EU Information Exchange), a platform for the electronic exchange of EU-related information
- Representatives from national parliaments in Brussels

3) Fields of cooperation
- Subsidiarity control
- Exchange of information and documents
- Conferences and other events
- Political areas - priorities indicated by Conference of EU Speakers

4) Practical arrangements
- Calendar of meetings
- Routines for invitations

The Future

In a month's time, 6-7 May 2005, the Conference of EU Speakers will meet again in Budapest, Hungary. This will be the first time the Conference will meet since the guidelines were agreed on. A first evaluation of the interparliamentary cooperation so far can then take place as well as discussions on the future work."

Mr Alain DELCAMP (France) gave the following contribution, entitled "Parliament and and international relationships: from protocol to parliamentary diplomacy":

I A function weakened by the strength of the Executive

1.1 A marginal place

The fundamental reason for creating Parliaments was the necessity for people's representatives to authorise the sovereign to levy taxes. It was therefore mainly for domestic reasons. One might have thought that the involvement of states in international relationships, especially as far as declarations of war were concerned, would also require the approval of the people. Actually the Republic of Venice, one of the founders of diplomacy, established a principle that its ambassadors would have to report to the Senate regularly. During the French Monarchy, one of the customs of the Kingdom was that the alienation or transfer of any part of the territory had to be approved by the *Etats généraux*. Since the *Etats généraux* did not assemble between 1614 et 1789, it was only after the Revolution that the principle behind this important question was firmly established. It was decided by the first revolutionary assembly in a decree of May 22nd, 1790 that treaties of peace, alliance and trade agreements would only apply from the moment they had been approved by the "Legislative Body".

Admittedly this principle was hardly ever applied.

Other principles conflicted with them and practical constraints meant that foreign policy in principle was a matter for the sovereign. One of the arguments put forward was the need for secrecy: "Informing the

Assembly would be revealing secrets to the public, from which only enemies would benefit"[2]. Urgency has often been used as a justification for declarations of war not following constitutional forms. There was (and is) a further reason: the requirement for consistency in expression by the state vis-à-vis foreign countries, a requirement that has been strengthened by the Agreement of Vienna of April 18th, 1961 conferring a monopoly of expression to the minister of Foreign Affairs.

This does not mean that parliaments have been set aside from international issues, but the practice varies broadly with regard to times and national traditions. In France, Parliament refused as early as 1878 to approve a trade agreement and a government was dismissed due to an international issue (e.g. Jules Ferry in 1885, on colonial policy).

The Constitution of the United States – because it is a federal Constitution, perhaps – has given a major role to Congress in international relationships. In refusing to ratify the Treaty of Versailles in 1919, it significantly reduced the chances of a lasting peace in Europe. Ambassadors' appointment still have to be approved by the Congress.

Even before the XXth century the Inter-Parliamentary Union, the creation of which was inspired by the idea of international arbitration, emphasised the advantage of having Parliaments involved in international relationships; its first meeting took place in June 1889 in Paris.

It was only with the development of international society, in the wake of World War II, that the superiority of treaties over laws was asserted and implemented without any doubt, which implied the requirement for approval by the Legislative prior to their ratification. French political history and the construction of Europe remain influenced by the refusal of the French parliament to approve the project of a European Community of Defence (ECD) in August 1954.

The history of France since 1958 shows it is now accepted that major choices in international policy[3] require popular approval, even if this expression of approval is not always entrusted to popular representatives. For example, the major stages of decolonisation led to *referenda* at the beginning of the 1960s and similar exercises were held relating to the building of the European community (first enlargement in 1972, common currency in 1992 and constitutional bill in 2005).

French institutional traditions, which incorporate the heritage of the Monarchy more than is commonly believed, as well as the contemporary growing role of the Executive contributed to the consideration of the role of Parliament with regard to international issues as being minor up to recently. A possible interpretation of the new Constitution of 1958 was that defence and international relationships were not to be discussed by parliament and were the sole preserve of the President of the Republic.

This conception has evolved nowadays, but not extensively. Government tries to inform elected representatives of the involvement of armed forces abroad, but parliamentary approval is not a prerequisite. Article 35 of the Constitution, which explicitly states that parliamentary approval is required for a declaration of war, has never been applied, either for France's part in the Gulf War (in fact, this was formally considered as a "peace-keeping" operation according to chap. VII of the UN Convention) or for the war in Kosovo (within the framework of NATO certainly, but French forces were involved in a genuine war against a state, Serbia-Montenegro — moreover, under foreign command in March 1999).

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[2]. Quoted by Mr. Raymond Forni, Speaker of the French National Assembly, during a symposium on parliamentary diplomacy on Mai 23rd, 2001.

[3] Mr. Michel Rocard, then Prime minister, called however for a vote of the National Assembly and the Senate with reference to another article of the Constitution.

This situation contrasts with another clear phenomenon: the expansion of international agreements, so that on average half of the bills debated before the French parliament are bills to ratify international agreements or treaties. This state of affairs represents formal respect to the division of tasks defined by the Constitution rather than a real association of parliament with decision-taking. According to article 52, the right to negotiate and ratify treaties belongs to the President of the Republic. Nevertheless, ratification shall only occur if authorised by law.

This provision is formally respected for all the types of agreements mentioned in the Constitution (peace treaties, trade agreements, treaties or agreements dealing with international organisation, treaties committing state finance, treaties amending legal provisions, treaties affecting the legal situation of persons or treaties organizing the transfer, exchange or addition of territories); however, the majority system as well as the impossibility for parliament to amend treaties or accompany their ratification or approval with conditions ensure the exercise is rather formal.

Nevertheless, the issues of defence and international relationships are not "taboo" any more and are the subject of information and debating procedures, including in plenary session.

1.2 The expansion of inter-parliamentary exchanges

The international activities of Assemblies have expanded therefore in other, more traditional areas: development of inter-institutional or inter-personal relationships on the one hand, and control over governmental policy, especially on the initiative of standing committees on the other hand.

Inter-institutional or inter-personal activities are mainly formal, but their importance is often underestimated.

The visits to the Speakers of the Assemblies, including during state visits are a necessary part of state protocol. Thereby the Speaker of each Chamber in France grants between fifteen and twenty meetings a year on average to heads of state or government in the course of official visits. It must be added to this about the same number of meetings with Speakers of foreign assemblies and about the same number of meetings granted to ambassadors. In total, between fifty to sixty meetings – that is, more than one per week.

In return, as one would expect, trips and visits abroad (about ten a year) are organised, while senators and deputies hold many informal or official meetings (e.g., more than a hundred meetings in 2003 in the Senate, where there are seventy-eight groups, including eighteen regional groups, to which two information groups with interregional activities have to be added) within the activities of the so-called "Inter-parliamentary" groups (these groups are usually bilateral, between France and another state).

This expansion of meetings has reached its climax through the particularly formal reception of Heads of state or government in the plenary (King of Spain and British Prime minister in the National Assembly, German Chancellor and Queen of the United Kingdom in the Senate[4]).

Rather than looking for any formal re-establishment of the involvement of parliament in international issues, it is important to emphasize the importance in practice of the development of considerable activity in building relationships with foreign countries during the past years.

II The development in practice of a genuine parliamentary diplomacy

However contradictory the expression "parliamentary diplomacy" may seem in itself, it is a reality. Moreover, the variety of its points of impact led the French National Assembly and the French Senate to

[4]. This visit took place in a room near to the Plenary and with the Speaker of the National Assembly attending.

organise a symposium on May 23rd, 2001 devoted to this new parliamentary activity in order to clarify its outlines and draw the attention of the government (which is, of course, reluctant to acknowledge this development) to this change in parliamentary life.

There are various components of this diplomacy. In this respect, one could make a distinction between the multiplication of initiatives to collect information useful to foreign policy, the establishment of official networks and the development of what may be called “parliamentary engineering”.

2.1 Foreign policy initiatives

Parliament cannot be excluded from the general exchange of information and circulation of people. It often has the means necessary to take part in this movement thanks to its financial independence. It has also a legitimate basis for this, to the extent that it represents public opinion.

Exchanges, at least at the very beginning, took the form of study tours abroad, named “Information missions”. In this area Senate Standing Committee for Foreign affairs and Defence of the Senate and the National Assembly Standing Committees for Defence and for Foreign Affairs (which are separate) have taken a leading, but not exclusive role. The other Standing Committees each in its own domain have gone into the habit of drawing comparisons between the situation in France and in one or more foreign countries once or twice a year and within the limits of the budget allowed. These “Information missions” usually lead to parliamentary reports.

The trend towards Information missions abroad is however minor compared to the growth of more or less informal exchanges, either within inter-parliamentary groups or international parliamentary bodies. Moreover, the main part of the Information Reports – that is, reports based on research by Standing Committees – is nowadays devoted to domestic topics (implementation of laws, committees of inquiry, study and working groups).

Besides these institutional trips bilateral exchanges have become more frequent on the initiative of “friendship groups”. These friendship groups, called “Inter-parliamentary” from now on, have been for a long time the melting pot for lasting inter-personal relationships between parliamentarians from different countries. They have played and still play the role of a permanent point of contact for the ambassadors of the corresponding countries in France.

Meetings and visits have progressively adopted a more official and concrete form. This is why a particular series of the Senate Information Reports is actually devoted exclusively to the mission reports of Inter-parliamentary groups. Frequently such groups use the opportunity of their missions abroad to publish conclusions that are generally useful for law-making. In 2003, for example, the Franco-American group published a report on “The American West, cradle of the new economy”, while the report of the Franco-Indian group devoted itself to the establishment of some French technology-advanced companies in the « silicon states » of Karnataka and Tamil Nadu.

Recently, friendship groups have clearly directed their thoughts and meetings to issues concerning developing countries and have thereby contributed to liberate parliament from its restriction as being only law-making .

This interest in development and international exchanges has led friendship groups to provide support for the establishment of French companies abroad. This mission has even been given formal expression through meetings organised under their patronage in the buildings of the Senate with the aim of facilitating contacts between French investors and the authorities of the countries concerned. 7 to 8 bilateral

meetings concerning the various states of the world, which bring together about two hundred people each time, are organised every year in connection with the officials in charge of foreign trade.

Because they can act swiftly, friendship groups promote what could be called if not "parallel diplomacy" at least "complementary diplomacy". Thanks to them, contacts are carried on with countries with which diplomatic relationships do not exist yet or have been interrupted at an official level (Afghanistan, Taiwan, Tibet, etc.). They can also facilitate the reconciliation between countries without any direct diplomatic relationships (Israel and Palestine).

Parliaments are the heirs of those who fought for freedom and thereby more sensitive than public administrations and ministries to those who fight to emancipate their own people. So they can make contacts that are impossible for governments. More than a competing diplomacy they develop a "complementary diplomacy", the usefulness of which is nowadays admitted by governments themselves.

Within an international society where the right to interfere is widely accepted parliaments are in the forefront of the fight for democracy. This explains why the French Assemblies, like other parliamentary bodies, have received the Dalaï-Lama, representative of the Tibetan people. The Senate also paid tribute in its plenary room to Mrs Rigoberta Menchu, defender of the rights of indigenous peoples and Nobel peace prizewinner.

2.2 Institutional support for the development of parliamentary democracy

Parliamentary democracy, not long ago still reserved to developed countries, is now broadening its reach. While international organisations and states support actions to enhance economic development, parliaments are more and more frequently appealed to to contribute towards implementing basic democratic structures. Some people even speak of "diplomatic engineering" as if there could be any "transfer of technology" in a domain so marked by national traditions and human factors. "Technical" transfers may be useful once a country decides to implement the elements of a pluralist democracy. The fall of the iron curtain and the enlargement of Europe have provided many opportunities. This is why supporting activity designed to make the implementation of the *acquis communautaire* by candidate countries into their own legislation as rapid as possible were developed by several states of the "old Europe". For example, the French Senate is involved into the support of the Polish Parliament[5], whereas the National Assembly on its side is currently engaged with Romania in several cooperation programmes.

The novelty of this "diplomatic engineering" arises from the fact that it is more and more a matter for multilateral intervention within the framework of either the European Union, the United Nations Organisation or, in the case of France, the International Organisation for francophony. Invitations to tender are launched actually in this area, to which parliaments reply as private companies would. What is new is that these candidacies must have a multilateral basis, even if the Assembly of a particular country is usually appointed as a team leader.

Two significant actions have to be mentioned in this respect, in which the French parliament played a very original role.

The French Senate and National Assembly set up a consortium with the Greek, Irish and Portuguese parliaments within the framework of a European TACIS-Programme designed to help in setting up the Assembly of the Republic of Georgia. The programme started on February 14th, 1998, was closed on July 21st, 1999 and in particular involved an official of the Senate being seconded for 18 months at the Chamber.

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[5]. The programme aimed to improve the law-making process designed to incorporate the *acquis*. Therefore is also included the Polish Executive, especially trough the Committee for integration (UKIE).

Action is being taken to pursue this cooperation after the "Pink revolution" that followed the elections of November 3rd, 2003. A new programme of assistance for reform of the Georgian Parliament has just been announced by Europaid, for which both the Senate and the National Assembly will apply.

An even more extensive programme is still in progress in Afghanistan, where France – and therefore the French Parliament – is the leading nation with UNDP for the establishment of the two assemblies designed by the Afghan Constitution. An officer of the Senate is completing a 3-month stay there and will be replaced by an officer of the National Assembly; both were given the responsibility for coordinating the recruitment of the future parliamentary officials and, above all, their training in Paris and on the spot – before this cooperation takes a new shape, from the time when the assemblies are actually elected.

Multilateral programmes also take the form of partnerships with the IPU and the UNDP. This is the case for assistance programmes to the Senates of Cambodia and Gabon.

Programmes of that kind represent only the most targeted form of technical cooperation; in addition, France also receives trainees and French parliamentary experts visit the countries concerned. In 2003 more than 600 trainees were received by the Senate and 21 visits were organised. In the last decade in partnership with the *Ecole nationale d'administration*, the Senate and the National Assembly have organised with the support of the ministry for Foreign Affairs a training session for foreign, French-speaking officers and parliamentarians. On average about 25 trainees coming from 15 countries were received each year.

The development of this new function led to the creation of independent departments for international affairs. It is nevertheless interesting to notice that two different administrative structures coexist in the Senate, which are expected to cooperate with each other but which also symbolise the two forms of international cooperation: the sub-department of protocol that still comes under the Secretary general of the Questure and remains of major importance and the department for international affairs, which is part of the legislative services and comes under the Director general for communication and technological improvement.

Besides these purely administrative aspects, the international activities of parliaments reveal a two-level structure that involves on the one hand a purely institutional approach and, on the second hand, an approach based on the development of relations founded on individual contacts.

It seems that we are entering a third stage, which is more influenced by multilateralism, in which we see the expression in parliament of the opportunities offered by globalisation as well as the consequences of increasing regional integration.

III The opportunities offered by globalisation and the challenge of regional integration

3.1 The opportunities offered by globalisation

The increase in international links of all kinds raises the question of the sovereignty of states and highlights acutely the issue of democratic control of a globalisation that is marked by the growth of economic and technical exchanges.

The United Nations is now aware of this necessity, since its General Assembly accepted the IPU as an accredited observer.

The acknowledgement of the parliamentary role is nevertheless extremely recent and two risks have to be faced: the first is that parliaments will be considered as representative of "civil society" along with non-governmental organisations or economic and social institutions. In the context of a creation of a world-wide government the risk exists also that the values of democracy, based on the principle of election by equal

citizens, become blurred in the course of a generalised dialogue with bodies, the self-claimed legitimacy of which may be lacking in transparency.

This first risk is coupled with another one, that is, the multiplication of alleged representative bodies, since there is no absolutely reliable system of regulation in this area.

Some international organisations or non-governmental organisations support this movement, anxious as they are to design parliamentary networks based on criteria that may be beyond national parliaments. There are now more than 50 inter-parliamentary organisations, to which at least as many inter-parliamentary networks are to be added; their creation is the result of often personal initiatives or of a small number of states, but they help to weaken parliamentary representation itself. They fuel non-attendance inside and cloud the specific message carried by parliaments.

A particular attention must be paid to economic and trade organisations that design a framework for international negotiations that have an impact over the populations which is at least as important as most treaties. The debates within WTO in Seattle have made noticeable the democratic deficit in this area and the usefulness of a parliamentary involvement. Although it is beyond argument that the responsibility for negotiating falls to the Executive, parliaments can play a role in collecting relevant information at the stage of negotiation and afterwards in the following-up of implementation.

The French Senate initiated the creation of the world-wide network of “Second Chambers”. The opening meeting took place in Paris on March 15th, 2000 and gathered representatives of seventy second Chambers. This meeting showed that far from being an “anomaly” – as it can be said to have been in some developed countries – bicameralism can offer institutional solutions for changing societies and control the development of emerging democracies.

This network is currently arranged at a regional level (Association of European Senates, Association of African and Arab Senates and soon Latin America...), which is the level at which many international organisations are emerging. The place of parliaments is now well established in this area.

3.2 The challenge of regional integration

If it is true that globalisation reinforces problems of identity, its economic imperatives also contribute to the establishment of entities which seem to be intermediate stages between a system of nation-states which have to cooperate and a world-wide government which remains an ideal.

European integration represents in this regard an emblem, in which the question of parliamentary representation in general and the place of national parliaments in particular is being raised with a noticeable obviousness.

This original framework is paradoxically creating a more and more integrated link between some of the oldest states of the world, which for centuries exported their fratricidal quarrels. This link is therefore one of the most important contemporary issues for the citizens of these countries. It can guarantee a peace that they have never previously experienced for such a long time as well as the design of a world-wide player.

This framework cannot at present be considered as a state body in any way. Moreover its ambiguous status itself is apparently one of the main sources of its durability.

One of the major challenges it has to face is the participation of its peoples in its construction. This participation has not been entirely satisfactory up to now.

It unites a parliamentary body elected through universal direct suffrage (the European Parliament), which is not given the full law-making power since it shares it with the ministerial Council, and national Parliaments, which consider that the transfer of sovereignty already which have already come into force put them under the “hierarchical” authority of an institutionalised system they do not control.

It is worth noting that the existence of such an integrated parliamentary structure has not substituted itself for the many national parliamentary bodies, assuming that this was desired. The question raised now is how one ensure the “integrated” parliamentary level and the “national” level work together: it seems that these two levels are needed if the interstate superstructure of the European Union is to be supported, even partially, by its citizens.

The inclusion of Parliaments in a regional framework is carried out in two ways: in a vertical way at the beginning and then in a horizontal one.

Vertical integration is the result of the domestic evolution of each of the state members. As they have agreed to transfer part of their sovereignty, they have also tried in a pragmatic or a more institutional way to set up control systems to assist their respective parliaments.

Such control systems do not however exercise direct control over the European Union but rather set up national control over the business of each government at the intergovernmental level. Structures internal to each assembly have been established – in France, the Delegations for the European Union – to inform parliamentarians and provide an early warning system to prevent legal decisions liable to hit major national interests to be taken. The French Constitution comprises nowadays a special section devoted to the issue of relationships between the national legal order and the European legal order (section 15). Article 88-4 in particular is included in this section, which allows each parliamentary assembly to introduce position papers on European bills of which it is informed. One has to acknowledge that this system is an incomplete answer to the wish expressed by all the parliamentary groups for more effective control. Parliament cannot indeed force the government to change its position. The business regarding European issues is part of the subtle system of checks and balances that governs the relationships between the executive and the legislative branch. It involves expressions of opinion only, which depend for effect on the rapidity of their publication and the willingness to support them.

The innovation during the most recent years is the progressive awareness of national parliaments of their common interest in the construction of Europe. This willingness turned into the settling of a framework for meeting (COSAC) for the internal bodies in charge of European issues within each parliament. These bodies exchange information and are not officially acknowledged by European institutions.[6]

If adopted, the bill on a European constitution would introduce potentially very substantial improvements in this respect.

For the first time, national parliaments would appear as full actors in the functioning of European institutions. They would act as the controllers of a proper balance between the interests of the Union and the ones of national states in accordance with the principle of subsidiarity. According to it, the only actions to be implemented at a European level are the ones that could not be implemented or better implemented at a national or even regional level.

To achieve this, parliaments can be given several weapons.

Each Chamber may publish a special opinion once measures adopted at the European level appear contrary to the principle of subsidiarity. This opinion would be directly transmitted to the Presidents of the

[6]. A protocol additional to the Treaty of Amsterdam mentions them for the first time in 1997.

European Parliament, the Council and the Commission. It may also refer the case to the Court of Justice of the European Union (article 85 of the Constitution after the amendment of March 1st, 2005).

Each Parliament may also intervene in order to oversee the move, in a specific area, from decision on the basis of unanimity to qualified majority (article 86).

These special opinions will however be all the more efficient if they come from a greater number of parliaments. They impose the establishment of efficient cooperation. The Delegation for European Union of the Senate intends to lay down the basis of this as an experiment, even before the Treaty is ratified.

Though short, this description shows that the efficiency of the control of subsidiarity is from now on based on the capacities of national parliaments to cooperate together. A modification may be initiated only if two thirds of the parliaments adopt a special opinion in the same way. Therefore, it is particularly important to emphasise that national parliaments are not excluded from the building of regional integration but are expected on the contrary to play a full role within it.

It is noticeable, in conclusion, that in a country like France, which has a strong tradition of superiority of the Executive – especially, with regard to international relationships – the building of a regional entity has led recently to a change in the Constitution which has opened up new ways of action for the national Parliament."

Mr G.C. MALHOTRA (India) gave the following contribution:

"Introduction

Geographically the countries belonging to a region inevitably share certain common problems. The socio-economic and political problems confronting the people may differ from country to country taking into account the geographical, historical, cultural and many other factors. But the problems *per se* may not be exclusive to any country or region. Most of the problems can be sorted out through effective co-operation among the nations.

Parliament, or the Legislature, being the supreme representative body of the people, has the onus of addressing the people's problems. Thus a mechanism of inter-parliamentary co-operation is sought for to solve the common regional problems. Inter-parliamentary co-operation has been mostly addressed through the Inter-Parliamentary Union (IPU), and other regional parliamentary organisations, like the Parliamentary Conference of the Americas (COPA), the Inter-Parliamentary Forum of the Americas (FIPA), the Joint Parliamentary Commission of MERCOSUR, the Arab Inter-Parliamentary Union (AIPU), the African Parliamentary Union (APA), Association of SAARC Speakers' and Parliamentarians, European Parliament, etc.

With the development of the global economy, the process of co-operative regionalisation is taking place vigorously. Difference geopolitical regions are creating unions and association to solve their common problems and fulfil the common aspirations of the people in a co-operative and co-ordinated manner. To supplement the efforts of such unions/associations, a parallel mechanism for inter-parliamentary co-operation is needed so as to realize the objectives of integrated socio-economic progress of the people of the entire region. Inter-parliamentary co-operation helps in strengthening the economic ties amongst the member countries in a region, besides bringing peoples close to each other which ultimately leads to the promotion of peace and prosperity in the whole region.

The IPU and inter-parliamentary co-operation

The Inter-Parliamentary Union (IPU), established in 1889, is an international body that brings together the Parliaments of sovereign States. It is the sole organisation that represents the legislative branches of Governments on a global scale. Today, it provides a forum where the elected representatives of the people, regardless of their political, cultural and religious persuasions, can come to grips with the conflicts which still afflict many parts of the world, and bring the concerns of their electorates to the multilateral negotiating table. The main objective of the IPU is to strive for peace and co-operation among peoples and for the firm establishment of representative institutions. Within this broad mandate, the IPU works to strengthen the sinews of parliamentary democracy throughout the world.

The IPU supports the efforts of the United Nations and works in close co-operation with it and its different agencies. It also co-operates with other regional inter-parliamentary organisations as well as with international inter-governmental and non-governmental organisations which are motivated by the same ideals.

There are currently 140 members and 7 associated members of the IPU. Most of the members are affiliated to one of the six informal Geo-Political Groups that are currently active in the IPU.

Geo-Political Groups of the IPU

In the functioning of the Inter-Parliamentary Union, Geo-Political Groups play an important role. There are six such informal Geo-Political Groups, namely, the African Group (39 members), the Arab Group (14 members), the Asia-Pacific Group (25 members), the Eurasia Group (9 members), the Latin American Group (17 members), and the Twelve-Plus Group (43 members). India belongs to the Asia-Pacific Group of the IPU.

These Groups meet on a semi-regular basis throughout the IPU conferences to discuss IPU business and to select candidates or representatives for the IPU Committees and Working Groups. The co-operation among members of Geo-Political Groups has allowed their views to be effectively voiced at the various IPU Committees and the Assembly. One of many examples of such solidarity is the discussion on an emergency item which is selected by Geo-Political Groups unanimously after thoughtful consideration, keeping in view the best suited strategy for their region.

According to Article 25 of the Statutes of the IPU, each Group decides on its own working methods that best suit its participation in the activities of the IPU and informs the Secretariat of its composition, the names of its officers, and its rules of procedure. The members that belong to more than one Geo-Political Group should inform the Secretary-General as to which group they represent for the purpose of submitting candidates for positions within the Union.

Asia-Pacific Group of the IPU

The Asia-Pacific Group (APG) is composed of parliamentarians from the Asia-Pacific region attending, either as delegates of their respective Parliaments or as observers, Conferences of the IPU and meetings of the IPU Council and its subsidiary bodies. The APG aims at promoting greater regional identification and co-operation, as well as encouraging co-ordinated positions on issues presented before IPU Conferences and meetings of the IPU Council and subsidiary bodies. It is guided by internationally accepted principles which

further the cause of democracy, including good neighbourliness, mutual respect and peaceful settlement of disputes. The APG also serves to advance the cause of its people in such areas as the protection of basic freedoms, respect for human rights, promotion of gender equality, preservation of diverse cultures in the region and improvement of the quality of life.

The membership of the APG, in principle, is open to all national Parliaments from the Asia-Pacific region represented at the IPU Conferences and meetings of the IPU Council and subsidiary bodies, either as members of their national delegations or as designated observers. At present, this Group has 25 members. A list of the member countries is appended.

Challenges facing the Asia-Pacific region and parliamentary co-operation

During the last four decades, the Asia-Pacific region has made remarkable progress. It has emerged as the most dynamic region in the world. But the progress made has been uneven and some parts of the region are still facing some major development challenges of poverty reduction, illiteracy, unemployment, public health problems, sustainable development, etc. Foreign direct investment is concentrated in a limited number of countries. Environmental problems are beginning to affect the economic growth. Some of the region's poorest countries are just emerging from conflict, or have economies in transition with weak institutional capacities. And small island countries in the Pacific continue to have difficulty in achieving sustainable development.

India and parliamentary dimension of regional co-operation

Within the Asia-Pacific region, the peoples of the South Asian sub-region share many common concerns and are facing many problems of similar nature. To promote peace, stability, amity and progress in the sub-region, the South Asian Association for Regional Co-operation (SAARC), consisting of seven nations, *viz*, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, was established in 1985. it is a major step forward in regional co-operation. SAARC is a manifestation of the determination of the peoples of South Asia to work together towards finding solutions to their common problems in a spirit of friendship, trust and understanding. India actively supports people-to-people initiatives aimed at fostering greater mutual understanding and goodwill among the countries of the region.

Giving a parliamentary dimension to the SAARC activities, the Association of SAARC Speakers and Parliamentarians was established in Kathmandu in 1992. The Association, among other things, endeavours to promote, co-ordinate and exchange experiences among member Parliaments and to supplement and complement the work of SAARC and enhance knowledge of its principles and activities among Parliamentarians. The Association, since its inception, has been working towards strengthening friendly ties, people-to-people contact, trust, co-operation and joint actions to promote their common interest and realise their common aspirations.

India is an active member of the Association and takes keen interest in its activities for promoting fraternal ties and co-operation among the member countries. Last year, at the 25th Meeting of the Council of Ministers of SAARC held in Islamabad on 20-21 July 2004, India sought to set up a South Asian Parliamentary Forum to deliberate on issues pertaining to regional co-operation endeavours under SAARC.

Outside the Asia-Pacific region, India is also a member of the Commonwealth Parliamentary Association (CPA) which consists of national, provincial, State and territorial Parliaments and

Legislatures of the countries of the Commonwealth. The mission of the CPA is to promote the advancement of parliamentary democracy by enhancing knowledge and understanding of democratic governance. It seeks to build an informed parliamentary community able to deepen the Commonwealth's democratic commitment and to further cooperation among its Parliaments and Legislatures. Members of the CPA, irrespective of gender, race, religion or culture, share the Association's mission to promote knowledge and understanding about parliamentary democracy and respect for the rule of law and individual rights and freedoms

At the level of Parliamentary Libraries, in the recently held Conference of APLAP (Association of Parliamentary Librarians of Asia and Pacific) in New Delhi in January 2005, it was decided to set up a network (named APLAN) connecting Libraries of Asia and Pacific for exchanging information among themselves. It was further decided to have similar networking among different Geo-Political Groups.

Conclusion

Cooperative regionalization is taking place vigorously. Difference geopolitical regions are creating unions and associations to solve their common problems and to fulfil the common aspirations of the people in a cooperative and coordinated manner. To supplement the efforts of such unions/associations, a parallel mechanism of inter-parliamentary cooperation is needed so as to realize the objectives of integrated socio-economic progress of the people of the entire region. Parliamentary cooperation will play an important role in further strengthening regional cooperation and creating better understanding among the peoples belonging to various Geo-Political Regions.

Appendix

Members of the Asia-Pacific Group of the IPU (as on 13 December 2004)

1. Australia
2. Bangladesh
3. Cambodia
4. Canada
5. Chine
6. Democratic People's Republic of Korea
7. Fiji
8. India
9. Indonesia
10. Iran (Islamic Republic of)
11. Japan
12. Lao People's Democratic Republic
13. Malaysia
14. Mongolia
15. Nepal
16. New Zealand
17. Pakistan
18. Papua New Guinea
19. Philippines
20. Republic of Korea
21. Samoa
22. Singapore

23. Sri Lanka
24. Thailand
25. Vietnam”

Mr Francesco POSTERARO (Italy) made the following contribution:

In the past five years, the Administration of the Chamber of Deputies of the Republic of Italy has had to strengthen its structures dedicated to international relations to keep abreast of the rapid development of “parliamentary diplomacy”, which is no longer limited to contacts between parliamentary Speakers or Presidents, but also now involves all parliamentary bodies, beginning with the standing committees. The International Relations Service has therefore enhanced its internal organisation, distributing responsibilities by geopolitical areas, and a new Office for EU Relations has been set up.

These units monitor projects and initiatives concerning inter-parliamentary cooperation, which are intensifying at both the bilateral and multilateral levels.

As regards bilateral relations, inter-parliamentary cooperation is the object of increasing attention at the political level, and is now explicitly included in the cooperation protocols that the Chamber has signed with foreign parliaments. We now have 26 such agreements (8 for Europe, 7 for Africa, 6 for Asia and 5 for the Americas). Bilateral cooperation may consist of assistance or exchange.

On the multilateral plane, cooperation within the European Union is obviously a priority for the Italian Parliament. The recent EU Constitutional Treaty, in a special protocol, calls for greater involvement of national parliaments. It is to be expected, therefore, that a quantum leap will also be made at an administrative level. With this in mind, initiatives are under way to intensify collaboration among the liaison offices in Brussels and to pool documentation resources through the use of new IT tools. Since national parliaments are recognised as the source of the democratic legitimacy for the construction of the Union, speed of action is therefore of the essence in the pre-legislative phase during which European law takes shape.

The Italian Parliament is also part of international parliamentary assemblies associated with such organisations as the Council of Europe, the Western European Union, NATO, the Organisation for Security and Cooperation in Europe and the Central European Initiative, and the rising number of thematically-specific parliamentary networks, only some of which are connected with the Inter-Parliamentary Union. Unfortunately, this has caused some wasteful duplication, a problem that needs to be rectified by fostering appropriate forms of coordination, including through the Inter-Parliamentary Union.

As specifically regards inter-parliamentary cooperation aimed at providing assistance, the Chamber of Deputies has pursued the following lines of action:

1) the selection of African countries to benefit from a special assistance programme to strengthen representative institutions within the framework of the New Partnership for African Development (NEPAD);
2) the provision of support to new members of the European Union to help them transpose EU law and develop their parliamentary services;
3) contributing to democratic transition as part of the initiative in favour of “new democracies” undertaken by the Inter-Parliamentary Union.

In respect of the African countries, the Administration of the Chamber of Deputies, also with the cooperation of the United Nations Department of Economic and Social Affairs (UNDESA), has prepared a "package" for the development of the information systems of the parliaments of eight pilot countries (Angola, Cameroon, Ghana, Kenya, Mozambique, Uganda, Rwanda and Tanzania), which was later extended to include Somalia. The initial results, which included the creation of a legislative databank on e-government, were illustrated at a recent conference in Nairobi (9-11 February 2005).

The Chamber of Deputies has also hosted – with the framework of both bilateral relations and multilateral EU programmes – a number of training courses for parliamentary officials from new EU member states such as the Czech Republic, Cyprus, Lithuania, Romania and Slovenia.

In respect of new democracies, the main focus of interest has been the western Balkan states included in the Stability Pact for South Eastern Europe. The training initiatives regarded the parliaments of Albania, Bosnia-Herzegovina, Croatia, Serbia and Montenegro. In each instance, internal administrative organisation has been outlined, underscoring both its relationship with and its difference from the political sphere. Certain key parliamentary procedures such as the consideration of the budget have received particular attention.

Outside Europe, an agreement was established with the Parliament of Mongolia on an experimental basis. Following an on-site fact-finding visit by an Italian official to determine the nature and extent of the needs of the Mongolian Parliament, two Mongolian parliamentary officials spent two months in Rome. The aim of the initiative was to provide advice on the creation of a parliamentary documentation service.

This experimental model was particularly successful thanks to the groundwork laid with the ad hoc mission, enabling the training programme to be tailored in advance rather than improvised at short notice, as sometimes, unfortunately, occurs.

In the area of parliamentary exchange, the Chamber of Deputies has operated mainly in a European context. A particularly fruitful relationship based on regular reciprocal training and study visits has been established *inter alia* with the administration of the Bundestag.

It is clear that the new technologies that are revolutionising the speed of communication will lend further impetus to inter-parliamentary cooperation. The Chamber of Deputies has made a considerable investment in its website, which provides immediate, multilingual access to the proceedings of Parliament, supplemented by sections on parliamentary rules and other documentation.

The Italian Chamber of Deputies is a committed supporter of the Inter-Parliamentary EU Information Exchange (IPEX) website, which was launched at the initiative of the Conference of the Presidents of the Parliaments of the European Union in Rome in September 2000. We are fully convinced of the need to create a tool supporting all parliamentary activities on European issues (and not only specific purposes such as the control of subsidiarity). It goes without saying that duplication and additional costs are to be avoided by making the greatest possible use of existing bodies and instruments. Rather than forming new organisational structures, we need to leverage the current network of relations among administrations.

The advisable course of action is to network resources, and not just at a European level: the rapid circulation of information, reciprocal exchange of experience and continuous dialogue with other countries offers parliamentary administrations an unparalleled opportunity to enhance their efficiency and, above all, their capacity to keep apace with the changing times.
“

Mr George PETRICU (Romania) made the following contribution:

“I. General framework

It is generally accepted that the concept of *nation state,* as understood in the 20th century, is undergoing at present major changes, involving both an increasing loss of sovereignty to supranational structures and decisions and an international impact on nationally taken decisions. This trend has very much affected the status of the parliament as a fundamental institution of the Rule of Law. On the other hand, last years evolutions on the regional scene have clearly demonstrated that many political, economic, security and cultural issues are better discussed and solved in a relatively homogenous framework, where people are linked by a common development experience, common history and traditions. As a result, regional cooperation creates the basis for common solutions and consolidates mutual trust and good neighborly relations among the participating states.

Since Romania’s revolution, in 1989, there has been no other objective that gathered such unanimity of views from both the political forces and public opinion, than the idea of Romania’s European and Euro-Atlantic Integration. To a large extent, the objective of joining the EU has also influenced Romania’s regional relations. Thus, the cooperation among the geopolitical regions, representing a significant dimension of the Romanian diplomacy, both on governmental and parliamentary level, is considered conceptually, politically and from the perspective of concrete actions as a complementary process for the fulfillment of Romania’s foreign policy priority: integration into European and transatlantic structures.

Taking into account the growing importance of the parliamentary diplomacy at international level as a complementary dimension of the traditional diplomacy, the Parliament of Romania, as a sole legislative authority and the most legitimate political representative of the people, assumed both the role to support through appropriate legislative measures the activity of the governmental organizations and the role to build the popular support for their decisions.

Here, it should be mentioned that, according to the provisions of the Constitution of Romania (Revised in 2003), the Senate has been given increased legislative competences in matters concerning foreign relations, including the function as *decisional Chamber* regarding ratification of the international treaties and conventions, etc. and the legislative measures deriving from their application. This conduced to a substantial enhancement of the abilities of the Senate to efficiently and effectively respond to the new constitutional challenges, to assume increased responsibilities in the field of foreign relations and in strengthening parliamentary diplomacy in general, including a more actively role at the regional level.

The strong commitment by the Parliament of Romania to turn the regional parliamentary cooperation into an effective tool facilitating the attainment of the goals of the nations in the respective regions, was clearly expressed by the decisions regarding the designation of the members of the standing parliamentary delegations to regional and sub- regional structures,

by taking into consideration not only the political algorithm but also criteria deriving from the specificity of each organization as: good knowledge of foreign languages of international circulation, specific professional specialization, etc.

It is a matter of satisfaction to witness an increasing understanding that the parliamentary dimension should be supported, first of all, by measures taken at the national level. In this regard, the Romanian MPs are more involved in closely examining with their colleagues the proper measures to channel the regional parliamentary cooperation on concrete projects and to avoid duplications between different regional parliamentary structures. In the same scope, we mention here the regular invitation to hearings of the Ministry of Foreign Affairs by the Foreign Policy Committees of the two Chambers and of the national coordinators from the Minister of Foreign Affairs by the Standing Delegations, in order to improve the communication and to work out common strategies together with the governmental dimension of the respective organizations. At the same time, harmonization of the Romanian legislation with the *aquis communautaire* and, most important, its implementation continues to be a major target of the parliament, taking into consideration that it has a direct impact on the future of the regional cooperation.

The present paper covers the main achievements of the Senate and of the Chamber of Deputies of Romania in promoting the parliamentary dimension of the regional cooperation and most especially within the framework of the regional parliamentary organizations.

II. REGIONAL PARLIAMENTARY DIMENSIONS

1. Interparliamentary cooperation within the European Union

a. European Parliament. Over the last years cooperation with the European Parliament has been at the core of the interparliamentary strategy carried out by the Parliament of Romania. The contribution by the Romanian MPs to the acceleration process of Romania's integration into the European structures has been concretely manifested through the relations with the European Parliament, the political dialogue with high EU officials, as well as through the relations, at different levels with parliaments of the European Union member countries and candidate countries as well.

Periodical meetings of the President of the European Parliament with Presidents of Parliaments of the candidate countries, the participation, in 2003 and 2004, at the Conference of the Presidents of Parliaments from the EU countries, constituted as many opportunities for presenting the progresses achieved by Romania on its way to accession and for promoting the vision and the fundamental interests of our country related to the enlargement process and the future enlarged Europe, to the EU policy related to the Western Balkans, and the EU global agenda.

The Romanian MPs participated in the works of the Convention on the Future of Europe, in working groups and plenary sessions, tabled amendments and presented contributions to the draft of the Constitutional Treaty, on issues as: the new European institutional architecture, the Human Rights Chart, definition and objectives of the Union, the role by the national parliaments and implementation of the principles of subsidiary and proportionality within the framework of the Union, the space of freedom, security and justice, democratic life of the

Union, foreign activity, consolidated cooperation, etc. The extraordinary session of the European Parliament dedicated to the EU enlargement with the participation by the representatives of the parliaments of the candidates countries (Strasbourg, November 2002) represent for the Romanian Delegation (33 MPs, out of which 11 senators), an useful exercise in the perspective of fulfilling the observer status, following the signing by Romania of the Treaty of Accession.

The Joint Parliamentary Committee Romania - EU, as an institutionalized structure governing the relations between the Parliament of Romania and the European Parliament, had periodical meetings in order to evaluate the stage of Romania's preparations for the accession and to elaborate recommendations addressed both to the Parliament of Romania and EU Parliament, as well as to the European Committee and Council and to the Government and Presidency of Romania. In 2001, the Joint Parliamentary Committee played a decisive role in the adoption by the EU Parliament of two resolutions on the elimination of visas for Romanian citizens travelling in EU space. During 2001-2004, following the periodical evaluations, the Joint Parliamentary Committee underlined the progresses made by Romania in its process of integration and established the main directions of action in order to finalized the negotiation in 2004.

The activities of the members of the European Integration Committee of the Parliament of Romania include also the meetings of the Conference of the Community of Commissions and European Affairs from the EU Parliaments. The meetings discussed major issues on interparliamentay cooperation at EU level - control of the subsidiary, parliamentary monitoring of the European policies as well as subjects of the utmost importance for Romania as a future EU member as Lisabona Agenda, EU policies on neighboring countries: Mediterranean countries, Balkans and Eastern Europe, increasing the awareness of national public opinion regarding the European issues.

The development of the cooperation with the European Affairs structures of the EU Parliament have brought a major contribution to the obtaining by Romania of the necessary support in order to accelerate the processes of European and Euro Atlantic integration. In this context we mention the official visit in Romania upon the invitation of the European Integration Committee, by the delegation of the EU Parliamentary Committee from Spain, the members of the EU Delegation from the Senate of France (2002), the delegation on European Affairs from Czech Republic (2004).

Among the activities of the standing parliamentary committees at the European level we mention the participation in the Conferences of the Chairmen of foreign policy Committees, in the meetings of the members of the Defence Committee or chairmen of the Agriculture Committees from the EU member countries, accession or candidate countries. At the same time, the Romanian MPs took part in many training seminars organized by the EP or by the TAIEX Office of the General Directorate for Enlargement of the European Committee, examining the EU policies on migration, asylum, regional and minority languages, equality of chances and non discrimination, environment, concurrence, food security, forestry, fishing, transports, combating money laundering, organized crime and traffic of human beings.

In order to strengthen the political dialogue Romania – EU, beginning with 2004, the members of the European Integration Committee of the Parliament of Romania, intensified their participation to the EU Parliament sittings, both in the plenary session (on the occasion of examination of the Country Report) and in the specialized committees and political groups

meetings (Committee on Constitutional Affairs, Committee on Culture and Youth, Education, Media and Sport), having the opportunity to directly understand some aspects of the community issues and their implications for Romania, to better understand the functioning of the EU institutions, to expand their contacts portfolio, including the parliamentary lobby associated with the EU process of accession.

Last but not least, it should be underlined that since 2003, the Parliament of Romania actively took part in the process of reflection on the future of co-operation between the European Parliaments, launched at the initiative and under the auspices of the Conference of the Presidents of Parliaments from the EU countries.

On the eve of Romania's accession to the European Union the actions of the Parliament of Romania are focused on ensuring the implementation of the *acquis communautaire* as well as on ensuring in the best conditions of the participation, by the 35 MPs, as observers, to the European Parliament. In this regard, A special training programme both for the MPs and the supporting staff is underway, partially with the assistance by PHARE. The recent visits to Romania by the President of the European Parliament, the Rapporteurs on Romania, and Secretary General of the EP, were focused on concrete matters related to Romania's participation in the EU institutions, including the European Parliament, following the signing of the Treaty of Accession, on 25 April, 2005.

Here, I would also like to mention the fact that the Meetings of the Secretaries General of the Parliaments from the EU Member states and candidate countries provided an extremely useful exercise covering the issues of EU institutional mechanisms, relations with European Parliament, exchange of information and experience regarding the policies on human resources responsible to manage the issues related to the European Parliament.

b. As far as the Association of the Senates of Europe is concerned, the representatives of the Senate participated in all these meetings which emphasized the role of the Upper Houses in building up the new European construction, in enhancing the mechanism of parliamentary dialogue with the institutional structures of the EU, and in increasing the awareness of the public opinion on such issues.

The regional interparliamentary cooperation was also given a particular attention during the official visits to Bucharest by many Presidents of the Senates and Chamber of Deputies from the EU Member States, as well as by other prominent personalities from all around the continent.

c. The Euro-Mediterranean Parliamentary Assembly. The Parliament of Romania supports the parliamentary dimension of the Barcelona Process, established in order to consolidate and to ensure the increasing of the transparency and visibility of the cooperation among the countries of the Mediterranean region (members and non-members of the EU).

At the Inaugural Meeting of the Assembly, the Delegation of the Parliament of Romania tabled an amendment to the Draft of the Rules of Procedure, in order to obtain for our country the statute of permanent observer (coming into force in 2005), for the period remained until Romania's integration into the EU, when we will become a full member of this organization. At the first EMPA meeting, in March, 2005, following the intervention of the Romanian Delegation, the organization decided to set up an ad-hoc Committee on the issue of the women from the Euro-Mediterranean countries.

2. The Parliamentary Assembly of the Council of Europe.

In December 1991, the Parliament of Romania adopted the Decision on the empowerment of the Government to request for the statute of the full fledged member to the Council of Europe, which was granted to our country in 1993.

Since then, the Romanian parliamentarians took an active part in the PACE meetings organized at the level of the political groups, committees, in the bilateral meetings and at the plenary sessions. Their contributions to the debates on matters of national interest as: the Romanian Thesaurus, the Law on the statute of Hungarians in the neighboring countries, the role of the CE in the construction of the European Architecture, were much appreciated. The members of our Delegation were elected or confirmed as members of the bureaus of some committees our sub-committees and submitted motions with a view of drafting reports on specific issues as: Education for Europe and the Concept of nation.

At the same time, our Parliament hosted important meetings as the meeting of the Monitoring Committee, which marked the closing of the post-monitoring procedure of our country (2002), the anniversary of 10 years from the Romania's admission into the CE Organization, as well as, official visits in Romania by CE Presidency (Lord Russel-Johnston, Mr. Peter Schider) or documentation visits by the *rapporteurs* on issues like Project of Roşia Montana or Bîstroe Canal.

3. Parliamentary Assembly of the Organization on Security and Cooperation in Europe (OSCEPA)

Romania is a founding member of the Conference on Security and Cooperation in Europe set up in 1991, turned into OSCEPA, following the Budapest Summit in 1994 and the transformation of the governmental structure into an international organization.

The Parliament of Romania has been actively involved in the regional cooperation matters debated within the OSCEPA, including the discussion and finding out solution for specific issues regarding security in different regions of Europe as well as participation in Organization's missions on monitoring the elections in South East European countries, Caucasus, etc.

In 2000 - 2002, under the Romanian Presidency, the OSCEPA deployed particular efforts towards reaffirming institutional dialogue and enhancing participation by parliamentarians in the actions for preventing local conflicts.

4. The Parliamentary Assembly of the Black Sea Economic Cooperation

Signing the Summit Declaration of the BSEC and the Bosphorus Declaration, in 1992, in Istanbul, Romania became a founding member of the Black Sea Economic Cooperation. In 1993, The Parliament of Romania approved the Declaration on the establishment of the Parliamentary Assembly of the BSEC, becoming a full fledged member of this organization. Today one can observe the encouraging progress achieved by the Assembly and, without false modesty, we can affirm that the Parliament of Romania has an important contribution to the considerable progress achieved by the PABSEC as a vigorous dimension of the BSEC cooperation process and in establishing its own identity and prestige on the international scene.

We have to mention here that, since 1993, the Parliament of Romania hold twice the Presidency of the PABSEC (on a rotating basis) and many Romanian parliamentarians were elected, as a recognition of their efforts in the pursuance of the objectives of the organization, in the structures of the Assembly - Bureau and Standing Committee, assisted by the International Secretariat in Istanbul (headed by a Romanian Secretary General for 9 years), were rapporteurs for the reports or recommendations adopted by the Assembly.

The members of the Romanian PABSEC Delegation had an important contribution in working out an adequate national legal framework to facilitate the implementation of the projects developed by the BSEC, in enacting legislation needed for the implementation of decisions taken by the Heads of State or Government or by Ministry of Foreign Affairs, which generated a comprehensive legislative harmonization process across the PABSEC Member countries, in line with the European and international law and standards. The Romanian MPs contribution to the resolute actions of the Assembly in providing legal basis for economic, commercial, social, cultural and political cooperation among the member countries was concretized by:

- harmonization of custom mechanisms and foreign trade regimes leading to the long term process of establishing the BSEC Free Trade Area and of a regional stock exchange market, as a part of the New European Architecture;
- the ratification of the Agreement establishing the Black Sea Trade and Development Bank;
- the special emphasis placed on developing common pan-European policies in transport, infrastructure and energy;
- the support to the Project of the PABSEC Legal Information Network- PABSEC LIN, designed to provide integrated database ensuring better availability of legal and normative documents to the BSEC Member States;
- strengthened interaction with European regional and sub-regional organizations, especially with the European Parliament. One of the most important achievements of the Romanian PABSEC Presidency in 2004 was the granting of the status of observer, on a reciprocal basis, to the Parliamentary Dimension of the CEI.

The Parliament of Romania fully supported all the PABSEC initiatives in involving new actors in the efforts of the member countries in achieving a higher degree of regional interaction and integration, being the host of meetings at the level of Mayors and Governors (Black Sea Capital's Association, set up in Bucharest, in 1998), of Public Television and Radio Broadcasters (first meeting in Bucharest, 2002), Forum of the Presidents of Constitutional Courts, first and second edition of the Forum on oil and gas, etc.

5. The Parliamentary Dimension of the Central European Initiative

Romania joined the Central European Initiative in 1996. Since then, the members of the Parliament of Romania actively participated in the first revision of the Document on Working Procedures (adopted in 1999), converting the Parliamentary Conference into the CEI Parliamentary Dimension (consisting of the Parliamentary Assembly, a Parliamentary Committee and specialized ad-hoc Committees).In the last years, the Romanian parliamentary delegation actively contributed to the elaboration of the draft of the new Rules of Procedure and expressed full support for its adoption, considering it as a very important mean for the strengthening of the statute of the parliamentary dimension of the organization and for the improvement of its cooperation with CEI Governmental and Economic dimensions and with the parliamentary dimensions of other parliamentary organizations as well.

The determination of the Romanian parliamentarians within CEI-PD to share experience and receive expertise and assistance in order to successfully accomplish the goal of European and Euro-Atlantic integration, their contribution in expanding the zone of security, stability and economic prosperity in the region, are mainly reflected by:

- a constructive participation in all CEI PD activities, on issues as: interregional and cross-border cooperation, situation on national minorities, justice, combating organized crime and terrorism, development of the SMEs and of the energy sector, the role of the civil society, youth, educations, social conditions for Rroma population, cultural and national identity in the context of globalization, the role of the national parliaments in the context of the EU enlargement;
- contribution to the Final Declarations adopted every session, which are forwarded to the Council of Ministers and Heads of Governments, containing recommendations addressed to the governments and setting out the broad policies winning the Assembly's approval.
- hosting meetings of some Ad–Hoc Committees, in order to better monitoring projects undertaken by the intergovernmental cooperation Working Groups. At present, Romania held the chairmanship of the ad-hoc Committee on environment and tourism of the CEI PD.

6. The Parliamentary Dimension of the Cooperation in the South Eastern Europe

The Parliament of Romania attaches a particular importance to the promotion of multilateral parliamentary cooperation among the countries in the South Eastern Europe, considering SEECP' s role as a platform for the European integration of its Participating States, integration which stands as an important guarantee of prosperity, stability and peace in South-Eastern Europe.

In this regard, since 2001, the representatives of the Parliament of Romania participated in all the Conferences of the Parliamentary Troika of the Stability Pact (the European Parliament, the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe). The 2002 edition was hosted by the Parliament of Romania, under the auspices of the OSCEPA, having as a main subject of the political, economic and cultural aspects of the security in the South Eastern Europe. At the same time, the Presidents and other representatives of the Parliament of Romania regularly attended the Conference of the Presidents of Parliaments from South Eastern Europe and specialized parliamentary regional meeting. The Romanian MPs are confident that turning the SEECP into a "*voice of the region"* can be substantially stimulated through to a sustained contribution by the parliaments of the Participating states. In our vision, to this end, it is necessary to strengthen the parliamentary dimension of this process leading to the intensification of the regional interparliamentary dialogue, to the institutional and legislative harmonization with the *aquis communautaire,* as well as, to the promotion of a regional perspective of stability and peace.

Since the foundation of the SEECP, Romania held twice the Chairmanship - in- Office, the last time in May, 2004 – May, 2005. As for its programme, it should be mentioned the regional Conference "*Towards a Community of Energy in South East Europe*" and, for the first ever time, the Conference of Chairman of Foreign Affairs and European Integration Committees of the Parliaments of the SEECP Participating States, both of them hosted by the Parliament of Romania.

The last one represented a particular opportunity to enhance the SEECP parliamentary dimension. The Conference adopted the Final Declaration and the Plan of Action whereby the participants committed themselves to ask their parliaments to set up a favorable framework for launching the activity of a Working Group entitled to work out the structures and priorities of the SEECP Parliamentary Dimension.

III. Role and contribution by the Secretaries General

The improvement of the effectiveness of Parliament in the European Integration process, regional cooperation and contacts between parliamentary administrations requires a better definition of the status of the Secretary General, of his main responsibilities in the field foreign parliamentary relations. The present mechanism of parliamentary cooperation needs a special attention on the part of Secretary General which means more than management of human resources implying also efficiency and quality of the staff activity, its motivation. In this regard, have to be put in place well defined organization structures, a professional management of the human resources and the formation for team work.

At present, the Senate is revising the Staff's Regulations. According to the new provisions, the Secretary General and the Directors of Departments and Divisions shall have the status of civil servant. At the same time, the Division on Foreign Parliamentary Relations will be turned into a Department and a new a Division on European Integration will be set up. This new approach will have also a positive influence on the administrative capacity of the Senate to meet its tasks in the field of parliamentary diplomacy, including regional parliamentary cooperation.

The exchanges of experience carried out by the Senate of Romania at the level of the Secretary General and the parliamentary Staff with the Parliaments of other European countries have greatly contributed to a better management of the matters related to the organization and the policies on human resources. We are determined to intensify this kind of cooperation with the European Parliaments.

Given the huge importance of the Communication sand Technology in promoting parliamentary cooperation at all levels, the Secretary General is called upon to make better use of the facilities offered by the structures as ISPARD and IPEX. As far as the Senate of Romania is concerned, it supported the ISPARD activities and the Senate's Administration representatives are involved in this process. Unfortunately, some difficulties were encountered in implementing the IPEX Project but, once the technical requirements and the necessary human resources are ensured, we will proceed to the implementation of the IPEX Project.

Finally, the Senate's Administration is increasingly concerned to find out the best possible modalities to disseminate the information on the objectives of the regional inter parliamentary cooperation through the Senate web site www.senat.ro, publications, seminars, debates, with a view of increasing the support provided by the civil society, of expanding of this cooperation at the level of interested NGO's, youth organizations, professional organization and mass media."

Mr Peter SARDI (Hungary) thought that one of the main problems facing the European Union was that of coordinating the work of 25 parliaments while avoiding imposing decisions on them: this meant that coordination should be by way of the greatest possible corporation –this

had been achieved as far as new member parliaments were concerned by way of preparing officials during the process of accession.

He thought it was very important to establish a schedule of shared work relating to European matters within these Parliaments in order to avoid clashes between meetings and conferences.

More generally, interregional cooperation had led to the multiplication of the parliamentary forums which were difficult to coordinate, both within the European Union and internationally. The Euro-Mediterranean Assembly and cooperation between the European Union and the countries of the Asia-Pacific region represented a good example of successful cooperation between different international areas of influence.

Mrs Isabel CORTE-REAL (Portugal) agreed with the remarks of Mr Anders Forsberg and underlined the support of the Portuguese Parliament for the IPEX forum.

There was corporation between Portuguese speaking nations by way of an Association of Secretaries General of Portuguese speaking Parliaments which was made up of eight members (Angola, Brazil, Cap Verde, Guinea-Bissau, Mozambique, Portugal, San Tome and Principe, Timor). Information and experience was shared by way of an annual forum. There was also a Forum of Portuguese Speaking Parliaments which currently was chaired by Brazil.

In the political arena (by way of friendship groups) as well as in the administrative sphere, Portugal maintained close bilateral links with all the above-mentioned countries.

She also mentioned the establishment of an international parliamentary training programme which lasted for five weeks and which was aimed at 20 senior Portuguese speaking officials.

Mr Seppo TIITINEN (Finland) thought that the many international co-operative bodies suffered from a democratic deficit – which might well be the case with the European Union. For that reason Finland tried to reinforce necessary democratic control.

The general rule was that States had tried to find national solutions to this global democratic deficit. In Finland Committees had been established to scrutinise the activities of Government, the principle being that all Members of Parliament could take part. The Constitution had been amended and an article had been introduced providing that Parliament had to scrutinise all the measures taken by Government.

The outcome of this was that the system enabled Parliament to make a contribution to the European decisional process in a very satisfactory way. This indicated that whatever benefits international cooperation might produce, only steps taken nationally were able to have an effect on the Government.

The European Parliament played a role in the Union which was not unimportant, but the general feeling was that it was insufficient to remove the democratic deficit within the Union.

The Constitutional Treaty which was being examined by various countries gave new powers to national Parliaments. For those countries which already had scrutiny measures in place it was uncertain whether this represented a substantial change.

Mr George PAPAKOSTAS (Greece) gave a few concrete examples of interparliamentary cooperation which had been undertaken by the Greek Parliament within its own geopolitical area.

The Greek Parliament was taking part in the South-East European Cooperation Process (SEECP) which was a new structure of regional cooperation. Greece, which would take over the presidency of the SEECP in 2005, wanted to encourage its transformation into an operational organisation which was able to undertake definite action and the chief tangible results in respect of the problems of the region. Already the Parliamentary dimension of this important process of bringing together the people of the region – by way of the development if mechanisms for political cooperation and security and collaboration within the areas of the colony, the environment, Justice and the fight against crime – was producing its first results.

Greece was an active member of the Cetinje Parliamentary Forum (CPF) which brought together the Parliaments of the Balkan countries. In November 2000 and for the first conference of chairmen and members of Standing Committees of the Balkan Parliaments which were responsible for defence and security matters was held at Cetinje. In the course of this meeting the major role of the Parliaments of the regions as supreme representative institutions which were essential for a policy of peace and corporate cooperation in the areas of defence and security had been underlined at the end of February 2005 the first meeting of chairman and members of Standing Committees on economic affairs of the same countries had also taken place in Cetinje. On that occasion, the results which had already been detained in the area of economic operation between Balkan countries had been welcomed and given greater permanence in various free trade agreements. It had been agreed that macro economic stability, the development of a market economy and the establishment of democratic principles called for common rules and policies.

Greece was taking part in the Adriatic-Ionian Initiative (AII) which was another important initiative which gained at the stabilisation and development of the Balkans in the area of human rights, support democratic institutions and cooperation in areas where the States of the region had comparative advantages (maritime transport, road networks, tourism, cultural exchanges).

Greece currently had the presidency of the Black Sea Economic Cooperation (BSEC) until the 30th April 2005. The Greek Parliament would in the near future organise an Inter-Parliamentary conference in Athens on the improvement of relations between the European Union and BSEC in the Parliamentary sphere. Members of Parliament who were members of the Inter-Parliamentary Union and also Members of the European Parliament would take a part in this conference which would emphasise the importance which Greece attaches to the promotion of relations between the European Union and BSEC including in the parliamentary area. It was hardly necessary to mention that the BSEC in the course of its 16 years of existence had greatly contributed to stability and peace in the Black Sea region and in the reinforcement of its European basis. In parallel BSEC had adopted a Charter in 1999 which laid down the foundations of its transformation into a regional economic organisation with an intergovernmental and interparliamentary dimension. It went without saying that the European Union accorded great importance to the Black Sea region for various reasons: among others, its geostrategic position at the crossroads of Europe and Asia, its fast economic potential, its abundant natural resources, its market of 340 million consumers. Greece, during its presidency, had taken every step to promote cooperation between BSEC and the European Union in all areas.

Greece was also very active on the Parliamentary level within the Euro-Mediterranean Conference – in the framework of the Barcelona Process – and within the Conference for Security and Cooperation in the Mediterranean (CSCM) in the Parliamentary Assembly for the Mediterranean (PAM).

The initiatives referred to above were extremely important because they had the aim of improving the daily life of citizens of Mediterranean countries in reducing the gap between the rich and poor in the region, in encouraging the establishment of a free trade area in the Euro-Mediterranean area, in attacking the problems of population change and illegal immigration, in reducing maritime pollution, in protecting the environment and water resources, in supporting sustainable development, in protecting the rights of the young and women, in encouraging the dialogue between countries, cultures and religions, in combating terrorism, in creating a climate of confidence, in avoiding conflict and ensuring the peaceful settlement of differences and respecting the inviolability of Borders and territorial integrity of States and, finally, in promoting democracy and human rights.

Mr Hans BRATTESTÅ (Norway) thought that foreign policy matters were too important to be left alone to Governments. The time had arrived when Parliaments should be involved in all aspects of political life, including foreign policy.

Inter-Parliamentary Corporation was the means by which war would in practice be made impossible and by which foreign entanglements might be opposed: it was, basically, a way of keeping the peace.

Mr Anders FORSBERG (Sweden) summed up by saying that he shared in the general feeling that it was necessary to involve national parliaments in questions relating to security and defence. They should be recognised as being competent in these areas.

It was also important that Standing Committees and Members of Parliament should be assiduous in taking part in international conferences, which would allow the subjects examined there to be dealt with at a national level and would not remain the property of the few experts.

Mr Ian HARRIS, President, suggested that questions relating to regional cooperation could be followed up regularly within the Association as had been suggested by Mr Anders FORSBERG and Mr Arie HAHN in the Executive Committee.

He thanked Mr Anders FORSBERG as well as all those who had taken part in the debate.

The sitting rose at 5:30 p.m.

FIFTH SITTING
Thursday 7 April 2005 (Morning)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 10.00 am

1. New members

Mr Ian HARRIS, President, said that the secretariat of the Association had received several requests for membership, which had been submitted to the Executive Committee and agreed to. These related to:

Mrs Keorapetse BOEPETSWE	Deputy Secretary General of the National Assembly of Botswana
Dr Guillermo H. ASTUDILLO IBARRA	Secretary General of the National Congress of Ecuador (replacing Dr Gilberto VACA GARCIA)
Mr José Antonio MORENO ARA	Deputy Secretary General of the Congress of Deputies of Spain

None of these applications had revealed any particular problems and Mr Ian Harris, President, proposed that should be accepted as members of the Association.

This was *agreed* to.

2. General debate on the development of parliamentary staff

Mr Ian HARRIS, President, invited Mrs Claressa SURTEES and Mr Wayne TUNNICLIFFE to open the debate.

Mrs Clarissa SURTEES (Australia) spoke as follows:

"1. Introduction

For some 100 years the Department of the House of Representatives has sustained a reputation for professional, effective parliamentary support, although it is a small department in terms of staff numbers. This effective support for the House and the Parliament is made possible by the strong capacity and commitment of the Department to its staff—its people—and their commitment to the Department and its goals.

Part of the framework for the Department and its staff is the *Parliamentary Service Act 1999*, which formally establishes the responsibilities and obligations of staff of the Parliamentary Service in dealing with the Parliament, the community and one another.

A. The Department's role

The Department has three main groupings of staff who work together to fulfil the Department's purpose: to support the House of Representatives and the Parliament by providing advice and services of the highest possible standard. These groupings are formed with a function on:

1. Chamber, and Main Committee support
2. Committee Services, Interparliamentary Relations and Community Awareness
3. Members' Services

The staff in these groups draw on a range of skills and knowledge so that the Department can provide:

- procedural and policy advice, and facilities and services to support the operations of the House Chamber and Main Committee
- legislative drafting, research services and the processing and production of bills and associated materials
- advice and support for House committees and joint committees administered by the House, including procedural, research, analytical, administrative and drafting services
- advice and support directed to the development and maintenance of inter-parliamentary relations at the international and regional levels
- information and education services to promote public knowledge of, and interaction with, the work of the House and the Parliament, and
- advice to the Speaker, Members and others, on Members' entitlements and support, processing of Members' salaries and entitlements, and facilities and services, including accommodation, and communications and information technology.

Staff numbers

In 2004, the Department had 164 staff. The largest groups of staff were those directly supporting the work of the Chamber and the Main Committee; those involved in committee support, and those providing general advice, services and support to Members. It should be noted that many staff supported the House in a variety of ways, and often through work in more than one of the major groups.

The Department had 5 staff in the Senior Executive in 2004, 53 at the Executive Level, 43 staff at the mid-level research and administrative range, and 62 staff at the three junior levels of the Parliamentary Service.

B. The Department's commitment to staff development

Documents

The Department's commitment to staff development is articulated in its major corporate documents, such as the *Corporate Plan 2004-2007*, the *Certified Agreement 2004-05*, the Clerk's *Statement of Skills*, *Work Performance Management Guidelines*, the *Business Plan*

2004-05, the *People Strategies Plan*, *Studybank Guidelines* and *Mobility Assignment Guidelines*. Many of these documents are discussed in detail in the sections that follow.

The *Corporate Plan 2004-2007* includes a statement of the Department's commitment to staff development and the reasoning behind that commitment:

Our people

We aim to provide a stimulating, challenging and rewarding workplace in which our people learn and develop and are valued for their contribution and diversity. Our future depends on the skills, capabilities and commitment of our people.

In the Corporate Plan the Department identifies some priorities for improvement and commits itself to foster a culture which values and recognises learning, and to continue to develop the skills and knowledge of departmental staff.

Implementation

The Department has demonstrated its commitment in a range of ways, including by the resources it devotes to staff development. In 2003-04, departmental staff attended, on average 5.2 training days, at a cost equal to 2.9% of the Department's annual payroll. This figure does not include the development activities that are part of everyday work and participation in the life of the Department.

Another example of the Department's commitment to staff development is its involvement in the Investors in People standard. Investors in People (IiP) is an internationally recognised program which assists organisations to measure how effectively they are investing in the development of their people and how that investment is contributing to the achievement of their corporate objectives.

To achieve IiP accreditation the Department was assessed against 23 indicators in order to measure its effectiveness in relation to its:

- commitment to develop all staff to achieve business objectives
- planning to meet the learning and development needs of all staff
- action to provide required learning and development activities and
- evaluation of training and development to improve effectiveness.

Mutual commitment

Staff are accountable for their work performance. It is the Department's and the staff's joint responsibility to ensure that areas of knowledge or skill that need to be developed are identified and addressed through training and development. Mutual commitment to staff development can have a positive influence on the long term health of the department: an organisation that invests in its staff can reasonably expect the staff will respond, by using their new skills and knowledge and investing their own commitment to the department.

The benefits and obligations in respect of training are also emphasised in the Department's *Certified Agreement 2004-05*, which details the conditions of employment for most staff. The *Agreement* is negotiated between staff and the Clerk, and it is premised on the importance of staff members knowing the Department's purpose, goals and values, and their own rights, responsibilities and roles.

The *Agreement* notes the Department's commitment to continue to ensure that new entrants receive appropriate orientation and that staff who move to new areas also receive induction. The *Agreement* outlines the Department's intentions for staff in the longer term and the corresponding responsibilities of staff:

The Department is committed to providing opportunities for all staff to develop and enhance their skills and knowledge to meet the current and future skills requirements of the Department and the Parliamentary Service. This commitment assists to improve the delivery of advice and services, to have a more skilled, flexible and mobile workforce and to enhance staff career prospects. At the same time staff agree to take responsibility for maintaining and developing skills that are relevant.

The *Agreement* provides that staff will have access to a target of five days per year for off-the-job learning activities in accordance with individual development plans. These activities are intended to complement on-the-job training. Staff will continue to have access to relevant external study in accordance with the Department's Studybank (assistance in terms of paid study leave and some financial assistance) guidelines and to participate in suitable management programs.

2. Recruitment of staff

A. Process and progression

The Department aims to attract, develop and retain high quality staff in a competitive market. It also wishes to act equitably and prevent discrimination. The *Recruitment and Selection Procedures* seek to achieve this by adherence to principles that include the following:

- recruitment and selection practices are aimed at quality selection to achieve departmental objectives
- information on job requirements and the basis for selection is accessible and defines necessary abilities and skills
- all applicants in the appropriate labour market have access to vacancies, and
- principles of equity and procedural fairness apply in making and reviewing decisions and actions affecting staff.

For staff undertaking research work, the most common entry levels to the Department are the base research level and the next highest level. For staff undertaking administrative work the most common entry level to the Department is at the base, most junior, staffing level. Staff would generally expect to progress to other levels as they gain relevant experience and qualifications. When vacancies are open to the labour market, it is quite possible that they will be filled by persons applying from outside the Department, whether or not the vacancies are at the base entry levels. During 2003-04, the Department advertised to fill 31 vacancies for ongoing positions, ten of which were filled by internal applicants.

B. Parliamentary Service Values and Code of Conduct

The *Parliamentary Service Act 1999* establishes the Parliamentary Service Values and the Code of Conduct which apply to all parliamentary service employees. From the time staff are recruited they are required to behave in accordance with the Code of Conduct and in support of the Parliamentary Service Values. These prescribed standards and values address issues

at the core of successful support for the Parliament; they require of staff, professional advice which is independent from the executive government, the highest ethical standards and leadership, and proper use of Commonwealth resources. The Department and its staff recognise the significance of this framework in engaging in staff development.

3. Assessment of staff development

A. Development and appraisal structure

Work Performance Management Guidelines

The Department has a formal work performance assessment process which aims to ensure improved performance as staff and supervisors develop a clear understanding of the goals to be achieved in the coming year and the basis for assessing that achievement.

From this process:

- staff achieve a framework to plan and develop their career goals and learning needs. Staff can develop a clear picture of their role and purpose within the Department and have a process for obtaining and giving constructive feedback about work performance, and
- the Department achieves, among other things, improved performance because of the development of a strong performance culture, a commitment to and understanding of directions being pursued, improved communications between supervisors and staff, a fair basis for recognising performance, and improved mobility for staff.

The performance management process involves a series of steps:

- setting work objectives, with staff and their supervisors signing a work performance agreement at the beginning of the assessment period
- initiating at the same time an individual development plan to identify current training and assignment needs, career interests and training. This requires the supervisor and staff member to discuss the staff member's development needs and career progression wishes and then to agree on appropriate development activities and possible work placements
- periodic review of progress towards the objectives. The process requires the supervisor and staff member to discuss progress half-way through the period of review, and again at the end. Naturally there should be other feedback apart from these two more formal occasions
- written comments by staff on their supervisor's work performance against the Department's listed leadership skills and behaviours. Staff either individually or as a work group submit to their supervisor's manager an assessment of the supervisor's leadership performance
- an assessment by the supervisor of the staff member's work performance against the objectives and other assessment factors using a set scale
- review of objectives and agreements by the next highest supervisor for consistency of standards across the work area, and an avenue of appeal.

The individual development plans form the basis of the Department's calendars of the internal and external training options that are available to staff. Copies of these calendars are given to all staff twice a year and they are also available on the Department's intranet. When a training activity has been undertaken, the staff member completes an evaluation of the

program and, three months after the activity, the supervisor and staff member evaluate its impact.

B. Leadership

Effective leadership is essential for the delivery of the functions of the Department and for securing the continuity of professional support for the parliament in the future. For this reason a heavy emphasis is placed on the development of leadership performance and capacity and its encouragement and assessment in the work performance assessment process.

The Department's *Leadership Statement* sets out the necessary factors for leadership performance and is based on extensive research and consultation with staff. Leadership performance is assessed not only by supervisors but, as indicated, also by the staff. In addition there is a framework to evaluate leadership development. The Department received the Prime Minister's Silver Award for Excellence in Public Sector Management in recognition of its sustained efforts in developing leadership capacity.

4. Training and development—the Department investing in its people

A. Role

Training and development in the Department has two main directions and purposes:

- parliamentary context
  General training on the roles and activities of the House and the Department helps staff to understand the context of their work and their roles and responsibilities.

- leadership, management, and subject specific
  Much of the Department's focus is on developing staff capacity for high performance in their work role. There is a strong emphasis on leadership and management development but also, staff are encouraged to undertake training in specific areas that relate to their particular work responsibilities, for example, report writing.

B. Activities supported

The Department provides induction training to introduce all staff to the work of the Parliament and the Department and to the Department's senior staff. Also, this training informs staff of requirements in terms of their conduct in recognition of the standards and values prescribed in the *Parliamentary Service Act 1999*.

The Department enables development of all staff through a program of in-house briefings on parliamentary topics each year. Subjects in recent years have included the revised standing orders, stages of the committee inquiry process, parliamentary privilege, and committee report writing strategies. The advantages of participating in these sessions are reinforced by notes being taken at the briefings and made available on the Department's intranet.

Informal training activities are regularly offered for lunchtime discussions on topics of more general interest, for example, team work, customer relations and emotional intelligence. These activities involve the broadcast of a short video, followed by a brief group discussion.

Procedural training is provided for staff involved in chamber work. The Department holds debriefing sessions at the end of sitting weeks to discuss procedural and practice issues that arose that week. These sessions provide a valuable opportunity for the more challenging aspects of support activities and lessons learnt to be explored more fully; they are open to all staff and are well attended. The Department supports written materials, on-the-job training and one-on-one coaching for staff who serve as clerk or deputy clerk at the table in the Chamber and the Main Committee.

Shadowing of a number of positions in the Table Office by staff from other offices has been undertaken successfully for several years. This usually involves staff working of an evening during sitting periods and taking on the role of an understudy – like an actor in the theatre – of key staff in the Table Office, with a view to being able to take over the duties of the key staff member should she or he become ill or need to take leave. The success of this initiative has meant that some other areas of the department have invited applications for shadowing experience.

Management and leadership development

Staff from the middle levels upwards are strongly encouraged to participate in leadership and management training and, each year, their individual development plans are likely to include an element of this. Such training may be offered by external providers but conducted within the Department, or it may involve formal programs at leading tertiary institutions. Such programs may target only public sector participants, or they may involve participants from private enterprise as well. Recently, in response to a leadership survey by staff, the Department introduced an executive leadership and management coaching programme. This involves a provider working with individual managers, for approximately three months.

The Department sponsors participation in a number of activities that involve professional development, often in cooperation with colleagues from other parliaments.

Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT)

ANZACATT aims to advance the professional development of its members and enable members and other staff of parliaments to expand their knowledge of the foundations and principles of parliamentary systems and procedures in Australia and New Zealand, and of the administrative practices that support parliaments.

Each year, under the auspices of ANZACATT, a member legislature supports a professional development seminar for parliamentary staff. Also, a course on the Law and Practice of Parliament, as approved by ANZACATT, has been offered for the past two years by the Law Faculty at the Queensland University of Technology; the course has graduate award status. The Department sponsors participation by several staff members in each of these programs.

Australasian Study of Parliament Group (ASPG)

The Department supports participation by its staff in activities of this study group. The Group aims to encourage and stimulate research, writing and teaching about parliamentary institutions in Australasia and the South Pacific. It produces a journal twice a year and holds an annual conference in Australia or New Zealand with participation of academics, staff, members of parliament, and the media.

The Department has a long history of cooperation with staff from other parliaments. The Department has seconded staff members to other parliaments in Australia and, not surprisingly, to parliaments in the Pacific region, due in part to the Australian Parliament's membership of the Commonwealth Parliamentary Association. In 2002 the Department supported the placement of two staff members at the Assembly of Kosovo over a six month period. In 2003–04 departmental staff participated in formal and informal programs with staff from the parliaments of Canada, the United Kingdom, Tonga, Timor-Leste, and Indonesia, and in the inter-parliamentary study program provided by the Department. Apart from the aim of most of these activities to provide expert support, these activities are regarded as mutually beneficial because of the skills and perspectives that are gained by departmental staff as they exchange knowledge and information with colleagues in other parliaments.

On-the-job training

Much of the training and development of staff is undertaken by supervisors, on-the-job. Supervisors are conscious of this and, subject to work needs, try to ensure that staff have the opportunity to experience a variety of work that can gradually increase their skills and confidence, and that they receive the level of instruction, feedback, and intervention they need. One of the most straightforward ways to encourage development is for supervisors to ensure staff are aware of the various resources, such as manuals or handbook, checklists, and training activities that are available, and which of these resources are likely to benefit them. The work performance assessment process reinforces the responsibilities of supervisors and staff in this regard.

Participation in department-wide activities

There are a number of departmental activities that are not specifically training and development activities, but which offer those advantages. All staff are encouraged to attend and contribute to the Department's annual planning day, to participate in staff focus groups, to attend reporting sessions where the work of the Department's main areas is discussed and to provide community outreach seminars explaining the work of the Parliament to university students and to participants from the public and private sectors. Staff participating in these activities develop an increased knowledge of the Department, a sense of responsibility and inclusion, and skills such as assertiveness and public speaking.

C. Resources

The Department's main resource for staff development is its people. These include senior staff who set the direction, those who develop and provide formal training for colleagues, supervisors who provide on-the-job training and coach staff, and all staff who commit themselves to learning and sharing their skills and knowledge with colleagues.

Another major resource is the documentary framework, deriving from the Corporate Plan, which articulate the policy on staff development, and set out ways to implement it. The *Corporate Plan 2004-2007*, *Work Performance Management Guidelines*, and *Certified Agreement 2004-05* have already been discussed. There are other documents which set out the various paths by which development can be undertaken.

The Clerk has developed a *Statement of Skills* that outlines the skills the Department needs to achieve its goals for now and into the future. It can be used as a guide by staff and supervisors as they discuss development needs and long-term career progression.

The *Statement* has three broad areas
Part A: People skills
Part B: The broad departmental skills needed to meet goals (not everyone needs to have all of these skills.)
Part C: Specific skills to fulfil the Department's functions.

The *Statement* outlines the behaviour expected of leaders and notes that all staff need to demonstrate effective personal management and teamwork skills, including being responsible, adaptable and learning continuously.

The *Statement* describes the various groups, identifies the functions they perform, and the specific skills required to undertake the functions. The broad information in the *Statement* is built on so that the skills required for individual jobs and classification levels are described in detail in individual selection criteria—these form part of the documents prepared for selection processes—and the *Work Level Standards*.

The Department's *Work Level Standards* provide detail of the skills required to perform at different levels in the Department. They comprise:

- a general description of the work performed at each level/band
- details of the characteristics of the work
- the skills and attributes required to perform the work, and
- examples of the types of tasks performed at each level/band

for all job classifications in the Department except for the Senior Executive level.

The Department values staff rotation and placements as development tools. Mobility is encouraged as a development option for all staff who have performed their present duties for at least two years and have identified mobility as an appropriate career or other development opportunity through their individual development plan.

The Department developed Mobility Assignment Guidelines with the aim of assisting staff mobility to increase understanding of the Department, develop new skills that may be transferable to their own work areas and improve their career options. Mobility is the placement of staff in short-term assignments that support corporate goals and individual development. Such placements could be matched—where two staff swap positions—or unmatched—where a staff member undertakes a specific assignment in another work area—or involve shadowing—where a staff member works alongside another colleague to develop understanding and skills in a different office.

During election periods, when work in certain areas, such as the Committee Office, winds down, the Department has allowed staff to participate in secondments to executive agencies where they can develop contacts and skills that are relevant to the work of the Department as they experience the stimulation provided by a different working environment.

5. Issues/challenges for the Department and advantages offered by staff development

There are a number of staff issues that have an impact now or can be expected to emerge in the near future. These include:

- many staff with long departmental experience and highly developed skills are likely to retire around the same time; they are 'baby boomers' and are able to benefit from an actuarial peculiarity in the superannuation system if they retire just prior to 55 years of

age. The potential arises for significant gaps in departmental capacity to occur at the same time

- the opportunities for promotion are limited in a small department, even for highly effective staff. The Department faces the risk that it will lose staff it would prefer to retain, unless it can offer them incentives to stay
- in a department whose work is focused on support for the Chamber and committees, staff who are not directly involved in those areas may be inclined to feel they are lesser departmental citizens. The Department is aware that staff need to feel their contribution is valued and that possibilities for development are open to them
- in a department committed to providing high quality development opportunities, it is likely that staff will have increasing expectations about the opportunities that are available to them.

To some extent, training and development activities can address the need for staff to pass on their skills and knowledge, and to be stimulated and motivated to maintain their commitment to the Department. Following are some examples of development activities that are rewarding for staff, do not involve great expenditure of resources, and contribute in many ways to departmental objectives.

The Department has been aware of the need for succession planning for some time. Staff in all areas of the Department are working to ensure that work practices and procedures are recorded well, in manuals, handbooks and file notes, and shared with colleagues in their own and other work areas at debriefs, and seminars.

In recent years committee secretaries have been able to take up the opportunity to serve from time to time as Deputy Clerk in the Main Committee and, more recently, the Chamber. This is a development opportunity for those staff and, because it frees staff from traditional chamber support areas from prolonged periods of service at the table, is consistent with the Department's objectives in supporting the work of a busy Chamber and a Main Committee that is sitting for lengthy periods.

Another development activity with multiple benefits is the training that has been offered to middle-senior level staff in public speaking/presentation skills. These staff have gained initial practical experience by participating in in-house seminars and briefings to inform colleagues about work issues on which they have expertise. Over time, the staff have been enabled to make presentations at the Department's seminars and briefings for external audiences.

All staff attend induction training, and are welcome to attend debrief sessions, parliamentary briefings, and training on general issues, regardless of their work area or work level. All staff are invited to contribute to planning for the Department's future and reporting on its current work.

Shadowing opportunities are usually taken up by staff from other work areas who have the benefit of trying new duties and assessing whether they have an aptitude for that work and might like to transfer, as well as the stimulation of learning something new and working with different colleagues.

How it will meet fresh expectations and requirements for staff development opportunities is an ongoing challenge for the Department."

Mr Wayne TUNNICLIFFE spoke as follows:

"Until fairly recently, the training of parliamentary staff in Australia and New Zealand had been largely a matter for individual jurisdictions. The focus on parliamentary practice and procedure, which is the core business of parliamentary staff was predominantly "in house". There were some short-term attachments between Parliaments, particularly from officers of State Parliaments to the Commonwealth Parliament and some isolated exchanges. A Professional Development Seminar was held for the first time in January 2000. However, it was generally "on-the-job"; with a mix of procedure, personal development and meeting the requirements of performance appraisal systems.

However, the approach to training was to change somewhat in 2001 following the decision taken by the Clerks of the Australasian jurisdictions at their biennial meeting in Hobart in January that year to establish the Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT). This decision not only acknowledged the need to provide additional training and development opportunities in what is a largely specialist area but also signalled a willingness to adopt a more across the board, co-ordinated approach to training and development which would supplement the in-house programs already being provided.

This paper outlines some of the initiatives taken by ANZACATT in relation to the training and development of parliamentary staff since its establishment.

OBJECTS OF THE ASSOCIATION

With broad agreement in principle at the Hobart meeting in January 2001 to establish ANZACATT, it was only a short time before the Association was established. A sub-committee of Clerks was formed to draft a constitution, the draft was considered at a meeting in Melbourne in July and acceptance by those eligible for membership was obtained by August. The inaugural Executive was in place by September. The objects of the Association are:

(a) to advance the professional development of its members;

(b) to enable its members and other staff of Parliaments in Australia and New Zealand to -

  (i) expand their knowledge of the foundations and principles of parliamentary systems and in particular parliamentary procedure in Australia and New Zealand;

  (ii) expand their knowledge and mastery of administrative practices that can ensure an effective governance of the human and material resources essential to the smooth operation of Parliament;

(c) to foster the sharing of professional experiences and the discussion of subjects of common interest as well as consultation and collaboration among its members and other parliamentary staff;

(d) to encourage the communication to its members of such measures for parliamentary change as may be undertaken by Parliaments in Australia, New Zealand and elsewhere;

(e) to maintain close ties with Parliaments not represented in the Association;

(f) to contribute to a broader dissemination of knowledge about the institution of Parliament and parliamentary procedure in Australia and New Zealand particularly through the publication of a bulletin; and

(g) to promote excellence, integrity and professionalism among its members.

The constitution also stipulated that the Executive Committee must ensure that there is at least one Professional Development Seminar each year and that a Professional Development Committee be appointed to prepare for the approval of the Executive the order of business for each seminar. An Education Committee with the task of identifying to the Executive opportunities for the Association to contribute to a better understanding of the institution of Parliament was also to be appointed.

This paper will focus on three particular training initiatives since the establishment of ANZACATT — (1) the seminars organised by the Professional Development Committee; (2) the recent addition of a workshop on parliamentary privilege and (3) the Education Committee's tertiary course on parliamentary law, practice and procedure.

PROFESSIONAL DEVELOPMENT SEMINARS

Early Model — Pre-ANZACATT

The first Professional Development Seminar to be held in Australia was actually held before the formation of ANZACATT under the auspices of the Association's predecessor, the Society of Clerks-at-the-Table Australian Chapter. It was held in Adelaide, South Australia, in January 2000 and was based on the Canadian model which had existed for many years. This first seminar comprised the presentation of a number of papers, two separate workshops on electronic parliaments and security and reports on the activities of each jurisdiction. A decision was taken at the outset for the sessions not to be recorded as a means of encouraging frank and open discussions.

The seminar was particularly successful. Feedback suggested that it could be improved with a slightly modified format of more workshops and thematic sessions. However, it was the forerunner of what was to come.

At the meeting in Hobart which agreed to establish a formal association, it was also decided to hold a further seminar to build on the Adelaide exercise and the second seminar was subsequently held in Melbourne in July. By this time, agreement had virtually been reached on the ANZACATT Constitution. Taking into account feedback from Adelaide the Melbourne seminar had the theme of *"Taking Parliament to the People: The Challenges Ahead".* It took the form of a series of workshops on related topics including regional parliamentary sittings, security, accessing Parliament in the digital age and public participation in committee activities. Two plenary sessions with guest speakers including three former Premiers of Victoria completed the programme.

ANZACATT Seminars

Upon taking office the ANZACATT Executive decided to largely maintain the approach taken in Adelaide and Melbourne as they were an ideal basis upon which to proceed further. It made several decisions regarding the conduct of future seminars. It was firstly decided that the seminars would be held in the last week of January each year, a decision which was concurred with by the Clerks. Such a date would enable Houses to plan ahead with more certainty and would also allow participants to possibly combine their attendance at a seminar with their annual holidays.

Seminars have since been held in Canberra in 2002 under the theme of *Supporting Parliament Effectively*, Alice Springs in 2003, Sydney in 2004 and Wellington in 2005. The Queensland Parliament will host next year's seminar in Brisbane. At each ANZACATT Annual General Meeting which is held during each seminar offers to host future seminars are sought and it is pleasing to note that at this stage venues are in place until 2011. This is an indication of the value placed by each jurisdiction on such exercises. They have become an integral part of the parliamentary calendar.

The Executive also decided to move away from the presentation of papers in a conference style format and instead expand the workshop concept which would enable more intimate and relaxed discussion on seminar topics in smaller groups. Guest speakers would be invited to provide a balance with the workshops on the programme and seminar themes as an overarching guide to the various workshop topics would be retained. It was also decided to invite representatives from the United Kingdom, the Association of Clerks-at-the-Table Canada, the American Society of Legislative Clerks and Secretaries and the South African Legislative Secretaries Association to enable an international perspective on issues to be given.

Although not always well regarded by participants the Executive decided to continue the reports from the various jurisdictions as it was felt that there provide additional opportunities for delegates to speak often on matters which could often be quite topical and of interest. Since then, the format of the jurisdiction reports has changed from time to time in order to maintain interest among participants.

It was also decided to continue the practice established at the first two seminars that any officer of a Parliament, whether or not they are a member of ANZACATT, can attend the seminars provided that they are nominated by their Clerk. As a result, there has been a wide cross section of participants attending and the average number of those at the seminars has been 70.

Recent programme changes

Feedback on the seminars is considered to be very important by ANZACATT. Many changes have been made to subsequent programmes following comments from those who have attended. Participants are strongly urged to complete evaluation questionnaires which are considered by the Professional Development Committee which then recommends to the Executive changes to the following year's programme.

The practice of having guest speakers has been maintained each year as they have continued to be popular with participants, often presenting a perspective on a matter of particular relevance to the host jurisdiction. The basic format of guest speakers together with workshops has now become well established and is considered to be the most effective framework. At the past two seminars workshops have been held on the following:

- Preparing for life at the Table
- Benchmarking
- Key performance indicators and annual reporting for parliamentary departments including the use of Member surveys
- Quality control of committee report content
- Guiding principles for interpreting Standing Orders

- E-Parliament: IT and new business models for delivering services
- Innovative committee methods and evaluation of committee performance
- Parliamentary organisational and administration models — an evolving process unique in the parliamentary environment
- Natural justice issues for committees
- Staffing models for committees
- Ethics — imparting parliamentary ethics to new staff and the impact of ethical requirements on parliamentary staff.

Jurisdiction reports have been retained but are now strictly time limited to three minutes. Presenters are asked to avoid comprehensive accounts of matters that could be better covered in ANZACATT's biennial publication *Parliament Matters*. Reports are limited to one significant issue of particular interest.

There have been some other additions to the programme which are worth noting. In 2003 a segment entitled *Off the Record* was introduced. This session, which is based on the Canadian model is a question and answer session on parliamentary related issues. It involves participants anonymously submitting a question on any matter concerning parliament, whether procedural, administrative or otherwise. The session which is held over a working lunch involves the question being drawn out of a hat and those present being asked to provide an answer. The segment has proved especially popular as it is quite different to the remainder of the programme and, given the nature of many of the questions which have been asked, has provided much light relief on occasions.

Further changes were made to the program for the Sydney seminar in 2004. Firstly, a day-long intensive workshop on parliamentary privilege was introduced and will be dealt with separately in the next section of this paper. Secondly, an international perspectives session was added in view of the extent of representation from beyond Australia and New Zealand. Representatives from both Houses at Westminster, Canada and the United States were now regularly attending and it was felt that giving each of them the opportunity to make a presentation on recent developments in their jurisdictions would be of great benefit. In addition, for the first time in 2004 a representative from the Association of Secretaries-General of Parliaments joined the delegates and he too was invited to make a presentation during this session. The session was very warmly received.

Wellington Syndicate Workshop Model

The workshop concept was expanded even further for the Wellington seminar this year through the introduction of a syndicate model for the conduct of the workshops. The syndicate team model comprised a leader, co-presenter and a rapporteur. The syndicate leader was expected to be an experienced parliamentary officer with known expertise in the subject-matter and the ability to coach and mentor remaining team members. The co-presenter was expected to have some knowledge in the subject-matter and be required to research the topic widely. The rapporteur was selected for the role as a development opportunity but was expected to be sufficiently knowledgeable and experienced to provide a report back to all participants at a plenary session. Due to the number of workshops on the program there were therefore 38 opportunities for participants to be involved in the conduct or reporting of the workshops.

Beforehand, Clerks were asked to nominate participants to be a leader, co-presenter or rapporteur based on the above criteria. The syndicate leader would be responsible for leading the workshop, researching the

subject-matter, producing further discussion material for presentation to the workshop and reporting to the plenary session.

Most of the feedback on the workshop format was very positive except for the rapporteur sessions. It had been hoped that they might generate some discussion during the plenary sessions; however, given the time involved it did not prove possible. The feedback report which has only just been received by the ANZACATT Executive shows that there was a lot of comment on the rapporteur sessions in the evaluation forms and that the New Zealand Planning Team are even somewhat divided on them themselves. Some participants felt that too much pressure was being placed on the rapporteurs which may have affected their ability to get the most out of the seminar. On the other hand, others saw it fulfilling a crucial development function. They were, however, agreed that some degree of analysis in the reports, under the guidance of other syndicate team members, would be helpful. The ANZACATT Executive and the Professional Development Committee are currently considering the issue in relation to next year's seminar in Brisbane and beyond.

WORKSHOP ON PARLIAMENTARY PRIVILEGE

Workshop Programme

For the Sydney seminar in 2004, following requests made at previous Professional Development Seminars, an optional intensive workshop on *Back to Basics on Parliamentary Privilege* was added to the programme. The principal purpose of the workshop was to build a basic understanding of parliamentary privilege which had been identified as a deficiency in the training of parliamentary staff. There were five components to the day. The workshop began with a session on fundamental principles presented by a senior officer of the New South Wales Parliament which covered such basics as the definition of privilege, privilege in context, freedom of speech, the sources of parliamentary privilege including Article 9 of the Bill of Rights and the powers of the Houses.

The second session concerned a survey of key cases presented by an academic from the University of New South Wales who is also a former officer of the New South Wales Parliament and was then followed by a session on more complex, contemporary issues presented by Clerks from Australia and the United Kingdom. The issues covered were:

- Parliament and the courts
- Waiver of privilege
- Areas of statutory uncertainty.

The first part of the day therefore provided participants with the background with the remainder providing the opportunity to put these fundamental notions into practice. This was done by way of several workshops considering real life case studies submitted by various Houses. A wide range of scenarios were considered and touched on matters concerning the privilege of a State Parliament versus a Commonwealth statute, parliamentary inquiries and statutory secrecy provisions, the appearance of witnesses before a Select Committee, the possible unauthorised dissemination of committee material and the waiving of privilege in relation to a Royal Commission. The workshop concluded with a report back session where a rapporteur from each group reported on the possible resolution of these issues and participants from the jurisdictions who submitted the scenarios provided advice on the outcome in each case.

Feedback Evaluation

The feedback regarding the privilege workshop was especially encouraging and it was decided to repeat the exercise in Wellington in 2005 with some variations. The session on basic fundamentals of privilege was retained but, as an alternative aimed at those who had attended in Sydney the year before, a session on recent cases and emerging issues was conducted at the same time. Concurrent workshops were held on the impact and effect of statutory secrecy provisions on committee access to information and balancing the needs of investigative authorities and the application of privilege to some members' papers. Reports and discussion from the morning sessions and a plenary session on privilege development conducted by the Clerk of the New Zealand House of Representatives completed the workshop.

Although the privilege workshop was again well received and elicited a considerable amount of participation at the various workshops, the question of whether or not it will be retained for the next seminar is currently under consideration by the ANZACATT Executive. It has been conducted for the past two years and the view put by some members of the Association is that that is sufficient for the time being and that for 2006 and maybe 2007 a day-long workshop on another subject may be more beneficial. Many suggestions for future topics have been made and will be evaluated by the Professional Development Committee and the Executive.

TERTIARY COURSE ON PARLIAMENTARY LAW, PRACTICE AND PROCEDURE

Initial Competency Based Training Proposal

Proposals for more formal training of parliamentary officers in Australasia have been on the agenda for some time, even before the formation of ANZACATT. They were first raised at the Adelaide seminar in 2000 when a paper on the professional development of parliamentary officers was considered. The paper suggested the development of a formal or nationally recognised professional development scheme for parliamentary officers with the following objectives:

- The development of a formalised and cohesive approach to identify skill and knowledge requirements of parliamentary staff.
- The encouragement of career planning and personal and professional development.
- The encouragement of interest in parliamentary careers.

A national working group was established to assess the most suitable development options available. Two options were considered:

- The vocational educational and training centre using a competency training approach.
- The tertiary sector with a Masters of Applied Law (Parliamentary Studies), Masters of Public Administration (Parliamentary Studies or similar).

At the biennial meeting of Clerks held in Hobart in 2001 a report of the working group examining the vocational education proposal was considered and approved in principle to be used as the framework for developing parliamentary service competencies and to form the basis of training and development for parliamentary staff. The matter was again considered at the Melbourne Seminar in July that year, and feedback was sought from each of the jurisdictions regarding their support for the project. However, given that some Clerks expressed reservations about the competency approach for a number of reasons including the scale of work involved, it was decided to not proceed with this proposal.

ANZACATT Education Committee Proposal

The inaugural general meeting of ANZACATT in January 2002 saw the matter of parliamentary training formally referred to the Education Committee for consideration. The following year at the Alice Springs Seminar the Committee proposed that a short course on parliamentary law, practice and procedure as an alternative to the competency based approach be introduced. Based on feedback from each jurisdiction the Education Committee believed that there was a definite need and market for refresher and specialist training in parliamentary law, practice and procedures and that a course to be delivered by a recognised higher education provider met this need. The committee made the following arguments in support of the proposal:

- ANZACATT would deliver the proposed course via a higher education training provider.
- The course will be certified by the higher education training provider and, therefore, may be used as credit towards other courses.
- Unlike the previously proposed competency based model and subject to a requisite level of support, this proposal allows Houses to either opt in or out of the course on a year to year basis and is, therefore, user pays.
- The course will incorporate both a remote learning (on-line) and a residential component.
- Major assessment will be something relevant to each student's jurisdiction, thus ensuring relevance and tangible benefit to each House.
- The course may be made open to non-parliamentary officers in future.

The proposal was overwhelmingly supported by the jurisdictions with many Clerks seeking to hold places for their staff on the first course. The ANZACATT Executive subsequently endorsed the proposal and in September 2003 tenders were sought from 30 tertiary institutions in Australia and New Zealand to conduct the course.

The First Course — December 2004

Following the evaluation process the Queensland University of Technology Faculty of Law was contracted to run the first course in December 2004. This post graduate course to be presented in intensive mode over five days comprised two principal parts. Part A — the legal framework — addressed the constitutional framework and the laws as to membership of Parliament and Part B — parliamentary powers, practice and procedure — addressed the internal practice and procedure of Parliament. The course was to be presented by a mix of academics from the Law Faculty and Clerks or senior officers from various Australian Parliaments.

The assessment was to consist of three components:

20 per cent	Attendance and participation.
30 per cent	A written exercise with emphasis on Part A material – provided to students on enrolment prior to the commencement course, due to be handed in on the fourth day of the course.
50 per cent	Major research paper with emphasis on Part B material. The topics to be provided in advance with the option of each student negotiating an alternative topic with the unit co-

ordinator.

The length of the paper was 5000 words to be submitted 6 to 8 weeks after the intensive course.

The course was to be presented in a series of three hour modules with class time divided equally between the presentation of material and a tutorial style discussion of related issues. The cost of the course was $1700.00 per candidate.

The course was conducted from 13 to 17 December 2004 with 23 participants attending. The ANZACATT Executive is currently considering the course evaluation but, at the biennial meeting of Clerks in Wellington in January this year, following a preliminary report on the feedback received it was decided to continue the course and the second exercise will be in July this year. The feedback has generally been positive. There appeared to be an acceptance on the part of participants that a pilot course such as this would suffer from teething problems. Several attendees suggested that there needed to be a better balance between theoretical and practical sessions in a short course such as this where time is of the essence; however, what is apparent even at this stage is that the participants benefited from their attendance and generally the week can be rated as successful.

The decision to continue the course which was supported by all those present at the Clerks' meeting is positive endorsement of its value and its place in the training and development of parliamentary officers. It is something that the ANZACATT Executive is especially pleased about and provides yet another way in which the Association is fulfilling its aims.

SUMMARY

The training of parliamentary staff in Australia and New Zealand has clearly become more dimensional since the establishment of ANZACATT. The specialist nature of parliamentary work, particularly in the core functions of practice and procedure will always require the bulk of the training to be done in-house and on the job. That is a matter for individual jurisdictions. There is no substitute for this approach. The initiatives taken by ANZACATT through the Annual Professional Development Seminars, privilege workshops and now the tertiary course have proved however to be an ideal way to supplement the type of in-house training provided by the Houses over many years. They have enabled much sharing of information and pooling of resources as well as invaluable networking opportunities which result when parliamentary officers can come together. The more co-ordinated approach provided by ANZACATT means that parliamentary officers throughout the region are getting a similar message. On the other hand, each House has its own unique features in terms of its procedures which require considerable local instruction. Each complements the other. The result is that parliamentary officers in Australasia are now better professionally trained that ever before. However, at both an ANZACATT and local jurisdiction level we will continue to review the situation to see if we can do even better."

Mme Hélène PONCEAU (France) made the following contribution entitles "Recruiting, Training and Evaluating the French Senate's Personnel"

"I –RULES FOR RECRUITMENT

The autonomy of the parliamentary civil service is a direct consequence of the administrative autonomy of the French parliamentary assemblies, itself a fundamental aspect of the division of powers.

As a result, the French Senate's employees are civil servants whose special status is defined by the Senate's Managing Board.

Senate employees are recruited by specific competitive examinations. They cannot be transferred to other sectors of the civil service, except for temporary assignments or secondments; in that case, a number of conditions set by the Managing Board must be met.

❒

To be eligible for employment, candidates must meet the general conditions for all French state employees, as well as special conditions set by the Senate's Standing Rules. Civil servants in France are generally recruited through competitive examinations and have to meet the following conditions:

- be a French citizen as of January 1st the year the competitive examination is taken;

- possess civic rights;

- have a clean police record compatible with the position they seek;

- be in the 18-35 age range on January 1st of the year the examination is taken. The age limit may be raised if the candidate has completed military service, has dependent children, suffers from a physical handicap, or as a factor of his or her marital status.

To qualify for employment at the Senate, candidates must also supply a medical certificate delivered by the Senate's specialist physician stating that they are fit for night work.

These conditions are prerequisites for all Senate competitive examinations; certain examinations may carry additional conditions:

- special diplomas, qualifications or references;

- relevant professional experience in the case of stewards, overseers, architects and curators.

❒

The competitive exams are open by decision of the Speaker and the senators responsible for finance and discipline whom we call Questeurs. The Secretaries General determine the content of the tests and the relevant curricula.

A number of positions within the Senate administration, including management and planning as well as records keeping, are filled at university level: they include administrators, deputy administrators, verbatim stenographers and analytical records keepers of the sittings.

Different examinations are organised to recruit personnel with operational duties, such as secretaries, overseers and general staff, or to fill technical positions: computer specialists, gardeners...

❒

Aside from these exams, which are open to outside applicants, internal examinations are held to fill a number of positions; this opens up opportunities for promotion for lower level employees.

❒

The Senate also hires contract workers to meet temporary needs or to fill technical positions. These contract workers are recruited by the Human Resources and Training department at the request of the Questeurs who set specific requirements in terms of diplomas or professional experience.

II – TRAINING THE SENATE'S PERSONNEL

The Senate's training policy is designed to meet several challenges:

- some Senate employees have highly specialised jobs related to parliamentary activity, which require tailor-made training: this includes basic training for young administrators, training in records keeping and introduction to other parliaments and European Union institutions. These courses are often taught in-house by other Senate employees[7]; the schedule is organised to take the Senate sittings into account;

- the Senate recruits highly skilled employees and its duty is to maintain them at a level of excellence, particularly those who may influence the Senate's public image: the training of reception staff, gardeners and cooks for the Speaker's office is therefore a high priority.

- a large number of occupations are represented: the Senate has 1,167 civil servants and 31 contract workers in about 25 different occupations. Some categories consist of a single employee. Training policy has to take these various needs and requirements into account. For this reason, a wide selection of training courses is offered, ranging from accounting, horticulture, short-hand and fire prevention to internships abroad or with French local authorities;

- employees (especially administrators and deputy administrators), may be required to take up jobs at very short notice: someone working in the Senate's budget department may be appointed overnight to a committee dealing with criminal law; this kind of mobility carries opportunities as well as obligations, and requires *ad hoc* training programmes;

- for other categories of employees, on the contrary, opportunities for mobility are few and far between. To avoid the danger of falling into a routine, the Senate strives to offer training that develops the skills and widen the horizons of its employees;

- as for most state employees, internal examinations provide the main route to advancement; for this reason, the Senate tries to provide thorough preparation for these exams.

1. Substantial resources are deployed to meet these challenges

The Senate is deploying substantial resources to rise to the challenge.

Two Senate departments are involved in formulating and implementing training policy: the Human Resources and Training department, and the IT and New Technologies department when computer training is involved.

Each year, between 1,000 and 1,200 Senate employees follow one or more training courses, resulting in an annual average of one training course per employee.

In 2004, 1,038 Senate employees were trained:

[7] Senate employees teach courses designed to prepare candidates for most of these competitive exams and also several training courses: basic training, first aid, shorthand, guided tours of the Luxembourg Palace and the grounds...

- 36 prepared for an internal examination.

- 67 had language classes,

- 435 went on computer courses,

- 500 received general training.

While general training (48 %) and computer training (42 %) dominated, language training accounted for 6.5 % of the total, reflecting the importance of the international tasks of the Senate which involve nearly 8% of all Senate employees.

The following trends have become clear in recent years:

- efforts to provide computer training have been constant since all Senate departments were computerised in the 1990s,

- general training has been steady, with "peaks" in the number of days of training coinciding with events such as the need to train all evaluators in 2001, the introduction of accounting software in 2002, the resumption of internships at local authorities for young administrators in 2004 (with 10 internships lasting an average of six weeks, compared with none in 2003), new regulations governing procurement contracts in 2004, ...

- language training has stayed remarkably steady, with an average of 83 people trained each year between 1999 and 2004,

- registrations for internal examinations have varied with the number of examinations held each year: between 0 and 31 employees per session, depending on the type of exam.

The allocation of funds reflects the number of employees trained. Some €480,000 was spent on training in 2004, including:

- €10,460 for internal exam preparations (2.2% of the total),

- €59,960 for language courses (12.5%),

- €145,000 for computer training (30.3%),

- €263,500 for general training (55%).

French private sector firms are required to spend 0.9% of their gross payroll on training. While this obligation does not apply to the Senate, the amount it spends is similar. A private sector company whose payroll is comparable to the Senate's[8] must spend about €500,000 per year on training. The Senate therefore matches the private sector's "best practice".

2. New strategic orientations

For a long time, the choice of training courses was left to the discretion of those most directly concerned and they were quite free to impose their preferences. In the last few years, the range of courses has changed to better match the needs of the Senate and its various departments; with significant resources earmarked for training, the goal is to improve the "return on investment".

[8] €64 million for salaries of employees and contract workers in 2003(excluding overtime and and bonuses). This is a gross amount that includes labour charges.

The priorities are:

a) to meet as closely as possible the needs of the departments: every year in July, each department is asked about its training needs for the following year. In some cases department heads are interviewed in order to achieve greater accuracy. Based on their answers, a training programme is published at the beginning of each year.

b) to develop training courses requested by departments:

A growing number of courses are offered automatically:

- in particular, basic training. With no in-house training institute, a programme is organised for young administrators. They spend a fortnight attending lectures about the main issues they will face during their careers; among other skills, they are trained to write press releases.

In the following two or three years, they are also required to complete an internship lasting six to eight weeks with a local authority. General staff in charge of reception and cleaning also receive in-depth training.

- management training in the event of a new posting: courses for newly appointed directors, new evaluators, new team leaders;

- Security training: refresher courses for first-aid instructors, training of local security correspondents…

- some training sessions are requested by an employee's supervisor, or have to be endorsed by him or her, especially when the employee is taking up a new posting or needs additional skills;

- there are also courses that employees can apply for themselves, without the need for supervisor approval: language classes and preparation for internal examinations. These courses are held outside normal working hours.

c) to develop the practice of assessment, asking both trainees and their supervisors to assess courses in order to improve quality.

❒

The upper echelons of the Senate's administration actively support this training policy; this is a guarantee of success. Satisfaction surveys show that users also appreciate it. An additional benefit of in-house training is that it helps participants understand what their colleagues in other departments or other occupations do. This helps to turn a compartmentalised organisation, where employees are often highly specialised, into a congenial community.

III – RULES FOR APPRAISAL

In the year 2000, the Senate administration set up a task force to review employee grading and appraisal interviews.

New appraisal procedures based on the task force's findings, were introduced in the second quarter of 2001.

This reform is part of a drive to modernise the Senate's procedures and management methods.

❒

For each employee, directors of departments have to fill out two documents: one is a summary of the main points of the annual performance interview; the other is a professional appraisal form.

Those department directors may either carry out the annual performance interview themselves or delegate it to a colleague; in any case, they must sign the appraisal form and bear full responsibility for it. They should refrain from using the interview, which is supposed to be a platform for reflection, to communicate the overall assessment to their subordinate.

The annual performance interview summary

Before the actual interview, employees receive a copy of the form and must fill in the first heading ("Presentation of your work"), while evaluators have to prepare a list of topics for discussion on another copy of the form.

The heading "Looking back at the past year and considering prospects for the coming year" is filled during the interview, which aims at identifying and spelling out points of agreement or, should they exist, of disagreement between employees and their supervisors.

- The professional appraisal form

The professional appraisal form should naturally result from the annual interview. While a department head may ask a colleague to write it, in part or entirely, he or she bears full responsibility for its content.

When the appraisal procedure was overhauled in 2001, the main change was the abolition of grades which had two main disadvantages: the grades were clustered and they tended to become a vested benefit, seldom challenged by the assessor: this gave an unfair advantage to long-time employees.

❒

Employees are now evaluated on a number of criteria, some of which apply for all Senate personnel while others are specific to a particular occupation. This criteria-based assessment is complemented by a general appreciation of their qualities. (appréciation générale littérale)

❒

One of the main goals of appraisals is to compare and assess employees in view of promotion.

Promotion can take two forms for Senate employees: they may either move to a higher grade, or to a higher class.

Grade advancement is a matter of choice, based on employees' relative merits. For each occupation, there are several grades and employees may qualify for advancement if they meet certain conditions, including length of service and mobility. Statutory quotas determine the number of postings open to advancement each year.

Appraisal is therefore a necessity in order to rank employees according to merit.

It also plays an important role in the other route to promotion, class advancement, which is based both on length and quality of service. Senate employees are eligible for class advancement as soon as they have two years of seniority in their class, and they are entitled to it within four years. Class advancement after two years is not automatic: only employees whose work and behaviour fully satisfy their supervisor can achieve it.

❒

While this new procedure of appraisal is more demanding and time-consuming, evaluators see it as positive and useful. A large majority feels that the performance interview helps them to establish a more positive dialogue with their subordinates.

CIVIL SERVICE STAFF NUMBERS AT FRENCH SENATE[9]

CATEGORY	STAFF	MEN	WOMEN
Administrators	171	113	58
Secretaries of Sittings	17	12	5
Sittings Record Keepers	31	6	25
Assistant Administrators	108	46	62
Computer specialists	21	17	4
Department secretaries	149	1	148
Administrative secretaries	61	51	10
General Staff	433	364	69
Security Staff	74	74	0
Park keepers	34	31	3
Sittings stenographers	7	0	7
Architects	2	2	0
Buildings Inspector	1	1	0
Technical Works Assistants	1	1	0
Park Inspectors	1	0	1
Technical Park Assistants	2	2	0
Gardeners	50	44	6
Assistant Gardeners	28	27	1
Photographers	2	2	0
Steward at the Speaker's Office	1	1	0
Professional mechanics and workmen	6	6	0
TOTAL	1200	801	399

[9] office and temporary exterior posts

Mr Xavier ROQUES (France) made the following contribution entitled "Staff training at the French Assemblée nationale":

"In accordance with a tradition which goes back to its origins, the Assemblée nationale has always had permanent staff: the knowledge and continuing experience of procedures which this staff makes available to all the members of parliament, independent of political parties and governments, contribute to ensuring legislative work runs smoothly.

This stability, which is seen as a necessity, has for a long time been traditionally recognised for ''officials of parliamentary Assembly services''. In 1963 they acquired the status of civil servants, with a specific status, determined by the Offices of Assemblies within the framework of their administrative and financial autonomy. Consequently, this staff, recruited through competitive examinations, will spend their entire career within the parliamentary institution.

These two characteristics, which have a direct impact on the way human resources are managed and namely the ''training" component, are valid for both chambers. However, since their staff are totally distinct, we shall only look at the recruitment and training policy for Assemblée nationale staff.

Recruitment and successive postings are high points in the career of civil servants (I) who benefit from training centred on adapting to positions (II).

I. – THE RECRUITMENT & POSTING POLICY (MOBILITY)

As mentioned above, the Assemblée nationale has its own civil service, currently with 1350 employees in very varied positions because over time the responsibilities of the parliamentarian civil service have increased well beyond the ''profession'' of providing direct assistance to legislators.

Today they include all the official permanent positions within the institution, whether of a general or a technical nature, and which are held by civil servants.

RECRUITMENT

Given the variety of ''professions'' in the Assemblée, there are 93 types of competitive examination for 5 non-specialist branches and 43 specialised branches. These include 14 different competitive examinations which are organised in order to recruit non-specialists, by far the largest group:

585 officers, drivers and wardens responsible for receiving visitors, domestic services, security, and who also work as guides and drivers;

245 secretaries for the different services and administrative secretaries who are entrusted with departmental secretarial services and word processing as well as administrative tasks;

136 assistant administrators, mainly responsible for management and information;

172 administrators, who provide legal and technical assistance to members of parliament in the drafting of laws and controlling the Government's action, are responsible for the administrative running of the Assemblée and management.

In all there are 79 different competitive examinations for the recruitment of almost 200 people specialised in technical jobs, for services varying in size from several dozen (this is the case of the debate secretaries and debate writers, who provide the analytical and integral minutes of debates) to services with several units (computer engineers, different categories of skilled workers and restaurant employees, medical staff).

Competitive examinations are organised in order to recruit directly operational staff for the positions available. For each type of position, candidates are required to have the most suitable training (level of studies, general or vocational and, if necessary, employment experience). Thus, for the competitive examination for administrator, assistant administrator, secretary and debate writer a university degree is required; for that of secretary a vocational secretarial qualification is required; for that of computer or construction engineer a qualification in their speciality is required; for that of officer, a vocational diploma or a general high-school certificate with employment experience is required; etc.

These competitive examinations, organised by the Personnel department, are based on the constitutional principle of equal access to government jobs for all, guaranteed by advertising the different stages of competitive examinations, the anonymity of written exams, the presence on selection boards of a majority of members from outside the Assemblée nationale administration and the distinction between the authority responsible for recruitment (the selection board) and the authority responsible for appointments (the President and/or the Questeurs).

With regard to ecruitment procedures, over the last few ears a recruitment consultant has sat on selection boards during interviews: in addition to the assessment of skills required there is also a personality test for candidates, an especially important point since once admitted they will, in most cases, spend their entire career at the Assemblée. An interview with a psychologist is also held for the recruitment of drivers, wardens and officers, who already have previous work experience.

These exams are very selective. Given the general work situation and the working conditions available, there are many candidates who apply, which ensures the Assemblée a high level of recruitment, whatever the nature of the vacant position. For example, below are the last competitive examinations for the main categories of civil servants, the number of candidates and the number of positions available:

	Candidates	Eligible
Debate writer	480	6
Administrator	358	12
Assistant administrator	386	18
Department secretaries	457	36
Officers	2,490	37
Drivers	315	13

However for some positions, selecting the most highly qualified, in the academic sense, has sometimes led to overqualified candidates being recruited with regard to the tasks to be carried out: the Assemblée has therefore recently revised the entrance requirements for officer examinations, by substituting general

education qualifications for vocational qualifications and requiring candidates to have three years work experience. Furthermore, for technical positions, practical tests enabling vocational skills to be assessed (problem solving, workshop tests, simulation exercises, etc.) have replaced academic tests (dissertations, legal and historical questions, etc.)

MOBILITY

The first posting presents few difficulties: in the case of specialist branches, civil servants are recruited for particular tasks in a specific position. Candidates recruited to a general branch are appointed to vacancies resulting from the posting of civil servants already employed. The first step in the career ladder may therefore be in either the legislative or administrative services, although, throughout their career, civil servants will be appointed to positions in both types of services.

During their career, civil servants – apart from those who occupy specialist positions – will be given a number of postings. This mobility is moreover a condition for career development with regard to the categories of administrators, assistant administrators and officers.

The mobility of civil servants is encouraged for obvious reasons: for civil servants this means not becoming sedentary, renewing motivation, and improving, and for the institution, it means having staff with an exact understanding of the running of its machinery, managing to regularly adapt to new functions, in short efficient and motivated staff.

— Internal mobility

Internal mobility can mean either moving from one branch to another or changing position within a branch.

Like with first time recruitment, moving from one branch to another (from officer to administrative secretary, secretary to assistant administrator, assistant administrator to administrator) is done through competitive examinations, organised in parallel to the corresponding external competitive examinations. They are open to staff with, according to each case, 5 or 15 years service or staff who are simply ''incumbent''. The number of vacancies depends on the number of vacancies for external exams. The possibilities for this type of promotion are attractive if we compare the number of candidates present with the number of eligible candidates, although naturally, as with external exams, the number of vacancies is limited. Below are the results of the internal exams in 2003 and 2004 for non-specialist categories:

Examination	Candidates	Eligible
Administrative secretary	18	4
Assistant administrator	13	2
Administrator.....	14	3

Most of the time civil servants therefore develop their career in the same branch as they were recruited. They will occupy managerial positions (officers' category), they will be interested in what the vacant positions involve, how interesting they are and the level of responsibility they involve: the variety of

positions and taking responsibility are factors taken into consideration for promotion which is based on length of service and merit.

The Personnel department has over the last few years implemented a transfer preference system for civil servants who each year state their preferences for postings to three other positions. This procedure, which is compulsory for administrators and assistant administrators who have been in a position for three or five years respectively, contributes to a better match between the wishes of civil servants and their posting.

Furthermore, announcements of vacancies with corresponding job profiles are sent to the different services and published on the Assemblée's intranet, which enables civil servants who are interested to apply.

— External mobility

Administrators and assistant administrators have the possibility of being made available to strictly defined outside organisations: foreign Parliaments, European institutions, adjudicative bodies, independent administrative authorities. They may also be seconded to these organisations and to publicly owned companies, national statutory bodies and local authorities.

These civil servants acquire several years new work experience and new training, beneficial both for the civil servant and the institution. This system for enriching the career path of civil servants has been strongly encouraged over the last ten years or so.

To date, an assistant administrator has been seconded to Paris City Council and 12 councillors and administrators work in the Bundestag, the Quebec National Assembly, the Constitutional Council, the Council of State and the Revenue Court, as well as in several independent administrative authorities (National IT & Freedoms Commission, Higher Council for the Audiovisual sector, etc.).

II. – TRAINING POLICY

Implemented in 1968, vocational training really took off in 1990 and has developed considerably over the last ten years between 1995 and 2004 the annual number of training courses (including preparation for competitive examinations) increased from 1005, representing 1,807 training days, to 1,397 representing 3389 training days. In parallel, the funding allocated to vocational training increased from € 245,000 in 1989 to € 640,000 in 1994. In 2004 it was € 860,000. This sum represents 0.75 % of the Assemblée nationale's total payroll.

The staff recruitment procedure and level explain the relatively modest initial training needs. On the other hand, the increasing technical nature of the functions provided and the development of training needs in certain fields like security or management justify the implementation of important continuing training plans. In parallel, the assessment of staff training must be reinforced.

INITIAL TRAINING

As we have seen, recruitment through competitive examinations requires, on the one hand, for candidates to have certain qualifications and in some cases work experience and, on the other hand, enables staff to be recruited in a rigorous manner. This procedure guarantees that candidates have an

adequate initial level of competences in order to carry out their functions. First position training is therefore mainly given informally other civil servants.

Nevertheless, there is a need for newcomers to have a better understanding of an institution which today is the size of a large company, as well as a personalised follow-up of their new career, and also for administrators and assistant administrators to have greater knowledge of legislative procedures and techniques.

To satisfy these objectives, the Personnel service has introduced a newcomer training course during which new civil servants are received by the director of each service who explains to them the activities of his / her department. A tutorial system is being developed: in the category of officers and for administrators of the commissions branch, new civil servants are ''assisted'' by a more experienced civil servant from the same category, who helps them to integrate. The Assemblée plans to generalise this system and make it official. Furthermore, since this year training courses have been introduced for administrators and assistant administrators on technical subjects such as legislative procedure, the financial admissibility of amendments, the running of the Sessions and Commissions branches, and the service for the Assemblée nationale's Delegation to the European Union. Led by administrators with recognised job experience in the field concerned, they are aimed specifically at newcomers.

CONTINUING VOCATIONAL TRAINING

Training is essentially based on adapting to positions. Preparation for internal competitive examinations is also offered. With a view to developing needs, the emphasis is now put on drafting training plans within each service even if requests not provided for in the plans can also be taken into account during the year if they are considered to be a priority (namely linked to the implementation of statutory obligations or requirements in terms of security).

— Position adaptability training

There are six main fields of training: language training, technical training, outside training, IT, security and communication.

Language training : in additional to classical training aimed at maintaining levels organised as group lessons, intensive courses with private lessons are now offered to staff in positions which require specific knowledge of foreign languages (mainly civil servants posted to international services and commissions) in order to accompany and develop the Assemblée international activities.

Language lessons and courses are today the biggest item of expenditure in the vocational training budget. They are given by outside staff who come on site.

Security : the reinforcement of controlled access to Assemblée nationale premises after the events of 11 September 2001 and within the framework of different national security plans has led to the organisation of specific courses for staff responsible for receiving visitors. Funding allocated to these courses doubled between 2003 and 2004. The staff concerned have namely been trained in how to interpret X-ray picker images and in the use of walk-through units.

Training courses in fire safety and first-aid are also especially important due to the large number of visitors.

IT : most of the budget in this field is allocated to technical courses for computer specialists given the importance of continuing training in this sector where it is necessary to be permanently up to date with ''state of the art'' developments. Furthermore, external office automation courses are aimed at non-IT staff who are unable to benefit from those given internally by the Assemblée's computer technicians.

Technical courses: these are as varied as the professions in the Assemblée. For example, in 2004 courses were organised to train skilled workers how to carry out maintenance on electrical installations, as well as advanced courses for kitchen and restaurant staff, courses for administrative staff on the application of the new procurement code and courses on how to draft the minutes of commission meetings and administrative and technical reports. All of these courses were provided by outside specialist organisations.

Outside courses: these are meetings, technical visits and conferences, outside Paris or abroad, namely within the framework of exchanges with the staff of foreign parliaments. These exchanges are the occasion to compare working methods and the running of the Assemblée's services with those of other parliaments.

Communication techniques: these courses are currently being developed. In 2003 and 2004 a course in assessment and how to conduct annual activity interviews was implemented for directors and division heads. In 2004 training on handling visitors in difficult situations was followed by all the reception officers and wardens. Training courses on ''management'' are now systematically offered to staff in charge of supervising teams or conducting projects. These courses which use personal efficiency techniques, whilst enabling employees to adapt to certain positions, can also be considered to be courses in personal development.

Distribution of courses followed according to training types in 2003 and 2004

CATEGORY	2003		2004	
	Number of courses followed	% of the total number of courses	Number of courses followed	% of the total number of courses
IT	431	34,15	350	25.40
Security	337	26.70	298	21.60
Techical courses	133	10.55	295	21.40
Languages	219	17.35	188	13.65
Communication techniques	94	7.45	185	13.45
Outside courses	48	3.80	62	4.50
TOTAL	1,262	100	1,378	100

All staff categories are involved in training. In 2004 officers, drivers and wardens, i.e. 40 % of the Assemblée's staff represented 25 % of trainees, secretaries and debate writers, administrators and assistant administrators (29.5 % of staff) 23 % of trainees, secretaries and administrative secretaries (18.5

% of staff) 12 % of trainees, restaurant employees (4.5 % of staff) 7 % of trainees, computer specialists (1 % of staff) 6 % of trainees and skilled workers (2.8 % of staff) 4 % of trainees.

— Preparation for internal competitive examinations

In order to encourage internal promotion, the Assemblée nationale offers the staff concerned preparation for internal competitive examinations, organised over several months, centred on a branch and with practical training for each type of test, mostly during working time.

Registration on a preparation course depends on passing an aptitude test showing whether candidates have the minimum knowledge required to efficiently follow the course. The level of tests is slightly lower than that of the competitions prepared, which avoids the elimination of candidates who are capable of passing but do not at the beginning of the course have the required academic knowledge.

In 2003 and 2004 10 civil servants were prepared for the administrator's competitive examination, 13 for the assistant administrator's examination and 15 for administrative secretary's examination. In the specialised exams, 5 civil servants took part in the preparation for the mechanic's examination and 26 in the computer technician's examination. These preparatory courses are given both by Assemblée civil servants and outside trainers.

DEVELOPMENT OF THE TRAINING PROGRAMME AND ASSESSMENT OF TRAINING COURSES

Each director is responsible for drawing up an annual training plan for his / her service, according to the assignments given to him / her and the developments envisaged. The annual vocational training programme is then drafted as a matter of priority based on the annual plans of the different services.

This plan is presented to the trade union organisations for approval. Its implementation is authorised by the Assemblée Questeurs.

Outside the annual plan, individual requests by civil servants subject to approval by their director are then taken into consideration provided funding is available. This is also the case for training requests following new postings which were not provided for in the plan.

Civil servants are asked to state their training preferences on an annual form: in addition to the training course(s) requested, they can state the most suitable dates and times for these courses, given the specific constraints of their position. They can also state their preferences during the annual activity interview – introduced in 2004 following the grading reform – which they have with their line manager.

It is not easy to assess the training courses attended by staff in so far as these courses are not aimed at obtaining a qualification (except the preparatory courses for electricians, which leads to an authorisation to carry out maintenance on electrical equipment). Therefore, appraising the usefulness of a training course is firstly done by the trainees themselves, when they fill in the assessment form at the end of their course, then by the department head of the civil servant who attended a course and who will be able to notice whether there has been any improvement in the civil servant's work and adaptation to the position. He / she will be able to review this development with the civil servant during the annual activity interview and take it into account in the annual grade.

There is not yet any statistical follow-up of training courses for individuals since there is no computer tool available. However, the implementation of a new software package for staff pay should be accompanied this year by the development of an integrated human resources management tool with a long-awaited "training" section. "

Mr Paola SANOMAURO (Italy) made the following contribution: "Recruitment, assessment and training of Italian Senate staff"

"The staff of the Italian Senate is recruited only through nation-wide selections.

Neither internal selection nor any other form of recruitment exists. A selection is announced on the Official Gazette of the Republic. All other staff authorised to work in the Senate, whether with Parliamentary Groups or individual members, are recruited directly by these according to various forms of contract and they do not enjoy the legal and salary *status* of Senate employees.

The staff is divided into five grades. Parliamentary Advisors (the top parliamentary, administrative and technical executives), Parliamentary Stenographers, Parliamentary Secretaries (e.g. for research, administrative and technical operations), Parliamentary Aides (performing mostly secretarial work), and Parliamentary Assistants (providing internal security, protocol, support and technical maintenance services in the Senate proper and its numerous outbuildings, which often have a high historical and artistic value). Parliamentary Advisors include the Secretary General, who is the head of the Senate staff and is accountable to the President. The attached table shows staff breakdown and distribution.

A university degree is required for Parliamentary Advisors; Stenographers, Secretaries and Aides are requested to have a high school degree, although at least a university diploma (BA) is preferred for stenographers and secretaries; compulsory education is required for Parliamentary Assistants.

A selection includes a number of tests: pre-selection tests are performed when many applications are received. Written, oral, technical and other tests are then performed.

Selection procedures are regulated by provisions published in the selection announcement and by *ad-hoc* rules, which account for the internal regulatory source for all selection phases.

The Senate is a much-coveted employer, owing to the prestige and importance of the institution, the possibility to perform activities of recognised relevance, the stability of the workplace in the city of Rome, and a satisfactory salary. For these reasons, applications are always extremely numerous in relation to the jobs available. This determines two different consequences: on the one hand, the organisational effort is often huge and very costly; on the other hand, the personnel eventually selected is always of utmost quality.

However, the selection process is always very long and it is very difficult to meet staff requirements following unexpected circumstances, even in the presence of accurate recruitment planned. Temporary contract personnel may be hired only in exceptional circumstances.

The Senate is particularly keen on enforcing a number of fundamental principles: a transparent and open procedure, impartial and objective assessments ensured by the high

level of selection committees and binding rules to protect applicants' anonimity in written tests.

Applicants thus selected have to successfully pass a one-year trial period before being confirmed in the job.

Wage and legal *status* progression in the various grades are regulated by performance assessment mechanisms. Transitions to higher wage brackets and pay rises are tied to positive assessment of staff performance.

This assessment is performed yearly, for the purposes of both career advancement and economic incentives. The system ensures utmost transparency of both the object and the outcome of the assessment, also through the disclosure – albeit in abridged form (e.g. good, sufficient, etc.) – of the assessment received. For the purposes of career advancement, different aspects of an employee's performance are assessed, depending on the employee's grade and responsibilities. For the purposes of economic incentives – which are set every three years following consultations with trade unions – an employee's performance is assessed against the targets set for such employee at the beginning of the year.

The system aims to develop interaction between the officer conducting the assessment and the employee being assessed, who may make proposals and comments on the Senate staff training programmes.

Training programmes are provided in order to increase the professionalism and cultural level of employees, according to their grade, individual attitudes and skills.

These may envisage participation in periodical – usually yearly – activities, or in one-off events, like seminars on contracts and procurement procedures for technical staff, safety at work or re-training for physicians and paramedics. Training programmes are organised after careful consideration of the quality and cost-effectiveness of the programmes on offer. In exceptional cases, *stages* for individual staff members may be organised, which are not part of a broader project. Particular attention is also given to induction training for newly-recruited staff. Parliamentary advisors are currently participating in a series of seminars with university professors on topics of parliamentary interest. Language courses held by mother-tongue teachers and advanced IT courses are also foreseen.

The Senate also organises exchange programmes between Parliamentary advisors and their foreign counterparts, which include visits to their respective parliaments.

It must however be noted that training is impaired by the way in which the Senate organises its work, which is not divided in sessions with predictable time frames. It follows that it is necessary to be able to rely on the continued presence of the staff throughout the whole year."

Mr Aleksandar NOVAKOSKI (Macedonia) made the following contribution entitled "The development of parliamentary staff: the case of the Republic of Macedonia"

The citizens in a democratic society expect competent, professional, politically neutral, responsible and service-oriented state administration. This is a challenge for the Assembly of the Republic of Macedonia, which is committed for modernization of the staff service, based on the principles of confidentiality and anticipation, openness and transparency, responsibility, efficiency and effectiveness.

The employees in the Assembly of the Republic of Macedonia have the status of civil servants. They are part of the state administration, which includes civil servants employed in the executive, judiciary, local self-government units and other institutions whose competences are related to the realization of the state functions.

The Law on Civil Servants, that regulates the status, the rights, duties and responsibilities of the civil servants, their employment, career as well as the payment system, has been in force since 2000.

The civil servants, including those in the Assembly of the Republic of Macedonia, are recruited in an open and transparent way, by public announcement and examination to test the qualifications and knowledge of the candidates. There are two exceptions to this rule for the secretaries general and the state secretaries, as well as for the so-called horizontal mobility of civil servants.

The selection and employment procedures for civil servants are based on two principles: the constitutional principle of equal access to work and the merit principle - selection on the basis of competence. Also, in the employment of civil servants the principle of appropriate and equal representation of citizens that belong to all communities is applied to all ranks stipulated by the Law, without disturbing the criteria for professionalism and competence.

The Law on Civil Servants defines six compulsory conditions that must be fulfilled by each person employed in the state administration: the person has to be a citizen of the Republic of Macedonia, of age, to have an appropriate degree of education required for the post and the group in which he or she will be employed, to have the necessary working experience, not to have ban on activity and to be healthy. Additionally, the internal acts for systematization of working posts specify employment criteria for civil servants, depending on the needs of a particular post. They mainly refer to the type of required education, knowledge of foreign language, IT and other additional working skills.

The Law on Civil Servants makes equal the employees in the state administration with other state institutions, by giving them a civil servant status and introducing for the first time the positions Secretary General and State Secretary.

In relation to the Staff Service, the Secretary General of the Assembly has the rights and duties of an official managing a state administration institution. He or she administers the Staff Service, organizes and coordinates its work and is responsible for the functioning and the advancement of the organization of the Staff Service.

The Secretary General of the Assembly of the Republic of Macedonia, in accordance with the Law on Civil Servants, adopted new acts for reorganization of the Staff Service in April 2003, by which the process of the parliamentary administration reform was initiated, confirming the principles of professionalism, depolitization and efficiency. The organizational reforms of the Staff Service are a pre-condition for increased efficiency and rationality in the work and most importantly, for improved professional, creative and politically neutral position of civil servants towards work.

At the same time, activities for improvement of the technical and other working conditions of the Staff Service have been undertaken in the overall reform process, like computerization, use of Intranet and Internet, etc. It is also a practice for civil servants to be included in various forms of trainings, seminars and study visits to parliaments of other states.

The Law on Civil Servants provides establishment of the Civil Servants Agency as an independent body, whose mission is to formulate, promote and develop a policy of human resource management in public administration. The Agency is authorized to coordinate professional training activities of civil servants, as well as to promote their efficient and effective work. In the last three years, the Civil Servants Agency has

been carrying out generic and other forms of professional training for civil servants in the Republic of Macedonia. In the period from 2002-2004, 13 training and other kind of programmes have been carried covering 2044 civil servants.

You can see in addition an overview of the most significant trainings that included civil servants from the Assembly of RM.

1. "High-level administrative training" (Formation Administrative Supérieure) is one of the programmes that is commonly carried out by CSA and the French Government, aimed to contribute to public administration reforms in the Republic of Macedonia through establishment of a modern, democratic and European oriented administration.

The high-level administrative training included 84 civil servants in the last three years, 10 of which came from the Assembly of the RM. The program consists of four-months professional training in Skopje, with 234 hours of lectures by French, Macedonian and international experts. The lectures are held two times a week, and are thematically structured in four modules:

1. Administration
2. Public administration management
3. Economic and social issues, and
4. European Union and international relations.

Along with the lectures, there are French language courses provided for the civil servants participants in the program. The training continues with one-month stay in the National School of Administration (ENA) in Paris. The study visit to the National School of Administration enables participants to be acquainted with the political and administrative system of the Republic of France and is an excellent opportunity for exchange of opinions of common interest. The fact that about two thirds of the employees from the top French administration are "enarchs" or graduates from the National School of Administration - ENA speak about the quality and the rank of this prominent educational institution.

2. The CSA, in cooperation with the British Government and through the DFID Project for Public Administration Reform, has been organizing trainings within the frames of the "Programme for development of administrative capabilities for middle managers". There have been three cycles organized so far.

The training is planned in advance, having a timeline of 20 working days in 9 months and being thematically structured in six modules, that is:

1. Management to results
2. Management to effectiveness
3. You and your team
4. Management to quality
5. Management to success
6. Management to changes.

The Programme envisages training of management personnel in public administration to upgrade their knowledge and skills in the filed of human resource management.

3. In order for the Republic of Macedonia to successfully fulfill the obligation, that is to implement the EU legislation and to be empowered to continuously analyze and implement the European standards in the national legislation, the TAIEX Office in Brussels, from June to December 2004, organized 33 seminars for 165 participants, 95% of which civil servants, including those from the Assembly of the Republic of Macedonia.

4. Within the frames of the bilateral cooperation between the Assembly of the Republic of Macedonia and the National Assembly of the Republic of France, many study visits have been organized for employees from the Staff Service of the Assembly of the Republic of Macedonia to the National Assembly in Paris. In June 2004, an Information Seminar on European Affairs for MP's and the Staff Service in the Assembly of the Republic of Macedonia was organized with French parliamentarians as lecturers, as well as with representatives from the Staff Service of the National Assembly of the Republic of France.

Having in mind the aspirations of the Republic of Macedonia for membership in the EU, the Government of the Republic of Macedonia in May 2000, has adopted a "EU Training Strategy for civil servants on the accession process of the Republic of Macedonia to the European Union". The strategy defines the goals, target groups (among which the Staff Service of the Assembly of RM), the fields of EU training, the methods, and manner of financing, management and coordination of activities for EU training and training evaluation and monitoring.

The implementation of the EU Training Strategy is made through the two-year Operational Training Plans. Activities projected in the plans are in accordance with the identified needs of EU training of Macedonian civil servants and the priorities of the European integration process. The funding of the Operational Plans is provided through means from the Budget of the Republic of Macedonia and by foreign donors. The project for establishment of a Standing EU Education Center is underway, within the frames of Tempus Programme of the European Commission. »

Mrs Isabel CORTE-REAL (Portugal) made the following contribution entitled, “Professional Training in the Assembly of the Republic: genesis of a new cycle”:

“First of all, I would like to thank the Bureau and the Executive Committee for the opportunity I have been given to make a presentation on the theme *Professional Training in the Assembly of the Republic: genesis of a new cycle*.

The issue of professional training in the Assembly of the Republic has always deserved special attention by the competent bodies and by the Division of Human Resources Management of the Assembly.

Having started my duties as Secretary-General in 2002, there were three aspects which made me give special attention to the training of the parliamentary staff:

- Firstly, I was aware of the fact that the Division of Human Resources Management was extremely overburdened with routines and matters of daily management, which gave it little room for innovation management, in particular in the training area. Although there was then a training programme, it was essentially a list of requests from the different sectors and not so much the result of a strategic vision;

- Secondly, I was convinced that a training plan played a fundamental role in the development of human resources, especially within a context of budget constraints. The greater the difficulties in wage policy (in Portugal, in the last two years, there was

practically no wage increase in public administration and in the Parliament), the more important become the instruments of human resources management, which foster human resources development of capacities and motivation, as it is the case of professional training;

- Thirdly, I realised that in the area of parliamentary cooperation, in particular with the Portuguese speaking countries, the Public Administration of Portugal had been developing great efforts in professional training for high officials of Portuguese speaking Parliaments. However, synergies should be obtained, in order to better manage the Cooperation agendas and to create networks of parliamentary staff (where information could circulate faster, good practices could be known and compared, and exchange of points of view could take place). In fact, we hosted in the Assembly of the Republic of Portugal several groups of parliamentary staff from Portuguese speaking countries throughout the year. This forced the services to make repeated and continuous efforts. Yet, a simultaneous encounter between officials from different nationalities did not take place. Thus, this domain required a more systematic and less casuistic approach.

These three aspects led to the creation in 2003 of a Parliamentary and Inter-parliamentary Training Centre, depending directly on the Secretary-General. This Centre was established with a view to update and reinforce the capacities of the parliamentary staff, namely in the areas of quality of legislation, information and communication technologies and European affairs. The creation and implementation of training programmes specially focused on parliamentary cooperation was also an objective.

The Assembly of the Republic also envisaged complementarity and coordination between the available capacity of the Assembly and other public and private training institutions, in particular the *Instituto Nacional de Administração (INA)* (National Administration Institute). The first one (the Assembly) is responsible for areas of specific training of the parliamentary institution. The second ones (e.g. INA) cover the areas of general training and therefore, the installed capacities and those to be installed are fostered, avoiding redundancy and waste of resources.

The Portuguese Parliament has stimulated and coordinated the special capacity and the training supply available in the market with the purpose of strengthening the specific organization of the Assembly of the Republic, based on values and mission of public service, supported by the quality of its agents, who are attentive to the needs of all internal and external clients and demanding quality in the service provided. Consequently, we aim at gaining prestige to the Parliament and to all who serve it. In this context, a group of general principles orienting the training activity were set. They are as follows:

- The framework law for professional training in Public Administration is the legal framework, as a law defining the rules and principles of professional training in the public sector. It is interpreted and applied taking into consideration the autonomy and the special institutional position of the Assembly of the Republic, as well as its special needs.

- Professional training has been recognized as a right and an obligation of every parliamentary official, as an essential instrument to their professional and personal improvement and to promote the quality of the services provided;

- Both the initial and continuous training of the parliamentary staff have been urged in order to improve their competences and skills and to promote the appropriate career development;

- An annual training programme has been elaborated and followed after the adequate assessment of needs and the definition of priorities, and its contribution to the improvement of the organization performance;

- It has been recognized the interest in combining a common training branch valid to all the parliamentary staff, with specific training adjusted to the different professional groups and careers;

- Development and recognition of the specific training capacity have been promoted, which should meet the needs in the areas of specific training of the parliamentary institution, in articulation with the available market supply for the areas of general training;

- Complementarity between internal and external trainers has been accepted according to their respective needs and capacities;

- Demand and responsibility of all training agents have been assumed as essential to the quality of the training process. Thus the role of evaluation has been recognized, both regarding training quality and its results;

- Directors and heads were responsible for the assessment of needs and training priorities, for the careful and equal selection of candidates for training, and for the evaluation of training efficiency;

- Training has been recognised and given relevance as an instrument to promote equal opportunities;

- The role of training has gained importance in interparliamentary cooperation.

Considering the aforementioned orientation principles, a training programme has been executed in which we would like to stress the following five domains:

- The domain of Quality of Legislation, with the general objective to raise the awareness of parliamentary staff for the improvement of legislation quality and also to provide them with adequate instruments and techniques. In this context, a series of colloquies and seminars are expected to be held with the participation of MPs, academics and officials.

- Training in European Affairs with the purpose to promote awareness of the best parliamentary practices for monitoring European affairs in a comparative perspective. Furthermore, parliamentary staff of all committees and not only of the European Affairs Committee will be provided with the necessary knowledge of the parliamentary intervention in the process of the European Union.

- Divulging internal IT (Intranet) and the Internet site of the Assembly, and also products and services that the Assembly provides MPs, Parliamentary Groups and officials. Such

concern derives from the conviction that the installed information network is not yet fully used owing to the absence of knowledge of all its domains. In fact, this situation is common and recurring in the area of the information technologies and not exclusive to the Portuguese parliament. However, there are systematic efforts to provide all users with training and information.

- Another concern is the training of directors of services and heads of division. Considering that the directors and heads of division of the Assembly of the Republic have an extremely full agenda determined by the parliamentary activity and politics, we decided to organize a cycle of 10 short colloquies divided in time throughout the year. Each one lasts no longer than three hours.

- Finally, it is to be referred that a new assessment system applicable to parliamentary staff was launched in 2004 aiming essentially at developing the staff's competences, based on a plan of personal development settled every year between the evaluator and the official. The launching of a new system has demanded an intensive training programme at all levels; top leaders, intermediate leaders, all evaluators and staff attended a programme which has already taken place.

Finally, we would like to stress the holding of an annual interparliamentary training course for high officials from all of Portuguese-speaking Parliaments, whose first edition took place in 2004. This course has a special place in the activities of parliamentary cooperation. Such programme allows:

⇒ Rationalisation of training efforts of the Assembly of the Republic in what concerns trainees from each country by organizing simultaneously and, consequently, with fewer dispersing efforts, training which had been held "ad-hoc" and in a more casuistic way throughout the year;

⇒ Combination of more oriented knowledge training with *on job* training: Thus, the course includes in room training in the morning and *on job* training in the afternoon in different services and according to the areas of competence to be developed by each trainee;

⇒ Association of different experiences and perspectives at the level of trainers through the participation of politicians, academics, officials and administrative staff. At the level of trainees, the simultaneous participation of officials from different nationalities requires the exchange of experiences and allows the setting of a network where information, exchange of experiences and the best parliamentary practices can circulate easily.

This course is in harmony with the cooperation activities developed with the Portuguese-speaking Parliaments, having a special place in interparliamentary cooperation bodies which conduct cooperation activities and programmes: the Association of Secretaries-General of Portuguese-speaking Parliaments presently chaired by São Tomé and Príncipe, the Forum of Portuguese-speaking Parliaments, presently chaired by Brazil. An Interparliamentary Assembly of Portuguese-speaking Parliaments is being installed after the last meeting of the Forum in Brasília.

In a few words, this is the experience of the Assembly of the Republic in the area of professional training, an experience generated in a logical investment in human resources and development of the staff's competences.

On the other hand, our training programme aims at recognizing that professional training is probably the strongest and most peaceful instrument to bring peoples and nations together, in the case of Portugal with the dual concern to monitor both the demanding process of integration in the European Union and to consolidate the understanding between the Portuguese-speaking peoples, in Europe, America, Africa and Asia."

Mr Petr TKACHENKO (Russian Federation) made the following contribution:

In recent years the reforming of the civil service of the Russian Federation has become one of the priority directions in the field of deep reforms carried out at the initiative of the President of Russia. The modern stage of state building and formation of civil society in Russia is closely connected to the issues of improvement of organization of and legal support to the institution of the civil service both at the federal and regional levels.

For ten years since the Constitution of the Russian Federation was adopted the civil service operated on the basis of the Federal Law in the Fundamentals of the Civil Service of the Russian Federation. Several dozens of legislative acts regulating its various aspects were passed on the basis of the above-mentioned law.

But the integrity and unity of the institution of civil service could not be ensured at that stage. That fact could not but affect the practice of staffing the corps of civil servants as well. Systemic approach did not exist in the preparation of cadre reserve and in the training and retraining of parliamentary staff. Meanwhile the reforms carried out in the country required a cardinal change in that sphere.

With the adoption of two federal laws – On the System of Civil Service and On the State Civil Service – foundations have been laid down for a whole branch of legislation on the civil service and general principles and main guidelines for legal regulation of the civil service have been established. Also a single approach has been ensured to the interrelation between the state civil service and the other types of civil services – the law-enforcement and the military – and, in their turn, their own interrelation with the municipal service.

The main innovation in the above-mentioned laws is that the labour legislation as regards the civil servants will be applied only in those cases when official relations are not regulated by the federal legislation on civil service and state civil service. Thus, a start has been given in the Russian Federation to a new subbranch of law that regulates work relations within the civil, military and law-enforcement state services, which is withdrawn from the sphere of labour legislation.

Introduction of class grades instead of qualification categories for state civil servants is another important innovation. This way a system of ranks including correlation of class grades, diplomatic ranks, military and special ranks is to be formed, which will make possible a transition from one type of service to another and a consolidation of the common rules of passing the civil service.

The new legislation on the civil service also sets new requirements of civil servants' selection, training and qualification upgrading.

The Administrative Staff of the Council of federation pays constant attention to the organization of training of the parliamentary civil servants including the assistants to the members of the Council of Federation in various directions of cadres' training, retraining and qualification upgrading.

Professional training and education of the employees of the Administrative Staff of the Council of Federation is carried out mainly on the basis of the following education institutions: the Russian Academy of Civil Service under the President of the Russian Federation, the Financial Academy and the Academy of National Economy under the Government of the Russian Federation, the Diplomatic Academy of the Ministry of Foreign Affairs of Russia, the Higher School of Economics and the State University of Management.

The process of training and retraining of the parliamentary staff is carried out under the following programmes:

1) programme of the first higher education in the extern form;
2) programme of acquiring the second higher education;
3) programme of professional retraining;
4) programme of qualification upgrading in various directions;
5) programme of practical training abroad.

Last year 320 parliamentary employees of the Administrative Staff of the Council of Federation or more than one third of the staff underwent retraining in various types and forms education.

According to the Plan of Inter-Parliamentary Cooperation of the Council of Federation 10 staff members of the Administrative Staff of the Council of Federation underwent practical training abroad, including 2 persons in Italy, 4 in Canada and 4 at the College of the Council of Europe (Belgium).

For the first time the parliamentary employees of the Administrative Staff of the Council of Federation who hold leading administrative positions undergo training under a special programme on the basis of the Russian Academy of Civil Service under the President of the Russian federation. All off them have passed psychological tests to diagnose their personal and professional qualities.

In order to attract young cadres to civil service a passing of practical training at the Administrative Staff of the Council of Federation has been arranged for students of higher education institutions of Moscow. About three hundred persons passed such practical training at the Administrative Staff of the Council of Federation in 2004.

The process of training and retraining of cadres is a continuous process. Therefore the training programmes are constantly detailed, augmented and adapted to modern requirements.

All people newly enrolled to work at the Administrative Staff of the Council of Federation attend a course of lectures on the basics of the civil service in the Russian Federation. In connection to the adoption of the new legislation on the civil service a special lecture course for its in-depth study has been organised.

In addition, training in modern methods of personnel management and organisation of civil service at the parliament has been arranged for the reserve to occupy the leading administrative positions at the Administrative Staff of the Council of Federation.

In such complex and responsible work as training of highly qualified cadres for the parliamentary civil service we widely use the foreign experience of parliamentarism and we are grateful to our colleagues who generously share it and thank them all for the cooperation and the assistance given."

Mr N. C. JOSHI (India) said that Article 98 of the Indian Constitution allowed both Houses control over their own staff in order to preserve their independence. The procedures for recruiting to the Upper House, the Rajya Sabha, and the Lower House, the Lok Sabha, were different.

Staff of the Upper House were recruited by written examination and then an aptitude test. The minimum qualifications which were acquired were generally greater than days required for the rest of the public service.

Voluntary training programmes were organised by the services in each house which were in regular contact with public or semi-public training institutions. The objectives of such programmes were to prove technical competence, to improve understanding of the demands of the job, to improve the achievement of particular objectives and so forth.

These programmes were of three main types:

- Internal training programmes were organised for the less well-qualified jobs immediately after the person entered their post. These related to information about questions of practice and procedure within Parliament;
- External programmes which were designed for the upper ranks of the service and which were aimed at improving management competence;
- Periods of training abroad.

Occasional seminars were arranged. For example there was a programme on drafting parliamentary Bills in New Orleans, Louisiana. By the same token, it was not unusual for officials from foreign Parliaments to come to India to complete their training in particular areas.

Mr Chistoph LANZ (Switzerland) said that the welcome, integration and training of new officials was important responsibility for management.

During the two or three months following recruitment, individual programmes were organised for new officials. They had "mentors" in the form of senior officials and each year received a general presentation from parliamentary officials.

As far as continuing training was concerned, emphasis was placed on Information Technology as much as on seminars relating to the law and procedure of Parliament. Officials received training in particular in management. Parliament also paid for external training, for example at university.

In the course of the previous few years the management had taken notice the importance of organising training visits to outside institutions (Federal tribunal, other parliamentary institutions like the Belgian Senate or the German Bundesrat) as well as a small amount of internal rotation of officials. This was a major question for all Parliaments.

Mrs Stavroula VASSILOUNI (Greece) said that the staff of the Greek Parliament was about 90% permanent and 10% temporary – including attached staff, coming from the public service or private sector, who were in one way or another "lent" to a Member of Parliament, to the Speaker or to the Secretary General.

As far as the permanent staff were concerned, about 70% had the status of Parliamentary Officers, were recruited by competition and could not be employed outside Parliament; the other 20% were also public servants but on a private contract: they were not exclusively employees of Parliament in the course of their career, they could work in the private sector (as consultants in legal offices) or in the public sector (as academics) and were thus able to bring a specific expertise to Parliament.

Only the Parliamentary Officers benefited from the policy on training; those who were employed and the private contract could not be promoted or become senior officials.

A Board was responsible for judging qualifications and competence of days Officers who were able to the different senior responsibility. These were Officers in category A (university graduates) who had already taken part successfully in a specific management training programme organised within Parliament.

Mr Arie HAHN (Israel) said that in the Knesset most posts were open to competition. An exception to this work were posts of special trust, such as the head of the Committee Secretariat for State Control, for the Finance Committee and the Foreign Affairs and Defence Committee, posts below certain grade – which were filled by way of recruitment agency – and technical services which were outside services.

The open competitions were organised for permanent jobs or posts on the basis of the limited period contracts. Candidates had to take an examination which was prepared by the Civil Service Commission, in addition to the special examinations which were organised by the relevant services in the Knesset. In the first place the competition was internal for Knesset officials. If no internal candidate was suitable the competition was opened to outside applicants. Competitions were published in the media and on the Internet. Those candidates who were successful at the end of the selection procedure served for a probationary period which might be up to one year.

The invitations to apply indicated the level of training and qualifications which were acquired. There was no specific training apart from an on-the-job apprenticeship organised for newly recruited staff. On the other hand, there were many possibilities for complementary and professional training. Members of staff were encouraged to take part in such training and even to take university courses. Staff improvement was a constant process and more and more secretaries had a first degree from university.

There was a yearly evaluation of staff according to a system which had been in place for three years. Heads of a Service or Division assessed those staff working under them. This assessment was communicated to the member of staff before being sent to the Human Resource Service.

As a result of budgetary constraints, staff had been reduced. A Board was preparing reports on the different Services and Divisions of the Knesset. This process included a reduction in the number of Standing Committees, the abolition of certain units and a reduction of staff in other areas. Two years previously staff had been encouraged to take early retirement.

At the present moment around 420 people were employed at the Knesset, not including the 164 people in charge of security and the 200 assistants who worked directly for Members of Parliament and who were paid by the Knesset – in all, 784 people.

Of these 420 people, 42% had been working in the Knesset for less than five years, 19% between five and 10 years, 13% between 10 and 15 years, 11% between 15 and 20 years, 5% between 20 and 25 years and 10% for over 25 years.

The average age in the Knesset was 41 years. The Information and Research Centre had the lowest average age (34.5 years)—this was explained by the fact that most of the staff who work there were studying for their Masters or Doctorates, and were recruited on three-year contracts; the highest average age (50 years) was in the Archives Service.

Mr Alain DELCAMP (France) was impressed by the efforts undertaken in Australia relating to training, and in particular its interactive nature. He wanted to know what the principles for recruitment were in Australia and the length of the initial training period.

In addition, he noted the special importance which in Australia seemed to be given to relations with universities. He wanted to know what level of knowledge there was in the universities relating to the law and practice of Parliament and the place which they gave that in their education programmes. In addition Mrs Isobel Corte Real had mentioned the quality of legislation as one of the objectives of the training; he wanted to know whether this related to assistance in drafting such legislation or to a wider consideration on the form which it ought to take.

Mr Anders FORSBERG (Sweden) thought that one of the greatest challenges facing Parliaments today worsened their capacity to act as a platform for common knowledge available for everyone relating to different professions and jobs.

Mr George CUBIE (United Kingdom) said that since 1978 a Statute had linked the parliamentary staff with the civil service. Today there were about 1700 parliamentary staff in the House of Commons who were all politically neutral and whose career did not depend on political changes within the House.

Parliaments differed from other organisations because of the proximity of staff to those who took political decisions. 10 years previously there had been a debate within the Association on continuing training. Since then, the subject developed and it had become clear that within Parliaments it was necessary to develop expertise in management of human resources.

He thought he was extremely difficult to convince staff that the annual reporting procedure was entirely transparent and fair.

Mrs Keorapetse BOEPETSWE (Botswana) wanted to know whether circulation of staff was on a voluntary basis or was a management decision. In addition, since the matter of

psychological tests had been raised, she wanted to know what attitude was to be adopted if it was shown that members of staff were bad at maintaining relations with their colleagues.

Mrs Clarissa SURTEES (Australia) thought that the debate had revealed various matters and problems which were common to all Parliaments.

In response to the question from Mr Alain DELCAMP on recruitment procedures in Australia, she said that the procedures necessarily were different according to the job on offer. Candidates had to have the basic qualifications, had to be flexible and ready to take on further training – this was a reflection of the varied jobs which they were expected to carry out in the course of their career.

In response to the observations of Mr Anders FORSBERG on the need to establish a knowledge base for all Parliamentary staff, she said that the Australian Parliament was trying to give general information on how the institution worked, but its programmes had to be aimed at particular groups. These training courses were either organised within Parliament or externally by university institutions or specialists.

Mr Wayne TUNNICLIFFE (Australia) in reply to the question put by Mr Alain DELCAMP, said that the university training was limited to seminars on the general legal framework: the basic divisions of the Constitution, the Government, and the composition of Parliament and so forth. The other courses were organised by parliamentary staff.

Those who took part seemed to propitiate the training but this was still at an early stage. There would no doubt be changes.

Mrs Isabel CORTE-REAL (Portugal) said that the quality of legislation had to be judged from the point of view of its clarity and its readability. The main aim was to assist members of staff who were helping Members of Parliament to carry out their function better: namely, to draft law. In the previous Parliament a working group had been established to this end which included representatives of the four political groups and the Secretary General under the chairmanship of the First Vice President of the Chamber; its work had been interrupted by the last election.

This raised a very important question, since Parliaments often only looked at the law from the point of view of formal coherence and constitutionality and ignored the problem which was nonetheless of central importance relating to its impact.

Mr Ian HARRIS, President, suggested that a working group be established which would prepare a list of good practices relating to training which would be aimed at Parliaments that were either newly established all that were examining this question.

The sitting rose at 12:30 p.m.

SIXTH SITTING
Thursday 7 April 2005 (Afternoon)

Mr Ian HARRIS, President, in the Chair

The sitting was opened at 3.00 pm

1. Presentation by Mr Samuel Ndindri (Kenya) on the organisation of the session in Nairobi (spring 2006).

Mr Samuel NDINDRI (Kenya) said that Kenya was an East African country, with Somalia to the east, Ethiopian and Sudan to the north, Uganda to the west and Tanzania to the south.

Kenya was honoured to be able to welcome the 114th conference of the Parliamentary union in May the following year – which was after the rainy season in March and April.

A steering group had been established which was to make decisions about the conference under the leadership of the National Assembly, assisted by an organisation committee which was taking charge of material aspects. This committee in particular was in charge of accommodation, transport, communications, protocol, translation work and security.

The conference would be held in the KICC (the Kenyatta International Conference Centre) which was a building that had been constructed in the 1970s and which was very suitable for large conferences. It was just next to the Kenyan Parliament, the Supreme Court and the seat of Government in the centre of Nairobi.

16 hotels had been booked to welcome delegations, ranging from three to five stars and costing between $52 and $150 per room. Transport would be arranged between the hotels and KICC.

There would be arrangements to welcome people at the airport and assistance in organising entry visas. All the usual facilities – Internet access post office, banking services – would also be made available.

Mr Ian HARRIS, President, said that the meeting gates of the ASGP in Nairobi would be decided in negotiation with the Inter Parliamentary Union and, if possible, would run from Monday afternoon to Friday morning.

2. Communication by Mr Samuel Ndindri (Kenya) – the Parliamentary scene in Kenya

Mr Samuel NDINDRI (Kenya) spoke as follows:

"(a) Introduction

1. Legislation by Parliament in Kenya, began some ninety (90) years ago, soon after the setting up of the East African Protectorate. Initially, it had wholly been done in the United Kingdom, the colonial power. Such legislation was conveyed in form of royal instructions, commonly known as Orders-in-Council. Locally, they were implemented in the period 1885 to 1890 by an Acting Agent, in addition to his actual appointment as His Majesty's Agent and Consular-General to the Sultanate of Zanzibar on the Indian Ocean Coast.

2. The first Commissioner and Consular-General for the East Africa Protectorate was appointed in 1900 and served up to 1904. In 1902, the mainly British settlers, who had settled to do farming activities formed a loose political-cum-welfare group, the Colonists Association. The Colonists Association, though not ideally a political party, but in laying claims to the ancient liberties of every British citizen (i.e. no taxation without representation), exuded a semblance of the political parties that followed in Kenya.

3. In April *1905,* the administration of the East Africa Protectorate was transferred from the Foreign Office to the Colonial Office. In mid - 1905, the Colonists Association remitted a petition to the Secretary of State for the Colonies, demanding representation in the administration of Kenya. An Executive Council chaired by the Governor was consequently established to assist the latter in the administration of Kenya. Provision was also made for the setting up of a Legislative Council. The Legislative Council's first recorded sitting was held on August 17, 1907.

   The Legislative Council, with very limited local representation, continued until 1962 when it was succeeded by a Senate and a National Assembly.

4. The bicameral system of the Legislature and the framework of the Government at independence from Britain in 1963 remained in place until 1964. Arising from close negotiations between the parties forming the Government and the Opposition, a merger of the parties represented in the House, under the Kenya African National Union (K.A.N.U.) led by Mzee Jorno Kenyatta was forged and took effect on December 12, 1964, with the voluntary dissolution of the opposition, the Kenya African Democratic Union (K.A.D.U.) and the African Peoples Party (A.P.P.). The merger resulted in an unanticipated *de facto* one party State. The country also became a Republic.

5. The first Vice President, Mr. Jaramogi Oginga Odinga, resigned on April 14,1966 and immediately formed an opposition party, the Kenya Peoples' Union (K.P.U.). This reintroduced a multi-party status.

6. At the end of 1966, consequent upon extensive debates publicly and in the Legislature followed by constitutional amendments, the upper House (the Senate) and the lower House (the House of Representatives) were amalgamated into a single Chamber — the National Assembly. The forty-one Senators were accommodated by the creation of an additional seat in each of the forty-one administrative districts they had previously represented in the Senate. Since then, Kenya's central legislative authority is the National Assembly, consisting of a single chamber.

7. The Republic of Kenya again became a *de facto* one-party state between 1969 and June 1982, when through amendment to the Constitution it became a *de jure* one-party state. The .country

reverted to a multi-party state in November 1991 after a lot of pressure on the government by political parties and civil groups.

8. The maximum life of the National Assembly is five years from its first meeting after a general election. The Assembly may force its own dissolution by a vote of no confidence' in the government, whereupon Presidential and Assembly elections have to be held within 90 days.

   Executive power is in the hands of the President, the Vice-President and the Cabinet. The President appoints both the Vice President and the Cabinet. A candidate for President must be an elected member of the Assembly and at least 35 years of age. If a President dies, or a vacancy otherwise occurs in the office, the Vice-President becomes interim President for up to 90 days pending election of a new President.

9. The National Assembly has 210 elected members and 12 nominated by the President to represent various interests. The two *ex-officio* members are the Speaker and the Attorney General, who is a civil servant and principal legal advisor to the Government appointed by the President. An MP must be a Kenyan citizen of over 21 years of age and who must be registered as a voter,

10. The First Parliament of independent Kenya, (1963-69) was dissolved in November 1969 and a general election for the Second Parliament held on January 06, 1970. This was also the first general election since Independence. The elections were held against the background of the proscription by the government in August, 1969 of the sole opposition party, the Kenya People's Union.

11. The second general elections were held in October 1974 upon the dissolution of the Second Parliament. In the course of the third Parliament, the first and founding President Mzee Jomo Kenyatta passed away in August 1978. Hon. Daniel Toroitich Arap Moi, his long serving Vice-President succeeded Mzee Kenyatta, becoming the second President of the Republic of Kenya.

    Subsequent parliaments have been elected every five years.

12. The Ninth Parliament was elected in December 2002. The significance of the election was that the political party KANU, which had been in power since 1963, was voted out. The party in power now is the National Rainbow Coalition (which is a coalition of fourteen parties). The President (the third since independence) is Hon. Mwai Kibaki. The former ruling party KANU is now the official opposition. There are four other small parties in the opposition.

    Kenya's current Parliament is the 9th since independence. The number has progressively increased from 158 at independence in 1963 to the current 224.

(b) The Parliamentary Service Commission

The establishment of a Parliamentary Service Commission (PSC), during the Eighth Parliament (1998-2002) was the culmination of efforts going back to the Second Parliament (1970-1974) geared at setting up a management system that would best enable Parliament to play its core roles of oversight, representation and lawmaking in a fast changing governance environment The PSC was created by the Constitution of

Kenya (Amendment) Act, Act No. 3 of 1999. The Commission comprises ten members, three of them holding office by virtue of positions and office held in Parliament, namely the Speaker, the Vice-President and Leader of Government Business in the House and the Leader of the Official Opposition Party. The other seven, all from the backbench, are in the proportion of four from the party or parties in government and three from the party or parties in the opposition. The Clerk of the National Assembly is the Secretary.

Subsequent to the setting up of the Parliamentary Service Commission, Parliament developed a Strategic Plan for the period 2000 - 20012 to guide the future planning for the development of the institution in the key areas of infrastructure, operational mechanisms, human resources, logistical support, equipment, empowerment of parliamentarians, and related terms and conditions of service. This is where the foundation and policy on recruitment, employment, development and assessment of staff is laid. In its endeavor to improve the conditions of service, working environment and welfare of staff, the PSC, in it's strategic plan has expanded the provision of:

- general and specific training for all staff
- adequate office accommodation
- additional logistical support such as transport
- relevant communication technology
- facilitation for participation in conferences, seminars and workshops mounted locally and outside the country
- regular review of terms and conditions of service for staff
- adequate and appropriate equipment (working tools):

The Current Parliamentary Scene

The Kenya Parliamentary scene is currently very active. The new session started two weeks ago following the traditional end of year two-month recess. In his official opening address, the President (Hon. Mwai Kibaki) outlined the various proposals and legislation that the Government intends to present to the House during the session, which include major proposals for change in the provision of health services for all workers through the reform of the existing National Hospital Insurance Fund; and the Social Security Fund into a pension scheme for all contributing employees.

The Government also addressed the long lasting debate on the review of the Constitution of the country. The matter has engendered a split in the ruling Coalition such that the coalition parties that won the election in 2002 appear not to be working in unison and we have witnessed very interesting alliances culminating in the appointment of Government Ministers from the opposition benches in 1ate 2004. Nevertheless; it is expected that the debate on the Constitution will be introduced w the course of the year and once the House hopefully passes the draft, the document, as the law now provides, will be sent round the Country through a referendum, which will determine the fate of the proposed new Constitution.

Of interest to this assembly, and away from constitutional matters, the Kenya National Assembly has

resolved to remodel the seating format into a horse shoe arrangement, a departure from the Westminster style, which has been in place since early last century. The design was arrived at following a competition in which a number of architectural firms participated.

The intention is to enlarge the seating capacity and provide each member with a personal seat that will have provision for facilities such as an electronic voting system, connection to the Internet and a working desk.

Work on the project is about to start, and very hopefully by the time you come to attend the 114th Conference in May 2006 in Nairobi, the reshaped chamber will be in use."

Mr Alain DELCAMP (France) asked for further details of the constitutional reform to which he had referred in his Communication.

Mr Samuel NDINDRI (Kenya) said that the President had expressed his wish to amend the Constitution in order to settle the recurring debate over the last three years and to make the Constitution accord with certain realities.

A Committee had been established the proposals of which had been widely debated. It had not been possible to put to the draft before Parliament in the previous year because of the wide differences of opinion. The President had nevertheless reaffirmed his wish that this be done.

The draft had to be agreed to buy Parliament by a two thirds majority before being put forward for approval by way of referendum.

Mrs Panduleni SCHIMUTWIKENI (Namibia) wanted to know why Members of Parliament served on the Parliamentary Service Commission (PSC).

Mr Samuel NDINDRI (Kenya) said that the Committee, which had been created in 1999, included Members from the majority party as well as the opposition as result of political circumstances of that time and in order to ensure that everybody was represented. At the moment it seemed desirable to include a third group of people, who would sit as result of their special expertise (judges).

Mr Ibrahim SALIM (Nigeria) said that a Committee of this type had been set up in Nigeria and it was made up of independent representatives from each of the regions. Its task was to incorporate with Parliament and ensure as neutral treatment as possible of questions relating to recruitment, promotion and staff appointments.

3. Election to the Executive Committee

Mr Ian HARRIS, President, said that the third item on the Agenda was the election of ordinary members to the Executive Committee, on which two places were available as a result of the ending of the periods of service of Mrs Emma LIRIO REYES and Mr Prosper VOKOUMA.

The Joint Secretaries had received for nominations to the space, namely:

- Mr Brissi Lucas GUEHI, Secretary General of the National Assembly of the Ivory Coast;
- Mr Samuel Waweru NDINDIRI, Clerk of the National Assembly of Kenya;
- Mr Pithoon PUMHIRAN, Secretary General of the House of Representatives of Thailand;
- Mr José Pedro MONTERO, Second Secretary of the House of Representatives of Uruguay.

The four candidates were invited to make short presentations.

Mr Brissi Lucas GUEHI (Ivory Coast) indicated that he would withdraw his candidacy in favour of Mr Samuel Waweru NDINDIRI.

Mr Ian HARRIS, President, reminded members that members and alternates could only vote once, that they were able to indicate abstentions and that the two candidates who had the largest number of votes would be elected.

The Association proceeded to vote. The ballot papers were counted by the Vice Presidents, assisted by the two Joint Secretaries.

Mr Ian Harris, President, announced the result of the vote:

Number of the voters …….. 62

Number of valid votes cast…….. 62

Mr Samuel Waweru NDINDIRI…….. 51
Mr Pithoon PUMHIRAN…… 48
Mr José Pedro MONTERO……..17

Mr Ian HARRIS, President, announced that Mr Samuel Waweru NDINDIRI (Kenya) and Mr Pithoon PUMHIRAN (Thailand) had been elected as ordinary members of the Executive Committee of the ASGP.

4. Draft Agenda for the next session (Geneva 2005)

Mr Ian HARRIS, President, proposed the following draft Agenda for the next session which had been approved by the Executive Committee:

1. Communication from Mr Surya Kiran GURUNG, Secretary General of the Parliament of Nepal, on "The Role of Parliament and Democratic Institutions in Armed Conflict Situations: The Nepal Experience"

2. Communication from Mr Ian HARRIS, Clerk of the House of Representatives of Australia, on "Parliamentary Intern Programmes: University and Legislative Perspectives". Proposed guest speaker: Mr Stephen Levine, Victoria University, New Zealand

3. Intervention of Mr. Sergio Páez Verdugo, President of the Inter-Parliamentary Union

4. Possible subjects for general debate:

   - Privileges and immunities in Parliament (Moderator: Mme Hélène PONCEAU, National Assembly, France)

   - Office and powers of the Speaker/President (Moderator: Mr Ian HARRIS, House of Representatives, Australia)

   - Interparliamentary cooperation within geopolitical regions: the African and worldwide experience (Moderator: Mr Samuel Waweru NDINDIRI, National Assembly, Kenya)

   - Management issues relating to staff attached to the Speaker/President, Members of Parliament and political groups (Moderator: Mr Xavier ROQUES, National Assembly, France)

5. Discussion of supplementary items (to be selected by the Executive Committee at the autumn Session)

6. Election

7. Administrative and financial questions

8. New subjects for discussion and draft agenda for the next meeting in Nairobi (Spring 2006)

9. Presentation by Mr Samuel Waweru NDINDIRI, Secretary General of the National Assembly of Kenya, on the organisation of the Nairobi Session.

The draft Agenda was agreed to.

5. Closure of the Session

Mr Ian HARRIS, President, thanked the Philippine hosts for their warm and generous welcome and regretted that the closure of the session coincided with the ending of the mandates as members of the Executive Committee of Mrs Emma LIRIO REYES, who had contributed so much to its work, and of Mr Prosper VOKOUMA.

Since it was not impossible that Mr Ibrahim SALIM would shortly leave the Association he also thanked him for his contribution to the work of the Association.

He thanked Lynda Young and Roland Beaume who had, as always, worked excellently.

He also thanked the Joint Secretaries, Roger Phillips and Frederic Slama, who had helped and guided him during the session and emphasised that the Executive Committee was extremely grateful to France and the United Kingdom for the assistance which they gave in putting at the disposal of the Association two members of staff.

He also thanked the interpreters Marina and Susan who were cooped up in their interpreters' booths and whose work was always remarkable notwithstanding the sometimes difficult circumstances.

He wished everyone a good trip home and looked forward to meeting members in New York and then Geneva.

The sitting rose at 12:30 p.m.