

The World of Parliaments

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After 25 years of war and political instability, Afghanistan has chosen a President, after a hotly contested presidential election. The next step in setting up democratic institutions will be the establishment by the autumn of 2005 of a modern parliament. Under the new Constitution adopted in January 2004, a bicameral National Assembly will be created, with an upper house, the Meshrano Jirga, and a lower house, the Wolesi Jirga. The IPU, working with the United Nations Development Programme (UNDP), assessed the needs of the future parliament.

IPU PRESIDENT AND SECRETARY GENERAL VISIT JAPAN

The President of the Inter-Parliamentary Union, Senator Sergio Pérez Verdugo, and the IPU Secretary General, Mr. Anders B. Johnsson, were received by the Japanese Prime Minister, Mr. Junichiro Koizumi, during their official visit to Japan, in November 2004. The IPU President informed the Japanese Prime Minister about the IPU's contribution in strengthening the institutions of emerging democracies and in providing expertise in rebuilding institutions in Iraq, Afghanistan and the Great Lakes region.

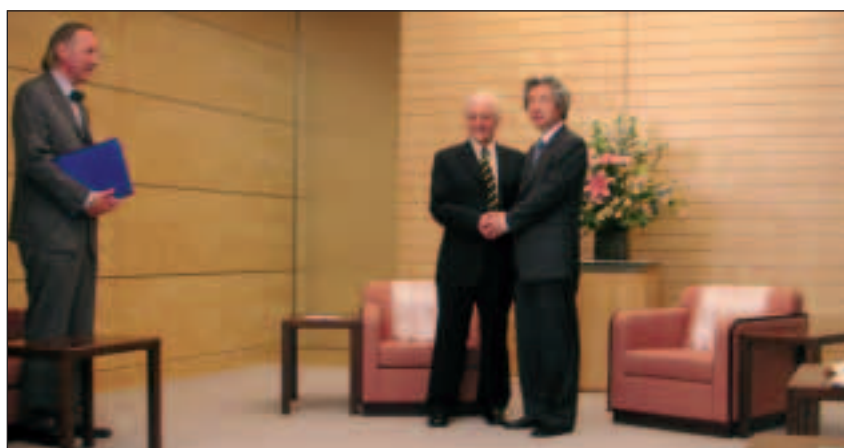


Photo: House of Representatives of Japan.

LAUNCH OF THE CEDAW HANDBOOK IN SOUTH AFRICA

Members of parliament around the world have shown interest in the Handbook for Parliamentarians on the CEDAW and its Optional Protocol, published jointly by the IPU and the United Nations. On 15 September 2004, the Presiding Officers of the Parliament of South Africa held a ceremony to launch the Handbook at the Old Assembly Dining Hall. The gathering heard a welcome address by the Deputy Speaker of the National Assembly, Ms. Gwen Mahlangu-Nkabinde, who formerly served as the President of the IPU Coordinating Committee of Women Parliamentarians. Ms. Mavivi Myakayaka-Manzini, a member of the Committee on the Elimination of Discrimination against Women (the CEDAW treaty body), then gave a keynote address on the role parliamentarians played in implementing the CEDAW Convention, and encouraged parliamentarians to refer to the Handbook for mechanisms and initiatives they could pursue in advocating women's rights. The recently-elected Speaker of the National Assembly, Ms. Baleka Mbete (see photo) responded to the keynote address, and the ceremony was subsequently closed by the House Chairperson, Mr. Nkosinathi Nhleko.



Ms. Baleka Mbete.

THE IPU AND EMERGENCY SITUATIONS

At the 111th IPU Assembly, more than 450 parliamentarians from 115 countries, including 29 Speakers of parliaments and 133 women parliamentarians, discussed an emergency agenda item entitled *The alarming situation in Iraq and the need for parliamentary action to restore peace and security in this country*. The item was proposed by the delegation of the Islamic Republic of Iran with the support of the Asia-Pacific Group. Two other proposals were made on the subject of the crisis in Darfur, but they were subsequently withdrawn.

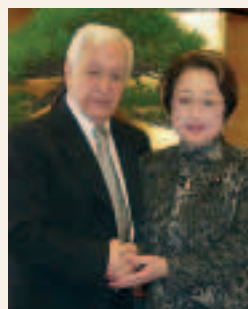


Photo: H. Salgado

Speakers of Parliaments present in Geneva.

...READ IN THE PRESS...

The visit of the IPU President was mentioned in the 11 November 2004 edition of the Kyoto Shimbun. The newspaper stated that: The IPU President Senator Páez, who was officially invited to Japan by the two Presiding Officers of the House of Representatives and the House of Councillors, visited some temples in Kyoto, Ryoan-ji, Kinkaku-ji and other locations. The Inter-Parliamentary Union is an international organisation which includes the parliaments of 140 countries in the world, and works for the establishment and development of parliamentary democracy. In Ryoan-ji, Senator Páez gazed at the rock garden, Sekitei, and inside the main building of the temple with interest, commenting that "just looking at this garden, I feel very calm. This atmosphere helps me to consider peace and stability in the world".



The IPU President, Senator Sergio Páez Verdugo was received by the Speaker of the House of Representatives, Mr. Yohei Kono and by the President of the House of Councillors, Mrs. Chikage Oogi.

Photos: House of Representatives and House of Councillors of Japan.

"It is the role of the Pan-African Parliament to assist the African Union in handling the situation in Darfur"

Ahmed Ibrahim El-Tahir, Speaker of the National Assembly of the Sudan.

Q: Mr. Speaker, were you disappointed by the fact that the situation in the Sudan and more precisely in the Darfur region was not accepted as an emergency item?

Ahmed Ibrahim El-Tahir: I was not. We had already contacted the delegation of South Africa to coordinate in this field. We want to handle this situation with our friends from the African Groups, to unify our opinion in Africa, because the African Union is handling this situation. It is the role of the Pan-African Parliament to assist the African Union in handling this situation. It is better to have it first discussed in the Pan-African Parliament, which is having its first session in Johannesburg. It will start its activity by addressing this problem in Darfur, and then perhaps there will be a chance to present the problem elsewhere. For this reason only, we agreed with the South African delegation to withdraw the proposal from the IPU's agenda.

Q: Don't you think that you could have had all the delegations present in Geneva addressing this issue?

A.I.E-T.: Yes, we know that, but there are some people who have negative attitudes towards the Sudan, especially in the Western medias and forums. I don't think Darfur is the issue for that, but it is now being used as an issue to justify intervention in the Sudan by some countries. So if we can unify our opinion in Africa, that will put the case back on the right track.

Q: What can be the solution for the terrible situation in Darfur?

A.I.E-T.: In the Sudan we have our plan to stabilise the country, first by deploying about 9,000 policemen from all over the Sudan in the area to help in the security management of this area. The security is now far better than what it used to be six months ago, except the special area occupied by the rebel movement. Otherwise, Darfur is quite stable. The other factor is that we must facilitate international assistance in the humanitarian field in Darfur, and we are doing it openly for the whole world to see. We also tolerated visits by all sorts of officials and organisations to Darfur. We have a plan to rehabilitate the villages in Darfur and to rebuild them in a more healthy way so as to make the people feel more comfortable in their traditional villages. The other thing is that we are holding peace talks with the rebel movement. If we can succeed in that, it will put an end to the conflict in Darfur.

Q: How can you help the victims?

A.I.E-T.: There are many camps for displaced people, but many of them are voluntarily returning back to their villages. We are helping them first by taking security measures to let them go to their villages and also by giving them humanitarian assistance: food, medicine, etc. The people of Darfur are hard workers, they are farmers and cattle herders, so they just need this step to go back to their normal life. This is the way to handle the situation and to channel international assistance in this field.

EMERGENCY SITUATIONS: IRAQ

"Everybody has the right to live in basic conditions of human dignity"

Mrs. Rafat Bayat, Member of the Islamic Consultative Assembly of the Islamic Republic of Iran, explains why her delegation presented an emergency item on Iraq.

Q: Why did the Iranian delegation present an emergency item on Iraq at the 111th IPU Assembly?

Rafat Bayat: Because the IPU is an important organisation dealing with human rights, peace and security for the entire humanity. Everybody has the right to live in basic conditions of human dignity, and if we think about the environment of the Iraqi people, about the situation of Iraqi women and children, we see that they do not live in good conditions in terms of nutrition, education, training, employment, etc.

Q: In the Islamic Republic of Iran, what is the situation of women after the latest elections?

R.B.: Because we have the Constitution, no fundamental changes took place for the women or other groups in the country. But we can, for example, have some changes in the training field, in order to have better conditions for women in terms of jobs. We can also change some conditions in the field of education to improve the situation. Women increasingly understand which problems they can solve by themselves. They can give ideas to parliament, and we have to make sure that the parliament will work on those ideas and pass laws. It is our right, as women in Iran, to participate in different areas: in the economic and political fields and in the field of education. Islam does not impose any condition forbidding people and women from participating in politics. In some regions, and not only in Islamic countries, it is a matter of men's ideology. The fact that men do not facilitate women's participation is not only the case in Islamic countries, but also in democracies.

Editorial

War crimes must not go unpunished

"Never again". That was the cry of all of humankind after the discovery of the horrors of the Second World War. To make sure that crimes committed against human beings "guilty" of being on the wrong side or simply of being from a given religious, cultural or political community would not take place again, or would not go unpunished, the Geneva Conventions and the Universal Declaration of Human Rights were adopted.

Alas, sixty years later, human rights violations, including torture, are once again practiced all over the world.

Interviewed on the occasion of a panel discussion held during the 111th IPU Assembly, Mr. Marco Sassoli, a professor at the University of Geneva, spoke of the step backwards that had been taken in recent years, stating that "Some parliaments, for good or bad reasons, have modified their countries' laws governing war crimes, thus restricting the authority of the courts". He gave the example of how some countries prosecute war crimes. "In this case, elected officials must be aware that they are not only changing the law of their own countries for reasons of political opportunity, but that their actions also influence the development of certain rules at the international level."

The people's representatives are called upon to held ensure that international humanitarian law is respected. Another panelist, the President of the International Committee of the Red Cross (ICRC), Mr. Jakob Kellenberger, invite them to make "the greatest effort possible to integrate international humanitarian law treaties in their domestic legislation", and to remember those instruments at the international level. Of course, there is no world parliament. But as Mr. Sassoli said, "If the United Nations

General Assembly cannot adopt binding rules, parliaments must understand their own responsibility as instruments of the international community".

Mr. Sassoli acknowledges that the universal competence to prosecute war crimes has faltered owing to a lack of political will, stating that "Sometimes, agreements are signed, laws are adopted, when it is clear from the circumstances that they will be violated". But he maintains that parliamentarians have an important role to play to ensure that "when a person is arrested for a war crime, it is not perceived as a political act, but rather as a legal mechanism and a question of respect for the law".

Ms. Elizabeth Wilmschurst, a former adviser to the British Foreign Office and currently the head of the international law programme at Chatham House, agrees: "The International Criminal Court is the newest mechanism to enforce international humanitarian law. But more than 60 of the 96 States party to it have not yet legislated to allow them to cooperate with the Court and to incorporate in their own national laws the crimes which are subject to the Court's jurisdiction". This is urgently needed, she said; it would allow a tremendous development in the enforcement of international humanitarian law. And it is for parliaments to do. "One major problem is how to get armed groups to comply with international humanitarian law when the methods they use, such as terrorism, are directly contrary to the law. In part, it must be done in the same way that one tries to get States to enforce international law in general - which is a weak body of law. We must rely on extralegal methods, such as the media, which tells the story, to bring pressure to bear".

L.B.

IPU-UN COOPERATION INTENSIFIES DURING BUSY WEEK IN NEW YORK

The week of 18-22 October centred on the annual Parliamentary Hearing and saw the unfolding of negotiations leading to a draft resolution on Cooperation between the United Nations and the Inter-Parliamentary Union. On 21 October, the debate on cooperation between the United Nations and the IPU was held in the General Assembly hall. Several Member States (Austria, Bangladesh, Belgium, Chile, Italy, Japan, Republic of Korea, Switzerland, Uganda) spoke eloquently in support of further strengthening cooperation between the two organizations. Following these statements, the President of the IPU outlined his vision of the future of cooperation founded on the impressive achievements of the last few years, as confirmed by the recent Report by the UN Secretary General on this issue.

The resolution on cooperation (A/RES/59/19) was eventually co-sponsored by 106 Member States and adopted by consensus on 8 November. For the first time the resolution welcomed “the annual parliamentary hearings at the United Nations as a regular feature of the programme of events held at the UN Headquarters on the occasion of the sessions of the General Assembly”. This is a significant acknowledgement of the role that such hearings have been playing in recent years in bringing the voice of parliaments closer to the United Nations and to the international community that it represents.

In order to allow all Speakers to attend the second World Conference of Speakers of Parliaments, the resolution calls upon the host country to extend the usual courtesies to the participants of all the parliamentary delegations of State Members of the United Nations.

With its more focused agenda and panels bringing together MPs, senior UN officials, scholars and practitioners, the Parliamentary Hearing on disarmament, peace-keeping, and peace building saw an impressive turnout of some 180 MPs from 70 countries. The substantive outcome took the form of a number of concrete recommendations for follow-up action (the final report, panel presentations, and list of participants are available online at <http://www.ipu.org/splz-e/unga04.htm>).

In the operative paragraphs, the UN General

Assembly “welcomes with satisfaction the decision to convene the second World Conference of Speakers of Parliaments at the UN Headquarters in September 2005”, and “encourages the United Nations and the Inter-Parliamentary Union to continue to cooperate closely in various fields, in particular peace and security, economic and social development, international law, human rights, and democracy and gender issues, bearing in mind the significant benefits of this cooperation”. The Resolution also acknowledges the leading role taken by the IPU in consulting national parliaments on how to develop the parliamentary dimension to the work of the United Nations, adding that the General Assembly “looks forward to learning of the outcome of this process prior to taking a final decision on the recommendations of the [Cardoso] Panel in



Senator Sergio Pérez, President of the IPU, speaking before the United Nations General Assembly.

The IPU is bringing the parliaments to the United Nations and the United Nations to the parliaments. We have always insisted that this is a two-way relationship. The IPU mobilises those parliamentarians who have practical expertise on specific issues and helps them interact with each other and with relevant United Nations bodies. For its part, the United Nations takes action to improve understanding and knowledge of its aims and objectives, thereby making sure that parliamentarians can serve as its political arm.

IPU President and Secretary General met with the Bureau of the Committee for the Inalienable Rights of the Palestinian People

In another development during the week, the President of the IPU, Senator Páez, accompanied by the IPU Secretary General, Anders Johnsson, met with the Bureau of the Committee for the Inalienable Rights of the Palestinian People for a frank exchange of views on the Middle East crisis. Senator Páez took the opportunity to reiterate the IPU position on this important issue as defined most recently by a resolution adopted at the 110th Assembly in Mexico. The IPU remains committed, Senator Páez said, to promoting dialogue and building confidence among elected representatives from both Palestine and Israel.

US Congress hosts IPU briefing on child trafficking and sexual exploitation

Ever since the IPU and the United Nations Children's Fund (UNICEF) co-hosted the 2002 Parliamentary Forum on Children at United Nations Headquarters, the IPU has paid a great deal of attention to child protection as an important aspect of its overall work. The IPU and UNICEF are now engaged in a far-reaching joint programme to help the world's parliaments take action on many of the recommendations issued by that groundbreaking event.

As part of this long-term effort, the IPU and UNICEF took the lead in organising a panel discussion at the United States Congress in Washington, DC, on an issue where legislative action is considered to be of the utmost importance: combating the sexual exploitation and trafficking of children. The event took place on 22 September, just weeks before the elections in the United States, with bipartisan support from the Congressional Children's Caucus and the sponsorship of two other bodies - the Congressional Women's Caucus and the Congressional Human Rights Caucus. The briefing, which enjoyed sizeable attendance, was also an opportunity to distribute copies of the recently published IPU-UNICEF *Handbook for Parliamentarians on Child Protection* to members of Congress and their staff.

The panel was led by US Congresswoman Sheila Jackson Lee, who was particularly instrumental in organising the event, and Mexican Senator Fernando Margáin Berlanga, both of whom underscored the international dimension of the problem. Also on the panel were Ambassador

John Miller, the Senior Advisor to the United States Secretary of State on Trafficking in Persons, Pamela Shifman of UNICEF and Sandee Payne of the Women's Commission for Refugee Women and Children.

Congresswoman Jackson Lee, who co-chairs the Congressional Children's Caucus with Congresswoman Ileana Ros-Lehtinen and who had attended the 2002 Parliamentary Forum on Children in New York, spoke eloquently about the need to "shine the light" on the violence that young children endure, and urged those in attendance to take action to confront the problem. For his part, Senator Margáin focused on the prevention of the problem, stressing the role of pro-family social and economic policies to create an environment that is more favourable to children. He also described concrete actions that the Mexican parliament has recently taken to institutionalise a child-friendly legislative approach, such as the holding of an annual parliamentary seminar on the commercial exploitation of children.

It is most encouraging that an inter-parliamentary debate could be held at the US Congress. It was particularly significant that the Children's Caucus was willing to tackle these issues in spite of a very busy schedule in the lead-up to the elections. The IPU will continue to raise issues of international scope at the US Congress in an effort to engage more of its members in dialogue and cooperation with elected representatives from other countries.

FURTHERING PARLIAMENTARY ACTION ON CEDAW

In October, the IPU continued its series of seminars entitled *Implementing the Convention on the Elimination of All Forms of Discrimination against Women: The role of parliamentarians*. Following the 111th IPU Assembly, the second seminar in this series brought together participants from Algeria, Angola, Bahrain, Benin, Cuba, Ecuador, France, Gabon, Germany, Japan, Mexico, Morocco, Nigeria, South Africa, Thailand, Turkey, Zimbabwe, the ECOWAS Parliament and Amnesty International.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most comprehensive international legal instrument addressing women's rights. It contains, in a single binding document, provisions requiring the elimination of discrimination on the basis of sex, and in so doing is key to the promotion of gender equality.

These one-day information seminars, organised jointly with the United Nations Division for the Advancement of Women (UNDAW), aim to involve parliaments more closely in the implementation and monitoring processes of the CEDAW. They are generally targeted to members of parliaments from those States parties to the Convention whose reports are soon to be, or have recently been, considered by the United Nations Committee on the Elimination of Discrimination against Women (the CEDAW Committee).

Presenting the Convention and the work of the CEDAW Committee at this particular seminar was one of the Committee's members and a former member of the French National Assembly, Mrs. Françoise Gaspard, and Ms. Christine Brautigam, Chief of the Women's Rights Section at UNDAW. Senator Lydia Madero of Mexico chaired the proceedings, which highlighted a variety of effective parliamentary initiatives to promote the rights of women:

- participants from Morocco spoke of their experience in passing the new Family Code, which has broadened possibilities for women in that country;
- parliamentarians from Mexico outlined the current status of the inquiry initiated by the CEDAW Committee under Article 8 of the Optional Protocol to investigate the murder of a large number of women in the Ciudad Juárez area of the State of Chihuahua, Mexico;
- mechanisms instituted in the German Bundestag were outlined; these allow members of parliament to provide input into the country's fifth report to the CEDAW Committee and to review the Committee's conclusions and recommendations; and
- the President of the Turkish IPU Group spoke of the efforts of several actors in Turkey, including the President of the Grand National Assembly, the CEDAW Committee, the United Nations Development Programme and the Turkish non-governmental organisation, the Flying Broom Association, which have translated, disseminated and widely publicised the *Handbook for Parliamentarians on the CEDAW Convention and its Optional Protocol*, produced jointly by the IPU and UNDAW.



Launch of the CEDAW Handbook in South Africa.

Photo: South African Parliament

IPU CONTRIBUTION TO BEIJING+10

During the 111th IPU Assembly, the Standing Committee on Democracy and Human Rights considered parliamentary commitments to gender equality in its debate on the agenda item, *Beijing+10: An evaluation from a parliamentary perspective*.

Ms. Carolyn Hannan, Director of the United Nations Division for the Advancement of Women (UNDAW), launched the debate with an overview of the Beijing+10 process, which would be the focus of the forty-ninth session of the Commission on the Status of Women (CSW), to be held in New York in February/March 2005. Ms. Hannan invited further input from parliamentarians in the implementation of the strategic objectives of the Beijing Platform for Action.

A debate followed, with a total of 59 speakers taking the floor. The resolution emanating from this debate reaffirms commitment undertaken by the parliamentary community to pursue the objectives of the Beijing Platform for Action.

Linking gender equality with global development, parliamentarians have noted the opportunity to reach the Millennium Development Goals by implementing measures contained in the Beijing Platform for Action.

The resolution notes with concern that “ten years after the Beijing Conference, effective gender equality is still far from being a reality”. Women continue to be under-represented in decision making bodies; they continue to be paid less for work of equal value; more often than men they are victims of poverty and unemployment, and they are more frequently subjected to violence. Discrimination faced by the girl child remains as preoccupying as ever. In light of this, a series of measures are put forward by the resolution for the advancement of women in the political, economic, and social fields, placing specific focus on human security, conflict resolution and the girl child. (See IPU website at: <http://www.ipu.org/conf-e/111/111-3.htm>).



Participants in the Seminar.

Photo: Parliament of Japan

HUMAN RIGHTS OF PARLIAMENTARIANS

The IPU Committee on the Human Rights of Parliamentarians held its 107th session during the 111th Assembly. It examined 58 cases in 27 countries, including public cases concerning 126 parliamentarians in 17 countries (Belarus, Burundi, Cambodia, Colombia, Ecuador, Eritrea, Honduras, Indonesia, Malaysia, Mongolia, Myanmar, Pakistan, Israel/Palestine, Syrian Arab Republic, Rwanda, Turkey and Zimbabwe). The Committee's public procedure enables Member Parliaments to take action in support of the Council's resolutions on individual human rights cases, and to defend parliamentarians whose rights have been violated. The Committee's experience has shown that such action may indeed contribute to a satisfactory settlement of cases.

IPU Mission to Zimbabwe

In September 2002, the IPU Governing Council requested the Committee on the Human Rights of Parliamentarians to carry out an on-site mission to Harare to inquire about the situation of several opposition members of the Parliament of Zimbabwe. With the agreement of the authorities, the visit took place from 28 March to 2 April 2004. The Committee's delegation, consisting of the Committee's former President, Mr. Juan-Pablo Letelier, and the honorary IPU Secretary General, Mr. Pierre Cornillon, who were accompanied by Committee Secretary, Ms. Ingeborg Schwarz, met with the competent authorities and the parliamentarians concerned. The mission report and the delegation's conclusions were endorsed by the Governing Council in September 2004. Copies of the full mission report may be obtained from the IPU Secretariat.

The mission found that allegations of politically motivated arrests, detention and prosecution were well-founded, and that MPs from the Movement for Democratic Change party (MDC) were indeed at continuous risk of arbitrary arrest and detention. The members of the mission were appalled at the high number of beatings, other ill-treatment and torture about which MPs had complained, and which had gone unpunished. However, they also noted that Parliament was a place where the majority and the opposition worked together. In its resolution on this case, the IPU Governing Council called on the Zimbabwe African National Union-Patriotic Front party (ZANU-PF) and the MDC to pursue a dialogue, and considered that for it to be meaningful, past injustices needed to be remedied, and everything must be done to avoid such injustices in the future.

Interview with Mr. Peter Adjetei, Speaker of the Parliament of Ghana

"When Speakers are committed to defending human rights, it has an impact"

Mr. Speaker, you are committed to defending the human rights of parliamentarians. Could you give us some examples of your action?

Peter Adjetei: It is our responsibility and duty, in response to the request we have received from the IPU Secretary General, to approach foreign governments with regard to the human rights of parliamentarians. This is especially true in cases where parliamentarians have been subjected to various criminal trials which are considered to be unfair. In those cases we have considered it necessary to submit sympathy protests to the government in question, so as to express our concern as members of the IPU and to raise points in favour of the affected members of parliament.

Q: Can you mention some cases?

P.A.: There was the case of Mr. Anwar Ibrahim in Malaysia. We had quite some correspondence on that matter. The Speaker of the Malaysian parliament took the view that we should know better than to approach him on such a matter. We wrote to tell him that from our knowledge of what parliaments all over the world do and what is the responsibility of Speakers, the Speaker is a very important official. Although he himself might not be able to pave the way for a person to be released, he certainly has the possibility of making a representation to the Head of the State or to press upon him the necessity to look at cases which in our view have not been fairly handled. Speakers certainly have the possibility of making such representations. We exchanged these letters, with copy to the IPU Secretary General, and we note that Mr. Anwar Ibrahim has been released now. Although one of the convictions has not been quashed, he is certainly a free man now.

Q: Would you invite your colleagues, Speakers of other countries, to do the same?

P.A.: I certainly would. If the action that we took was duplicated on a worldwide scale and every Speaker did the same thing, it would have a massive impact on the government concerned. When Speakers are committed to defending human rights, it certainly has an impact. I do not think there is anybody, any Head of State who can ignore the views of a large number of Speakers of parliaments worldwide. They cannot be lightly ignored.

NEEDS ASSESSMENT MISSION FOR THE NEW AFGHAN PARLIAMENT

The new Afghan parliament: Meeting its needs

The IPU mission took place in Kabul, from 20 October to 14 November 2004. Because of the country's lack of recent parliamentary experience, the Afghan authorities face a daunting challenge. Many legislative texts, including the rules of procedure of both chambers, absolutely have to be drawn up even before legislative elections take place in order to ensure that the Assembly can convene. If the new parliament is to be able to carry out the tasks assigned to it by the Constitution, it is already necessary to train the future parliamentary staff so that they have a rudimentary knowledge of their work. Such training must also be extended to the members of the Assembly once they are elected.

Apart from the training, special efforts must be made to address such fundamental issues as the institution's bilingualism (it will operate in Dari and Pashto), the full participation of women in parliament after nearly 10 years of Taliban rule, relations between the Assembly and the public, including most vulnerable groups such as the Kutchi nomads, and the roles of political groups and parties in the Assembly. The numerous meetings that the mission held with civil society representatives and political figures made it clear that everyone expects the new National Assembly to be open, transparent and representative of all Afghan citizens, whatever their ethnicity. It must act as the interface between the State and the people, at the same time playing a key role in an



The former Afghan Parliament Building, which will temporarily house the future National Assembly.

extensive civic education programme to enhance public outreach.

The mission concentrated on all these issues and proposed measures to tackle them. It also provided support to the Afghan authorities to help them accurately define the needs of the future National Assembly in terms of infrastructure and information and communication technologies.

The mission's recommendations are intended to contribute to the establishment of a strong legislative institution, the first task of which will be to set up an appropriate legal framework for the governance, after so many years of instability, of a new Afghanistan. It will also have to ensure conditions conducive to development and peace, so that the Afghan people will no longer suffer from political instability and conflict.

A programme of action was drawn up, on the basis of these recommendations, to address the main concerns listed above. It will be funded by a donors' consortium under UNDP auspices, with major support from the French Government, which is already financing some of the training activities for the parliament's supervisory staff. The Indian Government has offered to cover the construction of a building worthy of the new Assembly, which will have to be equipped with the latest multimedia technologies. This common funding approach should help to ensure that the international community's actions to foster democratic institutions in Afghanistan in the coming months will be coherent. The IPU, working with UNDP, will participate actively in the implementation of the programme of action.



The future Afghan parliament must be representative of all parts of Afghan society. It must include representatives of the Kutchi nomads (above, Kutchi tribal leaders) and other ethnic groups.

Electoral experts met at the IPU to review electoral development of the past decade



Electoral experts at the House of Parliaments.

The end of the Cold War saw the emergence of new democracies in Eastern Europe, and the election of representatives to new parliaments. At this time, much was heard about the need for free and fair elections, yet there was little common understanding of these terms; election observers were called on to make rapid judgements on the basis of the best available information. In this context, the IPU stepped forward with its groundbreaking study 'Free and Fair Elections: International Law and Practice', in which for the first time Professor Guy Goodwin-Gill identified the elements of international law that could be used to determine the freeness and fairness of elections. Following this, the Inter-Parliamentary Council of the IPU also adopted the *Declaration on Criteria for Free and Fair Elections* in Paris in 1994.

Ten years on, the IPU organised a 2-day international round table at its headquarters in Geneva on 13 and 14 November 2004. The meeting brought together academics and practitioners to take stock of new thinking on the concept of free and fair elections. Convened by Professor Guy Goodwin-Gill of Oxford University and Dr. Michael Boda, the experts considered the relative merits of judging elections by their outcome (for instance, can an election be considered free and fair when women make up less than 10% of elected representatives?), by process and by law. The frank discussions highlighted the strengths and problems of each approach, and provided important input that could be used to revise the original study 'Free and Fair Elections: International Law and Practice'.

Reaffirming the value of the IPU's 1994 Declaration, and its extensive use by election administrators and observers, it was agreed that the moral strength of this text - unanimously adopted by all IPU member parliaments - should not be weakened by modifications. Indeed, participants felt that the IPU, as the world organisation of parliaments, will be well placed to tie together the diverse standard-setting initiatives in election administration and observation, and to tackle emerging issues such as e-voting. Its normative work will continue to underpin the practice of free and fair elections, as democracy becomes more solidly entrenched in transition and post-conflict states.

The proceedings of the round table will be published in early 2005. The roundtable was organised with financial support from the Ford Foundation which is also funding the project to update the study referred to above.

Parliamentary developments

BRUNEI

On 25 September 2004, Brunei convened its parliament for the first time in two decades. Sultan Hassanal Bolkiah swore in the 21 members of the Legislative Council, an appointed body that had not met since it was abolished in 1984, after Brunei gained independence from the United Kingdom. The Sultan had announced in July 2004 that he would reconvene Parliament to "widen the opportunities of the public to engage and contribute to national progress". The Legislative Council went into session to discuss amendments to the 1959 Constitution as part of the current political reforms in the kingdom. The highlight was a call to expand the Council to 45 members, 15 of which are to be elected. Brunei had last held legislative elections in 1962, but that elected Parliament never sat because the current Sultan's father and predecessor, Omar Ali Saifuddin, had disbanded it after the left-wing Brunei People's Party won the vote. Demands by this party for greater democracy and an end to the Monarchy were rejected, leading to an armed revolt that the government quickly crushed. A constitutional amendment in 1970 abolished the provision for elected members and another change in 1980 called for a 21-member unelected body.

CAMBODIA

On 8 July 2004, the National Assembly that had been elected in July 2003 met for the first time since the general elections. Together with the Senate, the National Assembly passed a new law modifying the Constitution, to pave the way for a new government, ending 11 months of political stalemate. The amendments allow the Parliament to confirm government and legislative officials in a single vote. Previously, individual votes were required for each appointment. As a result of the changes, the National Assembly jointly elected Mr Hun Sen as Prime Minister and his coalition partner Prince Norodom Ranariddh as the National Assembly Speaker.

The 24 legislators of the opposition Sam Rainsy Party boycotted the parliamentary session and the leader of the party described the new law as an illegal "constitutional coup". The Sam Rainsy Party was subsequently excluded from all parliamentary committees.

CANADA

The Canada Elections Act and related statutes were amended by a bill that received Royal Assent in May 2004. The bill was a response to the decision of the

Supreme Court of Canada, which stated that the 50-candidate threshold for party registration in the Act violated section 3 of the Canadian Charter of Rights and Freedoms. The bill lowered the candidate threshold from 50 to 1, and included, for the first time, a definition of political party. Parliamentarians expressed concerns over these provisions, and, in order to accommodate those concerns, a sunset clause was inserted at the committee stage in the House of Commons. This clause states that the amendments will cease to have effect two years after the day on which the bill came into force or, if Parliament is not then in session, 90 days after the beginning of the next session.

GEORGIA

On 12 October 2004, Parliament passed an organic law amending the provisions of the Electoral Law regarding by-elections. The amendment states that the participation of one-third of all eligible voters will not be necessary to declare by-elections valid. The new rules were applied to the by-elections held on 24 October 2004.

The members of Parliament also signed a parliamentary Code of Ethics under which they pledged to refrain from physical violence and the use of insulting language and to dress respectfully.

HUNGARY

The Constitution was amended by Act CIX of 2003, in force as from 16 December 2003, to extend the powers of the Government. The Act empowers the Government to authorize the use of Hungarian and foreign armed units by decision of the North Atlantic Council, or the deployment of troops by decision of the North Atlantic Treaty Organization and to notify the Parliament and the President of the Republic.

The Law on Electoral Procedure was modified by Act CXIII of 2003, which is in force as from 27 December 2003. This Act extends the scope of the said law to cover the election of the Members of the European Parliament. It also determines who shall be entered in the register of voters and the conditions of valid voting. Subsequently, the Act XXXII of 2004 introduced a new chapter into the Law on Electoral Procedure, which sets the rules of the election of the Members of the European Parliament in detail.

The Act LVII of 2004 on the legal status of the Hungarian representatives to the European Parliament, establishes the rules pertaining to the legal status of the Hungarians nominated for a European parliamentary seat.

With respect to the accession of the Republic of Hungary to the European Union, the Standing Orders of Parliament were amended setting up a new Standing Committee dealing with European Union affairs. The Speaker may refer to this standing committee and other standing committees on European Union issues of strategic importance.

JAPAN

On 1 April 2004 a partial amendment to the law concerning remuneration, transportation and other allowances of the National Diet Members came into effect. It was decided to continue the reduction in the monthly remuneration of the Presiding Officers, Deputy Presiding Officers and other National Diet Members until 31 March 2005.

On 19 May 2004 a partial amendment to the law concerning the recruitment and the salaries of secretaries of Diet Members entered into force. According to this amendment, persons aged 65 or above or Members' spouses cannot be employed as official secretaries. Secretaries may not in principle hold concurrently any other job and it is forbidden to ask or require secretaries to make any contribution to certain organisation.

LEBANON

On 3 September 2004, Parliament approved with 96 votes for and 29 against the amendment of article 49 of the Constitution to extend the term of the current President of the Republic Emil Lahoud for three more years. Four ministers resigned in protest against this constitutional amendment.

MADAGASCAR

The rules of procedure of the National Assembly applicable during the sittings when deputies put questions to the members of the Government have been improved.

These sittings are now broadcast live by the media. The oral questions have as a result become more spontaneous, and they now have to be topical and of national interest. Deputies who wish to ask oral questions must register beforehand with their parliamentary groups; by noon of the day before the sitting, the leader of the group or a representative then hands over to the Bureau of the National Assembly the number of questions to be raised for the government ministers concerned. The number of questions allotted to each group is proportional to its membership. Previously, oral questions had to be summarily described in writing, and were limited to elements required for an understanding of a given

issue. Deputies wishing to ask an oral question used to hand in the text to the Speaker of the National Assembly, who notified the Government. The Chairpersons' Conference placed the questions on the agenda based on the list as it stood the day before the meeting.

Now, for a general question, deputies can move for a debate, and the Assembly then decides whether one is justified. If so, the author of the motion will have the floor for a maximum of 10 minutes (previously 30 minutes). The competent minister subsequently responds and debate then takes place. The minister may respond at any time if he or she so chooses.

PALAU

On 2 November 2004, Palauan voters were asked to vote on five initiatives proposing to amend the Constitution. A sixth question was on the ballot, asking Palauans whether a Constitutional Convention should be held to review Palau's Constitution, which the Palauan people had ratified 10 years before. The proposed amendments were the result of a petition drive started by President Tommy Remengesau after he failed to reach an agreement with the Parliament to make several amendments through acts of law. The proposed constitutional amendments would: allow dual citizenship; allow the election of a president and vice president as a team; limit members of Parliament to three four-year terms; transform the Parliament from a bicameral to a unicameral parliament; and adjust parliamentarians salaries. Only four of the five amendments of the Constitution were approved. The proposed reduction of the number of parliamentarians chambers did not garner the votes needed to change the Constitution. A slight majority of voters endorsed the creation of a Constitutional Convention as a total of 5,085, representing 53 per cent of the total votes cast, voted affirmatively on this initiative.

TAJIKISTAN

On 16 June 2004, the Assembly of Representatives (Majlisi Namoyandagon) passed amendments to the Elections Law. Of the 30 amendments proposed to the Assembly, some 24 were adopted by a large majority. These amendments reduce the deposit for candidates wishing to contest parliamentary elections in single-mandate constituencies from \$3,300 to \$450. Political parties will be required to pay the same \$450 deposit for each candidate included on a party list, rather than pay a lump sum for the party list regardless of the number of candidates. The law also tightens regulations to prevent interference in the work of election commissions.

Among the amendments not retained was the one that provided for the inclusion in precinct electoral commissions of representatives of all registered political parties.

President Imomali Rakhmonov signed the election bill into law on 15 July 2004.

TURKEY

On 5 May 2004, the Grand National Assembly approved a package amending ten articles of the Constitution that touch upon a number of areas including the judiciary, civil-military relations, freedom of the press and gender equality. These amendments include, among others, the abolition of the death penalty, full equality for women, and the abolition of the controversial State Security Courts, which in the past dealt with cases of terrorism. These courts had often been the focus of criticism from the West for not allowing defendants a fair trial. Another reform introduced by the package is that the Turkish Armed Forces would be accountable to the Parliament for its finances. The amendments were part of a series of reforms designed to comply with EU human rights standards.

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