

The World of Parliaments

Quarterly Review of the Inter-Parliamentary Union

December 2001
N° 4

Special Guest: Mr. Mosé Tjitendero, Speaker of the National Assembly of Namibia



Photo : Eskinder Debebe

Mr. Mosé Tjitendero, Speaker of the National Assembly of Namibia and Vice-President of the IPU Executive Committee presiding over the UN/IPU Day meeting at UN headquarters

Q : *Mr. Speaker, you chaired the meeting of parliamentarians attending the UN General Assembly this year. What are your impressions of the meeting and how do you see it developing?*

M.T. : I was very impressed by the warm reception and the statement by the UN Secretary General showing that there is broad acceptance of the role of the IPU in cooperating and working with the United Nations. The parliamentary voice – the voice of the people – must be an “integral component” of the work of the United Nations, in the words of Mr. Annan. There is clearly a place for the IPU in the overall work of the United Nations and there are actions that IPU can promote in a variety of fields, including peace and security. The second impression is that this is actually the culmination of the Millennium Conference of Presiding Officers organised by the IPU at UN Headquarters in 2000. In my own judgment, it marks the beginnings of a parliamentary culture at the UN similar to the parliamentary hearings that take place in various individual parliaments all over the globe. The annual meeting at UN Headquarters will allow members of parliaments from all over the world to link up with top UN officials and decision makers on issues of mutual interest. I hope we can expand on this activity in the future. I strongly urge national Parliaments to continue to support this initiative.

Q : *You also attended the debate in the General Assembly on cooperation between the UN and the IPU. How do you see this cooperation developing and what prospects are there for achieving a new and strengthened relationship between the UN, its subsidiary organs and the IPU?*

M.T. : Clearly, the cooperation between the UN and the IPU will continue to grow and expand in various areas. One such area relates to the need to combat terrorism. Security Council resolution 1373 requires legislative action to prevent and suppress the financing of terrorist activities, and prohibit any kind of support to terrorists. This is an area where I think the IPU could be helpful by raising awareness in parliaments of what they have to do.

Other areas relate to major UN Summits taking place next year. The hope of the UN Secretary-General is that two areas of mutual cooperation can be the meeting in Mexico on Financing for Development - one area in which lawmakers can make a very useful contribution through laws ranging from taxation to revenue generation - and the Conference on Sustainable Development that will be held in South Africa next year in September. Mr. Annan has outlined these two specific events in which cooperation between the UN and the IPU could be demonstrated. These kinds of activities and a continuing dialogue between the members of the IPU and representatives of Member States will, I am sure, result in a new and strengthened relationship between the UN, its subsidiary organs and the IPU, which in turn will lead to the granting of observer status to the IPU with the right to circulate documents. This is also my sense from having listened to the debate in the General Assembly during which a large number of delegates spoke about cooperation between the UN and the IPU. Every one of them endorsed the idea of promptly giving the IPU observer status in the General Assembly.

Q : *The IPU and UNHCR have just finished a parliamentary handbook on the international protection of refugees which will be presented at the first meeting of States Parties to the 1951 United Nations Convention relating to the Status of Refugees that will take place in Geneva on 12 December. What should the IPU's message be on that occasion?*

M.T. : I think the IPU's message should be that the publication of this very important tool is intended to help law-makers to hone their law-making skills with a clear understanding that the protection of refugees is the main responsibility of all States. Refugees have their human dignity, and this must not be tarnished. The Handbook itself concisely sums up information laying out the provisions and the reasons for protection, and stipulates that refugees have the right to seek and enjoy asylum in other countries when they flee persecution. I myself was a political refugee. It is on the basis of this experience that I fully endorse the principle that the protection of refugees is a collective human and humanitarian obligation that all States must clearly respect until such time as conditions in a refugee's country of origin have clearly changed so that he or she may return safely to that country.

The Secretary-General's remarks to parliamentarians attending the 56th session of the General Assembly

I am very pleased that we are continuing the momentum generated by last year's historic meeting, on the eve of the Millennium Summit, at which 145 presiding officers of national parliaments set out their vision of peace and progress for the new century.

The parliamentary voice - the voice of the people - must be an integral component of the work of the United Nations.

Parliaments are places where much of a country's most important business is carried out. It is in parliament that a tapestry of views, traditions and beliefs, comes together for dialogue and debate. And it is in parliament that the laws of the land are made.

Today, your role is more pivotal than ever.

With the spread of democracy, you embody the will of the people and are most closely in touch with their needs and aspirations.

And since most of today's major challenges have a global dimension, you who are schooled in the art of discussion and compromise can help the nations of the world rise above their differences and work together.

What is certainly true of the struggle against terrorism that has acquired new urgency in the aftermath of last September's attacks on the United States.

As you know, the Security Council adopted a broad resolution - 1373 - that is aimed at targeting terrorists and those who harbour, aid or support them. The resolution requires Member states to cooperate in a wide range of areas: including suppressing the financing of terrorism, cooperating in criminal investigations and exchanging information on possible terrorist acts. Parliamentarians will be responsible for enacting the legislation that must give force to this resolution on the national level.

Moreover, implementation of this resolution will require technical expertise that many Member States do not possess. Many Member States will also need help in implementing the 12 conventions and protocols on international terrorism that have already been drafted and adopted under United Nations auspices. I call on you and your parliaments to provide this assistance, promptly and generously.

But the struggle against terrorism and the situation in Afghanistan are not the only items on our agenda.

Issues such as conflict, poverty, AIDS, environmental degradation and advancing the rule of law have not become any less urgent. Quite the opposite. Your advocacy will be essential to ensure that we do not lose sight of these pressing challenges.

I hope that in the year ahead you will pay particular attention to two United Nations events: the International Conference



Photo : Eskinder Debebe

From left to right: Ms Gillian Sorensen, UN Assistant-Secretary-General for External Relations; M. Kofi Annan, UN Secretary-General; Mr. Mosé Tijitendero, Speaker of the National Assembly of Namibia and Vice-President of the IPU Executive Committee; Mr. Anders B. Johnsson, IPU Secretary General; Mr. Santiago Romero-Perez, Director of the IPU Liaison Office with the UN in New York.

on Financing for Development to be held in March in Mexico, and the World Summit on Sustainable Development, in Johannesburg next September.

These hold great promise for reinvigorating the development process, and ensuring that we do pursue a path of economic growth that will enable our children, and their children, to meet their needs. Again, it is your unique legislative power - not least the power of the purse - that can translate international agreements into action at home, in your communities.

Finally I hope you will do your utmost not only to improve the representation of women among your ranks, but also to enact legislation that will protect their rights, promote their participation in decision-making, and provide for their well-being and advancement.

Some parliaments have been real leaders in this struggle; I hope the rest will emulate those pioneers.

Ladies and Gentlemen,

I am strongly committed to strengthening the parliamentary dimension in the work of the United Nations. The cooperation agreement between our two organizations signed in 1996 has enabled us to make good progress. But we need to build on this.

Accordingly, as you know I have recommended that we go further - that we establish a new, strengthened and formalized relationship, and that the General Assembly grant the IPU observer status. I know that the majority of Member States share my views on this question and have endorsed my recommendations. I hope that when the General Assembly considers the matter, it will codify our relationship and usher in a new era in our already long-standing cooperation.

Thank you again for your support.

Editorial

Albert, Marlène, Melina, Gilberto and the others

How we loved Marlene Dietrich and Melina Mercouri! How Graça Machel, Rigoberta Menchu and Phan Phuc moved our hearts! And how Albert Einstein, Thomas Mann, and Gilberto Gil made our spirits soar! All of these men and women shared so much daring, courage, intelligence and talent. And all, at some point in their lives, were refugees.

Like the millions of Bosnian, Rwandan or Afghan men, women and children who haunt our television screens and the consciences of political authorities, these personalities were once obliged to opt for exile – because of war, because of their ideas, or simply because they belonged to the wrong ethnic group, religion or culture. Some countries opened their doors to them, while others kept them shut. “The boat is full” as they said at the time. “We can’t take in everybody” as they explain today.

Nevertheless, in the words of the Universal Declaration of Human Rights “Everyone has the right to seek and to enjoy in other countries asylum from persecution”. *Aware that that claim is as pertinent now as it always was, the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Refugees have decided to jointly publish a handbook on international refugee law.

The UNHCR, the agency which assists forcibly displaced persons, and IPU, the world organization of parliaments, are together providing MPs and other government leaders with a working tool that aims to bridge the gap between national legislation and international standards for the protection of refugees. The publication was timed to coincide with the 50th anniversary of the Geneva Convention relating to the Status of Refugees, and the book was presented at the Ministerial meeting of the States Parties to the 1951 Convention. It will also be given a formal launch at a special ceremony during the IPU Conference in Marrakech.

There is no stock answer to how to cope with emergency humanitarian situations and the resultant flood of refugees seeking new homes in host countries. Or perhaps there is. One solution, as many MPs suggest, would be to “see to it that there are no more refugees”. How? By focusing on preventing the conflicts that trigger the refugee flows. Yet, there must be the political will to achieve this goal. Meanwhile, MPs and decision-makers now have a handbook which not only sets out the moral and political parameters and the principles of international law concerning asylum-seekers but, above all, offers practical suggestions on how parliaments and their members can effectively contribute to their implementation. No one knows better how crucial that role is than Mosé Tjitendero, Speaker of the Parliament of Namibia, and himself a former refugee who once had to seek asylum from persecution. ■

*Article 14(1)

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The IPU at the United Nations

On December 4, 2001, the Inter-Parliamentary Union held its now traditional meeting at United Nations Headquarters in New York. This gathering allows members of parliament attending the annual session of the General Assembly to meet UN officials at the highest level, acquire information about the major issues that the UN is addressing in the political, socio-economic and humanitarian areas and engage in a “parliamentary hearing” with the UN representatives.

Like other events at UN Headquarters, this year’s meeting, which normally takes place in October, had to be postponed because of the tragic events of 11 September in the United States. The December date, which coincides with important national parliamentary business, prevented many of our members from attending the occasion. Nevertheless, 97 participants from 29 countries and one regional parliamentary assembly were able to attend. Additionally, observers from nine permanent missions to the UN represented their absent parliamentary colleagues.

The Speaker of the National Assembly of Namibia and Vice-President of the IPU Executive Committee, Mosé Tjitendero, chaired the proceedings. The UN Secretary-General, Mr. Kofi Annan, opened the meeting, expressing his strong commitment to strengthening the parliamentary dimension to the work of the United Nations and welcoming the long-standing cooperation between the two organizations.

This year, because of the major preoccupation with the struggle against terrorism at the UN, the meeting had, for the first time, a speaker from among the ambassadorial ranks. Sir Jeremy Greenstock, the Permanent Representative of the United Kingdom to the UN, addressed the gathering in his capacity as Chairman of the Security Council’s Counter-Terrorism Committee. The committee is undertaking an organized and collective effort to engage Member States worldwide in long-term action to fight terrorism. He outlined the various measures that Member States were being asked to take and called for the support of parliaments in ensuring Executive action in this regard.

Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator in the Office for the Coordination of Humanitarian Affairs, spoke of the UN’s efforts to ensure a coordinated international response to the victims of conflict and natural disasters. In referring to the innovative tool of a “consolidated appeal” process, she highlighted the role of parliament in approving much-needed financial resources. She also dwelt on the specific problems that women faced in crisis situations. Ms. McAskie welcomed the opportunity to work with IPU to raise awareness of the UN’s humanitarian needs.

The Under Secretary-General for Political Affairs, Sir Kieran Prendergast, explained the UN’s work in Afghanistan to ensure the establishment of a new representative government, before referring to ongoing efforts in the Great Lakes Region of Africa and in the Middle East. He noted the increasing importance to the UN of actions aimed at conflict prevention, most particularly because most conflicts had ceased to be inter-State ones and become conflicts within States. That development posed new challenges to the UN.

The Assistant Secretary-General for Social and Economic Affairs, Patrizio Civili emphasized the growing importance of parliaments “to focus the political will and commitment of governments...for advancing development”. He briefed participants on the major UN conferences of 2002: Financing for Development, the World Summit on Sustainable Development, the Food Summit and the General Assembly Special Session on Children. The Executive Secretary of the Financing for Development Conference, Oscar de Rojas, then gave a detailed briefing on preparations for the FfD conference in Monterrey in March 2002, highlighting the importance of a parliamentary voice at that event.

Meanwhile, in the General Assembly, pursuant to a reform introduced this year, all items addressing cooperation between the UN and international organizations are henceforth to be addressed under a single item with 13 sub-items. One of these sub-items included cooperation between the UN and the IPU.

A representative of the Permanent Mission of India introduced the draft resolution on IPU/UN cooperation. The debate included statements from 33 Member States, 17 of which included references to the growing importance of the close association between the UN and IPU. While expressing regret that the General Assembly was unable to grant the IPU an appropriate status, “despite clear consensus among its members”, during the 2001 session, all speakers expressed their hopes that the next session would redress the situation and give the IPU a status that would allow it to bring the voice of parliaments to the UN. The Ambassador of Norway made a call for the IPU to be granted the right to circulate documents at the United Nations.

At the end of the deliberations, the draft resolution co-sponsored by 122 Member States was adopted by consensus.

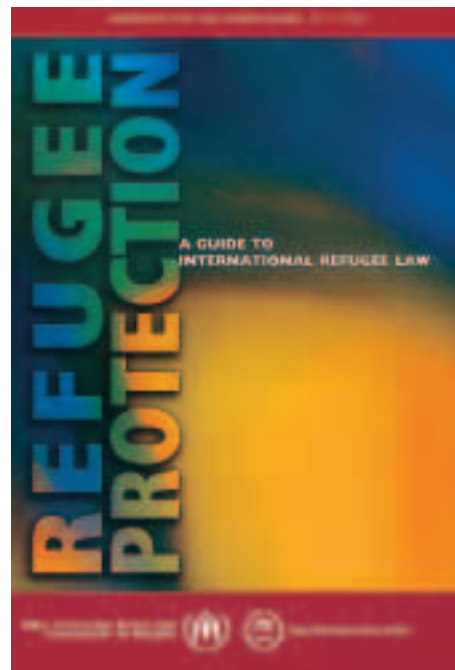
MPs and the protection of refugees

The Inter-Parliamentary Union (IPU) and the UN High Commissioner for Refugees (HCR) are launching a Guidebook for Parliamentarians on international refugee law, on the occasion of the 50th anniversary of the UN Refugee Convention.

“The handbook for parliamentarians on refugees is particularly important because most members of parliament do not know the rights of refugees and the difficulties they face, not to mention the discrimination that prevails in some countries”, said the IPU Council President, Dr. Najma Heptulla.

For the IPU Secretary General, Mr Anders B. Johnsson, “As lawmakers, parliamentarians can encourage accession to the 1951 Refugee Convention and its 1967 Protocol, and to other related international and regional agreements that have not yet been ratified. They can also design and adopt national refugee legislation that conforms to international law and standards, and oversee its implementation”.

“I really hope parliamentarians take the time to read this guide. There’s a lot of confusion surrounding refugees and other sorts of migrants. You see this reflected in the heated and increasingly distorted political debates in some countries — and that is dangerous for refugees and also bad for governments. We need clarity. The asylum system — if it is reflected in national laws and implemented efficiently — is designed to remove that confusion. Then we can protect refugees properly, and find other ways to cope with other forms of migrants”, said the United Nations High Commissioner for Refugees, Mr Ruud Lubbers.



Guide to International Refugee Law

MP's point of view

Mrs Beth Mugo
Member of the Kenyan Parliament
President of the IUP Committee on Parliamentary,
Juridical and Human Rights Questions

“The role of MPs in the refugee problem”

It is very important because today there are so many refugees all over the world and often members of parliaments seem to think that this is the role of governments and that they do not have a role in it. As parliamentarians, we are the people who make the laws, and we can also advocate those laws and also supervise the Executive to see that the laws are truly implemented. It is very important that parliamentarians know their role in the problems of refugees.

Mr. Jim McKiernan
Member of the Australian Senate
Vice-President of the IUP Committee on Parliamentary,
Juridical and Human Rights Questions

“No more refugees”

It is very important that parliamentarians from around the world have an understanding of how international humanitarian law applies to refugees and to asylum seekers. It is also important to understand those who seek to abuse the refugee system around the world. There are 23 million people around the world who are deemed by the United Nations to be refugees. Parliamentarians in the parliaments of the world can work to alleviate this situation by trying to ensure that there are no more refugees. Where this situation cannot be avoided, parliamentarians can ask their parliaments and their governments to give sanctuary to those people who are deemed to be in need of a settlement.

*Everyone has the right to seek and to enjoy in other countries
asylum from persecution*

Universal Declaration of Human Rights, art.14(1)

Mr Ricardo Vázquez

Member of the Argentine Chamber of Deputies
Vice-President of the IUP Committee on Parliamentary,
Juridical and Human Rights Questions

“Defining the moral and political parameters”

I believe that this Guide sets out the commitment of the parliamentarians of the entire world and defines the moral and political parameters that apply to a problem that afflicts the entire human race. The fact that more than 21 million people are refugees indicates the sheer size of the displaced populations - people who have lost their dwellings and been forced to abandon their homes. The international community must tackle this problem. This Guide is a very practical and useful contribution which highlights the commitment in a palpable way. Parliamentarians now have an instrument for long-term work using practical tools and common denominators.

Mr Hossein Hashemi

Member of the Parliament of the Islamic Republic of Iran

“A matter of humanity”

I believe that the question of refugees is now one of the most important matters facing governments all over the world. In my country, we have more than 3 million refugees from Afghanistan and Iraq and we are deeply involved in the issue. My parliament has given very high priority to looking after the refugees, but we cannot keep three or four million people for ever. We are now looking for some sort of solution in order to come to a conclusion. Those that can return to their countries should do so, and those who cannot should have the right to stay. But what we see all over the world is refugees from different countries going to the West, to countries like Australia, Canada, or America, where they have been coming up against some very real difficulties: a difficult life, and a difficult attitude from the governments. This is not fair. We should, as parliamentarians, come to some conclusion to find a way to keep these people there. They have left their country, they are looking for a safe place to live for economic, political or social reasons, we shouldn't pay too much attention to that. Whatever the case, they are human, we should look at them as human, and we should try our best to help them.

Mr Ibrahim Spahic

Member of the Parliament of Bosnia and Herzegovina

“Balanced laws”

Everywhere in the world there are millions of refugees. In South East Europe, one million three hundred thousand persons have been displaced within the same region, within the same country. It is necessary for the national assemblies of all countries to set out rules and laws which are universally accepted. All citizens on the planet should be guaranteed the same rights. In our region there needs to be a balance between the laws that are voted in Bosnia and Herzegovina, in Yugoslavia, in Croatia, in Macedonia, in Albania, and so on. Because if there are no basic rules among the national assemblies there will never be security. Today, we have a serious problem with refugees because the world dislikes poverty, and refugees are assimilated with poverty. The question is not what can we do with the law and with our government, but rather: is there not a modicum of humanity in the world ?

Mrs Sheila Finestone

Member of the Canadian Senate

“It is better to try and solve the problem on the spot”

If it were possible to resolve all the hateful and repulsive situations throughout the world, perhaps we might be able to better the situation of people who are chased out of their regions and their homelands, and whose lot is genuinely unenviable. Being a refugee is sad, being a refugee is hard; it's hard to leave your friends and to try and start a new life in a place where you know neither the culture nor the climate. As a Canadian I know that it is difficult to start from scratch. It is the duty of parliamentarians to understand the political situation in the region concerned. Is the request for asylum justified or is it more of an economic question ? There is a definite difference between a refugee and somebody who wishes to enter the country to make a new start, economically speaking. Some refugees come from parts of the world where life is simply impossible, but we cannot take everybody. It is better to try and solve the problem on the spot, where the difficulty has arisen, so that these people do not have to leave their homes.

Parliaments and the budgetary process including from a gender perspective

From 1 to 3 November, the IPU and the National Assembly of Mali organised a regional seminar in Bamako for French, Arab and Portuguese-speaking African parliaments, entitled “Parliaments and the budgetary process including from a gender perspective”. The seminar, supported by the United Nations Development Programme (UNDP) and the World Bank, brought together parliamentarians and parliamentary officials from the following countries: Algeria, Angola, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Guinea, Mali, Morocco, Rwanda, Senegal and Togo. It follows a similar event for English-speaking African parliaments which was held in Nairobi in May 2000 at the invitation of the Kenya National Assembly (see IPU web site).



From left to right: Mrs Kadidiatou Coulibaly, Second Vice-President of the National of Mali; Ms Christine Pintat, IPU Assistant Secretary General; His Excellency Mandé Sidibi, Prime Minister of the Republic of Mali; His Excellency Alpha Oumar Konaré, President of the Republic of Mali; Mr Assarid Ag Imbarcaouane, President a.i. of the National Assembly of Mali.

In his opening statement, Mr Alpha Oumar Konaré, President of the Republic of Mali recalled that “in order for democracy to take root in our countries, the parliamentary institution must enjoy the necessary respect and full support in order to fulfil its mission to legislate and oversee the Executive”.

The President a.i. of the Mali National Assembly, Mr Assarid Ag Imbarcaouane, said “the duty of overseeing government activity that befalls to us as parliamentarians is also conducted through the national budget. This represents significant power that we should use with clear-sightedness in the interest of the people whom we represent. In most of our countries, women represent the majority of the population, but they do not enjoy equal representation in the major sectors of national life”.

The UNDP Resident Representative, Mrs Jocelline Bazile-Finley said that the UNDP pledged “to work jointly with the IPU and all the development partners to reinforce democratic institutions”.

French MP Yves Tavernier, a member of the IPU Executive Committee, pointed out that “the task of preparing and executing of our government budgets

should not be appropriated by civil servants from the ministries of finance. The strength of a democracy can be measured in terms of the capacity of parliamentarians to debate draft budgets and control the use of public funds. It is therefore necessary to provide them with both the information and the training that they need to perform that duty better”.

“Full control over the workings of the national budget enables a parliamentarian to fulfil the role of overseeing the Executive more efficiently. The vote on the national budget is also an opportunity to check that the government’s political commitments are in line with its investment priorities and budgetary spending”, said Mr Soumaila Cisse, Minister of Equipment, Infrastructure, Environment and Public Works, and acting Prime Minister.

The IPU Assistant Secretary General, Ms Christine Pintat, recalled that the budget was not a neutral instrument. “It is the main vehicle for the Government’s general policy, and expresses the fundamental values on which the Government’s core policies are based. It reflects its social and economic priorities and reveals the extent to which the Government cares about equity, not only between the different groups and sectors of the population but also between the sexes.”

Delegates debated the respective roles of the government and parliament in the budgetary process; parliamentary oversight to ensure transparency and responsibility in the budgetary process; the role of the Government Audit Office and, finally, ways to establish a gender-sensitive budget.

By way of follow-up to the seminar, the delegates recommended that similar initiatives be organised in other regions of the world and in individual countries, and that a handbook be prepared on the budgetary process for use by parliamentarians. They pledged to bring the report of the seminar to the attention of their parliaments and agreed that it was important for their parliaments to debate gender matters, including with the assistance of experts.

The Bamako seminar recommended

Parliaments should have the means to act effectively

Parliaments should have the human and material resources they need to oversee the action of the government effectively:

- Parliaments should enjoy greater financial autonomy;
- Assistants and experts should be available to parliaments to assist them in the performance of their duties;
- Training could be provided to parliamentarians and parliamentary officials;
- Access to reliable information should be guaranteed;
- Parliaments should be assisted in their oversight function by Government Accounting Offices with guaranteed independence;
- Mixed-gender parliamentary groups are recommended to help parliamentarians ensure that the Budget Act takes due account of the gender dimension.

News flash

Algerian women mobilise

A group of Algerian women parliamentarians have decided to step outside partisan and political boundaries by holding a meeting of some 350 women parliamentarians, businesswomen and representatives of civil society. The women decided to set up a coordinating group for Algerian women parliamentarians and, along with the businesswomen established a foundation entitled "School for All" which will be chaired by Mrs Zohra Drif-Bitat, a Senator.

Ukrainian Parliament adopts an IPU resolution

The Ukrainian Parliament unanimously adopted a resolution endorsing the Declaration on "The Parliamentary Vision of International Cooperation at the Dawn of the Third Millennium" adopted by the Conference of Presiding Officers of Parliaments organised by the IPU in September 2000 at the United Nations Headquarters in New York. "The Declaration is particularly significant for the development of democracy in Ukraine" said the President of the Ukraine Supreme Rada Mr Yvan Plyushch.

Handbook on international humanitarian law, translated into 18 languages

The Swahili edition of the Handbook for parliamentarians entitled "Respect for International Humanitarian Law", jointly published by the IPU and ICRC, was officially launched last October in Nairobi at a ceremony in the presence of the Minister of Defence, the Solicitor General, the Secretary to the Constitution, parliamentarians and members of the diplomatic corps. Mrs Beth Mugo, Member of the Kenyan Parliament and President of the IPU Committee on Parliamentary, Juridical and Human Rights Questions, recalled that "respect for human dignity is an international obligation." So far, the Handbook has been translated into 18 languages.

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Parliamentary developments

BENIN

On 24 July 2001, the National Assembly adopted, by 43 votes to 37, a new law amending the Charter of Political Parties. This law requires 120 founding members (10 per department) for the establishment of a political party and forbids defections from parties by stipulating that MPs elected on the ticket of a political party who resign during their term of office will lose their seat and be replaced by their substitute.

BOSNIA-HERZEGOVINA

On 21 August 2001, the House of Representatives adopted a new Election Law. The new law was hailed by the international community as it paved the way for the admission of Bosnia and Herzegovina into the Council of Europe. There was, however, some criticism as the law, in line with what is established in the Constitution, only allows voters to cast ballots for members of their own ethnic group in elections for the three-member presidency. It also requires that persons living illegally in others' homes vote in the place where they lived before the conflict began in 1992. With this provision, the Election Law aims to minimize the impact of the war, during which over half of the population was displaced.

EAST TIMOR

An estimated 93 per cent of the 425,000 registered electors cast votes on 30 August 2001 to choose an 88-member Constituent Assembly with the task of framing a Constitution in preparation for full independence in 2002. Since the withdrawal of Indonesia in the bloody aftermath of the August 1999 referendum on the status of East Timor, the territory had been governed under the auspices of the UN Transitional Administration for East Timor. East Timor is scheduled to accede to statehood on 20 May 2002.

GREECE

In April 2001, the Constitution was amended to introduce a new article in the chapter relating to Organization of the Administration. This new article provides that wherever an independent authority is stipulated by the Constitution, its members are appointed for a fixed term of office and enjoy personal and functional independence.

GUINEA

Some 98 percent of the voters at a referendum on 11 November 2001 supported the amendment of the Constitution, while 1.64 percent vote against, according to the official results. The participation rate

reported by the government was 87 percent, while opposition sources estimated turnout at less than 20 percent. Of the six articles submitted to the vote, articles 24 and 89 were the most controversial. The first one lengthens the presidential term of office from five to seven years and allows presidents to stay in office indefinitely. Article 89 stipulates that local government officials are to be nominated by the President instead of being elected.

INDIA

On 25 November 2001, at a conference on "Discipline and decorum in Parliament and state legislatures", presiding officers, chief ministers, parliamentary affairs ministers, and leaders and whips of parties unanimously agreed upon an exhaustive resolution incorporating a strict code of conduct for members of Parliament. The conference was convened by Lok Sabha Speaker Balayogi in the wake of widespread concern over growing disruption of legislative proceedings by unruly members, and was attended by over 300 leaders including Prime Minister Vajpayee and opposition leader Sonia Gandhi. The resolution requires that MPs refrain from storming the well of the House, speaking out of turn, questioning the Speaker's ruling and generally interrupting any member while he/she is speaking. It also bars them from calling out slogans and from tearing off documents in the House in protest. Members found violating this code can be admonished, reprimanded, censured, asked to withdraw from the House or even suspended for a specific period.

ITALY

Final results from the 7 October 2001 referendum showed clear support for shifting power from the central government to the country's regions. Some 70 percent of voters backed the proposals put forward by the previous centre-left government that give the 20 regional authority bodies more say over taxation, education and environmental policy. The result was valid despite a low turnout - only 24 percent of the nearly 50 million eligible voters. The referendum was Italy's first on constitutional change for almost 50 years.

JORDAN

In July 2001, the Government issued the Provisional Election Law, paving the way for the July 2002 parliamentary elections. These had been scheduled for November 2001, but in April 2001 King Abdullah had extended the term of the House of Representatives. The new law allocates a party list countrywide, including 40 new seats, in addition to electing 80 members of parliament on the basis of the "one-person, one-vote principle". As a result, the citizen will cast

two votes, one for a candidate on their constituency and another for the list. The new law also lowers the minimum voting age from 19 to 18 and provides that the number of seats set aside for constituencies with high population density like Amman and al-Zarqa will be increased.

KIRIBATI

On 13 June 2001, Parliament took the decision to set up two Committees. The first has the task of reviewing the Rules of Procedure, while the second is responsible for revising the salaries and allowances of the members of Parliament and submitting a bill to Parliament with a view to amending the Act governing the salaries and allowances of MPs.

MALAWI

In June 2001, by 131 votes to 39, the National Assembly passed a new law on defections by members of Parliament. The new instrument states that an MP who defects from a party will lose his or her constituency seat, and that a by-election will then be held for the vacant seat.

SLOVAKIA

On 23 February 2001, the National Council of the Slovak Republic approved an amendment to the 1993 Constitution which came into force on 1 July 2001. The stated objective of these changes was to strengthen the position of citizens as the source of all power in the State, to strengthen machinery for protecting constitutionality, to deepen and broaden possibilities for direct democracy, and to make the established regulatory constitutional relationships transparent and precise. The amendment creates the necessary conditions for fulfilling the obligations of the Slovak Republic deriving from ratified international agreements; strengthens the position of the judicial authority and broadens the jurisdiction of the Constitutional Court; as well as creates the constitutional framework for the future functioning of the Public Defender of Rights. Lastly, it removes illegitimate advantages of the Members of the National Council in the area of their constitutional protection as well as spells out the jurisdiction of the Supreme Audit Office.

SRI LANKA

On 25 September 2001, Parliament adopted, by a two-thirds majority, a bill to establish a Constitutional Council. The 10-member council is intended to remove political influence from key institutions and is empowered to appoint independent commissions for public service, the judiciary, the police and elections.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

A package of 15 constitutional amendments aimed at giving the large Albanian minority more rights passed with a two-thirds majority on 16 November 2001 after weeks of haggling and delay. The amendments were specified in the Ohrid peace agreement, which was signed in August 2001 and ended seven months of violence between ethnic Albanian rebels and government forces. The vote to ratify the new Constitution came after the amendments were approved one by one by a large majority, 94 to 14. The amendments include provisions regulating the use and status of the Albanian language, provisions regarding the equitable representation of ethnic Albanians in State institutions, and the new wording of the preamble to the Constitution. The original wording setting that "Macedonia is the national state of the Macedonian people" was revised because the 23 percent Albanian minority felt that it made them second-class citizens. The Albanians were named alongside the Turks and other minorities as »nationalities." The new wording avoids any reference to minorities or nationalities, thus giving them a more equal status.

TURKEY

On 3 October 2001, Parliament adopted, by 474 votes to 16, 34 changes to the Constitution. The Constitution was drafted after a military coup in 1980. Among the reforms is an article abolishing capital punishment except in times of war and for acts of terrorism and another allowing the Kurdish minority to use their own language in broadcasting and publication. However, the Government will still be able to ban Kurdish broadcasts if it views them as a threat to national security. Other key amendments will make it harder to ban political parties and will increase the number of civilians on the National Security Council, a body dominated by the military. These amendments were aimed at improving Turkey's chances of joining the European Union, as entry to the EU is barred to any country which allows the death penalty.

The reform package also contained two other amendments that were rejected. The first would have revised eligibility criteria to allow people convicted of "ideological or anarchic acts" to run for Parliament while barring those convicted of »terrorist acts", whereas the other amendment aimed at facilitating the lifting of parliamentary immunity.

ZIMBABWE

Parliament passed the Political Parties (Finance) Act Number 4 of 2001, the main legal impact of which is to prohibit foreign donations to political parties and candidates contesting the parliamentary elections.

Passy and Cremer sign the decision to launch The first Inter-Parliamentary Conference

*“The world is made of achieved utopias.
Today’s utopia is tomorrow’s reality.”*

Frédéric Passy

The idea of bringing together members of Parliament from all countries gained ground among pacifists in very different circles in the 1870’s and 80’s. The founding of the Inter-Parliamentary Union appears to be almost an inevitable and logical consequence of these facts. But someone was needed who understood their implications and could take the necessary action.

In June 1888, at the time when the American Senate had adopted the proposal of its Committee on Foreign Relations and the French Chamber had decided to debate Passy’s motion, Cremer wrote to Passy to say that a meeting should take place between English and French Members of Parliament to discuss arbitration and peace questions.

Parliamentary meeting between the English and the French in 1888

Thus it was that on 31 October 1888 the meeting which Herbert Gladstone, a son of the great English statesman, prophetically described in a letter as »historical«, took place in the Grand Hotel in Paris. Passy, who opened the proceedings, was elected President, with Cremer (who at first was the only candidate proposed) and Sir George Campbell as Vice-Presidents. Jules Gaillard and Thomas Burt, the President of the International Arbitration League and Cremer’s old comrade in the movement, were elected Secretaries.

Passy and Campbell made the opening speeches. It was repeatedly stated that an arbitration treaty between the United States and France would be easier to set up than one between the United States and Great Britain, since there were disagreements between the two countries to do with Ireland, Canada, and fisheries.

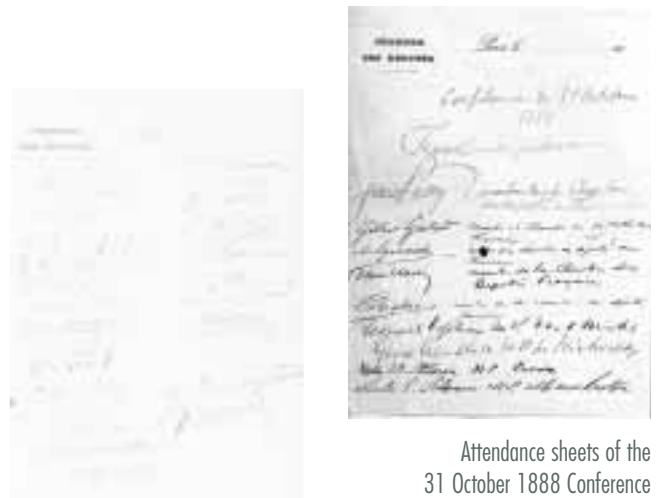
The declaration which had been prepared was unanimously adopted. It was decided that a second Conference would be held in the following year to carry on the work begun by the first, and that not only members of the three Parliaments concerned should take part, but also any member of Parliament who supported the same ideas. It was also decided that a Committee should be entrusted with the work of preparing following year’s meeting and of carrying out the decisions already reached.

Launching the first inter-parliamentary conference in 1889

Passy acted as secretary for France in the committee preparing the 1889 Conference, and Cremer as British secretary. After some initial delays, the first inter-parliamentary conference was held at the Hotel Continental. Only eleven representatives of other Parliaments had joined the fifty-five French and twenty-eight British members: five Italians and one from Belgium, Spain, Denmark, Hungary, the United States, and Liberia.

Although the foreign presence was somewhat negligible, it nonetheless sufficed to make the Conference an international one. For from being discouraged, the meeting decided to make the Conference into a permanent institution. This decision, reached on 30 June 1889, may be regarded as the founding act of the Inter-Parliamentary Conference and thus, indirectly, of the Union.

Excerpts from *The Inter-Parliamentary Union from 1889 to 1939*
Published by the Inter-parliamentary Bureau (Payot, 1939)



Attendance sheets of the
31 October 1888 Conference

Frédéric Passy, French pacifist parliamentarian, and William Randal Cremer, British MP, are the two founders of the Inter-Parliamentary Union. Both of them won the Nobel Peace Prize, Passy in 1901, and Cremer in 1903. See *The World of Parliaments* N° 1 and 2, chapters on « Historical Focus »

Did you say tolerance ?

- What is tolerance ?

What is tolerance ? It is the prerogative of humanity. We are all steeped in weakness and errors; let us forgive each other for our follies, that is the prime law of nature.

Voltaire*

The tolerance that is noticed and often praised in great men is never more than the most profound disdain for all other humans; when a great mind is imbued with such disdain, it ceases to consider men as its fellows and to require of them what is usually required of one's fellow.

Schopenhauer
(*Thoughts and Fragments*)**

The public is wonderfully tolerant. It forgives everything except genius.

Oscar Wilde
(*Intentions****)

Tolerance is certainly not indifference nor is it refraining from expressing one's opinion so as not to contradict somebody else; it is a moral scruple which refuses to use any weapon other than the expression of thought.

Jean-François Revel
(*Contrecensures / Robert Laffont****)

* *Dictionnaire philosophique*

** Mamerard, Gabriel - *Le petit philosophe de poche*

*** *Bibliothèque de la Pléiade/nrf Gallimard*

IPU and UN join hands to usher East Timor into statehood



From left to right : Prof. Machatine Munguambe, Mondlane University, Maputo (Mozambique) ; Mr. Colin Englin, Member of the Parliament of South Africa; Mr Finn Reske-Nielsen, UNDP Resident Representative in East Timor; Mr. Francisco Guterres (Lu-Olo), Speaker of the Constituent Assembly; Mr. Joseph Maingot, Constitutional Consultant, Canada.

The Inter-Parliamentary Union (IPU) is providing technical assistance to the Constituent Assembly, at the request of UNTAET and in co-operation with the United Nations Development Programme (UNDP), after the referendum organised by the United Nations on 30 August 1999.

The people of East Timor voted overwhelmingly for independence from Indonesia, which had occupied the territory since 1976. Since the referendum, the territory has been administered by the United Nations Transitional Administration in East Timor (UNTAET), which has the task of preparing it for full independence.

An 88-member Constituent Assembly was elected on 30 August 2001 with a mandate to draft a new Constitution for an independent East Timor. This draft Constitution is expected to be ready by mid December 2001.

As part of its support, the IPU organised an Orientation Seminar on Constitutional Issues for the newly-elected members of the Assembly at the very beginning of its proceedings in September 2001. This seminar proved to be a useful forum for acquainting the members with the role, structure and working methods of a Constituent Assembly and Parliament. They had an opportunity to learn from similar experiences in constitution drafting with the assistance of resource persons from Canada, Mozambique and South Africa.

The IPU has also made available a team of 3 constitutional specialists from Canada, Cape Verde and Mozambique as well as a legal drafter from Portugal to provide advisory services to the Assembly and assist it in drafting the new Constitution, the legal framework that will govern East Timor as it attains statehood on 20 May 2002.

The IPU is also actively involved in helping the authorities of the Assembly establish the appropriate administrative structures that will be called upon to serve the future legislature and legislators of East Timor. This assistance also includes the training of parliamentary staff.

Members of parliament call for more transparency and accountability in world trade negotiations

More than 100 parliamentarians from WTO member countries met during the 4th WTO Ministerial Conference in Qatar to discuss how to enhance parliamentary scrutiny of WTO affairs. The meeting was organized by the Inter-Parliamentary Union and the European Parliament and was jointly chaired by Dr. Najma Heptulla, President of the IPU Council and Carlos Westendorp, who lead the European Parliament delegation to the trade talks.

The opening session was addressed by Mike Moore, Director General of the WTO, who told the participants that he applauded their intention to continue working towards closer interaction between parliaments and the WTO. He expressed optimism about WTO members increasingly accepting greater parliamentary participation.

In her remarks, Dr. Heptulla stressed that parliaments had a constitutional role to legislate and to oversee the government. They should take an active interest in trade negotiations and help to shape policy relating to international trade. It was therefore imperative to develop more systematic parliamentary interaction on international trade issues.

Mr. Westendorp stressed that global trade concerned both the individual and society as a whole. Direct parliamentary participation was necessary to ensure more transparency and better representation of the citizen's interests. He advocated the establishment of an independent parliamentary dimension to the WTO.

During the discussion, some of the participants voiced their wish to establish a parliamentary body formally linked to the WTO; others suggested that the parliamentary dimension to the work of the WTO should be channeled through the IPU.

At the end of the debate, the meeting called for the establishment of a steering group to prepare different options for realizing their common goal of providing a parliamentary dimension to trade negotiations. The participants adopted a declaration by consensus reflecting that agreement. The declaration also called for a new paragraph to be added to the final declaration of the 4th WTO Ministerial Conference stating that "Transparency of the WTO should be strengthened by associating Parliaments more closely with the activities of the WTO".

The meeting was the latest of a series of activities undertaken by the IPU in recent years to try to develop a parliamentary dimension to trade negotiations. In the coming months, the Union's governing bodies, the European Parliament and other parliamentary assemblies and organizations will need to work closely to establish a steering group as requested by the meeting. The task of that group will be to prepare future meetings on international trade and should help clarify organizational arrangements for such meetings. ■

Anders B. Johnsson
IPU Secretary General

MPs and WTO

Parliamentary debate on the WTO

Sitting of 8 November 2001 at the French National Assembly

Mr Ferrand - I would like to question the Prime Minister about national parliaments coming together at the ministerial conferences of the World Trade Organisation (WTO), and more particularly the one that is convening tomorrow in Doha, which some of our colleagues will be attending, and about more regular parliamentary oversight of the work of the WTO.

Since the old days of the GATT, trade talks have been enlarged to cover the environment, food security, social questions, North-South relations; meanwhile, China's accession reminds us that WTO has become the place where the principles of world governance - so necessary since the 11 September - are being fashioned.

The non-governmental organisations, which since Seattle have made their presence felt on the sidelines of the negotiations, were not mistaken. Their success in the eyes of public opinion, which has been boosted by the media, is all the greater because our citizens are well aware of the contrast between the importance of the decisions taken in WTO and the lack of transparency in the organisation.

Should we not involve the people in these negotiations through the intermediary of their elected representatives, rather than leaving governments and WTO members to act on their own? Would a wider parliamentary participation not reassure our citizens and broaden the negotiations?

The President of the Inter-Parliamentary Union, Mrs Heptulla, and Mrs Fontaine, President of the European Parliament, have jointly called for a meeting of all the parliamentarians present in Doha. They will debate the role of parliaments and their members in the multilateral trade negotiations and parliamentary follow-up to the Doha Conference, and in particular the institutional arrangements necessary to endow the WTO with a parliamentary dimension.

Prime Minister, do you intend to move in that direction? Is it not time to take steps in France to bring parliaments closer together in this way? (*Applause on the right and centre.*)

Mr Queyranne, Minister for relations with the parliament - In Doha, where the representatives of 142 countries are meeting, the French delegation, headed by Mr Huwart, Secretary of State for External Trade, will include 10 parliamentarians, four of whom are Senators, representing the full political spectrum. You are right to draw attention to the growing importance of WTO. That is why a special committee composed of the Prime Minister and other Ministers concerned met yesterday with the President of the Republic to agree on the position that our country will defend in Doha.

The principle of associating national parliaments, politically speaking, in these intergovernmental negotiations is opposed by some States, in particular in the developing world. Action by the Inter-Parliamentary Union therefore seems to be the most appropriate way forward.

The government is fully willing to report to the parliamentary committees on the Doha Conference and to study the most efficient ways of associating the parliament with the results. There will be ten French MPs in Doha and only five representatives of the US Congress: what better sign of our commitment! (*Applause from the left.*)