



AMENDMENTS TO THE IPU STATUTES AND RULES

ADDENDUM TO DOCUMENT A/129/5-P.1 AND CL/193/14-P.1

Sub-amendments submitted within the statutory deadline by the
delegation of Belgium

On 4 September, le IPU Secretariat received a communication from the Belgian delegation submitting the following amendments and comments.

The order in which the amendments have been submitted is replicated in the document prepared by the IPU Secretariat.

Sub-amendments

Amendment 2.1

- Rules of the Standing Committees, new Rule 6.1ter: two sub-amendments:
 - (i) Insert, before the words "The Standing Committees", the following text: "Without prejudice to the provisions of Rule 6.1 and Rule 6.2".

Explanation

Couched in general terms, as in the proposed amendment, this provision is inaccurate. In fact, the committees are not entirely autonomous in determining their agenda and work plan. They cannot "refuse" to examine questions entrusted to them by the Assembly or the Council and the rules concerning the examination of subject items on the Assembly agenda have an impact on their work plan, which they cannot avoid during the sessions when these subjects are examined. The proposed sub-amendment is preferable to the less precise and more restrictive solution, which would consist of adding the following words at the end of Rule 6.1ter "for the sessions during which they do not adopt a draft resolution" (see description of the modification 2.1).

- (ii) If the preceding sub-amendment relating to Rule 6.1ter is accepted, place Rule 6.2 right after Rule 6.1bis.

Explanation

This order appears to be more logical.

Amendment 2.2

- Rules of the Assembly, Rule 13, first sentence: replace "by a Standing Committee, who will prepare" by the words "by a Standing Committee. These rapporteurs...".
- Rules of the Standing Committees, Rule 12.1, first sentence: replace "by the Standing Committees, who will prepare" by the words "by the Standing Committees. These rapporteurs.

Explanation:

It is easier to read the sentence if it is split in two. This is in fact necessary, at least in the French-language version, because the fact that "Standing Committees" appears in the plural creates a grammatical ambiguity as the relative pronoun should refer to the rapporteurs and not to the Committee.

Amendment 4.1

- Rule of the Standing Committees, Rule 7.1: three sub-amendments
 - (i) Second sentence: delete the words "Similar to the system established for the composition of the Executive Committee (cf. Statutes, Art. 23.4)

Explanation

This wording is misleading. The similarity between the two situations is limited to the fact that the number of seats to which the geopolitical groups are entitled is different. But in the case of the Executive Committee, the number of seats to be distributed is determined in advance (15), and these seats are distributed in application of the mathematical rule of proportional distribution according to the number of votes to which the total number of members of the groups are entitled at the Assembly. That is not the case here. The system is much more approximate and based on an intuitive distinction between small groups, medium-sized groups and large groups, with these three categories not clearly defined (it is not even clear if account is taken of the number of members of each geopolitical group or their collective number of votes at the Assembly). Moreover, the total number of seats on the Committee Bureaux depends on the actual distribution of the geopolitical groups among these groups and can thus change. The distribution proposed in the document adopted in Quito (§15) gives a total number of 18 seats, but were it to change one day, that could result in Bureaux having more or fewer members.

- (ii) Add the following sentence after the second sentence: "The Governing Council shall determine, based on the proposal of the Executive Committee, the number of seats to which each geopolitical group is entitled".

Explanation

Since the concepts of "medium-sized groups" and "larger groups" are not clearly defined (see preceding sub-amendment), the distribution of seats must result from a specific decision of a competent body. The Executive Committee and the Governing Council seem to be the most credible organs to take such a decision. It should be recalled that the provisions of Article 25.2 of the Statutes must be respected in this context.

- (iii) Move the last sentence of the sub-amendment to the beginning of Rule 7.3.

Explanation

There is no logical connection with the rest of Rule 7.1 but rather with Rule 7.3.

- Rules of the Standing Committees, Rule 9.1, second sentence, two sub-amendments:

- (i) Replace "leadership functions within the Bureaux" by "the posts of President and Vice-President of the Standing Committees"

Explanation

The explanation applies only to the French version of the sub-amendment.

- (ii) If the preceding sub-amendment relating to Rule 9.1 is adopted, the last sub-amended sentence should be moved to the end of Rule 7.3 rather than at the end of Rule 9.1

Explanation

It is a question of logic. This sub-amended sentence is no longer linked to the opening sentence of Rule 9.1 but with Rule 7.3.

Amendment 4.3

- Rules of the Standing Committees, new Rule 7.1quater: Delete this paragraph and replace it by the following sentence at the end of Rule 7.1ter:
"They shall receive assurances from their respective parliaments that they will enjoy the necessary assistance in exercising their mandate as a member of the Bureau and that they will be able to participate in IPU Assemblies for the duration of their mandate."

Explanation

The proposed amendment is significantly weaker than the one the Council adopted in Quito (§20 – see description of the modification 4.3). It contents itself with goodwill and does not specify who should make the effort in question. The Members of the Union have always been very reluctant to impose restrictions on the way parliaments decide on the composition of their delegations to Assemblies. It is therefore proposed that the desired requirement be formulated as a sort of condition for eligibility, and thus as an obligation that falls to the individuals submitting their candidature for such an office. A written declaration by the parliament is not necessary. The candidate's commitment suffices. If, however, subsequently, it turns out that the individual does not participate (either because he/she omitted to obtain the necessary assurances or he/she has obtained it but is nevertheless absent without a valid reason), then it is the individual's responsibility, which would justify invoking the sanction provided for under Rule 9bis.2.

Amendment 4.4

- Rule of the Standing Committees, new Rule 9bis.2: two sub-amendments:
 - (i) Replace the words "may lose their seat" by "shall lose their seat".

Explanation

There is no need to increase the number of precautions (also see the text adopted in Quito, §24, which is more affirmative than the description of the modification 4.4). The text already provides for a loss of mandate without any valid reason, which gives the member in question a chance to justify himself/herself. If indeed there is no valid reason to explain the absence, what other valid consideration could there be for not losing one's seat?

- (ii) Replace the words "by a decision of the latter" by the words "by decision of the relevant Committee".

Explanation

Since the members of the Bureau are elected by the Committee (see Art. 7.2), it falls to this same body to declare a loss of seat, where necessary. While it is true that taking the question to the Committee instead of leaving it within the Bureau will open up lengthy discussions on the reasons for the absence. But should this argument of convenience prevail over what seems to be a solid principle? Furthermore, there is a good chance that a member who refuses to be removed from his/her seat (or delegation) would appeal to the Committee, requesting it to revoke the decision of its Bureau. Finally, if the preceding sub-amendment is accepted, there will be one less thing to discuss.

Amendment 4.6

- Rule of the Standing Committees, new Rule 9quater: delete the last sentence.

Explanation

This sentence is superfluous and may even cause confusion given that the number of members of the Bureau is determined by new Rule 7.1bis and that the quorum is defined as "at least half of the Bureau members or their duly mandated replacements". Contrary to what obtains for the quorum in the Committees (cf. Amendment 10.2 - Rule 34.2 of the Rules of the Standing Committees), the quorum of the Bureaux does not depend on actual presence. It will therefore be known in advance and there will be no need to determine it on a case-by-case basis. Of course the number of members of the Bureaux, and therefore also the quorum, may change, as explained above (See Amendment 4.1), but will always be based on Rule 7.1bis. The Committee President will in no way be responsible for this.

Amendment 5.3

- Rules of the Standing Committees, new Rule 16quater.4: After the words "combine two or more of them" add the words "dealing with the same subject or related subjects"

Explanation

In the past, Committee Bureaux sometimes combined unrelated subject items in a bid to please a maximum number of delegations, which is understandable but detracts from the coherence of the final resolution. The proposed addition is sufficiently vague to allow the necessary flexibility, but at least the Bureaux will have to justify why they group different proposals together.

Other comments

- Amendment 2.1, Article 13.2 of the Statutes: reference to be corrected

The other functions of the Standing Committees are set forth in new Rule 6.1^{quater} of the Rules in question, not in new Rule 6.1bis.

- Amendment 2.1, Rules of the Standing Committees, Rule 6.1: discrepancy between the French and English texts.

In the French text, "reports and" was not deleted. The English text is correct (there are no longer separate reports on the subject items placed on the Assembly agenda – cf. Article 15.3 of the Rules of the Assembly).

- Amendment 2.2, The first sentence of Rule 12.2 of the Rules of the Standing Committees: the current Rules do not set a deadline for circulating the draft resolution prepared by the rapporteurs and it is not proposed that one be included, which is perfectly understandable because the purpose of the amendments is merely to implement the document adopted in Quito, where this issue was not raised. One may, nevertheless, wonder, given that there is a deadline for Members to submit amendments (15 days – that does not change), whether it would not make sense to also stipulate a minimum timeline to allow them to examine these texts (e.g. 4 weeks). The Bureaux of the Standing Committees could reflect on this issue at a future meeting.
- The French text is not as consistent as the English text in terms of terminology.

In the French text, expressions such as "thème de discussion" (Rule 10.1 of the Rules of the Assembly), "thème d'étude" (Rule 15.3 of these Rules or Rule 6.1 of the Rules of the Standing Committees), "point" (new Rule 6.1^{quater} of these Rules) or "sujet de débat" (Rule 17.1 of the Rules of the Assembly) are used to refer to the same thing, whereas in the English text, the term "subject item" is systematically used (see Amendments 2.1 and 2.2). It would be preferable to also opt for one term in French ("thème de discussion"?) and use it throughout.

Similarly, in the Rules of the Standing Committees, the term "work plan" in English is translated as "plan de travail" in new Rule 6.1^{ter} (see Amendment 2.1) and "programme de travail" in new Rule 9^{ter} (see Amendment 4.5).

- Amendment 7: Meeting of Women Parliamentarians and its Coordinating Committee

The proposed amendments are acceptable per se. It would, however, be useful to undertake a general review of the wording of the Rules of the Meeting of Women Parliamentarians and its Coordinating Committee (and perhaps even merge these two sets of Rules given that entire sections of the Rules of the Committee are copy-pasted from the Rules of the Meeting of Women MPs).

Indeed, these Rules present a number of fundamental flaws. Just in the few paragraphs examined in the present document, there are repetitions, useless details and a lack of rigour in terms of terminology:

- For example, the frequency of sessions of the Meeting and its Coordinating Committee are formulated in three different ways:
 - (i) "will meet during both annual sessions of the Assembly" (see Art. 22 of the Statutes), by far the best formulation;
 - (ii) "shall meet each year on the occasion of both annual sessions" (e.g. Rule 6.1 of the Rules of the Meeting of Women MPs): "each year" is superfluous;
 - (iii) "shall be held each year on the occasion of both Statutory Meetings of the Inter-Parliamentary Union" (e.g. Rule 1 of the Rules of the Meeting of Women MPs): this notion of "Statutory Meetings of the IPU", even if it may be widely used at the IPU, does not appear anywhere else in the Statutes and Rules of the Union (apart from Art.19.5 of the Statutes, which itself is a recent addition!).

- The first part of Rule 1 and the first sentence of Rule 6.1 of the Rules of the Meeting of Women Parliamentarians say exactly the same thing.

- The last phrase of Rule 6.1 of the Rules of the Meeting of Women Parliamentarians ("in a place and on dates", etc.) is superfluous: if we say that the Meeting (or its Coordinating Committee) is held on the occasion of the sessions of the Assembly, it is useless to speak of who determines the place and dates of these sessions since it is neither up to the Meeting nor the Committee.

A meticulous review of the two sets of Rules in question would allow for a significant improvement in their wording. As the adoption of the amendments resulting from the decisions taken in Quito is not foreseen, for these two sets of Rules, before April 2014, there is still time to do so.