



Joint IPU-ASGP conference  
**Managing conflict between  
parliament and the courts**

Geneva, 10 October 2013

**ASGP**  
ASSOCIATION OF SECRETARIES  
GENERAL OF PARLIAMENTS

## **Concept note**

21 August 2013

Classic democratic theory identifies 'three branches of government': the executive, the legislative and the judiciary, each of which has its specific role. A complex system of checks and balances should ensure that no single branch of government comes to dominate another. The 'separation of powers' should ensure the independence of each branch of government. The degree of separation between the three branches varies considerably depending on constitutional design and the overall architecture of the political system in any given country.

Needless to say, practice is less clear than theory. Subtle shifts in the balance of powers are continually taking place, whether explicitly or implicitly. Conflict between the three branches is inherent in the notion of 'checks and balances', as each branch of government seeks to impose its views. The perpetual interplay between the executive, legislative and judicial branches is one of the characteristics of a democratic system of government.

The objective of this conference is to explore different types of conflict that can arise between the legislative and judicial branches of government – 'parliament and the courts', for short. More importantly, it will focus on methods of resolving problems when they arise. If conflict is inherent in the system and cannot be avoided, then there must be ways for mitigating conflict and avoiding escalation into crisis. The conference should aim to draw out principles of conflict resolution that might be valid across different systems of government. It should also identify principles that could prevent conflict from emerging in the first place.

The conference will offer a space for dialogue between parliamentarians, Secretaries General, parliamentary staff and members of the judiciary. It should provide an opportunity for all participants to learn from the experiences of others, and reflect upon how conflict between parliament and the courts could be managed more effectively in their own context.

The conference format will encourage dialogue and interaction among participants. It will begin by giving some context to the discussion, through a brief presentation of the triangular relationship between the executive, parliaments and the judiciary, and mention of areas where problems arise between parliaments and the courts. An initial exchange of views will draw out numerous examples of conflict in different countries. Then, participants will work in small groups to analyse real-life case studies and consider how the situations could have been addressed, or avoided.

The conference will take place on the morning of Thursday 10 October 2013. It is co-organized by the IPU and the ASGP, and follows the 129<sup>th</sup> IPU Assembly (7-9 October). Interpretation will be provided in English, French and Spanish.

## Draft agenda

21 August 2013

09.00-09.30	<p><b>Opening of the conference</b></p> <p>The conference will open with a brief presentation of the triangular relationship between the executive, parliaments and the judiciary as a means of setting the context for the discussions. The presentation will mention certain key areas where problems can be observed between parliaments and the courts.</p>
09.30-10.30	<p><b>Experiences in managing conflict between parliament and the courts</b></p> <p>Two presenters – one from the legislative side and one from the judicial site – will set the tone by telling the story of a conflict in their country: how it came about, how it was resolved, and what could have been done differently to avoid the conflict or to resolve it more efficiently.</p> <p>Participants will then be invited to contribute by taking the floor to describe a situation that they have experienced, and the lessons they learned from it. In this way, the conference will hear of a range of different types of conflict, from different regions and systems of government.</p>
10.30-11.00	<p><i>Coffee</i></p>
11.00-13.00	<p><b>Case study</b></p> <p>A presenter will make an initial presentation of the facts of a real-life situation. Participants will then work in groups to analyse the situation based on their own experience. The discussions should help to develop a shared understanding of how conflicts emerge, how they can be managed and resolved.</p> <p>Returning to a plenary setting, the presenter will then describe how the conflict was managed in real life, and lead a discussion on the relative merits of the proposals emerging from the working groups.</p>
13.00	<p><b>Closing of the conference</b></p> <p>The organizers will try to summarize the learning points from the morning's discussion, which will be captured and shared with participants in writing.</p>



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**REGISTRATION FORM**

(one per person)

	Mr [ ]	Ms. [ ]
<b>First name</b>		
<b>Family name</b>		
<b>Country</b>		
<b>Parliament / chamber</b>		
<b>Function</b>	Parliamentarian [ ]	Secretary General [ ]      Staff [ ]
<b>Full title</b>		
<b>Personal e-mail</b>		
<b>Office e-mail</b>		
<p>This information will be used to provide each individual participant with a copy of the final report of the meeting. Participants will also be registered to receive the IPU eBulletin, an electronic newsletter that provides information on IPU activities around the world</p>		
<b>For parliamentarians:</b> Please list the parliamentary committees to which you belong		
1.		
2.		
3.		

Date:

Signature:

Please complete and return this form by Friday, 4 October 2013 to the IPU Secretariat  
E-mail [postbox@mail.ipu.org](mailto:postbox@mail.ipu.org); Fax +41 22 919 41 60