



Inter-Parliamentary Union

For democracy. For everyone.

134th IPU Assembly

Lusaka (Zambia), 19 - 23 March 2016



Assembly
Item 2

A/134/2-P.4
17 March 2016

Consideration of requests for the inclusion of an emergency item in the Assembly agenda

Request for the inclusion of an emergency item in the agenda of the 134th Assembly of the Inter-Parliamentary Union submitted by the delegation of Venezuela

On 17 March 2016, the Secretary General received from the Chief of the Parliamentary Delegation of the National Assembly of Venezuela a request and accompanying documents for the inclusion in the agenda of the 134th Assembly of an emergency item entitled:

"Parliamentary powers in democracies and the importance of the oversight function".

Delegates to the 134th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 134th Assembly will be required to take a decision on the request of the delegation of Venezuela on Sunday, 20 March 2016.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL BY THE
HEAD OF THE PARLIAMENTARY DELEGATION OF THE
NATIONAL ASSEMBLY OF VENEZUELA**

16 March 2016

Dear Mr. Secretary General,

In my capacity as Chief of the Parliamentary Delegation of the National Assembly of Venezuela to the Inter-Parliamentary Union, I present my compliments to you and have the honour to submit for registration our proposal for an Emergency Item to be considered during the 134th IPU Assembly and Related Meetings, entitled:

"Parliamentary powers in democracies and the importance of the oversight function".

I take this opportunity to renew to you the expression of my highest consideration.

José SANCHEZ MONTIEL
(Signed) Leader of the parliamentary Delegation of the
National Assembly of the Venezuela

PARLIAMENTARY POWERS IN DEMOCRACIES AND THE IMPORTANCE OF THE OVERSIGHT FUNCTION

Explanatory memorandum submitted by the delegation of Venezuela

Parliament is the main body that ensures the proper functioning of the democratic system in a State governed by the rule of law. It is the expression of the people's sovereignty that reflects the will of all citizens. In addition to its natural law-making function and to its role of providing political and administrative oversight of the national government, parliament is the forum par excellence for political debate in all areas, given that its composition reflects the results of a general election.

The defence of the parliamentary institution is the raison d'être of the Inter-Parliamentary Union.

The National Assembly of Venezuela is facing a situation whereby the Judiciary, through the Constitutional Chamber of the Supreme Court of Justice, is delivering judgements that seek to limit the oversight function of the National Assembly; at the same time, the Executive is ignoring the calls for ministers of the executive branch to appear before the Legislature.

On 1 March 2016, the Constitutional Chamber of the Supreme Court of Justice delivered judgement No.9, seeking to limit the constitutional powers of the National Assembly set out in Article 187, paragraph 3 of the Constitution of Venezuela that provides for political oversight of the Government and the national public administration, and that also, in Article 223, recognizes the parliamentary power of inquiry, which enables the National Assembly to discharge its various constitutional duties, including in respect of specific areas such as financial and budgetary oversight, designation or removal of senior officials of constitutional bodies, receipt of respective annual reports or requests for additional reports.

The Judiciary is clearly trying to curtail the constitutional powers of parliament following the democratic elections that took place on 6 December 2015 which gave rise to a new parliamentary majority, disregarding the people's sovereign choice to elect 112 deputies from the Democratic Unity Roundtable alliance and 55 deputies from the pro-government United Socialist Party of Venezuela (PSUV) out of a total of 167 deputies.

**THE POWERS OF PARLIAMENTS IN DEMOCRACIES AND
THE IMPORTANCE OF THE OVERSIGHT FUNCTION**

Draft resolution submitted by the delegation of VENEZUELA

The 134th Assembly of the Inter-Parliamentary Union,

- (1) Conscious of its status as the international organization of the parliaments of sovereign States and of its duty to contribute to the strengthening of parliamentary institutions in the world (Article 1, IPU Statutes),
- (2) Convinced of the key role of parliament in the full development of democratic systems,
- (3) Considering the centrality of the oversight role of parliaments over public administration and of the need to strengthen the means through which this is exercised,
- (4) Taking into account the result of the parliamentary elections that took place in Venezuela on 6 December 2015, in which 167 deputies were elected: 112 members of the Democratic Unity Roundtable alliance and 55 members of the pro-government United Socialist Party of Venezuela (PSUV),
- (5) Seriously concerned about the judgement of 1 March 2016, in which the Constitutional Chamber of the Supreme Court of Justice delivered judgement No.9, seeking to limit the constitutional powers of the National Assembly set out in Article 187, paragraph 3, of the Constitution of Venezuela, that provides for political oversight over the Government and the national public administration, and that also, in Article 223, recognizes the parliamentary power of inquiry, which is a tool enabling the National Assembly to discharge its various constitutional responsibilities, including in respect of specific areas such as financial and budgetary oversight, designation or removal of senior officials of constitutional bodies, receipt of respective annual reports or requests for additional reports,
 1. Reaffirms the central role of parliaments in democratic systems as a sovereign expression of the will of the people;
 2. Also reaffirms the importance, within the framework of democratic systems, of an appropriate separation of powers, which should respect the prerogatives enshrined in the Constitution;
 3. Is convinced of the importance of parliament exercising full oversight over public administration without limitations other than those provided for in the Constitution and legislation;
 4. Expresses its concern about situations in which the Executive exerts a guardianship role over other branches to the detriment of parliamentary powers;
 5. Also expresses its concern about the situation of the National Assembly of Venezuela and possible limits to its powers of oversight;
 6. Urges the public authorities of Venezuela to ensure respect for the parliamentary institution and to strengthen the means through which parliament exercises control over public administration in general;
 7. Requests the Secretary General to convey this resolution to all Member Parliaments of the IPU, Associate Members and government authorities of Venezuela.