



Inter-Parliamentary Union
For democracy. For everyone.

135th IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 23 – 27.10.2016

Assembly
Item 2

A/135/2-P.3
20 October 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 135th Assembly of the Inter-Parliamentary Union submitted by the delegation of the Bolivarian Republic of Venezuela

On 19 October 2016, the President of the IPU received from the Director of International Relations of the National Assembly of the Bolivarian Republic of Venezuela a request and accompanying documents for the inclusion in the agenda of the 135th Assembly of an emergency item entitled:

"Respecting the separation of powers as an essential element of democratic systems and as a guarantee of the proper functioning of parliaments as unique institutions within democracies".

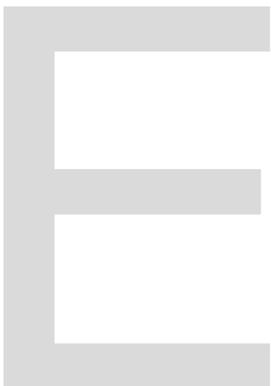
Delegates to the 135th Assembly will find attached the text of the communication submitting the request ([Annex I](#)), as well as an explanatory memorandum ([Annex II](#)) and a draft resolution ([Annex III](#)) in support thereof.

The 135th Assembly will be required to take a decision on the request of the delegation of the Bolivarian Republic of Venezuela on Monday, 24 October 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.



#IPU135

**COMMUNICATION ADDRESSED TO THE PRESIDENT OF THE IPU BY
THE DIRECTOR OF INTERNATIONAL RELATIONS OF THE NATIONAL ASSEMBLY
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA**

DERI/466/16

Caracas, 19 October 2016

Dear Mr. President,

I have the honour to write to you and send a request to register an explanatory memorandum and draft resolution, submitted by the Venezuelan delegation to the 135th Assembly of the Inter-Parliamentary Union, for consideration as an emergency item, entitled:

"Respecting the separation of powers as an essential element of democratic systems and as a guarantee of the proper functioning of parliaments as unique institutions within democracies".

Please accept the renewed assurances of my highest consideration.

Yours sincerely,

(Signed) Ambassador Luis OCHOA TERÁN
Director
International Relations
National Assembly
Bolivarian Republic of Venezuela

**RESPECTING THE SEPARATION OF POWERS AS AN ESSENTIAL ELEMENT OF
DEMOCRATIC SYSTEMS AND AS A GUARANTEE OF THE PROPER FUNCTIONING
OF PARLIAMENTS AS UNIQUE INSTITUTIONS WITHIN DEMOCRACIES**

Explanatory memorandum submitted by the delegation of the Bolivarian Republic of Venezuela

Parliaments should help to ensure that democratic values are fully upheld. That requires an unconditional respect for the separation of powers as a guarantee that the separate branches of power are able to function properly. The competences vested in each of branch of power are to be exercised so that situations are avoided in which one branch might exercise disproportionate power over the others and thus, over society.

The Inter-Parliamentary Union is committed to upholding democracy and its institutions. In that sense, the Organization promotes the separation of powers, and respect for both the will of the people as expressed through elections, and the institution of parliament as a representative, pluralistic body. This was confirmed in the Universal Declaration on Democracy, adopted by the Inter-Parliamentary Council in September 1997.

Certain circumstances put at risk the way in which some parliaments function and consequently, the way in which they exercise their competence to hold the government to account and to legislate. In light of those circumstances, it should be reiterated that democracy cannot exist without an independent parliament that has robust powers to fulfil its role within the political system. Guaranteeing such independence and competences cannot be viewed in isolation from the issue of protecting the sovereignty of the people and ensuring that free elections are held periodically.

Notwithstanding the specificities of each constitutional framework regarding the structure of parliaments, their particular competences and the electoral system that governs their membership, parliaments are essential to ensuring the separation and balance of powers. That enables different political positions to be expressed in a shared space for public discourse. It also enables parliaments to hold governments to account and legislate on behalf of the people. Some of the crucial examples of the tasks that a democratic parliament can perform include: powers relating to government officials appearing before or being questioned by parliamentarians, or to requests for information made to the Government on issues of public interest; the crafting of legislation which balances wide consultation and inclusion with independence; adopting the national budget and overseeing its implementation.

Conflicts that can arise in societies and the resulting political tensions should not result in parliament's capacity to take action being undermined. On the contrary, those are the circumstances in which a parliament assumes a greater significance, as its pluralism and rules of procedure make it best suited to mediate between various opposing political positions and respond appropriately.

Conflict between the branches of power can arise in a democracy, and each country establishes mechanisms to resolve them. However, the solution to an institutional conflict can never be to circumvent or minimize the role of the parliament itself, which by definition, is a unique institution within a democracy. In this way, the competences of parliament and the competences and authority of parliamentarians are, in accordance with relevant national legislation, essential elements for appraising the democratic functioning of a State.

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Draft resolution submitted by the delegation of the BOLIVARIAN REPUBLIC OF VENEZUELA

The 135th Assembly of the Inter-Parliamentary Union,

- (1) *Considering* that Article 1 of the Statutes of the Inter-Parliamentary Union states that the IPU "...is the international organization of the Parliaments of sovereign States",
- (2) *Recalling* the provisions of the Universal Declaration on Democracy adopted by the Inter-Parliamentary Council in September 1997, which state that "democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action",
- (3) *Also recalling* the provisions of the Declaration on criteria for free and fair elections adopted by the Inter-Parliamentary Council in March 1994, which recognize "that the establishment and strengthening of democratic processes and institutions is the common responsibility of governments, the electorate and organized political forces, that periodic elections ...[seek] to protect the rights and interests of the governed",
- (4) *Affirming* that the separation of powers is essential for democracy to function and that parliaments are unique in this political system,
- (5) *Noting* that the exercise of parliamentary competences presupposes the existence of immunities specific to the role undertaken by legislators, and that respect for these is essential for the proper functioning of democratic systems,
- (6) *Also noting* that the oversight function is one of the main competences of parliament; this guarantees that a wide variety of opinions expressed in the political arena hold the Executive power to account and demonstrates the separation of powers, which is essential for democracy, so that the powers can hold each other to account,
- (7) *Mindful* that the Global Parliamentary Report¹ notes with concern that "in many parts of the world there arequestions about the effectiveness of parliaments in holding government to account",
- (8) *Convinced* that situations resulting in measures that seek to put undue pressure on the legislative powers, such as withholding the salaries of parliamentarians, constitute a violation of their rights as well as of parliamentary independence,
- (9) *Certain* that conflicts between different branches of power must be resolved through inter-institutional dialogue in accordance with the constitutional framework of each country, never dispensing with parliament as a pluralistic and deliberative institution whose main functions are oversight and lawmaking, or undermining the exercise of its powers,

¹ Global Parliamentary Report, IPU/UNDP, 2012

1. *Calls on* all governments to maintain a constructive dialogue with parliamentary authorities in their respective countries to build a relationship based on collaboration and respect for the competences attributed to each of the branches of power;
2. *Expresses its conviction* regarding the need to create better conditions to promote respect for parliamentary competences by the different branches of power in the Members of the Inter-Parliamentary Union;
3. *Recognizes* the contributions of the Secretariat of the Inter-Parliamentary Union in promoting analysis and research on the institution of parliament and *instructs* the Secretariat of the Organization to strengthen its efforts to defend the competences of parliaments around the world, as well as the due separation of powers;
4. *Rejects* all actions and initiatives that undermine the principle of the separation of powers and limit unduly the competences accorded to parliaments under the constitution and law.