

The World of Parliaments

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IN THIS ISSUE

• **Page 6**

Women making a difference in parliaments of the Gulf Cooperation Council States

• **Page 9**

"In Iraq, the biggest challenge is the lack of trust"

• **Page 10**

Parliamentary Hearing calls for greater support for disarmament, international criminal justice and counter-terrorism



From left to right: Speaker Baleka Mbete, Speaker Nino Burdjanadze and IPU President Pier Ferdinando Casini.

IPU: TEN YEARS PROMOTING DEMOCRACY

The 117th IPU Assembly in Geneva provided the perfect opportunity to celebrate the tenth anniversary of the Universal Declaration on Democracy, adopted by the Inter-Parliamentary Council in September 1997 in Cairo, Egypt. Three

Speakers of Parliament, namely Ms. Baleka Mbete (South Africa), Ms. Nino Burdjanadze (Georgia), and Mr. Ahmed Fathy Sorour (Egypt), were invited to give their views on this unique instrument, which constitutes a roadmap for IPU Member Parliaments.

See pages 6-7-8.

THE CHALLENGES OF MIGRATION

Women are migrating more and more. They represent close to half of all migrants in the world and their numbers are rising, according to the

World Bank. Between 1960 and 2005, the proportion of women migrants rose from 46.7 per cent to 49.6 per cent - an increase of approximately 95 million women, as quoted by ATS Agency. In Geneva, the IPU, the ILO and the Office of the United Nations High Commissioner for Human Rights (OHCHR) jointly organized a seminar at The House of Parliaments in October on Migration and Human Rights. Mr. Jeremy Corbyn, Member of the House of Commons of the United Kingdom and Rapporteur of the Seminar, highlighted the challenges that migration poses. "It is often the result of lack of decent work, human rights violations and poverty in countries of origin. Migrant workers still largely perform dirty, dangerous and degrading jobs to sustain sectors of economic activity that are no longer attractive for local work populations".

See pages 3-4-5.



Migrant workers from Myanmar sort fish at the fish market in Phuket (Thailand).

HUMAN RIGHTS

From exclusion to equality: the rights of persons with disabilities

At the 117th IPU Assembly the IPU, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Department for Economic and Social Affairs (UNDESA) jointly launched a handbook on the recently adopted Convention on the Rights of Persons with Disabilities and its Optional Protocol, aimed at raising awareness of this new legal instrument among legislators. Persons with disabilities – some 650 million worldwide – remain among the most marginalized in every society and “disabilities have had a direct or indirect effect on 2 billion people across the world”, said the IPU President, Mr. Pier Ferdinando Casini.

President Casini explained that the Convention constituted a watershed in the way persons with disabilities were perceived in society, and an effective tool to prevent the exclusion of persons with disabilities from all aspects of life and ensure that they were not merely passive recipients of care, but active members of society, who enjoyed their rights. “All parliamentarians should urge their governments to ratify the Convention”, said Mr. Casini in an appeal for international support.

Former Swedish MP, Mr. Kaj Nordquist, who had been involved in the drafting of the handbook with three other parliamentarians from Australia, South Africa and Uganda, said that while it was natural that there were people with



IPU President Pier Ferdinando Casini and former Swedish MP, Kaj Nordquist.

disabilities in the world, it was unnatural that the poorest of the world's poor were disabled, adding that “only 2 per cent of disabled children were in school and only 3 per cent of the world's disabled persons could read and write”. He urged parliamentarians to work towards the ratification of the Convention in order to ensure that it entered into force. “A society's level of decency was measured by the way it treated minorities”, he added.



Philippine Senator Aquilino Pimentel and Canadian Senator Sharon Carstairs briefed the press at the United Nations Office in Geneva on the work of the IPU Committee on the Human Rights of Parliamentarians during the 117th IPU Assembly held in October 2007.

...IN THE PRESS...

Lawmakers worldwide “gravely concerned” about Myanmar

Lawmakers from around the world urged Myanmar's military junta to “immediately and unconditionally” release all political activists, monks and ethnic leaders jailed in the country. In a resolution on an emergency item on the matter, delegates at an Inter-Parliamentary Union (IPU) Assembly said they were gravely concerned about the deterioration of the human rights situation in the country formerly known as Burma, where at least 10 people died last month in a crackdown on democracy protests. The Geneva-based IPU represents over 140 national parliaments across the world, as well as seven regional parliamentary assemblies. The IPU resolution appealed to the international community to “seriously consider taking necessary and effective economic measures and suspending military assistance and arms sales to Myanmar” in the event of “further setbacks in the constructive process of dialogue and reconciliation”.

Reuters - 10 October 2007

President of IPU Committee on Human Rights says violations are on the increase

The President of the IPU Committee on the Human Rights of Parliamentarians, Canadian Senator Sharon Carstairs, said that

three cases would be highlighted in today's final session: those of parliamentarians in Colombia, Myanmar and the Philippines. Carstairs added in a press conference today that violations of the human rights of parliamentarians are on the increase, with situations where there is no information about the disappeared parliamentarians, whether they are alive or dead, such as the case of the 11 Eritrean parliamentarians. She told reporters that 26 parliamentarians are in jail in Myanmar, in Sri Lanka there is concern for 20 parliamentarians, some of whom have been murdered. She added that Senator Pimentel from the Philippines would be leading a mission to Sri Lanka shortly. Carstairs said that there is concern in Lebanon about the increasing number of parliamentarians being murdered.

Kuwait News Agency, Kuna - 10 October 2007

Manu Chao and legislators for the rights of migrants

Listening to the concert given in Geneva in October by French-Spanish singer Manu Chao - the epitome of the citizen of the world - singer and seeing how his songs and commitment to the question of migrants stimulate people of different generations, there is a feeling that parliamentarians - legitimate representatives of the citizens - could play a major role in issues that stir the emotions of ordinary people.

The conclusions of a seminar held the same month at the IPU on migration and human rights may be an interesting track. Participants highlighted the fact that in today's global market, in stark contrast with the near lack of limitations on the flow of capital and goods, there is no free flow of people. This is partly explained by unfounded fears that migrants may take away jobs from nationals, they said, adding however, as proved in the case of Spain and other countries, that migration actually creates new jobs and wealth. If countries are to truly function at the universal level, they have to come together, first of all at the regional level, to facilitate human mobility as part of achieving economic integration and development. In this regard, there is a role for MPs to conclude agreements on the free circulation of persons in all regions.

Manu Chao could not have put it better. Until there is a free flow of people, irregular migration will continue to exist and, in the light of growing economic disparities, the number of people leaving their countries to find a better future elsewhere is only bound to increase.

At the Geneva seminar, parliamentarians said that they have the responsibility to respond to this challenge by helping ensure that admission systems that are transparent, clear and coherent are in place for migrants. They also emphasized the importance of creating sufficient opportunities for people to migrate legally and added that external border controls of target countries, "are not only ineffective in the final analysis in the absence of a comprehensive rights-

based approach to migration, but also come at a significant human cost".

Like Manu Chao in his most famous song, *Clandestino*, parliamentarians attending the seminar are appalled by the large numbers of people who have died trying to reach their destination by sea or land, sometimes at the hands of unscrupulous people smugglers. Firm action should be taken to ensure that effective legislation is in place and implemented to address the trafficking of persons. They recognize that a large number of irregular migrants live in receiving countries, many of whom do not enjoy the most basic rights to which they are entitled. They also noted how regularization can be an option worth pursuing to make these migrants part and parcel of society.

In Geneva, legislators committed "to resist policies, including those advocated by our fellow parliamentarians that create a divisive society, and to use our powers in favour of the rights of all migrants to promote a diverse and cohesive society. We should not forget that by restricting and violating the human rights of migrants, the fundamental rights of all will be diminished".

The important question of migration is on the agenda of the 118th IPU Assembly, to be held in South Africa in April 2008 - something that Manu Chao and his fans would no doubt applaud.

L.B.

See report of the seminar prepared by British MP Jeremy Corbyn on pages 4-5.



A small boat packed with 53 illegal immigrants is adrift and takes on water south of the Mediterranean island of Malta after its engine failed.

Photo: AFP/ATM Press Office

HUMAN RIGHTS

The challenges of migration

The participants - some one hundred parliamentarians working on human rights, including migration questions, and experts from 36 countries around the world - explored ways of managing irregular migration in a human rights-compatible way and of fighting inhuman or discriminatory treatment of migrants. A strong focus was placed on the international legal and policy framework that exists to safeguard human rights and the contribution that parliaments and their members can make.

Migration as a phenomenon has always existed. While the absolute number of migrants has risen in the past decades to reach some 200 million, this group continues to make up around three per cent of the world population. Notwithstanding, migration has become intrinsically linked to globalization and its effects. Foreign workers represent 10 per cent or more of work forces in many Western European countries, 15 per cent in North America, and even higher proportions in Africa and the Middle East. Indeed, migration has become a key feature of meeting economic, labour market and productivity challenges in a globalized economy. It serves as an instrument to adjust the skills, age and sectoral composition of national and regional labour markets. Moreover, due to economic, demographic and technological changes, migration is central to the future economic survival of the North and the South.

Migrant workers still largely perform dirty, dangerous and degrading jobs to sustain sectors of economic activity that are no longer attractive for local work populations. These include agriculture and food processing, construction, cleaning and maintenance, hotel and restaurant backroom services, labour-intensive assembly and manufacturing, the sex industry, and domestic labour. In addition, there is a greater need for highly educated and skilled labour, which has led to a significant "brain drain" in countries of origin.

It is becoming increasingly apparent that migration can and should be a mutually beneficial situation for both sending and receiving countries, and most importantly, for migrants and their families. "We need to be ready to take a critical look at ourselves. All countries in the migration chain have a responsibility to fulfil. In this regard, many countries may be classified as being of origin, transit or destination", said the participants.

The challenges that come with migration are not exclusive to any one continent: migratory flows take place not only from the South to the North, but also increasingly within the South. Continuous study is needed to analyse the full scale and impact of migration, as well as its changing face as rising numbers of highly educated workers leave their countries in pursuit of a better life.

Education to fight xenophobic sentiments

The participants at the seminar added that legislators and opinion leaders need to speak more clearly and openly of the important - and often indispensable - contribution of migrants to growth and prosperity. "This also requires us to confront fellow parliamentarians when they appeal to emotional negative stereotyping of 'the immigrant' for political gain. We have spoken much about the negative role the media plays in stereotyping immigrants as criminals or bogus asylum seekers. It is our duty, given our privileged access to the media, to ensure that they refrain from doing so, and rather report on the positive real-life stories of immigrants and their contribution to society".

Parliamentarians who appeal to xenophobic sentiments often do so because they think they reflect the sentiments of their electorate. "Therefore, if we want to change this situation, we must change attitudes through education. We have a responsibility to ensure that education promotes a culture of tolerance, understanding and equality and to recognize that school curricula can play a decisive role in this respect. In particular, history must be taught in an objective manner", underlined the participants.

Legislators need to ensure that the rights of migrants are fully respected by applying a rights-based approach to laws and policies on immigration. Migrants are not "commodities" of



PHOTO: IUPR, Huzeraga

international trade. Yet commercial interests and market forces that create jobs for migrants are often unconcerned about the legality or ethical standards of employment. Particular attention was paid to the situation of domestic migrant labour, which, together with agricultural work, often falls outside the protection of national labour laws. The participants are particularly concerned that forced labour thrives in the absence of labour law protection. “Fellow parliamentarians may draw inspiration from the British Gangmasters (Licensing) Act 2004, which protects migrant workers from gross exploitation”.

Parliaments must ensure that laws are implemented

Fundamental international labour and human rights norms apply to migrants without exception. “We have a particular responsibility to help ensure that they are fully implemented and do not exist simply on paper. In order to exercise such oversight effectively, we should assert ourselves vis-à-vis the government in order to receive all the necessary information and take part in the international migration policy dialogue”, the participants insisted.

When it comes to adopting laws to protect migrants, parliaments must ensure that they include an enforcement mechanism for effective implementation, in particular by allocating adequate resources, such as in the case of labour inspections. Parliaments should also make sure that laws are adopted in a timely manner, are complete and consistent by ensuring that different branches of law, such as civil and

labour law, do not contradict each other. They should also ensure that these laws comply with international human rights and labour standards.



Photo National Assembly of Burkina Faso

Seminar in Ouagadougou, Burkina Faso

Strengthening the role of parliament and MPs as the guardians of human rights

All constitutional States that aspire to be sustainable and effective need to have a solid foundation. Parliament - as the legislative branch composed of elected representatives of the people - has an important role to play in encouraging democracy to take root, which necessarily implies promoting and defending human rights. But the reality of the situation is that parliaments are not always well-versed in instruments they have ratified, nor are they fully aware of the political, economic and socio-cultural impact treaties will have on their State, noted the participants at a regional seminar held in October in Ouagadougou, Burkina Faso.

Parliaments and MPs are not informed either of the work done by treaty bodies entrusted with monitoring the implementation of treaties by States parties. As legislators, they should ensure that fundamental rights and freedoms are respected by adapting laws to the needs of a constantly evolving society. One of their roles is to incorporate in national law the standards contained in the human rights instruments to which their State has acceded, said the participants to the seminar, organized jointly by the IPU and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the National Assembly of Burkina Faso.

Members of parliament and parliamentary staff of the parliaments of Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Gabon, Mauritania, Senegal and Togo exchanged views with experts from the OHCHR and the African Commission on Human and Peoples' Rights on various problems related to the implementation of treaties and ways in which MPs could better play their role as the guardians of human rights. Representatives of the *Organisation Internationale de la Francophonie* (OIF), the Inter-African Union for Human Rights (UIDH), the UEMOA Inter-Parliamentary Committee and the ECOWAS Parliament were also present.



Seminar on Migration and Human Rights at the House of Parliaments.

WOMEN IN POLITICS

Women making a difference in parliaments of the Gulf Cooperation Council States

Photo: UAE Federal National Council



Opening of the Second Regional Conference of Women MPs and Women in Political Decision-Making Positions of the GCC States in the presence of the IPU Secretary General, Anders B. Johnsson.

Despite a small regional average of 9 per cent of women parliamentarians, Arab parliaments have achieved significant progress over the years. The number of women in parliament has steadily increased, and this thanks largely to the inroads made in the parliaments of the Gulf Cooperation Council (GCC) States. The Parliament of the United Arab Emirates, with its 22.5 per cent of women parliamentarians, is the most recent example of such progress.

The IPU has paid particular attention to the political participation of women in the GCC States through close and regular monitoring of participation at each of its Assemblies, the organization of national seminars for women candidates and women in parliament and the holding of the First Regional Conference of Women Parliamentarians and Women in Political Decision-Making Positions of the GCC States in July 2006 in Bahrain. The Second Regional Conference took place in Abu Dhabi, on 30 and 31 October 2007, jointly organized by the IPU and the Federal National Council of the United Arab Emirates. Women parliamentarians and women in political decision-making positions from all seven

invited States participated in the event: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Yemen.

This year's conference focused on "Women making a difference in parliament". Women discussed regional progress and setbacks and shared their experiences on how to bring about change in parliament. A special session highlighted the challenges they faced in education, employment and politics.

The participants agreed that the most significant challenges facing the GCC States were related to certain prevailing cultural and social values, women's lack of confidence in themselves and weak implementation of laws in favour of women. In response to these challenges, they stressed the need to sensitize voters on women's political participation, highlighted the role of civil society organizations and the media and emphasized the importance of boosting women's self confidence and capacities to carry out political mandates.

But what happens once women reach parliament? How do women bring about change? There were myriad responses.

Some participants suggested increasing the number of women in parliament based on the "strength in numbers" theory: more women in parliament can help change the agenda. Others proposed devising strategies and fostering cooperation with men. Developing the skills of women MPs and enhancing parliament's capacity to address gender issues were also highlighted as determining factors. Close cooperation with civil society and the media, as well as solidarity between women, also need to be taken into account.

Recognizing that there was room for improvement, participants committed themselves to pursuing efforts and called for drafting specific plans of action to accelerate women's political empowerment. This topic will no doubt be raised at the Third Regional Conference of Women Parliamentarians of the GCC States, which is scheduled to be held in 2008.

DEMOCRACY

Peace and democracy should not exist in isolation

Commemorating the Tenth Anniversary of the IPU Declaration on Democracy during the 117th IPU Assembly, IPU President Pier Ferdinando Casini recalled that the Declaration had been the fruit of the concerted efforts of experts and parliamentarians representing a cross-section of religions, cultures and civilizations.

Parliaments in emerging democracies have taken on a more prominent role in efforts to strengthen democracy, and none of the principles enshrined in the Declaration has lost its pertinence. Peace and democracy are mutually reinforcing and cannot, should not, exist in isolation, underlined President Casini.

Follow-up in page 7

DEMOCRACY

Peace and democracy should not exist in isolation

President Casini added that efforts are required to promote democracy and bring an end to conflict. "Freedom is the cornerstone of democracy, and true democracy is incompatible with poverty. The existence of widespread poverty continues to undermine democracy, and efforts must therefore be made to ensure that people are free to improve their well-being", declared the IPU President.

There must not be any double standards in respect of freedom and the IPU must engage in safeguarding freedom for all people at all times, without any ambiguity, "which did not mean seeking to impose or export a particular model of democracy", said Mr. Casini. The rights of citizens must be accompanied by the duty to demonstrate mutual respect. True freedom and democracy could not exist if one only considered one's own rights.

"Parliaments should be a clear example of transparency in their processes and procedures. They should be open to society, and ready to give account for their performance. The IPU should

continue to assist parliaments to become strong, independent and effective institutions", concluded President Casini.

In the view of IPU Secretary General, Mr. Anders. B. Johnsson, as much as 55 per cent of IPU's 2008 budget is devoted to democracy-related activities. The IPU is conducting a wide range of activities to strengthen parliamentary institutions and help develop democratic standards for parliaments. The 2006 study *Parliaments and democracy in the Twenty-first Century*, was a case in point. It identified good practices in parliaments for them to work as democratic institutions

The Universal Declaration identified a close link between human rights and democracy, and the IPU's democracy activities therefore had a strong human rights component, as well as a marked emphasis on promoting women's participation in political life. The IPU democracy programme was a political programme, which sought to enhance the role of parliamentarians in strengthening democracy. The IPU therefore played significant role in assisting new and developing democracies.

Speaker Baleka Mbete of South Africa:

"Parliaments must assess progress made in implementing the Universal Declaration on Democracy"

"Many leaders around the world are struggling to find a lasting solution to contradictions in societies, which come in many forms. The greatest challenge is to redress social and economic imbalances in society, particularly in the developing world", said Ms. Baleka Mbete, Speaker of the National Assembly of South Africa. She added that on celebrating the tenth anniversary of the Universal Declaration on Democracy, parliaments must assess the progress that had been made in implementing it.

Ms. Mbete emphasized the need for free and fair elections to be held at regular intervals, in order for the free will of the people to be expressed. "Elections must be held on the basis of universal, equal and secret suffrage, in order for all voters to choose their representatives in conditions of equality, transparency and openness, which stimulates political competition". Civil and political rights are therefore essential, in particular the rights to vote and to be elected, the right to freedom of association and assembly, to access to information and the right to organize political parties and conduct political activities. Elections themselves are not an end to achieving democracy, but rather one of a number of mechanisms that must be used to ensure freedom in society.

"Democracy can only be achieved if elected parliamentarians use their mandates to implement policies and practices that



Speaker Baleka Mbete

are in keeping with the principles enshrined in the Declaration. Efforts must be made to empower groups that are vulnerable to marginalization", added Speaker Mbete. "Challenges are mainly faced in societies where the majority of people are struggling to survive on a daily basis. In such situations, public priorities are food, health and shelter: when a person is hungry, no amount of freedom of speech could meet his or her basic needs", she said in conclusion.

The principle of democracy must be applied to the international management of issues of global interest and the common heritage of humankind. "The creation of a peaceful world, in which humanity shares resources and in which different cultures co-exist and are celebrated is the collective responsibility of leaders of democracies, and is critical for the growth of future democracies around the world", insisted Ms. Mbete.

Speaker Nino Burdjanadze of Georgia:

“Roadmap for IPU Member Parliaments”

“The Universal Declaration on Democracy is a unique instrument, which declares the common aspirations of the international parliamentary community. It constitutes a roadmap for IPU Member Parliaments as they work towards strengthening democracy throughout the world”, said Ms. Nino Burjanadze, Speaker of the Parliament of Georgia, who is also President of the Parliamentary Assembly of the Organization of the Black Sea Economic Cooperation (PABSEC).

Democracy should be promoted at the national and international levels, explained Ms. Burdjanadze, who played a prominent role in her country when the “Rose Revolution” took place in 2003. “Georgia is a new democracy, which gave priority to devising and sustaining democratic reforms. The revolution that took place in 2003 had been the result of fraudulent elections, when the people understood that the government did not respect their will. They fought for freedom of expression, free and fair elections and democracy. Like democracy, revolutions and reforms cannot be imported or exported. In Georgia, the people wanted to live in a free, fair and democratic country”.

Ms. Burdjanadze went on to say that although all countries’ traditions and cultures should be respected, those countries that wished to be included in a civilized world must respect the minimum standards that ensured true democracy. “Old democracies should not force other countries to become democratic, but should be willing to help those that wished to



Speaker Nino Burdjanadze

develop their democratic standards”. Exchanges of experience and best practices were particularly important for building democracy. All people should be given the opportunity to live in a democratic society.

In the view of the Speaker of the Parliament of Georgia, democratic development through institutions and reforms requires respect for the rule of law and an independent judiciary. “The IPU has a special mandate to identify the challenges faced by the world’s parliaments, and to help overcome them by working together. In the contemporary world, cooperation, joint efforts and constructive teamwork continue to gain new understanding. Alongside international organizations, parliaments are vital for fostering dialogue, mutual understanding and friendly relations between nations”, said Speaker Burdjanadze.

Speaker Ahmed Fathy Sorour of Egypt:

“It is incorrect to say that democracy is a western concept”

Ten years have passed since the Universal Declaration on Democracy was adopted and according to Mr. Ahmed Fathy Sorour, Speaker of the People’s Assembly of Egypt, “the real benefit of such an event is that it provided an opportunity to assess everything that has been achieved, and to consider what remains to be done”. The tenth anniversary of the adoption of the Declaration is an opportune moment to consider what the Declaration has achieved, where parliaments stand on the road to democracy, what are the obstacles to democracy, and how the IPU could eliminate those obstacles. “It is incorrect to say that democracy is a western concept”, he added.

According to Mr. Sorour, the international community is at a crossroads on the road to democracy, since democracy is under threat as a result of numerous regional conflicts and the failure of the international social system, such as the “undemocratic allocation of the right to veto at the United Nations Security Council”. Parliamentary institutions must be strengthened, and people must be allowed to enjoy their rights and freedoms. Efforts must be made to combat poverty.



Speaker Ahmed Fathy Sorour

“Western nations must understand that democracy models cannot be exported and imposed on others by force”, said Speaker Sorour.

Many countries believe that democracy is limited only to their own society. The Universal Declaration recognizes democracy as an international principle, which can be implemented by the international community and international organizations. “Democratic systems and regimes must leave aside undemocratic approaches towards other States, and double standards must not be employed”, stressed Speaker Sorour.

IMPLEMENTING DEMOCRACY

“In Iraq, the biggest challenge is the lack of trust”

Mr. Muhamad Abubakr Ahmad is the Director-General of Media at the Council of Representatives of Iraq. He was in Switzerland in early October to visit the Swiss Federal Parliament in Bern and the House of Parliaments in Geneva. Interview.

Q: How would you describe the activity of the Iraqi Parliament today?

M.A.A.: Iraq was under the dictatorial rule of Saddam Hussein for many years. One person was deciding and the parliament was doing nothing. Everybody was under pressure, including MPs, staffers and the Secretary General. They were somehow portraits in a frozen picture, not involved in reality. Today, you cannot expect a great improvement in the situation given that people had been working in such an environment. After 2003, after the regime was toppled - despite a deteriorated security situation, political rivalries and the intervention of regional and international forces in Iraq - I can say that we have built a very sound parliamentary culture in our country. The experience of the staffers improves daily and the Iraqi Parliament is an active and vital parliament in the region. When bills are submitted to the plenary session, there is real and active discussion. From one point of view that might be considered negative, but from a democracy or a parliamentary point of view, it is positive. Things are improving compared to when we started. In July 2004, there were seven staffers and three of them were borrowed from the Council of Ministers! So in fact, there were only four permanent staffers at the parliament. We worked day and night. We worked as if we were working for our families, for ourselves. Now there are more than 400 staffers.

Q: What are the main problems that you are facing?

M.A.A.: I can't say that everything is going well at the Iraqi Parliament. There are some problems, such as bureaucracy. According to the law, the decisions incumbent to the parliament should be taken by the Presidential Council, which is composed of the Speaker and his two deputies. One of the administrative principles here is to authorize people, to a certain extent, to take their own initiative to do something without having to go back to the boss and ask permission to do everything. Hopefully, we will improve the rules in the future. At least we are aware of our mistakes and we have started to work on them. We are working hard and there is a genuine willingness to overcome the problems.

Q: Is this the kind of assistance that the IPU could provide to the Iraqi Parliament?

M.A.A.: Yes, but if the IPU wants to play this role, field visits are needed. You must remember that there was chaos in our country. Everybody could do everything. Later on we realized that there were no terms of references for the offices. Terms of reference are your present and future plans. If you don't have a vision for the future and you carry on with your work on a daily basis, you have no clear idea about your future. I was the



From left to right: Mr. Ali Hashim Al-Obain (Iraqi Parliament), Mr. Muhamad Abubakr Ahmad (Iraqi Parliament), Ms. Laurence Marzal (IPU) and Mr. Martin Chungong (IPU).

first one to frame terms of references for officials, because as you know, within the offices there are sections and departments. We specified the terms of reference and the tasks for each section and the next step will be to define terms of reference for each person.

Q: What form do the proceedings of the Iraqi Parliament take?

M.A.A.: Press conferences are held. We used to do a live broadcast of the sessions but today the sessions are broadcast with a half-an-hour delay. Accreditations are issued to journalists. There are 200 journalists who come to the conference centre of the Iraqi Parliament everyday. They work for Arabic, Persian and western media, especially media houses from the United States. Since May 2006, we have wanted to build a press centre for them, but unfortunately, the project has not been implemented. My plan is to create a studio so that various media can work there. The security question is very delicate and taking MPs outside the parliament building may be a risk. At night, there is a curfew of sorts in Baghdad, and it is not easy for people to move around from one area to another. That is why the interviews should be done during the day, but during the day legislators are busy as parliament is in session or they are attending committee meetings. This is why MPs must be interviewed at the parliament building.

Q: What is the main challenge for the Iraqi people today?

M.A.A.: The biggest challenge is the lack of trust. I see that the politicians want to work on this problem. Sometimes they respond to [the interests of] other countries in the region, rather than to the interests of their constituencies, sects, or religions. Sometimes they respond to their own personal and political agenda in order to stay in power longer. In my personal view, the solution for Iraq is neither religious nor national nor sectarian. The only solution for Iraq is democracy, which is in favour of the people. Diversity is one of the strongest points of any society, but it should be invested in the right way, otherwise it will turn out to be a negative point. That is what is going on in Iraq.

IPU-UN COOPERATION

Parliamentary Hearing calls for greater support for disarmament, international criminal justice and counter-terrorism

Some 200 parliamentarians from over 70 countries gathered at the United Nations Headquarters in New York on 20 and 21 November for the annual Parliamentary Hearing. This record attendance attested both to the enhanced status of the Hearing as a joint IPU-UN event and to the relevance of the issues under consideration, most notably disarmament, international criminal justice and terrorism.

Entitled *Reinforcing the rule of law in international relations: the key role of parliaments*, the Hearing was organized by IPU in cooperation with the Office of the President of the General Assembly, Mr. Srgjan Kerim, who opened the Hearing. The President of the IPU, Mr. Pier Ferdinando Casini, and the Secretary-General of the United Nations, Mr. Ban Ki-moon also addressed the opening session.

President Casini noted that “when we [parliamentarians] talk to our constituents...we hear an overwhelming desire for peaceful coexistence with others. There seems to be a disconnect between the decisions taken at the ‘top’ and the real mood of the people down ‘below’ that we politicians and diplomats must endeavour to overcome.” This observation was echoed in one of the conclusions of the session on disarmament: that MPs need to work more with grass-roots organizations and constituents to raise awareness of the dangers of the 27,000 nuclear warheads currently deployed around the world as well as of the enormous cost of maintaining and securing this arsenal.

Regarding the question of international criminal justice, the meeting dwelled in particular on the role of the International



Photo: United Nations

From left to right: Ms. Anda Filip (IPU Representative at the UN), Mr. Srgjan Kerim (President of the UN General Assembly), Mr. Pier Ferdinando Casini (IPU President), Mr. Ban Ki-moon (UN Secretary General) and Mr. Anders B. Johnsson (IPU Secretary General).

Criminal Court and of other country-specific tribunals. Two important conclusions emerged: parliamentarians should press for the universal acceptance of the International Criminal Court (less than two-thirds of all countries have ratified the Rome Statute) and they should help ensure that the international community cooperates in the enforcement of arrest warrants issued by the International Criminal Court and other international tribunals.

The discussion on counter-terrorism touched on a variety of issues. It was agreed that parliaments should be vigilant in ensuring that governments adopt a balanced approach to combating terrorism, which combines strengthening the security apparatus, protecting human rights (such as the right to a fair trial for everyone, including terrorism suspects), and addressing the root causes of terrorism. The legislators also agreed that parliaments should ensure that the victims of terrorism receive adequate compensation and are allowed to articulate their grievances.

The final report of the Hearing will be circulated to the IPU Member Parliaments as well as the General Assembly as an official UN document.

15 September: International Day of Democracy

Stressing the continuing need to promote democracy, development and respect for human rights and fundamental freedoms, the United Nations General Assembly agreed on 8 November to observe 15 September each year as the International Day of Democracy. In a resolution adopted by consensus, the United Nations recognizes the crucial role that parliaments are called upon to play in the democratization process, and welcomes the tripartite format (governments-parliaments-civil society) of the International Conference of New or Restored Democracies. In her address to the General Assembly, the IPU Representative noted: “It is meaningful that the International Day of Democracy has been chosen to coincide with the anniversary of the Universal Declaration on Democracy, adopted by IPU Member Parliaments ten years ago. The precepts and principles enshrined in this important political document are as valid today as ever before, and we invite the United Nations and its Member States to more systematically integrate these core principles into their efforts to strengthen democracy worldwide”.

WORLD e-PARLIAMENT CONFERENCE

How to improve communication between parliaments and citizens

The World e-Parliament Conference and related meetings held in October in Geneva provided an expert forum on the promises and challenges of using information and communication technologies (ICT) in parliament. Jointly organized by IPU, the United Nations and the Association of Secretaries General of Parliaments (ASGP), with the support of the Global Centre for ICT in Parliament, it brought together parliamentarians, secretaries general and parliamentary staff who work with ICT, such as legislative staff, IT administrators, knowledge managers and librarians from more than 70 countries.

Participants shared their experience of using ICT to modernize parliamentary processes and to improve communication between parliaments and citizens. They identified as key success factors: a clear vision; strategic planning; the ongoing engagement of parliamentarians; training for ICT staff and parliamentarians; and close collaboration between ICT specialists, librarians and major operating units - as well as between chambers in bicameral parliaments.

One of the recurrent themes was the need for parliaments to share best practices in areas such as open standards for marking-up parliamentary documents, collaborative software development and parliamentary websites. The Conference showed that many good practices do already exist, while others are emerging in new areas such as mobile computing for parliamentarians. Through the Global Centre, IPU is encour-



The World e-Parliament Conference was held at the Geneva International Conference Centre.

Photo Ludovica Carabini

aging regional and global cooperation on the development, implementation and sharing of best practices among parliaments.

The digital divide is of course a reality for parliaments. In countries where resources are scarce, it was suggested that one of the first objectives of a democratic parliament must be to ensure that legislation is widely accessible to citizens. Using ICT, parliaments can contribute to fulfilling the fundamental right of access to information by taking small, concrete steps such as publishing legal texts online.

Building on the findings of the Conference, the first Global Report on ICT in Parliament will establish much-needed baseline data on how and why parliaments around the world are using ICTs. The Global Report will be presented at the 118th IPU Assembly, to be held in Cape Town, South Africa, in April 2008.

The World of Parliaments
team wishes you a peaceful
and happy 2008

The IPU flag flying on the Mont-Blanc bridge in Geneva during the 117th IPU Assembly.

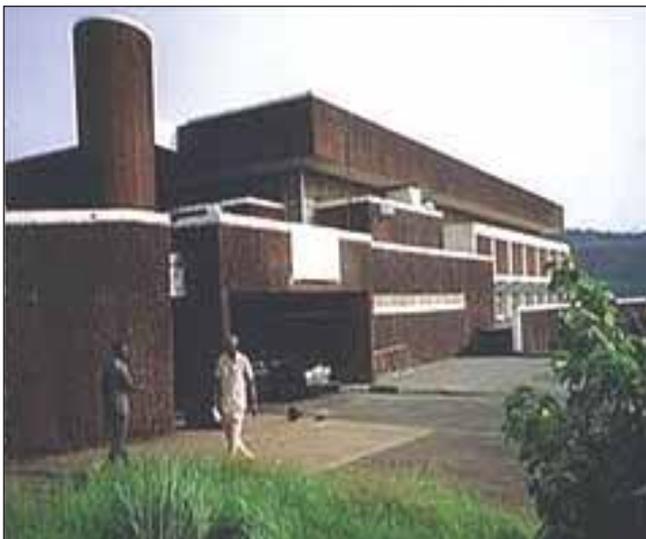


Photo IPU/H. Salsgado

TECHNICAL COOPERATION UPDATE¹

Exploratory mission to the Parliament of Sierra Leone

Photo: Parliament of Sierra Leone



For much of the 1990s, Sierra Leone was embroiled in a violent civil war. It is now at a defining moment in its history. Its people have considerable expectations of the current government and parliament to implement reforms following the decade-long civil war. A joint IPU-United Nations field mission proposed a series of activities designed to help the parliament to perform better its functions and thus increase its ability to contribute to effective governance.

Sierra Leone has come a long way over the years since the conflict, but it is on a fragile middle ground where the violence of war has ended while the ways of peace have yet to be fully restored. Shortly after the August 2007 legislative elections, the IPU in cooperation with the United Nations Integrated Office in Sierra Leone (UNIOSL) and the United Nations Development Programme (UNDP), sent a field mission to review the functioning of the parliament, identify bottlenecks and needs and propose solutions that could be implemented with possible external support.

The mission held wide-ranging discussions with members and staff of the parliament. The parliament's multi-party configuration, with a large number of well-educated, young and dynamic members, including 16 women members, provides all the ingredients for a productive and effective legislative body that can pass sound laws, ensure

proper oversight of the government and represent the people. Nonetheless, 80 per cent of the current members of parliament are first-time members and special measures will have to be taken to swiftly induct this group into parliamentary life, thus allowing them to effectively carry out their role.

The mission has proposed a series of activities designed to alleviate these difficulties and help the parliament to perform better. Success in achieving an effective and efficiently functioning legislature will depend on the parliamentary authorities taking steps to reform and modernize the parliament's working methods and strengthen its resources - human and technical - through the full implementation of the Parliamentary Service Act September 2007.

Support from the international community will also be crucial for the parliament to improve its long-term ability to carry out its representative, law-making and oversight functions.

Maldives

At the request of the Maldivian Majlis, the IPU organized a three-day seminar in October in Male, Maldives, on *Parliaments and the Budget Process*. The discussion centred on practical experiences about the respective roles and functions of the executive branch of government and parliament in the budgetary process. The seminar aimed to provide MPs and parliamentary staff with a deeper understanding of the budgetary process and the approval process for the budget and provide them with the necessary tools and resources for developing and analysing the budget. The gender implications of budgeting were also addressed. In the wings of this seminar, the team of experts that made presentations also undertook an assessment of the needs of the Maldivian Parliament with a view to preparing a project of assistance to strengthen the capacity of the parliament to perform its representative, law-making and oversight functions more efficiently.

¹ The Union's Technical Cooperation Programme provides assistance to parliaments worldwide, strengthening their capacity to perform their functions efficiently.

Lao People's Democratic Republic

The IPU, in partnership with UNDP and the National Assembly of the Lao PDR, organized a regional capacity-building seminar from 26 to 28 November 2007 in Vientiane on sustainable development for the parliaments of the Asia-Pacific region. The seminar focused on three topics identified by the parliaments of the region: poverty reduction, energy and biodiversity. Over the three-day event, participants, along with several Lao and international resource persons, discussed and exchanged experiences on how to implement sustainable development.

The recommendations that emerged from the meeting focus on the need for: education and sensitization; financial resources and efficient use thereof; effective cooperation at the regional, global, community and sub-national levels; and a research programme on the use of suitable technologies. MPs have called for a follow-up of the seminar whereby IPU would continue to assist parliamentarians of the Asia-Pacific region in their work on achieving sustainable development.

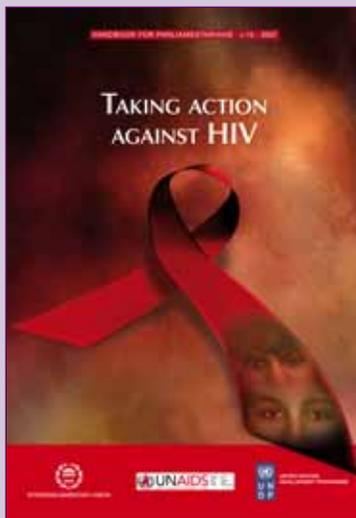


The Vientiane seminar focused on poverty reduction, energy and biodiversity

Photo National Assembly of the Lao PDR

IPU PUBLICATIONS

TAKING ACTION AGAINST HIV



The IPU, together with UNAIDS and UNDP, has issued a Handbook for Parliamentarians entitled *Taking action against HIV*. The Handbook was launched at the First Global Parliamentary Meeting on HIV/AIDS, jointly organized by the IPU, UNAIDS and

UNDP, in cooperation with the Senate of the Philippines, in November in Manila. It is the first time that parliamentarians the world over have been convened to jointly discuss the part they have to play in responding to the AIDS epidemic. This publication will serve as both a call to action for parliamentary leadership and a reference that legislators and their staff may consult for information and guidance on specific issues in relation to the AIDS response.

...IN THE PRESS...

Top Chinese legislator meets IPU President

Top Chinese legislator Wu Bangguo met Mr. Pier Ferdinando Casini, President of the Inter-Parliamentary Union (IPU), and Ike Skelton, Chairman of the House Armed Services Committee, who heads an eight-member congressional delegation from the United States. In his meeting with Casini, Wu, Chairman of the Standing Committee of China's National People's Congress (NPC), expressed his appreciation for the unique role played by the IPU to help address various international issues. As an important IPU Member, the NPC will continue to boost ties with the Organization and make efforts to score progress on multilateral parliamentary cooperation, Wu stressed. Casini spoke in positive terms about the contribution that the NPC has made to promote IPU reform and development, stressing that the Organization values its ties with the NPC and expects it could play a major role in various issues taken up by IPU.

Xinhua - 28 August 2007

Advancing the rule of law is vital work, says Ban Ki-moon

Advancing the rule of law is vital work, says [UN Secretary General] Ban Ki-moon. Upholding and strengthening the four pillars of the modern international legal system - human rights, humanitarian, criminal and refugee law - is "crucial to the cause of peace", Secretary General Ban Ki-moon told a meeting in New York of parliamentarians from around the world. In a speech to the Annual Parliamentary Hearing, jointly organized by the United Nations and the Inter-Parliamentary Union (IPU), Mr. Ban said that advancing the rule of law brought widespread benefits to the international community. "It can help prevent or resolve conflicts and check weapons proliferation", he said.

UNNEWS - 20 November 2007

Getting HIV/AIDS medicines to the people who need them

HIV/AIDS confront the legislator with serious challenges. There are no easy solutions. A large gathering of parliamentarians from around the world assembled in Manila on the eve of World AIDS Day to look at how parliaments can help each other to tackle them.

One of these challenges is the question of how medicines for HIV/AIDS can be made available to the people who need them. The price of anti-retrovirals, for example, is currently far beyond the reach of most HIV-positive people in low-and middle-income countries. The cost of the drugs is largely determined by the patent regime and laws on intellectual property rights. These in turn are administered multilaterally under the WTO Agreement on Trade-Related Intellectual Property Rights (the TRIPS Agreement). Embedded within the intricacies of the TRIPS Agreement are a handful of provisions, or “flexibilities” as they are termed in WTO jargon, which can be exploited to strengthen the position of governments negotiating the procurement of medicines for their populations. One of the points emphatically made by the parliamentarians in Manila was that far greater use could be made of these flexibilities than is currently the case,

and parliaments should be instrumental in making that happen by incorporating them into domestic law.

The least developed countries, for example, are fully exempted from having to grant pharmaceutical patents up to 2016. Another flexibility authorizes governments to import generic essential medicines produced under compulsory license. But as the parliamentarians heard, rather than using these rights, some countries are actually legislating more stringent patent protection than the TRIPS Agreement requires. One such example is India. India's dynamic generic manufacturing industry earned it the title of “the pharmacy of the developing world”, but the laws that made that possible are now being amended in favour of tighter patent protection.

The parliamentarians - all experts from the respective health committees - agreed that they should be much more vigilant in legislating to avail their governments of the rights they enjoy under the TRIPS Agreement.

The Manila event, which brought together over two hundred delegates from all regions of the world, was the first global parliamentary meeting on HIV/AIDS. Others will follow.

Photo: Philippine Senate



First Global Parliamentary Meeting on HIV/AIDS.

PARLIAMENTARY DEVELOPMENTS

ECUADOR

Elections to the 130-member Constituent Assembly took place on 30 September 2007. President Rafael Correa was elected in 2006 and pledged to dissolve the Congress, which he deemed to be “corrupt and incompetent”. He said he would step down if his allies, including his own MPAIS (Movimiento Patria Altiva y Soberana) party, did not win a majority in the Constituent Assembly. Preliminary results showed that his allies had won 80 of the 130 seats at stake. Once it convenes on 29 November, the Assembly will have 180 days to draft a new constitution, which will subsequently have to be approved by a referendum within 45 days.

KENYA

On 22 October 2007, just a few hours before dissolving parliament for general elections scheduled for 27 December, President Mwai Kibaki signed into law 11 bills, including the Political Parties Bill. That bill was proposed by the President himself to parliament to provide guidelines for the registration, regulation and funding of political parties. It imposes stringent rules on party switching, whereby candidates who fail to win a nomination in a particular party, and who subsequently wish to switch to another party, have to respect a tight deadline for the submission of candidatures.

KYRGYZSTAN

On 14 September 2007, the Constitutional Court invalidated the latest version of the constitution dated 8 November and 30 December 2006 (see issue No. 24, December 2006 and No. 25, April 2007) and restored the February 2003 Constitution, which had been adopted by referendum. The Court argued that when adopting the 2006 constitutional amendments, the parliament had exceeded its powers and stated that any modifications to the Constitution could be made only by referendum. On 18 September, the parliament passed a vote of no-confidence in the Constitutional Court, insisting that such a matter did not fall within the Court's purview.

On 19 September 2007, President Kurmanbek Bakiyev called a nationwide referendum for 21 October on amending the Constitution and the Electoral Code. The proposed changes would include applying the party-list (proportional representation system) to all seats in an enlarged 90-seat parliament (up from 75). In his view, such a move would make

the country's political system more democratic. Opposition members criticized the move, accusing President Bakiyev of trying to control both the executive and the legislative branches.

Over 80 per cent of the 2.7 million eligible voters turned out for the referendum. Over 75 per cent of the voters approved the amendments to the Constitution and the Electoral Code. On 23 October, President Bakiyev promulgated the revised constitution and called early parliamentary elections for 16 December.

MONTENEGRO

On 19 October 2007, parliament adopted a new Constitution, which replaced the 1992 one. Of the 76 members present, 55 voted for the text while 21 voted against it. Four of the five members representing the Albanian minority abstained from voting; the other was absent. The Serb List (comprising the Serb People's Party, the Serbian Radical Party, the Democratic Party of Unity, and the People's Socialist Party, which took 11 seats in the previous elections held in September 2006) criticized the new Constitution, calling it discriminatory and sweeping in its categorizations. The Bosniac Party supported the Constitution, praising the mechanisms contained therein for enhanced protection of minority rights and the designation of the Bosniac language as the official language. On 22 October, parliament officially proclaimed the new Constitution.

MYANMAR

On 3 September 2007, the National Convention (NC - established by military leader Gen. Than Shwe in January 1993) accomplished the first step of the 2003 Roadmap to Democracy by laying down the basic principles for the drafting of a new constitution. The NC had ceased to function in November 1995 when the opposition National League for Democracy (NLD) walked out due to serious differences over the basic principles of the future constitution. The Roadmap had been established by the military administration following mounting international and national pressure. It should pave the way for normal democratic life after the adoption of a new constitution.

Among other things, the draft constitution provides for a President as the Head of State and a bicameral parliament comprising a House of Representatives

Cont'd on page 16

and a House of Nationalities. It also provides for a strong role for the military both in the parliament and in the government. The military would be entitled to 20 per cent of the seats in parliament appointed by the commander-in-chief of the armed forces, as well as four key ministerial portfolios (defence, security, home affairs and border affairs).

TURKEY

On 10 May, parliament adopted a series of constitutional amendments. The reforms included a once-renewable five-year presidential mandate (instead of the current single seven-year term), direct election of the president (replacing the current election by parliament), and a four-year term for parliament (down from five years). On 25 May, President Ahmet Necdet Sezer vetoed the amendments and sent them back to parliament for reconsideration, arguing that a direct presidential election could disrupt the balance of power in the country. Parliament passed the amendments for the second time, and Mr. Sezer called a referendum for 21 October. In all, 67.51 per cent of the 42 million registered voters participated in the referendum, with 68.95 per cent approving the constitutional amendments as proposed by the parliament in May.

ZIMBABWE

In August 2007, President Robert Mugabe (who has been in power since 1980) proposed to hold joint parliamentary and presidential polls in March 2008. He also proposed to increase the statutory number of members in the House of Assembly (lower chamber) from 150 to 210 (including 30 presidential appointees) and revise the boundaries to increase the number of members elected in rural areas (the traditional stronghold of his ZANU-PF party) his at the expense of urban areas, where the opposition has stronger support. The President later agreed to withdraw the proposal to include 30 presidential appointees. In response, the opposition Movement for Democratic Change (MDC) party dropped its demands for a new constitution before the 2008 elections. The House of Assembly and the Senate passed the amendments on 18 and 25 September respectively. The amendments also allows parliament to elect a new president of the country if the incumbent does not serve a full term. Given that the parliament is controlled by the ZANU-PF party, such an amendment is expected to give President Robert Mugabe the authority to decide on his successor even before the next presidential elections.



Two TBMM TV journalists presenting news on the Grand National Assembly of Turkey.

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