

Constitutional

and Parliamentary

Information

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INTER-PARLIAMENTARY UNION

Aims

The Inter-Parliamentary Union whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and co-operation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

Membership of the Union (May 1992)

Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Latvia, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Senegal, Singapore, Spain, Sri Lanka, Surinam, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, USSR, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Associated members: Andean Parliament, European Parliament.

Structure

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Sir Michael Marshall (United Kingdom).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President. At present, it has the following composition:

President: Sir Michael Marshall (United Kingdom)

Members: M. Arguello Morales (Nicaragua); M. Darusman (Indonesia); I. Eskenazi (Bulgaria); M. J. Essaid (Morocco); L. Fischer (Germany); L. Fonka Shang (Cameroon); J. Komiyama (Japan); L. McLeay (Australia); H. Megahed (Egypt); S. Paez Verdugo (Chile); G. L. Papp (Hungary); Y. Tavernier (France).

4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, Case Postale 438, 1211 Geneva, Switzerland.

Secretary general: Mr. Pierre Cornillon.

Official publication

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Union's Secretariat in Geneva.

Constitutional and Parliamentary Information

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I. The Parliamentary System of the Democratic People's Republic of Korea

(Extract from the Minutes of the Pyongyang session in April-May 1991)

Mr. LI CHUN SIK, Deputy Secretary General of the Standing Committee of the Supreme People's Assembly of the Democratic People's Republic of Korea, began by thanking members for accepting him as a member and expressed his wish for a successful session in the DPR Korea. He then spoke as follows:

"This is my first experience of attending the meeting of the Association of Secretaries General of Parliaments.

I am pleased with this and feel grateful for the opportunity given to me to brief you on the Supreme People's Assembly of my country at this meeting.

My country has a time-honoured history of 5,000 years. But it was only at the First Session of the First Supreme People's Assembly held in September, 1948 that a nation-wide supreme power organ was formed for the first time in the history of the Korean nation.

Korean people, after liberation, launched into building a new democratic society under the leadership of the respected leader Comrade Kim Il Sung.

With a view to ensuring the founding of the Democratic People's Republic of Korea under the then prevailing situation, we had undertaken a nation-wide debate on the draft constitution for 70 days from February 1948 and held the historical election of deputies to the Supreme People's Assembly on August 25, 1948.

As the result of election, 572 deputies were elected representing people of all the walks of life such as workers, peasants, deskworkers, intellectuals, businessmen, merchants and religious people, and all the political parties and social organizations.

After the election, the historical First Supreme People's Assembly met in Pyongyang from September 2 to 10, 1948.

In the meeting the constitution was adopted, a government formed and the founding of the Democratic People's Republic of Korea proclaimed on September 9.

The Korean people celebrate September 9 annually as their national day.

Since liberation up to now the election of deputies of the SPA has been held 9 times.

The legal status, composition, authority and obligations that the SPA holds within the institutional system of the State are defined by the Constitution, the basic law of the State.

The Supreme People's Assembly is the highest organ of State power of the Democratic People's Republic of Korea (Articles 73-84 of the Socialist Constitution).

The SPA is the supreme representative organ formed through an election conducted of the free will of the entire Korean people.

The SPA assumes the highest position in the system of power organ, the pivotal core of the State's institutional system and exercises the supreme power of the State.

The SPA is composed of the deputies elected by secret ballot on the principle of universal, equal and direct suffrage.

This electoral principle is equally applied to election of deputies to local power organs such as provincial, city and county People's Assemblies.

The principle of universal suffrage guarantees all the citizens over the age of 17 to have the right to elect or to be elected, irrespective of sex, race, occupation, duration of residence, property status, education, party affiliation, political inclination and religious belief.

Only those who are disenfranchized by verdict of a court and insane persons have no right to elect or to be elected.

All the citizens elect deputies to the Supreme People's Assembly on the principle of equality.

A voter can be registered only once in a voters' list and have only one ballot to cast. And an equal number of deputies are elected in every constituency set up with an equal number of population.

A voter casts a ballot personally to a deputy in candidacy so that this will may be directly reflected in an election of deputies and does so in a place where secret ballot is thoroughly maintained.

An announcement of election day varies a bit, but usually in case of election of deputies to the SPA it is made 60 days before and in case of election of deputies to provincial, city and county People's Assemblies it is made 30 days before.

Following is the composition of deputies to the 9th SPA elected on April 22, 1990. The total number of deputies are 687.

Of these

- Workers of factories and enterprises take up 37 per cent, cooperative farmers 10.4 per cent, and the rest is shared by officials or parties, power organs, economic institutions and social organizations, servicemen of the Korean People's Army and the Korean People's Security Forces, officials in the fields of science and technology, education, public health, culture and art, religious people and officials of the General Association of Korean Residents in Japan and its subordinate organizations.
- Members of the Workers' Party of Korea take up 87.5 per cent (601 seats), members of the Korean Social Democratic Party 7.4 per cent (51 seats), member of Chondoist Chongu Party 3.2 per cent (22 seats) and independent deputies 1.9 per cent (13 seats). Women take up 20.1 per cent (138 seats). And the rate of deputies who are awarded the titles of Hero of Republic and Labour Hero and other highest orders of the State and honour titles is 63.8 per cent and the rate of those who have won academic degrees and scholarship such as Ph.D and professorship and other scientists, technicians and experts is 64.5 per cent.
- As for the ages of the deputies, the rate of those below 35 is 2.9 per cent, the rate of those from 36 to 55 is 56.8 per cent, and the rate of those over 55 is 40.3 per cent.

The term of office of the SPA is 4 years.

An election of a new SPA is held by a decision of the Standing Committee of the SPA prior to expiry of the term of office of the current SPA.

If an election is not feasible owing to unavoidable circumstances, the term is prolonged until an election is held.

What is most important in the authority of the SPA is its exercise of legislative power.

The legislative power is exercised exclusively by the SPA.

The SPA adopts, amends and supplements the Constitution.

The Constitution of the Democratic People's Republic of Korea was adopted in the 1st Session of the 1st SPA and the 1st Session of the 5th SPA.

At the time when the constitution was being adopted for the first time in our country, the debate on the draft constitution was undertaken in a sincere manner.

A nation-wide debate on the draft constitution was undertaken for a long time before it was submitted to the SPA.

The SPA organized a 31-person constitution committee, which deliberated the draft. And then the draft was read out three times in the SPA meeting and finalized with the opinions of the deputies taken into account.

In the first reading the draft was read through from Article 1 to Article 104, and in the second reading each article was read and put to a vote separately, and in the third reading the full text of the draft was read out from the beginning to the end and adopted as a whole supplemented with the opinions of deputies.

Later, the Constitution was revised and amended several times according to the requirement of developing reality.

For instance,

the previous 3-year term of office of the SPA has been extended to 4 years, the 20-year minimum age level of voters has been lowered to 17 and one-deputy-out-of-population-of-50,000 electoral principle has been changed into that of one-deputy-out-of-30,000. Likewise, some other articles and items have been modified and supplemented.

On December 27, 1972, a new Socialist Constitution was adopted in the 1st Session of the 5th SPA.

By 1958, in the Democratic People's Republic of Korea, a socialist transformation of economic management was completed and thus a socialist system was established.

With the completion of socialist transformations in urban and rural areas and the total eradication of exploitation of man by man, the social and class relations have undergone a fundamental change and the entire population has been turned into socialist working people.

These socio-economic changes demanded establishment of a new type of constitution which would be able to certify these changes in the form of law.

The draft of the Socialist Constitution had been put to debate two times at the plenary meetings of the central committees of the Workers' Party of Korea, the Social Democratic Party and the Chondoist Chongu Party and at the Central Committee of the Democratic Front for the Reunification of the Fatherland involving all the political parties and social organizations. It was then submitted to the SPA through its preliminary session and adopted v/ith unanimity of all the deputies on December 27, 1972

The Korean people celebrate this day as the Socialist Constitution Day every year.

The Socialist Constitution, which is distributed to you, delegates, is composed of eleven chapters and 149 articles all together.

In the Chapter 1 "Politics" the political victories and achievements of our Korean people are fixed by law and the characters, duties and principles of activities of our State are defined in conformity with the requirements of the development of the revolution.

It is in this chapter that the Democratic People's Republic of Korea is declared a sovereign socialist State and the State power is stipulated to rest entirely in the hands of workers, peasants, servicemen and working intellectuals.

The Chapter II "The Economy" defines the principles of socio-economic life in our country, fixing by law all the achievements made by our people in the socialist transformation of production relations and the building of the independent national economy.

The Chapter III "Culture" gives the orientations for a thorough carry-out of the cultural revolution and facilitation of building of the socialist national culture, based on the achievements of our people in the building of culture, and the principles to be adhered to by the State in this.

The Chapter IV "Fundamental Rights and Duties of Citizens" stipulates the fundamental rights and duties of citizens based on the principle of collectivism-one for all, all for one-which is in conformity with the intrinsic nature of our socialist society.

From the Chapter V to the Chapter X the system of the State institutions is laid down. And the Chapter XI states the emblem, national flag and capital of the DPRK-the symbols of the political ideal and sovereignty of the State.

The SPA has so far adopted on the basis of the legislative principles of the Constitution the Socialist Labour Law, the Land Law, the Law on Public Health, the Law on the Nursing and Upbringing of Children, the Law on Environmental Protection, the Criminal Law, the Civil Law, the Family Law and other sectional laws and legal documents on regulations.

The SPA adopted the laws on the total elimination of tax in kind and taxation which is the remnant of the outdated society.

As the result a tax system has long disappeared in the DPRK.

The SPA also adopted a law on enactment of the universal free education and the 11-year compulsory education. Thus in the DPRK all children of pre-school age are brought up at the expense of the State and the society and free compulsory education is in enforcement for rising generation until their working ages.

University and college students receive scholarship from the State.

The SPA enacted a law on enforcement of the perfect and universal free medical care and amended the Law on Public Health, the Law on the Nursing and Upbringing of children and the Law on Environmental Protection. Thus people in the DPRK get free medical treatment with not a penny paid to a hospital thanks to the free medical service system and are provided with favourable environmental and life surroundings.

Therefore the average age of the population has risen to 74.3, which is a 36-year increase over that of the pro-liberation days.

Besides, in the SPA, the problems on budget, national reunification, international affairs and other basic principles of the State's domestic and foreign policies were debated and relevant laws and decisions were adopted.

The legislative activities of the SPA proceed in four stages; namely, submission of bills, deliberation, adoption and proclamation.

Bills are submitted by the President of the Republic, the Central People's Committee, the Standing Committee of the SPA, the Administration Council and all the deputies to the SPA.

Bills are approved by show of hands.

A constitution should be approved by more than two thirds of all deputies, whereas other ordinances and decisions of the SPA should be approved by more than a half of all deputies present at the meeting.

The SPA is also empowered with an authority to form central State institutions.

At the first session of each SPA, the President of the DPRK is elected in accordance with the general will of the entire people, and on his recommendation Vice-Presidents and the First Vice-Chairman, the Vice-Chairmen and Members of the National Defence Commission are elected, the Secretary General and members of the Central People's Committee, the Secretary General and members of the Standing Committee of the SPA and the President of the Central Court are elected or transferred, and the Public Prosecutor General is appointed or removed.

And the members of the Committees of the SPA and the Premier of the Administration Council are elected here in this session.

All these institutions are accountable to the SPA for their work.

The SPA holds regular and extraordinary sessions to collectively discuss and solve problems falling within its competence as prescribed by the Constitution.

Session is a major form of the activities of the SPA. Regular sessions are convened once or twice a year by the Standing Committee of the SPA and extraordinary sessions are convened when the Standing Committee of the SPA deems these necessary, or at the request of a minimum of one-third of the total number of deputies.

The SPA requires a quorum of more than a half the total number of deputies to meet.

The first session of the SPA elects its Chairman and Vice-Chairmen. And their term of office is the same as that of the SPA. The elected Chairman and Vice-Chairmen preside over the sessions.

Laws which the SPA adopts have the supreme legal effect.

The SPA is empowered to appoint committees as its assistant bodies when it decides that they are necessary for the success of its activities.

The existing assistant committees to the SPA are the Credentials Committee, the Bills Committee, the Budget Committees, the Foreign Affairs Committee, the Reunification Policies Committee, whose members are elected among deputies according to the size of membership decided upon by the SPA, and which are composed of a Chairman, Vice-Chairmen and members.

The Committees of the SPA debate on draft laws and budget plans prior to deliberation by the SPA and submit their recommendations to it.

However they can neither initiate legislative activities nor adopt decisions of any legal validity independently.

The Committees of the SPA are accountable for their activities to the SPA and to its Standing Committee when the SPA is not in session.

The basic duties of the Committees of the SPA are as follows:

- The Budget Committee deliberates upon whether or not the settlement account and compilation of the State budget submitted for deliberation to the SPA conforms with the needs of People and reports its results to the SPA, and examines the budget balance and adopts measures for rectifying shortcomings revealed by the relevant executive bodies.
- The Bills Committee deliberates on the bills, amendments to constitution and laws submitted to the SPA and reports its results to the SPA and its Standing Committee.

For a full deliberation on bills, the Bills Committee of the Supreme People's Assembly, prior to their submission to the Supreme People's Assembly, refers them to the broad masses to seek their sufficient opinion.

The Bills Committee then generalizes the received opinions, gives specific deliberation to the composition, provisions and minor technical issues of a bill, and submits it to the Supreme People's Assembly and the Standing Committee of the Supreme People's Assembly

- The Foreign Affairs Committee of the Supreme People's Assembly discusses the issues arising in foreign affairs, draws up and makes public the documents specifying the stands of the Supreme People's Assembly of the Committee, notifies them to the Foreign Affairs Committees of parliaments of other countries, Inter-Parliamentary Groups and individual MPs concerned and exchanges delegations with various countries the world over.
- The Reunification Policy Committee of the Supreme People's Assembly recommends the measures to be taken by the Supreme People's Assembly in connection with the national reunification question to the Supreme People's Assembly or the Standing Committee of the SPA, and considers the issues of the north-south co-operation, exchange and travel and other matters related to the country's reunification.

The Committees of the Supreme People's Assembly may require necessary information and documents from relevant bodies, and are authorized to facilitate the participation of non-member deputies and officials concerned in their meetings.

When the SPA is not in session, the work with the Committees of the Supreme People's Assembly is undertaken by the Standing Committee of the SPA.

The Standing Committee works as a permanent body of the SPA in our country.

As the SPA, the supreme power organ, works a short time during its session, the Standing Committee functions as its permanent organ between sessions.

The Standing Committee of the SPA is elected in the 1st session of the SPA.

It consists of a Chairman, Vice-Chairmen, a secretary-general and members.

The chairman and vice-chairmen of the SPA are *ipso facto* the Chairman and Vice-Chairmen of its Standing Committee.

This enables the Standing Committee to stage energetic activities as a permanent body of the SPA.

The Standing Committee of the SPA elected in the 1st session of the 9th SPA, in May, 1990 is composed of Chairman, Vice-Chairmen, a secretary general and 15 members including the representatives of political parties and social organizations.

The Standing Committee makes deliberations and decisions on all bills submitted to it in the intervals between the sessions of the SPA, and amends and interprets the current laws.

The Standing Committee, following such undertakings, submits the decisions and amendments to the SPA for its approval in the ensuing sessions because only the SPA has the legislative power.

For instance the 2nd session of the 9th SPA, opened on April 11, adopted the ordinances sanctioning the Civil Law and Family Law of the DPRK adopted by the Standing Committee of the SPA in the intervals between the sessions.

The Standing Committee encourages the work of the committees of the SPA to bring SPA's legislative power into full effect.

The Standing Committee authorizes the relevant committees of the SPA to deliberate on the submitted bills in recess of the SPA.

The Standing Committee of the SPA has the right to interpret law.

This ensures the unified and correct implementation of the law throughout the country.

The Standing Committee also convenes the regular and extraordinary sessions of the SPA, and organizes the elections and by-elections of the deputies to the SPA, and elections of deputies to the local People's Assemblies.

The Standing Committee regularly works with the deputies to the SPA.

Our deputies are not a privileged class standing over the people, but, on the contrary, they are the true and loyal servants living among the people and working for their benefits.

The Standing Committee organizes courses for deputies to the SPA and conducts other work so that they may fulfil their obligations as the personal exercisers of the people's power.

The deputies can watch and inspect with immunity whether the laws, decisions and directives of the State are carried out properly in all units.

The deputies to the SPA are responsible for their work before the electors, and if they lose their confidence, they are removed from their office by them.

The Standing Committee of the SPA elects or transfers the Judges and the People's Assessors of the Central Court.

It also assumes external activities with parliaments and inter-parliamentary groups of different countries under the ideal of independence, peace and friendship.

It convenes the sessions on schedule, and examines the suggested items and decides the agenda of the sessions.

There is a Secretariat in our country which assists the SPA and its Standing Committee in their work.

It has Bills Department, Department of Deputy Affairs, Department of Foreign Affairs and so on.

In order to help your understanding of the Supreme People's Assembly I would like to brief you on the system of the State organs.

The system of the State organs consists of power organs, administrative organs, and judiciary and procuratorial organs.

The State organs consist of the central power organs such as the above-mentioned Supreme People's Assembly, the President of the DPRK and the Central People's Committee, and local power organs like the People's Assemblies and People's Committees of province, city and county.

The administrative organs are composed of the Administration Council in the centre and Administration Committees of province, city and county.

Judiciary and procuratorial organs are made up of the Central Court and the Central Public Prosecutors Office of the centre and the provincial courts and people's courts, and public prosecutors offices of province, city and county.

These State organs have the following positions, duties and authorities.

As is stipulated in chapter 6 of the Socialist Constitution, the President of the DPRK belongs to the system of the power organs.

The President is the Head of State and represents the State power of the DPRK.

The President is elected by and accountable for his work to the Supreme People's Assembly, the highest national representative organ of the entire people that is composed of the representatives of workers, farmers, soldiers and intellectuals from all the political parties, social organizations and other sectors of society.

The President is accountable for his work to the SPA in the sense that he, as the Head of State, faithfully implements all the constitutional authorities and duties for the sake of the country and people and relying on the people work to their aspirations and demands.

The term of office of the President is four years, because he is elected in the SPA, which, in its turn, is elected anew in every four years.

The President, as the head of the Central People's Committee, which is the highest leadership organ of the State power, guides directly its work and, if necessary, convenes and presides over meetings of the Administration Council, the central administrative executive organ.

The President promulgates the laws and ordinances of the SPA, the decrees of the Central People's Committee and decisions of the Standing Committee of the SPA and issues edicts.

And he ratifies or abrogates treaties concluded with other countries and receives the credentials and letters of recall of foreign diplomatic representatives.

The system of President, as stipulated in the Socialist Constitution, is a political leadership system that makes it possible to realize the leadership on the State affairs and organs through the Central People's Committee, the highest standing leadership organ of the State power during the adjourn of the SPA.

Another power organ is the Central People's Committee (Articles 100-106 of the Socialist Constitution).

The CPC is the highest leadership organ of the State power.

The head of the CPC is the President.

As the highest standing leadership organ of the State power in the intervals between sessions of the SPA, the CPC directs and supervises the work and activities of the State organs.

The CPC consists of the President, Vice-Presidents, the Secretary General and members and is accountable to the Supreme People's Assembly.

The term of office of the CPC is the same as that of the SPA.

As the highest collective leadership organ that realizes the State power, the CPC convenes its meetings, if necessary, and discusses and decides on raised issues and thus materializes a permanent guidance on the overall State affairs.

In conformity with its position and nature within the system of State organs, the CPC establishes the domestic and foreign policies of the State and directs the work of the central administrative executive organs, local power organs and judicial and procuratorial organs.

The CPC also supervises the enforcement of the State laws. Besides, the CPC carries out the important duties of forming executive bodies of the Administration Council, appointing representatives plenipotentiary, conferring State decorations and altering administrative districts.

The CPC adopts decrees and decisions and issues directives, which are important legal forms for the realization of its own duties and authorities.

The CPC may establish different commissions that will help it in its work.

Next, there are local power organs such as the provincial, city and county People's Assemblies and People's Committees (Articles 115-127 of the Socialist Constitution).

In the system of administrative organs, there is the Administration Council in the centre (Articles 107-114 of the Socialist Constitution).

The Administration Council, as the administrative and executive body of the highest power organ, is the central administration organ that organizes and directs the overall State affairs administratively across the country.

The Administration Council consists of the Premier, who is elected by the Supreme People's Assembly on the recommendation of the President of the Republic, Vice-Premiers, Chairmen of Commissions and Ministers who are appointed by the CPC on the recommendation of the Premier, and other members who may be required.

As the central administration organ, the Administration Council directs the work of the departmental executive organs such as commissions and ministries, the organs under its direct authority and the local administrative organs. It also drafts the plans for the development of the national economy, compiles the State budget and takes measures to implement and execute it.

Meanwhile, it adopts measures for the work of industry, agriculture, domestic and foreign trade, construction, transport, communication, land administration, municipal administration, science, education, culture, health service, and so on, and takes steps to maintain public order, protect the interests of the State and safeguard the rights of citizens.

The Administration Council concludes treaties with foreign countries and conducts external affairs, too.

In order to do its duties stipulated in the Socialist Constitution, the Administration Council convenes meetings.

There are two kinds of meetings of the Administration Council; one is the Plenary Meetings consisting of all members of the Administration Council and the other is the meetings of the Standing Committee of the Administration Council that consists of the Premier, Vice-Premiers and other members of the Administration Council appointed by the Premier.

The Administration Council adopts decisions and issues directives.

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Commissions and ministries are the departmental executive bodies of the Administration Council.

The system of administrative organs also contains the administrative committees of the provinces, cities and counties (Articles 128-132 of the Socialist Constitution).

The system of the judicial and procuratorial organs is an important component of the State power structure.

As judicial organs, we, in our country, have the Central Court, the highest judicial organ, the Court of the province and the People's Court, the local judicial organs, and the Special Court (Articles 133-142 of the Socialist Constitution).

The Central Court functions as the first trial court to judge the criminal cases of special importance and other cases under its jurisdiction and as the second trial court to examine and resolve unaffirmed judgement of the Court of the province (or municipality directly under central authority) and the Special Court, the cases of appeal or protest against sentences, and cases of rehearing and emergency appeal.

The Court of the province functions as the first trial court that examines and judges the cases under its jurisdiction as defined by law and, at the same time, as the second trial court that reviews and resolves the cases of appeal and protests against the sentences of the People's Court.

The People's Court is the lowest in the system of the judicial organs and functions as the first trial court.

The Special Court is a court set up in the People's Army, Public Security organs and transport organs and examines and judges the cases under its jurisdiction.

The Judges and People's Assessors of the Central Court are elected by the Standing Committee of the Supreme People's Assembly and those of the Court of the province and the People's Court are elected by the People's Assembly at the corresponding level.

Therefore their term of office is the same as that of the People's Assembly at the corresponding level.

Justice in our country is administered by a court consisting of one judge and two people's assessors.

In special cases, however, there may be three judges.

The procuratorial organs are composed of the Central Public Prosecutors Office, the Public Prosecutors Offices of the province, city and county and the Special Public Prosecutors Office (Articles 143-146 of the Socialist Constitution).

An important duty of the Public Prosecutors Offices is to supervise the observance of laws, and ensure the lawfulness of the decisions and directives of State institutions.

They are also entitled to expose and institute legal proceedings against criminals and offenders and thus safeguard the socialist gains and protect personal rights and interests of citizens.

Investigation and prosecution are directed by the Central Public Prosecutors Office in a uniform way and all the Public Prosecutors Offices are subordinated to their higher offices and the Central Public Prosecutors Office.

Public Prosecutors are appointed and removed by the Central Public Prosecutors Office.

In view of the missions and nature of the investigation and prosecution, the Public Prosecutors Offices in the Republic are organized on the principle of centralism, but they work in close co-operation with the local power organs.

In the past we made efforts to build and develop a socialist State of our style that suits the reality of our country and aspiration of our people by implementing the Juche idea, created by the respected leader Comrade Kim Il Sung.

While you stay in our country for the work of the ASGP I hope that you will witness the social progress achieved in the course of the enforcement of the Socialist Constitution and laws on its basis that have been adopted in the SPA.

In the past we carried out an independent foreign policy and in the future, too, we will do all our efforts to develop friendship and co-operation with parliaments and international parliamentary organization in conformity with the ideals of independence, peace and friendship.

Thank you."

The PRESIDENT thanked Mr. Li Chun Sik for his presentation and asked about the electoral system. Mr. Li Chun Sik replied that the basic provisions governing the system were laid down in the Constitution and that elections were on the basis of universal direct suffrage with a secret ballot. Constituencies elected roughly one member per 30,000 population. While

candidates could be nominated by anyone, it was the practice for all candidates to be nominated by the parties. These nominations were examined by the United Reunification Front and then by the Central Electoral Committee, which allocated candidates to seats. The candidate in each seat was then considered by the electors in meetings at the workplace or similar, and on election day the electors could then indicate approval or disapproval of the candidate on the ballot paper.

In response to Dr. ALZUBI (Jordan), Mr. LI explained that the Secretary General of the Standing Committee of the SPA was the head of the Secretariat and responsible for all its work (as well as being a member of the Committee).

Mr. LI indicated in reply to Mr. DAVIES (UK) that each session of the SPA (of which there were 1, or 2 regular sessions and occasional extraordinary sessions each year) were short-not more than 5 days-but that this was made possible by the work of the Standing Committee which met all year round.

Mr. MARRA (Italy) asked how the agenda for the SPA and the Standing Committee was set, and what the Standing Committee could decide without reference to the SPA. Mr. LI replied that items could be raised by the President, the Central People's Committee, the Standing Committee, the Administration Council, or by Members. The Standing Committee decided the final texts of bills before referring them to the SPA, election issues, and matters such as foreign delegations.

Mr. TRAVERSA (Italy) asked about the terms of appointment of the Secretary General and, with Mr. JACOBSON (Israel), about Article 75 of the Constitution which allowed for the postponement of elections in unavoidable circumstances. Mr. LI replied that, as Deputy Secretary General, he was appointed by the Standing Committee and had held office for ten years. As for postponement of election, the provision was intended to cover the eventuality of war, as had occurred between the first and second elections in 1949 and 1957.

Mr. CASTIGLIA (Italy) asked whether any organs existed which could adjudge laws to be invalid and unconstitutional. Mr. LI replied that the Central People's Committee could do this, as had occurred in respect of certain articles of certain laws. Mr. NDIAYE (Senegal) sought further clarification on the point about conflicts between the Central People's Committee and the SPA, and about dissolution of the SPA. Mr. LI indicated that the CPC was the most powerful State organ and that it could dismiss vice-premiers (although only the SPA could dismiss the premier, with the assent

of the President). The SPA had never been dissolved before expiry of its term.

In response to queries from Mr. MBOZO'O (Cameroun) about the status of the Secretaries General and of the United Reunification Front, Mr. LI stated that while the Secretary General was a Member of the SPA the Deputy Secretary General was an official, and that the United Reunification Front, which brought together all major political parties and organisations, had no constitutional status.

Mr. SWEETMAN (United Kingdom) asked about the relationship between the CPC, the Administration Council, and the Standing Committee and about the location of the power of initiative. Mr. LI reported that there was no overlap of membership between the three bodies.

Mr. ORBAN (Belgium) asked about the activities and role of committees between sessions. Mr. LI replied that the four committees were able to meet both during and outside sessions of the SPA and that in the latter case they might consider bills referred to them by the Standing Committee.

Mr. DAVIES (United Kingdom) asked about revenue raising in the DPRK, in the absence of taxation as a source. Mr. LI replied that the main source of income was the proceeds of socialist industry.

In response to an invitation from Mr. CHARPIN (France), Mr. LI clarified that part of his speech about the improvement in the life expectancy of citizens of the DPRK, which was now 74.

Mr. BOSTEELS (Belgium) asked how many Bills which had been proposed by individual members were adopted. Mr. LI reported that such Bills, if considered worthy for further consideration, were scrutinized by the SPA in the normal way.

The PRESIDENT thanked Mr. LI for his address and for his answers, noting that further questions could be posed the following morning during the visit to the Mansudae Palace.

Annex

Question and Answer Session with Mr. LI Chun Sik following the visit to the Mansudae Palace on Tuesday, 30th April

Mr. GORAYA (Pakistan) asked about the procedures available for such matters as questions, privilege or adjournment motions. Mr. LI indicated that procedures existed for putting questions to Ministers, both during and outside sessions.

Mr. DAVIES (United Kingdom) asked whether the other facilities necessary for a Parliament, such as the Library and refreshment facilities, were also located in the Mansudae Palace. Mr. LI replied that the Library was located in the Standing Committee's building nearby the Palace, and that during sessions refreshment facilities were available in the Palace.

Dato WAN ZAHIR (Malaysia) sought further information on the work of the Standing Committee. Mr. LI answered that the Standing Committee acted like a smaller Parliament, during recesses. It examined Bills and referred them to Committees of the SPA. It also oversaw international activities, such as delegations, on behalf of the SPA, and electoral matters, as well as making the preparations for the SPA sessions themselves. Obviously most decisions were taken by the Standing Committee rather than the SPA.

Mr. TRAVERSA (Italy), Mr. CHARPIN (France) and Mr. NDIAYE (Senegal) all asked about the number of staff employed for the Palace and the Parliament. Mr. LI said that there were about 100 staff responsible for maintenance etc. for the Palace, and there were about 50 staff in the secretariat for the more senior administrative jobs relating to Bills and work for Members, in addition to other staff responsible for international work. Staff were nominated by the secretariat and approved by the Standing Committee.

Mr. ORBAN (Belgium) and Mr. HADJIOANNOU (Cyprus) (President of the Association) asked about salaries for members of the SPA and the Standing Committee. Mr. LI replied that Members were not paid, except for expenses, and that they all had other jobs. The Chairman, Vice-Chairman and Secretary General of the Standing Committee received salaries.

Mr. NDIAYE (Senegal) asked about incompatibilities between holding ministerial office and status as a Member. Mr. LI replied that Ministers could also be Members of the SPA. Members of the Standing Committee served for four years at a time.

Mr. MBOZO'O (Cameroon) sought clarification on points raised during the Deputy Secretary General's address about the size of constituencies and the size of the electorate, for which respective figures of 30,000 and 15,000 had been given. Mr. LI replied that the constituency figure included all the ineligible population, such as those under 17, and that the figures differed from constituency to constituency.

II. Conflicts between Parliaments and the Courts

Report prepared by Mr D. Ndiaye, Secretary General of the National Assembly of Senegal (adopted at the Pyongyang session, April/May 1991)

Introduction

1. This subject was chosen for discussion by the Association at the autumn session in 1988 in Sofia. It seemed to arouse a good deal of interest and a questionnaire was agreed at the spring session in 1989 in Budapest.

2. This draft report is based on the replies received from the following Parliaments:

Australia - (Senate, House of Representatives)
Belgium (House of Representatives)
Cameroon
Canada (House of Commons)
Cape Verde
Cyprus
Denmark
Egypt
France (National Assembly)
Germany (Bundestag)
Italy
Japan
New Zealand
Philippines (House of Representatives)
Rwanda
United Kingdom (House of Commons)
(House of Lords)
Zaire

Shared jurisdictions

3. The subject of areas of overlap and conflict between Parliament and the courts deals with the relations which exist between the Legislature and the Judiciary in the application of laws and regulations.

4. In a democratic system with the separation of powers (to a greater or lesser extent) the overlap of jurisdictions or a conflict in a particular case should not logically damage relations between the different institutions.

5. In Senegal, Article 56 of the Constitution sets out the respective powers of the Executive and the Legislature. Article 80 stipulates that the Judiciary is independent of both the Executive and the Legislature.

6. The respective powers of parliament and the courts are as follows:

Parliament

7. Parliament has the power to pass general rules whose application is mandatory and which are called laws.

8. The right of introducing the proposed laws is often shared with the Government which is also responsible for implementing laws, subject to some procedure for challenging the constitutionality of laws.

The Judiciary

9. The judicial power comprises a number of jurisdictions under the overall authority of the Supreme Court. Thus in Senegal there is a single jurisdiction.

10. In this way the judge, when carrying out his duties, is not subject to any authority other than the law itself; he gives his considered judgements as an expression of legal truth which has a binding effect on all public authorities and private individuals. The judiciary is the official interpreter of legal rules. Some writers state that when the Constitution, the law and regulations are silent on the law that applies in a particular case, judges should refer to general principles of law to fill the gap.

11. A definition of the role of the two institutions shows basically that the Parliament is concerned with monitoring the activities of Government, while the Judiciary controls the application of the laws voted by Parliament.

It is easy to understand that there is some interference between the two since almost everywhere this rigid distinction does not work in practice.

12. Thus the overlapping jurisdictions between Parliament and the courts can be seen in practice in the way committees of inquiry are created by a parliamentary resolution.

Committees of Inquiry

13. The role of such committees of inquiry is to gather information and to make a report to Parliament. Such committees of inquiry cannot be set up when the events have given rise to judicial enquiries or are subsequently before the courts. If a committee of inquiry has been set up its inquiry comes to an end as soon as judicial proceedings on the same facts are started.

14. Committees of inquiry are by their nature temporary. Their task ends with the presentation of their report or after four months from the date the resolution establishing them was passed.

15. They cannot be reconstituted for the same purpose within twelve months from the end of their previous inquiry.

16. The National Assembly alone can decide by a special vote whether to publish the whole or part of the committee's report. The experience of other Parliaments is set out below in the order of the questions in the original questionnaire.

Questions 1 to 2

(1) Are there Committees of Inquiry in your parliamentary system?

(2) How are they created (by law, by formal resolution, or following a debate in the Assembly)?

17. Almost all Parliaments have a procedure for gathering information and conducting particular enquiries. This can be either a special procedure or a permanent committee with a specific remit.

18. This body is called different things in different Parliaments (special committee, ad hoc committee, committee of inquiry, committee of investigation). Usually it is established by a resolution (sometimes called a motion) agreed at a plenary sitting.

19. In Germany (Bundestag) and Egypt such a committee of inquiry is known as a committee of investigation and in New Zealand and Canada it is called a special committee.

20. In some Parliaments there are separate committees of inquiry and of inspection (France). In most Parliaments these functions are performed by the same committee.

Questions 3 to 4

(3) What is their role and what are their powers?

(4) Are there areas where they exercise the same jurisdiction as the Courts?

21. **In** general these committees of inquiry have precise terms of reference and are temporary. They are required to produce a report or to deliver their evidence to the Plenary.

22. Such enquiries can concern the conduct of individuals (for example civil servants), public bodies, the conduct of individual Members of Parliament and the actions of the Government of Germany (Bundestag) or Ministers (Denmark).

23. Such committees can hear witnesses and take steps against those who refuse to give evidence (Germany (Bundestag), Philippines, France). Individuals are usually questioned behind closed doors (Senegal) in order to maintain the secret nature of the committees of inquiry. In some Parliaments such evidence is taken in public. (In Germany (Bundestag) evidence is taken at a public sitting.)

24. The powers given to committees of inquiry are, by the way in which they are exercised, similar to those of the Judiciary. In some Parliaments they do not have the same powers as the judiciary. In Cape Verde the committees have a special public authority.

25. In Italy, on the other hand, a Committee of Inquiry set up by law has greater powers than those normally exercised by the Judiciary. For example, a law establishing such a Committee of Inquiry can provide that banking secrecy should not deny information to a Committee of Inquiry.

26. Generally, committees do not have the power to arrest witnesses or to punish by criminal sanction supposed culprits.

High Court of Justice

Questions 5 and 6

(5) *What is the judicial structure for judging breaches of the law committed by members of the Government (Head of State, Ministers etc.) in the exercise of their duties?*

(6) *Does the law give this legal structure competence over political matters (e.g. proceedings in Parliament)?*

27. In all political systems there is usually some procedure for calling to account high officers of state (President of the Republic, members of the Government) for offences committed in the course of their duties.

28. This is usually a special jurisdiction and the powers and composition of the committee reflect the political judgement they are set up to reach.

29. In Senegal this body is called the High Court of Justice under Article 85 of the Constitution.

30. It is set up by a law which prescribes its composition: seven titular judges (of which one is a professional judge and six are Members of Parliament) and seven substitutes elected by the National Assembly. The judge takes the Chair. The public interest is presented by the Law Officer, assisted by an Attorney General.

31. The procedure is as follows:

(a) *The charge*

The charge is laid by Parliament. Judges of the High Court of Justice take no part in the original vote and are not counted in the absolute majority required.

(b) *Preliminary investigation and referral*

The investigation committee is chaired by a judge. It invites the accused to prepare his defence with the assistance of someone of his choice. The decisions of the investigation committee are not subject to any appeal.

(c) *Consideration and judgement*

The discussion is public but the High Court can decide to sit behind closed doors. The decisions of the Court are not subject to appeal or any other form of review.

32. The replies from other Parliaments show that where such a structure exists it operates in a similar way to the normal judicial process. It cannot be otherwise in some Parliaments since the procedure is directed by a professional lawyer and often a judge (France, Senegal, Cameroon, Egypt, Belgium emphasise this point).

33. In other countries it is the Parliament which refers the case to an existing court (the Supreme Court or the Court of Appeal: Belgium, Denmark, German (Bundestag), Philippines). In this latter case it is difficult to refer to an overlap of jurisdiction between Parliament and the courts because the action of Parliament is very limited in that the court has jurisdiction to deal with such matters.

34. In other places there is no such structure and Ministers and Heads of State are, if they commit offences, liable to appear in the ordinary courts (Australia, New Zealand, United Kingdom) or in the latter case matters can be referred before the European Court of Justice or the European Court of Human Rights.

35. With regard to the question about the powers given to the court, many Parliaments have said that this does not apply but others have confirmed either judicial power or a combined political and judicial power.

Conflicts

Questions 1 to 2

(1) What is the ultimate constitutional authority in force in your country? Is it written?

(2) Place in order of importance, when appropriate, the different legal instruments which govern the institutions of your country, e.g. constitution, law, decree etc.

36. All Parliaments replied that the ultimate constitutional authority in force in their country was the Constitution. This comprises a collection of legal rules which are of a formal nature, drafted and enacted by a special

procedure of higher authority than other law. In almost all countries this constitution is written and is known as the Constitution.

37. The United Kingdom is the only country, in those that have replied, which does not have a written constitution. Otherwise the Constitution is always cited as the most important of the different legal instruments in force in each country. It is followed by :

Organic law (France, Senegal, Rwanda)

Other statute law

Other Orders of State

38. There are also Special Acts (Denmark) and international treaties which rank after the Constitution. In Cyprus, two treaties have a special position in that they form part of the Constitution.

Questions 3, 4, 5, 6

(3) Have there been any challenges to a law when the Constitution or Supreme Charter provides no system under which the constitutionality can be judged?

(4) In these circumstances how are the respective roles of the legislator and judge defined?

(5) What is the nature of the decision taken by the judge?

(6) Is there no conflict between the legislator and the judge? Please give one or two examples.

39. In many countries there is some system for checking the constitutionality of laws - that is to say ensuring that a particular law complies with the Constitution. These take different forms in different countries.

40. There are two constitutional techniques according to M. Zouankeu, Professor of Constitutional Law in Senegal, for carrying out this constitutional check.

41. The first technique is called "constitutional guarantee" and arises when the Constitution itself creates liberties and provides itself for how they are to be exercised and the way in which they should be protected by the legislator.

42. In these cases the Constitution itself provides a model which laws passed by Parliament must follow. Those affected have rights of appeal to the judiciary (Supreme Court) to have a law annulled if it infringes those liberties or breaches the responsibilities of the State. The judge to whom the case is referred has the task of comparing the law with the model law provided in the Constitution and reaching a decision on it.

43. The second technique, which is more widely used as for instance in Senegal, is known as "legislative and regulatory".

44. In this case the Constitution confines itself to creating liberties and leaves to the legislator the power to implement them. Thus one often finds constitutional formulas which announce, for example, that a certain liberty exists in accordance with the conditions laid down by law.

45. This is to say that the principle provided for by the Constitution should be fulfilled by practical arrangements made by law or regulations.

46. This latter arrangement does not give the judge any reference point for deciding the constitutionality of a law. This is a matter for the legislator to decide. For example, the Constitution provides that a vote should be secret but does not say exactly what constitutes a secret ballot in that different procedures could be used for a secret vote (and the polling booth is only one of them) or equally a constitution can assert that all citizens are equal before the law without specifying what equality is involved; this could mean mathematical equality or some form of proportionality among the people affected.

47. In all these cases the Constitution creates liberties but leaves it to Deputies to decide how they are put into practice. These Deputies are therefore the co-authors of the liberties and exercise, when they pass legislation, the sovereign competence which cannot be challenged before a judge.

48. In such a system, if the judge is hearing an appeal against a law, he cannot really be said to be acting as a judge, because he is taking a political decision.

49. However, all Parliaments were unanimous in stating that this could not really be said to constitute a conflict between the legislator and the judge. This is because the latter is subject to the authority of the law (which is based on the presumption of the consent of those governed). This gives him a privileged position and a different judicial authority from others under the rule of law. In these conditions the judge has to apply the law.

Questions 7, 8 and 9

(7) Are there in your judicial system what could be called general principles of law?

(8) In what circumstances does the judge refer to such general principles?

(9) What is the relationship of them in relation to ordinary statute law?

50. In almost all countries general principles of law play a role in their legal system.

51. It is generally thought that the judge does have a power, in the absence of relevant law, to create general principles of law.

52. In Belgium, Canada, Cyprus and Italy, general principles of law have a background role and the judge can refer to them when the law is silent in particular areas. This is the case in most countries.

53. However the position of general principles of law varies in relation to ordinary law and to jurisprudence.

54. Thus in France the general principles of law have the same value as ordinary law.

55. The general principle of law is superior to the law and governs its interpretation in Cameroon, Cape Verde, Germany (Bundestag) and the Philippines.

56. The general principles of the law have a status below the law passed by Parliament in Denmark, Egypt, Rwanda, Zaire and the United Kingdom.

Questions 10, 11 and 12

(10) Are the provisions for checking the constitutionality of laws confined to possible violations by legislators only of rules relating to political institutions, or does it extend to rights guaranteed to citizens?

(11) Have there been any occasions on which a judge has annulled the law passed by the legislature?

(12) If a conflict arises, is there any example of it having been referred to arbitration?

57. Before a law is promulgated elected members can challenge it on the grounds of unconstitutionality if public liberties are flouted. This applies in countries where a citizen cannot challenge the law before judges for unconstitutionality.

58. In the American system constitutionality can be challenged in specific cases. Any judge is competent to decide whether a particular Act is in accordance with the Constitution and to rule that something is unconstitutional.

59. It is important to note that the law concerned is not annulled but simply taken out of the issue contested, which does not challenge the principle of the issue contested.

60. It is interesting to note that this judicial control on the constitutionality of the law gives to the judge political power. Although this system has been adopted in a number of countries it is far from being a widespread legal institution.

61. Several of the replies to the questionnaire indicated that questions were not applicable in particular countries.

62. Thus in these cases a judge has never annulled a law. He has no choice but to act in accordance with the law and to apply it. Thus the question of referring a case to arbitration does not arise.

Conclusion

This comparative study of areas of overlap and shared jurisdiction shows that the separation of powers between the different institutions is maintained in all countries.

In almost all constitutions this principle is explicitly stated and a rigorous demarcation governs relations between the respective institutions, even if the Constitution does provide for shared jurisdictions in some cases.

Nonetheless it is the case that a judge is subject to the authority of the law and he is obliged to apply the law within the terms of the Constitution which excludes any conflict between those two powers.

III. Management of Parliamentary Staff: training, career and mobility

1. Introductory Note by Mr. Samuel Efoua Mbozo'o, Secretary General of the National Assembly of the Republic of Cameroon (January 1990)

In April 1969 there appeared in edition No. 78 of the Association's journal a Report by Mr. Lidderdale, Clerk Assistant of the UK House of Commons, on parliamentary staff. The evolution of parliamentary institutions across the world makes it essential that up-to-date information on this important subject should be made available to senior parliamentary officials. The Association at its meeting in London in September 1989, during the 82nd Inter-Parliamentary Conference, agreed that I should introduce a topical discussion on this subject, previously dealt with by Sir David Lidderdale.

In this introductory note I have concentrated on three aspects which seem to merit the closest examination.

Training

The first question which arises is whether individual Parliaments have a training policy, whether before or after recruitment. If, the policy is training carried out in the country, while at work or abroad? The National Assembly of Cameroon has a policy of training the staff it needs. Administrative staff are trained at the National Administration School (ENA). Typists and language staff (translators and interpreters) are trained either in Cameroon or abroad. In any case there is a tradition within the Assembly that some categories of staff are recruited and trained either at work or in special establishments. This is particularly the case for typists, translators and interpreters. But this does not rule out recruitment of staff who are already trained.

In other respects the training system in the Assembly tends to encourage the staff to teach themselves or undertake refresher training.

The rules provide for pay increases for those who follow courses (whether basic training, refresher or improvement courses). It would be interesting to know whether other Parliaments follow the same policy.

It would also be useful to know the way in which parliamentary staff are recruited and whether vacancies are publicly advertised. In the National Assembly of Cameroon vacancies have not often been widely advertised because most recruitment has taken place through people applying for jobs in excess of the vacant posts available.

Career

It would be worth knowing if some staff are able to follow a career exclusively in the Assembly. If so it would be interesting to know which categories of staff actually do this.

In the Cameroon the National Assembly has its own civil service which comprises different groups of staff (administrators, documents staff, translators and interpreters, typists etc.). There are also other categories of personnel: non-established civil servants on contracts and senior policy/decision-makers.

It is possible for people to pursue their careers exclusively in the National Assembly. Since the Parliament is relatively young it is difficult to say exactly what percentage of staff are committed to a career there. This is particularly the case since the first group of staff came originally from the Government civil service. Most of the staff recruited directly by the Assembly are still there and have not yet reached retiring age. There have not been many cases of people resigning. Most of those who have left were people wanting to go and work in other parts of the public or semi-public sector.

What happens to staff who retire from working for Parliaments and to the staff of Parliaments which have been dissolved? There is a pension fund for parliamentary staff in Cameroon. The staff are entitled to a pension linked to the level of their salary while working.

On the other hand there does not seem to be any provision for staff if Parliament is dissolved. It would be interesting to know what is the experience of other Parliaments on this matter.

For those who work solely for the Assembly, their career tends to reach a plateau very quickly, given the limited number of senior posts compared with other branches of the state. It would be useful to study the ways and means of avoiding such plateaux.

Mobility

Mobility of staff between different services within the Parliament seems to be one way of avoiding work becoming too routine and morale dropping among parliamentary staff.

In Cameroon some categories of staff can be moved between different services. Administrative grade staff, for example, can be posted to most services except for those requiring some purely technical skills (typing, translation etc.). It is equally the case that some linguistic staff can, in addition to their linguistic duties, be given certain responsibilities for editing and other work given their bilingual ability.

Staff mobility is one way of giving a fairer distribution of rewards given that staff in some services may be at an advantage compared with those in others.

Such mobility, with inter-changeability of posts and general all-round ability of staff also enable a Parliament to get the best use of its human resources and economise within the limits of staff employed. To ensure this general all-round ability however it is essential to have high calibre staff who are prepared to undertake work other than their principal tasks. It is important not to move staff just for the sake of it or to do so without great care. Otherwise some staff will be given tasks for which they are not prepared (either by the general level of their education even or by their training even at work).

Other Matters

Other points to be considered include how the categories of staff are developing. Have new categories of staff such as computer staff been introduced? Are some services provided from outside the parliamentary staff?

The National Assembly makes use of some external services in, for instance, Cameroon's Embassies in foreign countries such as France and the UK which are the main transit points for parliamentary delegations going abroad for conferences or friendship visits. These services provide not only

transport but also deal with all financial matters relating to the health of Members of Parliament and parliamentary staff.

We could also consider the practical steps which can be taken to encourage staff and to induce in them the necessary discipline to promote greater productivity while still seeking greater social justice.

It is desirable that there should be exchanges of staff between Parliaments to enable individuals to gain experience of other Parliaments and broaden their horizons. This should contribute to greater efficiency and output.

These are therefore the matters I suggest for our topical discussion on parliamentary staff.

2. Topical discussion: Extracts from the Minutes of the Nicosia session (April 1990)

The PRESIDENT recalled that in discussions earlier in the week on information technology in Parliament and the volume of parliamentary work, the question of management of parliamentary staff had been raised. It was therefore appropriate that a topical discussion be held on this subject and he was grateful to Mr. MBOZO'O for circulating an introductory note.

Mr. MBOZO'O, introducing the discussion, said that it was not new to the Association. In 1969 Sir David Lidderdale had produced a report on this matter. This dealt with the quantity and quality of aspects of the work of parliamentary staff; the rapporteur had been interested in the definition of their tasks and, to a certain extent, their career but, above all, their working conditions.

Mr. MBOZO'O said he, himself, was particularly interested in the training, career development and mobility of the staff. He was interested to know what policy training was followed on in other Parliaments. In Cameroon the training policy covered what people did before they started work as well as training when in post. Certain groups of officials were trained for parliamentary work in specialised schools such as the ENA of Cameroon which had particular courses in parliamentary law. Other groups such as shorthand writers undertook complementary training either in France for the Francophones or in Britain for those who spoke English. The same applied to translators and interpreters. Soon after independence Cameroon had to recruit temporary staff from abroad for this task but they now preferred to train their own staff.

The training policy offered bonuses and promotions for staff who undertook training. Most recruitment was based on examination of papers submitted. He was interested to know what was the training policy in other countries and whether people were recruited by open selection.

The staff were able to pursue a career exclusively in the National Assembly in Cameroon. The parliamentary staff structure was based on that of the Government service with particular characteristics appropriate to the National Assembly. There were different groups of officials: administrators/clerks, interpreters, translators, document staff, secretaries and secretary-typists as well as contract and temporary staff for particular tasks.

The basic corps of officials recruited at the time the parliamentary service was established were still in place, though they had been recruited from the Government service at the time of independence. Increasingly these people were retiring. There had been few cases of resignation. Most staff had applied to come and work in the National Assembly and it was rare for them to try and leave. For those who reached retirement age there was a pension scheme. On the other hand there was no provision for what would happen to staff of the Assembly if it was dissolved or suspended. Promotion prospects were limited since careers reached a plateau very quickly.

Staff mobility was important because there was a danger that routine and low morale would affect work performance. Some categories of staff could effectively move from one parliamentary service to another. This was particularly the case for administrators/clerks. On the other hand other staff had little opportunity to change job, given the technical character of their task. It was therefore essential to try and interest certain members of staff by creating greater opportunities for mobility and at the same time steps could be taken to improve the material position of staff. There were still certain inequalities in the Assembly with staff such as those from the Finance Division enjoying some financial advantages.

He would also be interested to know if new categories of staff were being created, such as those who dealt with information technology or if such services were brought in from outside the Assembly. The Cameroon Parliament had some decentralised services such as those within Embassies abroad. The parliamentary staff in the Embassy in France dealt with the logistical problems of visiting deputies from the Cameroon and one official and one driver were employed to accompany delegations. Finally Mr. MBOZO'O was interested in measures to motivate staff.

Mr. LAUNDY (Canada) said that promotion of parliamentary staff was a problem particularly in countries where such work was not considered important so the sole possibility of promotion was in transfer to other parts of the public service. The Canadian House of Commons had long had a policy for training staff. Such issues as promotion, training and rotation of staff were easier in Parliaments which employed a large number of staff. There were also specific programmes to enable typists to move into other services such as research, summary writing etc. International relations were dealt with by two offices, one which dealt with multilateral associations and the other with bilateral exchanges and delegations. A dissolution of the Parliament had no effect on the parliamentary staff who simply took their much deserved holidays.

Mr. AGARWAL (India) said the parliamentary staff were independent of Government and civil service and could not be transferred to the latter. This was recognised in the Constitution. All new members of the staff undertook some training as did parliamentary officials moving to a different branch of the parliamentary service, so the training seemed to bring good results. Staff at all levels could be sent on courses and there were programmes and funds for exchanges abroad. Under the Colombo programme meetings had been held (starting in New Delhi in 1985) on parliamentary procedure. Secretariat officials were trained for seven weeks and this enabled participants to get an impression of parliamentary life in India. The programme had been started in co-operation with the Government service and with the assistance of the Ministry of External Affairs.

Mr. LIMON (United Kingdom) said that although Mr. Mbozo's introductory note dealt specifically with the problems of young Parliaments, the issues raised were relevant to all parliaments. The most important training requirement was for greater technical training, particularly in the use of information technology, at all levels. The best form of training for new staff was to learn "on the job". There was a need for new staff to be given responsible work on their own at an early stage. With regard to careers, in the House of Commons there were not many cases of people leaving and this was taken as an indication of staff satisfaction. The career plateau was a problem and this gave rise to a need to review the amount and quality of work done. Some opportunities for improving grading of posts had been taken. By law the terms of service of parliamentary staff were required to be broadly in line with those of the Civil Service. Mobility was easier at junior levels and helped to keep up staff morale and interest. Full mobility at senior levels was much harder. Different qualities were needed for different posts: not everyone had the qualities to be a Secretary General and he, himself, did not think he

would be a good Serjeant at Arms. He supported the idea of the circulation of a questionnaire on this subject.

Mr. ILUNGA KABULU (Zaire) said that his country had the experience of a dissolved (suspended) Parliament. For three years there had been no meetings. The rules provided for the transfer of staff between parliamentary and Government service. Parliamentary staff were redeployed or seconded by being sent to international organisations or ministerial offices. Some parliamentary officials went to work in the Organisation of African Unity and some lawyers were attached to the office of the President. One official went to the African Parliamentary Union in Abidjan and a Cultural Counsellor to the International Association of French-speaking Parliamentarians in Paris. The Parliament in Zaire encouraged staff mobility between the parliamentary service and other jobs. Within the parliamentary service there was a problem about moving technical staff around. In some categories such as shorthand writers, secretaries and drivers the career path was flat and it was necessary to find other possibilities for moving to new posts.

Mr. De CESARE (Italy) read the following remarks on behalf of Mr. Traversa:

"It would be wrong to think of this subject as one which is only of administrative significance. The support services of Parliament were increasingly important for relations between the different institutions of state. Stronger parliamentary resources could exercise a certain influence on the constitutional checks and balances and ensure that Parliament plays the central role given to it by the Constitution. The experience of parliamentary staff, and the existence of such support were becoming increasingly important in the way decisions were taken for the conduct of parliamentary proceedings.

The administrative staff of the Chamber of Deputies were recruited through open competition. The Rules of staff in parliamentary services was the basic document for organisation and career development. This was the product of negotiations with the unions which took place every three years to discuss financial matters and guidelines concerning the administration of staff.

The staff of the Chamber were divided into five levels by function and pay. Within each level there was consistency aimed at achieving specific administrative ends. The five levels were as follows:

The first level for auxiliary staff;

The second level for secretarial staff;

The third level;

The fourth for assistant administrators/clerks, and

The fifth for the senior staff: officials and counsellors.

Most staff were recruited by open competition. Some people were employed on contract such as doctors and interpreters. Staff organisation was generally very rigid since priority had been given to security of tenure rather than flexibility. In future a better balance would be struck between these principles by introducing new categories of employment contracts, taken from the private sector, such as, for example, part-time work or training contracts. Employees of the Chamber had to undertake complete impartiality in **their** duties. All the political groups represented in the Chamber could expect to receive the same quality service.

The professional categories represented the main functions carried out within the administration of the Parliament: therefore there were administrators/clerks or counsellors in the legislative and administrative fields as well as in the Library, shorthand writers, information technology, all at the fifth grade. Also involved at the fourth grade were document staff, library staff, accountants, computer programmers, industrial and mathematical experts. In the first grade were ushers, manual staff, secretaries and administrative assistants.

There was no provision in the administration for mobility of staff. The distribution of staff among those with similar responsibilities depended on several circumstances and particularly the amount of work in each sector. If there was an increase in work in one service matched by a decrease in another the solution most often adopted was to move staff between the two. When, on the other hand, there was no correlation between the increase in work in one sector and a reduction in another, the practice most recently had been for the Bureau to reorganise the tasks to achieve a better distribution of resources within the overall efficiency of the House. Sometimes this involved professional training. If it was not possible to achieve these ends by moving staff the Bureau had to resort to recruiting more staff by open competition.

There had been a very rapid development recently in professional training. The staff and personnel rules envisage two categories. On the one hand there was necessary training which amounted to compulsory training required for professional qualifications which enabled people at set stages to move from one level of qualificational pay to a higher one. On the other hand there

was voluntary training which covered all aspects of training for particular functions.

Professional training, learning different tasks and training by new technology would play an increasingly important role in the administration at the Chamber of Deputies. It should be apparent that this training activity took place in general after recruitment. The possibility of training before appointment was not excluded. Thus a training school had been established for parliamentary shorthand writers which has trained many graduates and university students who had passed the open competition when employed as administrator/shorthand writers. The Parliament also gave financial assistance to independent cultural organisations which organise specialist courses for young graduates on matters of parliamentary interest.

In conclusion it should be emphasised that there is great institutional value in the parliamentary institution being autonomous organisations, an autonomy that is guaranteed by the Constitution."

Mr. QURESHI (Pakistan) said that his country had a bicameral Parliament with the National Assembly and the Senate as in Australia, Canada and other Commonwealth countries. Article 75 of the Constitution provided that the parliamentary services were completely independent of the Government Civil Service. The secretariat in each Chamber was headed by a Secretary General, appointed by the Speaker. Although each Chamber was responsible for its own secretariat, the structure was similar to that of the Civil Service, except for the fact that parliamentary officials could not be transferred to other offices without the agreement of the Speaker. Since 1985 particular attention had been paid to the training, role and image of Parliament among national institutions.

Since the appointment of Miss Bhutto as Prime Minister in 1988 greater attention had been paid to building up the parliamentary service and necessary resources and a detailed programme of exchanges with other countries had been instituted. Much advice and assistance had been received from other Commonwealth countries on the legislative procedure and on improving the training of library staff. Members of Parliament were generally well disposed to greater use of information technology. Staff had security of employment and possibilities of promotion to high levels. If either Chamber was dissolved the parliamentary staff kept their jobs. Staff whose work was no longer needed in Parliament were re-employed in other Government departments and this is particularly what happened when there was a dissolution. Other parliamentary officials stayed in post and provided minimal services and prepared for the resumption of parliamentary activity.

Mr. KIRBY (Canada) said that it was essential to have a separation between the services of Parliament and the Government civil service. It was difficult to achieve an equal status for all staff. Salary scales were important if parliamentary staff were to be kept separate from the civil service. In the Canadian Parliament there was an increasing use of common services in matters such as the library, computers, postal services and internal security.

The PRESIDENT said that staff recruited by the House of Representatives of Cyprus were already qualified for their posts. Staff who attended courses did not receive extra pay unless they also were promoted to higher posts. Parliamentary staff, as in many other Commonwealth countries, had an independent status and different rules on mobility and discipline from the Government civil service. There was a system for recruiting staff. Although the possibilities of promotion were not great few staff had left the service of the House. The question of what happened to staff when Parliament was dissolved had not arisen. During election periods staff remained employed by the House as public servants. Parliamentary staff pensions were paid out of the same fund as for the Government civil service. Each member of staff was appointed for a particular task and staff fell into two categories: those appointed solely to work in the House of Representatives and junior staff whose jobs were interchangeable with those in the Government civil service and who could, if they wished, move to an equivalent job in a Government Department.

Mr. MBOZO'O said he would respond to some of the points raised. The question of the political opinions of parliamentary staff had been dealt with by Sir David Lidderdale in his report. The question of what happened if Parliament was suspended had not arisen in Cameroon but he would be interested to know what was the position in other African countries. In some cases parliamentary staff might simply be out of a job. In Cameroon the law provided that parliamentary staff were effectively public officials and their holidays could last three, four or even five years without a break.

Mr. LAUNDY (Canada) said it was important to distinguish between dissolution (at the end of a parliamentary term pending an election) and the complete suspension of parliamentary activity.

Mr. MBOZO'O said that a Parliament could be suspended for a fixed period or dissolved for an indefinite period.

Mr. CHARPIN (France) said it was important to know if, during the suspension of parliamentary activity, the Parliament remained master of its own staff. If a Parliament disappeared could it still have a budget? Under French law the dissolution of the National Assenbly was followed immedia-

tely by the election of a new Assembly so, for the staff, there were only short holidays.

Mr. MBARY (Central African Republic) said that in his country Parliament had been suspended in 1966 and had not met again for twenty years. Some parliamentary staff had been re-employed in Government Departments but junior staff, such as interpreters and drivers, had not been given other jobs automatically. The parliamentary buildings, and particularly the library, had been used for other purposes.

Mr. KIRBY enquired what was the position of Secretaries General who were imprisoned for their parliamentary work. This was a matter which might be raised with the IPU's Committee on the Human Rights of Parliamentarians. He wondered what had happened in the past.

The PRESIDENT asked the English Joint Secretary to describe what happened in the case of the Nigerian Parliament.

Mr. KENNON recalled that following the suspension of the Nigerian Parliament the Executive Committee of the ASGP suggested to the IPU that the mandate of the Committee on Human Rights Parliamentarians be extended to include senior parliamentary officials. The Committee and the International Secretariat of the IPU had not been willing to do this.

Mr. KIRBY said that this did not prevent the ASGP itself from examining cases of imprisoned Secretaries General.

Mr. MBOZO'O said that this was one aspect of the question of parliamentary staff which he had not considered. He would take it into account in drawing up a questionnaire. If prison was a possible destination at the end of a career in Parliament this would not encourage recruitment of parliamentary staff. This was essentially a political matter which perhaps ought to be considered by the Executive Committee and discussed with the Inter-Parliamentary Union.

Mr. LAUNDY (Canada) said there was no reason why the ASGP should examine the human rights of Secretaries General in cases where Parliament was suspended by a coup d'état or military intervention. He felt it was within the scope of Mr. Mbozo'o's subjects.

Mr. ILUNGA KABULU (Zaire) said that this raised an important problem about the status of parliamentary staff. There was first the issue of the relationship between the officials and Members and, secondly, the difficult situation in which both elected Members and officials were placed by a coup d'état. International organisations tended to intervene on behalf of parliamentarians but not on behalf of parliamentary officials. Secretaries

General] were senior officials and declarations by international organisations could influence the way they were treated by Government authorities when Parliament was suspended. The Association could intervene in such cases but this subject was completely different from that raised by Mr. MBOZO'O.

Mr. KIRBY (Canada) said that this issue could be treated separately from Mr. Mbozo'o's questionnaire and he asked that the secretariat prepare a paper on past practice for consideration at the next meeting.

The PRESIDENT suggested that this matter be considered first in the Executive Committee at the next session.

Mr. KIRBY demanded that the Executive Committee make a report at the first sitting of the next session and that the report should recommend inclusion of this subject on the order of business at the Association.

The PRESIDENT said that in the absence of any current pressing cases it would be sufficient for the Executive Committee to consider it at the next session.

Mr. KIRBY asked whether there were any Secretaries General anywhere in the world who were in prison. If there were, he said, then there was an urgent situation.

The PRESIDENT replied that he had no knowledge of any Secretaries General being in prison.

Mr. KIRBY enquired about the position of the Secretary General in Nigeria.

Mr. MBOZO'O intervened to say that he agreed with Mr. Kabulu. The subject could be considered at the next session and be introduced possibly by Mr. Mbary.

Mr. MBARY asked for precision on the title of this subject.

Mr. MBOZO'O suggested that the subject could be "The status of parliamentary officials when their Parliament is suspended by a coup d'état or military intervention".

Mr. KABULU (Zaire) pointed out that it was not just the issue of the suspension of parliamentary activities but also cases where a Secretary General was dismissed from his job. Twenty years previously in Zaire there had been a difference of opinion between the Secretary General and the Bureau, and the Secretary General had been demoted in his public service rank and paid without any job being given to him.

Mr. LIMON (United Kingdom) said there were two different issues under consideration: first what could be done about Secretaries General who are imprisoned. He hoped that the Executive Committee would examine the matter, particularly if there were any urgent cases, and report at the next session. Secondly, there was the question of the status of parliamentary staff when Parliament was suspended. He would like to know what had happened in the case of the Nigerian colleagues.

Mr. QURESHI (Pakistan) said that this was a very important subject and that the Association should decide what action to take on the basis of a report from the Executive Committee.

The PRESIDENT replied that the Executive Committee would discuss this matter at the next session and report to the Association. On the subject of Mr. Mbozo'o's topical discussion, he said that it appeared to him that there was sufficient interest to justify a questionnaire being drawn up by Mr. Mbozo'o on the management of parliamentary staff, their training, career and mobility. This was *agreed to*.

The PRESIDENT thanked Mr. Mbozo'o for introducing the topical discussion and for agreeing to draw up a questionnaire to be considered at the next session.

3. Report on Management of Parliamentary Staff: training, career and mobility prepared by Mr. Samuel Efova Mbozo'o, Secretary General of the National Assembly of Cameroon (adopted at the Santiago session October 1991)

A report by Mr. D.W. Lidderdale, Clerk Assistant of the United Kingdom House of Commons, on parliamentary staff, appeared in the April 1969 edition (No. 78) of the Association's Journal. Bearing in mind developments in parliamentary institutions across the world and the need for as comprehensive a gathering of information as possible on parliamentary staff and those responsible for the management of such staff, the ASGP charged me with introducing a topical discussion on the question, with a view to updating Mr. Lidderdale's study, at the London session in September 1989.

Accordingly, I considered certain aspects of the management of parliamentary staff, namely recruitment and training, careers and mobility.

After the topical discussion, I was asked to prepare a draft questionnaire which, following its adoption at Punta del Este in October, 1991, was sent to all members of the ASGP for reply. The first draft of the report was considered at Pyongyang in April/May 1991 and the second draft at Santiago in October 1991. The report has now been updated in the light of the helpful comments made by colleagues and the replies sent, and the revised version is presented herewith.

It represents a synthesis of the replies received from 39 Chambers by June 14, 1991. They were:

- 1) Australia: Senate and House of Representatives (E)
- 2) Austria: Federal Council and National Council (E)
- 3) Belgium: Senate and House of Representatives (F)
- 4) Cameroon: National Assembly (F)
- 5) Canada: House of Commons (E)
- 6) Cyprus: House of Representatives (E)
- 7) Denmark: Folketing (E)
- 8) Egypt: People's Assembly (E)
- 9) Council of Europe: Parliamentary Assembly (F)
- 10) European Parliament: (F)
- 11) Finland: Eduskunta (E)
- 12) France: Senate and National Assembly (F)
- 13) Germany: Bundestag and Bundesrat (E)
- 14) Hungary: National Assembly (E)
- 15) Israel: Knesset (E)
- 16) Italy: Senate and Chamber of Deputies (F)
- 17) Japan: House of Deputies and House of Councillors (E)
- 18) Jordan: Parliament (E)
- 19) Korea, Republic of: National Assembly (E)
- 20) Netherlands: Second Chamber of the States General (E)
- 21) New Zealand: House of Representatives (E)
- 22) Norway: Stortinget (E)
- 23) Pakistan: Senate (E)
- 24) Peru: Senate (F)
- 25) Senegal: National Assembly (F)
- 26) Spain: Senate and Congress of Deputies (E)
- 27) Surinam: National Assembly (F)

- 28) Sweden: Rikstag (E)
- 29) United Kingdom: House of Commons and House of Lords (E)
- 30) Zaire: National Assembly (F)

I. Recruitment and training

1.1 Method of recruitment

Most Parliaments, with ten exceptions (Australia - House of Representatives; Cameroon; Denmark; Germany - Bundestag; Netherlands; New Zealand; Norway; Pakistan - Senate; Surinam; Sweden) stated that they recruited personnel principally through competitions organised by themselves. In Finland, the competition can also sometimes be organised by a private company. In the UK House of Commons and the House of Lords and the Israeli Knesset, the competition is sometimes organised by the Executive's public service commission.. The French Senate and National Assembly recruit only through competition.

The Danish Folketing occasionally organises tests before recruiting staff, in the case of personnel responsible for transcribing the sound recordings of debates.

Nearly half of the Parliaments also recruit by direct appointment. Such candidates are however scrutinised by a recruitment board. Such recruitment is generally in respect of very specialised posts such as doctors.

Secondment is also used as a recruitment method, but less frequently. Eighteen Parliaments use this method. They draw principally on the Executive, and mostly in respect of specialist staff.

In all cases, vacancies are announced through the Official Journal of the Parliament, through the media or through notices. In Japan and France, those responsible for recruitment publicise posts in higher education institutions.

1.2 Probationary period

In all Parliaments, with few exceptions (Italy; Netherlands; Senegal; Spain - Congress of Deputies; Hungary), there is a probationary period before new appointments are confirmed, in order to introduce appointees to

the work and to ease their integration into their new milieu. The period varies from one month (Austria) to three years (Germany).

Some Parliaments only employ this period for certain categories of personnel. Thus in New Zealand it is only required for those who have never before worked in the public service.

1.3 Policy en training and retraining

Six Parliaments (Cyprus, Israel, Netherlands, New Zealand, Pakistan, Peru) have no clearly defined policy on training. The Peruvian Senate nevertheless provides funds for such training. Hungary indicated that there is as yet no clearly defined training policy, because the Parliament's administrative structures are too recent.

The other Parliaments all have in place a training policy. This sometimes takes place in the Parliament itself, as in Spain, Egypt, New Zealand, Sweden, Japan and France. Generally however training takes place outside Parliament. Zaire co-operates in this respect with other Parliaments and international bodies.

The training principally comprises training in new technologies such as information technology or office systems. It also includes language training (Belgium - House of Representatives; Japan; France; European Parliament), seminars and courses on documentation, management etc. Japan also organises courses for preparation for retirement.

Some Parliaments actively encourage personnel to undertake training on their own account. For example, as indicated above, the Peruvian Senate provides funds for training. The Canadian House of Commons and the Spanish Senate reimburse certain training costs.

The French Parliament enforces a general training policy for personnel (languages) and in preparation for internal professional competitions.

1.4 Benefits to staff undergoing training after recruitment

Five Parliaments indicated that staff can receive certain benefits for undergoing training, after recruitment. In Zaire, Cameroon, Senegal, Germany, Israel and New Zealand such staff can obtain advancement to a higher grade or scale, if the training is such as to give rise to a qualification allowing entry to a higher grade. In France, there is no pecuniary benefit,

except in the case of a doctorate, which gives rise to a small increment in pay-

Other Parliaments replied that there was no direct advantage. They are however unanimous in indicating that such training improved a person's career prospects and counted in their favour in respect of internal promotions. The Netherlands indicated that such persons might be well placed to be nominated to posts of responsibility.

1.5 Leave of absence or part-release for training or re-training

The possibility of obtaining leave of absence or part-time release for a training course is part of Parliaments' training policy.

With the exception of the Danish Folketing, which indicated that no such example had yet arisen, and the Pakistan and Belgian Senates and Japan, which indicated that no provisions had been made for this, all the other Parliaments indicated that such arrangements could be made for their staff. It should be added however that in Denmark staff may take 3-5 sitting days off per year for retraining, during which they maintain full benefits.

In Hungary, given that training is in the form of evening classes, staff do not need to obtain time off for leave. However they must obtain study leave for preparation before examinations.

In the French National Assembly, an official may obtain leave to attend a training course after six years service.

As far as the status of such personnel during a leave of absence is concerned, the submissions are mixed. Some twenty parliaments who supplied information on this provide for the maintenance of all or some of the person's salary and benefits, while the UK House of Commons indicated that the relevant costs and fees could be paid for. The Italian Senate, Finland, Jordan, Cyprus and the Parliamentary Assembly of the Council of Europe suspend salaries and benefits for the period of leave. In all cases, the maintenance or suspension of salary is related to the degree of relevance of the training to the needs of the service.

On completion of such training, personnel are in effect in the same position as described in section 1.4 above. There is no direct change in a person's position, except in Egypt, Sweden, Jordan and Cameroon, but a person's career prospects will have been improved.

II. Careers

II.1 & 2 Autonomous Parliamentary service and differences from the Executive service

Twenty-one Parliaments indicated that they had a separate parliamentary service. Only the Pakistani Senate, Surinam, Senegal, Jordan, Cyprus, European Parliament, Zaire, Israel, Peru and Hungary did not. Their personnel form part of the national public service, except the European Parliament which formed part of the service common to all the European institutions. In the same way, the personnel of the Parliamentary Assembly of the Council of Europe are shared with the Council's other organ, the Committee of Ministers. In Zaire, steps are being taken towards a return to an autonomous Parliamentary service.

It must be pointed out however that in Parliaments with an autonomous service the rules relating to the service are practically the same as those in the Executive service.

The principal difference lies in that fact that the Parliament recruits and manages its own staff. In the Spanish Congress of Deputies staff have certain benefits and allowances. In the case of Cameroon, certain allowances are higher for Parliament than for the Executive.

The Italian Parliament (both houses) reported an interesting arrangement whereby the relationship between the houses and their employees came under the control of bodies independent of the public administration. Thus these links do not depend on administrative tribunals, or the Council of State, as they do for other public employees.

11.3 Different categories of staff

All Parliaments replying to the question on different categories of staff, except the Australian Senate, indicated that the main body of their workforce is composed of permanent officials. The Pakistan Senate is a special case, in that they have only permanent staff.

For those Parliaments with other categories of staff, non-established staff are engaged on the basis of a contract, so that the position of temporary staff can be likened to contractual staff. From this it can be stated that all Parliaments have a nucleus of contractual personnel.

Some Parliaments employ other types of staff. For example in both the Canadian and British Houses of Commons, and in the Australian Senate, Denmark, the Spanish Senate; Jordan, British House of Lords and Cameroon periodic, occasional and temporary staff are used.

Two Parliaments (Canadian House of Commons and Australian Senate) indicated the use of part-time staff.

The Belgian House of Representatives and Senate have permanent staff (who serve both during and outside sessions) and non-permanent staff (who serve only during sessions). Both categories of staff are established. In addition, both houses employ temporary staff (as replacements) and occasional staff (as extras).

Among the twenty-five Chambers or Parliaments which provided information on the regulations governing these different types of staff, eighteen replied that each type is subject to a separate set of regulations. New Zealand, Peru, the Italian Senate, Denmark, Surinam, Sweden and Norway indicated that all staff are governed by the same regulations. The Folketing is seeking to harmonise its regulations as much as possible.

It should be noted that Zaire did not reply to the question about different types of staff, while the Italian Senate and Chamber of Deputies described the categorisation of personnel according to their function (administrators, shorthand writers etc.).

11.4 Authority and basis for appointment of staff

In most Parliaments, the Bureau or its members, particularly its President/Speaker have the power of appointment. It might be assumed that where the power lies with the Bureau it is the President/Speaker who actually takes the necessary action. Thus 20 out of 32 Parliaments which replied to the question indicated that one of the authorities for appointments is the President/Speaker or the Bureau. In certain other cases the power also rests with an administrative authority, generally the Secretary General or the Director of Personnel (Cameroon; New Zealand - House of Representatives; Spain; European Parliament, Japan; Hungary). In these cases the administrative authority appoints subordinate staff, with the Bureau appointing higher staff. In Spain, the Secretary General only signs the contracts of appointment.

There exists another category of Parliaments where only the administrative authority is competent in respect of appointments, namely United

Kingdom, Israel, Egypt, Pakistan, Netherlands; Japan. In France the Secretary-General has no power of appointment.

In certain other Parliaments there is an appointments commission (Finland; Sweden; Norway). The Canadian House of Commons has an ad hoc appointments commission.

Attention should be paid also to the situation in some Parliaments where the Executive is associated with the appointment process (New Zealand - Governor General and Prime Minister; Surinam - Minister of the Interior; Spanish Congress of Deputies - Minister of the Interior for security personnel; Cyprus and Japan - Public Service Commission).

Peru's reply indicated an uncommon case, whereby personnel appointed to work with Members of Parliament are recruited on the proposal of the Members themselves, on political criteria.

Parliaments replying on this point stated that appointments take into account merit and qualifications. The assessment is made on the basis of competitive examinations and reports.

Zaire did not reply to this question.

11.5 Future career for staff who cannot be promoted because all higher posts are filled

In reply to this question, 18 Parliaments indicated that they had a career plan for staff, while 16 Parliaments had no such plan. The United Kingdom has no particular provision, but posts in the public service are open to parliamentary staff. In Denmark, although there is no career plan, Parliament encourages rotation between services. In France, each category of staff is able to aspire to at least a change of class or grade.

Certain Parliaments where a career plan existed provided details. In Egypt there are pay supplements and incentive allowances. The Australian House of Representatives and Senate have in hand a skills audit intended to identify those who might be capable of promotion to higher posts. The European Parliament, Cameroon and Italy provide for advancing staff to higher scales within the same grade, accompanied by higher pay.

In Hungary, provision is made for certain staff to be graded as Counsellors, or Principal Counsellors, to enable them to receive certain allowances.

11.6 Reporting and Assessment of Staff

Of the 13 Parliaments which replied, only two Chambers (Belgian Senate and German Bundestag) indicated that they had no system of reporting. In the Bundestag, evaluation of performance takes place only at the time of promotion or assignment to new duties. Junior staff can however obtain a reference when seeking employment outside Parliament. In the Danish Folketing, only probationary staff are subject to an assessment, by their superiors, before they are established. No other assessments are made for Folketing staff. All the others have some system, though the Parliamentary Assembly of the Council of Europe's has fallen into disuse and a new system is under consideration. The Spanish Congress of Deputies and Senate have no regular system, with reports only being undertaken during internal promotion exercises. In the European Parliament, reporting takes place every two years, with the reports covering competence, output and personal conduct. In the Belgian House of Representatives, assessment is quarterly during the trial period, annual after the first three years, and then every two years after that. In the French Senate, assessment is quarterly during the probationary period and annual thereafter; in the National Assembly, it is annual, with a specific evaluation taking place for officials being considered for promotion to a higher class or grade.

In the Italian Senate, assessment reports are drawn up by the Personnel Service on the basis of reports from the Directors of the various services, while in the Chamber of Deputies a written evaluation on the output and capabilities of staff is prepared annually.

The UK House of Commons and House of Lords also have an annual reporting system.

11.7 Reasons for leaving Parliament

The reasons leading to the departure of Parliamentary staff were the same, with few exceptions, in all Parliaments. All Parliaments, except the Italian Senate, replied to this question.

Retirement was the main reason indicated by all Parliaments. This was followed in 31 out of 36 replies by secondments (the exceptions being the Italian Chamber of Deputies, the Belgian Houses of Representatives, Senegal, Norway and the French Senate). The Republic of Korea and the two Houses of the United Kingdom Parliament indicated that secondments were rare.

Resignation came third with 30 parliaments as against 7 (Peru, Italian Chamber of Deputies, Denmark, Austria, Jordan, Hungary, French Senate).

Only 8 Chambers (Cameroon; Spain - Senate; Pakistan - Senate; Spain - Congress of Deputies; France - National Assembly; Japan) identified election to public office as a reason for departures.

Other reasons mentioned were redundancy or dismissals (UK House of Commons; Cameroon; Senegal; Germany - Bundesrat; Japan).

The Australian Senate and the Canadian House of Commons added that an official might leave the service at the end of his contract. The Spanish Senate also mentioned departures to perform national military service.

In the French Senate, stability of employment was the norm and staff only rarely left before the end of their career.

11.8 Position of those leaving Parliamentary Service

While the position of those leaving on retirement or secondment is consistent between all Parliaments (the former receiving a retirement pension or lump sum, and the latter having responsibility for their salary and benefits taken over by their new employers), the position of those leaving for other reasons differs significantly.

In some Parliaments, no provision is made for such staff (Belgium - Senate and House of Representatives; New Zealand; Peruvian Senate; Germany - Bundestag and Bundesrat; Jordan; European Parliament; Norway; Republic of Korea; Hungary).

The other cases can be usefully considered individually.

In the UK House of Commons and House of Lords, those who resign may transfer their period of pension entitlement to their new employer.

In Cameroon, a person who resigns may receive a pension if the required number of years' service has been completed. Those on secondment preserve their promotion position but their salary and allowances are taken on by the new employer. In the event of redundancy, a redundancy payment is made, together with reimbursement of pension entitlements.

Election to public office involves the suspension of salaries and other allowances.

In the Israeli Knesset, those on secondment may either retain their retirement entitlements or transfer them to the new job. They are equally free to freeze their retirement entitlements or take an equivalent lump sum payment.

The Italian Chamber of Deputies and Senate provide a grant in cases of personal resignation.

In the French National Assembly, an official on secondment loses his salary but continues to acquire promotion and pension rights. His return to the service is automatic after the period of secondment. Those on leave of absence lose their salary and their promotion and pension rights. An official elected to office is suspended from the service but continues to hold rights of promotion and has a right of return to the service at the end of the term of office. In the event of resignation, the official is either retired with a pension or removed from the lists with a lump sum payment in place of accrued pension rights.

The Canadian House of Commons, in cases of resignation, offers a lump sum corresponding to the person's pension contributions, with interest, or a sum based on the six highest paid years of service. Members of staff can choose, if they have been in post for 10 years, to leave their rights in place until they have reached retirement age. These provisions also apply in the event of election to office, although such a person may also seek a leave of absence to exercise his or her elective office. In the Danish Folketing, staff can request release for a maximum period of three years.

The Spanish Senate provides an interesting case whereby the posts of staff who have left for military service or for elective office are reserved till their return. This period is counted towards seniority and retirement rights. In cases of secondment to the Executive, staff may only return when there is a vacancy.

In Egypt, grants and the compensatory measures are provided for except in cases of dismissal for disciplinary reasons.

In the Australian House of Representatives, the position of a person seconded to the Executive is unchanged so long as he remains in the same public service. On the other hand, if a person leaves the public service, grants are payable.

In Surinam, a retiring official must wait until the age of 60 before receiving retirement pension.

In Senegal, resignation involves payment in lieu of holidays. Redundancy is compensated by a grant in respect of loss sustained if the responsibility lies with the parliamentary administration.

The Spanish Congress of Deputies allows leave without pay to staff on secondment or elected to office. In the latter case, jobs are reserved.

At the Parliamentary Assembly of the Council of Europe, where a person retiring has not performed the 10 years of service necessary to enable him to receive a retirement pension, he may be awarded a sum on top of his pension contributions.

The UK House of Lords and House of Commons provide specifically for staff retiring early at the House's initiative: in such cases they may receive a special pension and a supplementary payment. This is in accordance with the provisions for government officials.

11.9 Parliamentary pension schemes

Thirty-seven Parliaments replied to this question. Only 7 (Italian Chamber of Deputies and Senate; Cameroon; Egypt; UK House of Lords; French Senate and National Assembly) have an autonomous pension scheme. In the other Parliaments, staff are subject to the provisions governing staff in the public service or staff in certain international organisations (in the case of the Parliamentary Assembly of the Council of Europe and the European Parliament).

Where a Parliament has its own scheme, it draws from the provisions of the public service scheme in those instances where the provisions are not the same.

In the Cameroon National Assembly, officers come under the *Caisse de Retraite* of the Assembly, while other staff come under the National Insurance Bank, which is an organ charged with social security for employees of the state and the private sector.

Very few Parliaments provided details of their pension schemes.

The two Chambers of the United Kingdom Parliament provide for a pension and lump sum which is a function of length of service and salary at date of retirement. The scheme is financed by the parliamentary budget and is non-contributory.

In Zaire, the National Assembly pays a supplement on top of the public service pension.

In Cameroon, the employer and the employee pay contributions to the *Caisse de Pension*.

In the Israeli Knesset, permanent and temporary staff acquire pension rights from the Treasury without paying contributions. Contact staff contribute 5% to the pension fund and the Knesset pays 13.5%.

Peru has a retirement scheme reserved solely for members of Parliament. Administrative staff come under the Executive's scheme.

In the Australian Senate, permanent staff are part of a national scheme for the Commonwealth of Australia and contribute between 2 and 10% of their salary. On retirement, they can take a lump sum, or an indexed pension, or a mixture of the two. Length of service and final salary are taken into account.

At the European Parliament, the retirement scheme is common to all the European institutions and is funded by contributions from serving officials and contributions from Members states. Retirement and pension take place at 60 years of age, with early retirement at 55 (for those with 10 years service), such staff receiving 70% of their basic salary.

II. 10 Measures taken during a suspension of Parliament

It is necessary first of all to establish what measures are taken for responsibility for personnel during the suspension of the institution of Parliament following a military coup or some other example of *force majeure*. Very few Parliaments replied to this question, for the reason that no provision was made for the matter in their rules. Only the French Senate replied to the question in the sense that it was posed, referring to the situation which prevailed from 1940-1945. On that occasion personnel were redeployed to other administrative tasks.

All the other assemblies which replied to the question replied in respect of constitutional dissolutions.

In the Belgian Senate, the staff are put on part-time, enjoy their full salary and maintain their promotion rights.

In the Canadian House of Commons, the staff are not affected. Personnel seconded to the staff of Members of Parliament who lose their seats maintain their positions for 60 days, following which they receive grants as if they had retired or resigned.

In Egypt, if the People's Assembly is dissolved, the President of the Council of Shoura becomes responsible for all the administrative and financial affairs of Parliament. If both Houses are dissolved, then these responsibilities revert to the Prime Minister.

In the French National Assembly, established officials receive leave for a period equal to the time remaining to them to reach retirement age, up to a maximum of five years. They receive full pay during this period. At the end of this period they are retired with a seniority bonus not exceeding five years.

Sweden makes no provision except in the event of war, although these measures have not been detailed.

In Surinam, no specific measures are necessary given that the parliamentary staff form part of the public service. The Secretary General and his Deputy are protected by a special law.

In Zaire, dissolution of the National Assembly does not involve abolition of the institution of Parliament. Staff remain in place and await the inauguration of the new legislative.

In Peru, staff rights are recognised as the same as those of state employees.

In Austria, in the event of an unusually prolonged interval between Parliaments, seconded or contract staff are released. The remainder work on records, or take leave.

In Pakistan, although dissolution is not provided for by the Constitution, the Secretariat of the Senate is permanent and continues to function even if the Senate is suspended.

The Parliamentary Assembly of the Council of Europe makes no specific provision, but rules are in place for the whole of the organisation covering termination of employment. These provide for a payment of a compensatory sum equivalent to two years' pay.

III. Mobility

III.1 Mobility (transferability) within Parliament

Almost all Parliaments or Chambers, with the exception of three (Israel, Netherlands, Norway) reported the possibility of transfer within Parliament. This covers principally transfers within the administrative grades, with specialist and technical grades excluded.

Sweden replied that although the possibility of transfer exists it can only take place at a person's request.

III.2 Encouragement given to transfers

Although, as noted, transfer is provided for in almost all Parliaments, the degree of encouragement given to it varies.

In fact, only 31 out of 35 Parliaments which provide for it encourage it. Six (Belgium - Senate; Israel - Knesset; Jordan; Cyprus; United Kingdom - House of Lords; Norway) declared that they did not encourage it. Jordan considered that specialisation entailed professionalism and hence efficiency.

In France, transferability is compulsory for the *administrateur* grades and is provided for also for assistant *administrateurs*.

In the New Zealand House of Representatives, there is no mobility between the Clerk's department and other parliamentary services (which manage the parliamentary buildings, ministerial staff, the Official Journal of debates - Hansard, and the parliamentary library). Mobility is however encouraged within the different services of the Clerk's department.

Efficiency is the principal reason put forward by Parliaments which encourage transfers. Thus most Parliaments consider that transfers between service allow staff to acquire a wide experience which enables them to be flexible, which in turn contributes to greater efficiency. The Belgian and Australian Houses of Representatives said that transfers allowed them greater freedom in the deployment of staff.

In seven Assemblies (UK - House of Commons and Lords; Zaire; Cameroon; European Parliament; Republic of Korea; Germany - Bundesrat) circulation can be a means of reward and, as a result, can act as an incentive to the most deserving, given that it generally involves transfer to a higher post.

The Cameroon National Assembly pointed out that transfer of staff helped them to prevent inactivity during dissolutions and recesses since some staff were underemployed during such periods.

The European Parliament considered that too long a time performing the same tasks led generally, through demotivation and sclerosis, to a lowering of quality of work and output and that experience in different areas of work enriched staff and made them better fitted to accept posts of responsibility. Furthermore circulation between services contributed to the unity and cohesion of the workforce.

The Japanese Parliament consider that mobility helps to reduce stress amongst staff and to motivate them.

III.3 Transfer between Parliament and outside

Transfer externally is less frequent than internal transfer. In fact, only 17 parliaments indicated the possibility of transfer without restriction to outside employment (Zaire; Cameroon; Peru; Finland; Germany - Bundestag and Bundesrat; Egypt; Australia - House of Representatives; Pakistan; Surinam; Denmark; Sweden; Jordan; Spain - Congress of Deputies; Norway; Japan; Hungary). In the Folketing staff can request leave of absence to serve in central government or for an international organisation. Occasionally, central government staff serve in the Folketing for short periods.

Eight others provide no opportunity for external transfer (Belgium - Senate and House of Representatives; Italy - Senate and Chamber of Deputies; Austria; Senegal; Netherlands; Council of Europe Parliamentary Assembly).

Certain other Parliaments allow for exchanges only with other parts of the public service. This is the case notably in Israel; New Zealand; Australia — Senate; Canada - House of Commons; Cyprus; Republic of Korea.

In the UK House of Commons and House of Lords, it is possible to obtain a transfer on secondment for a specified period, though this happens only rarely. In the Cameroon National Assembly some staff are frequently made available to other national and international organisations for certain specific tasks (translators and interpreters, transcribers, temporary teaching posts at University).

The European Parliament provides for transfers to other institutions of the European Community.

In the French Senate, transfer to external posts is limited to three people per service at any one time, whereas in the National Assembly it is possible to be detached to foreign Parliaments, international bodies, judicial bodies and local government, for a maximum period of six years. An official wishing to work in the civil service must obtain a leave of absence or a termination of employment.

III.4 Benefits of transfers to personnel

In respect of the material benefits accruing to staff who are given tasks which are not normally theirs, most Parliaments provide for financial incentives. Such staff normally enjoy extra grants or supplements if their new

functions require a higher intellectual competence than their previous functions.

Only 12 Chambers do not provide for such grants (New Zealand; Italy - Chamber of Deputies; Germany - Bundestag; Denmark; Spain - Senate and Congress of Deputies; Jordan; Cyprus; People's Republic of Korea; Norway; Council of Europe - Parliamentary Assembly). This absence of financial incentive may be explained by the fact that some of these Chambers do not encourage mobility.

III.5 Staff employed on a fee basis

Two Parliaments (Zaire and Surinam) did not reply to this question.

Of those which replied, only two (Japan; Cyprus) reported that they do not use services remunerated on a fee basis. The French Senate makes exceptional appointments for stenographers for the official report. The National Assembly, although no specific provision is made for such appointments, employs teachers in connection with professional training courses.

The others employ persons on this basis to a greater or lesser extent. Usually they are consultants of technical experts, but also included are language staff (translators, interpreters), transcribers and minute staff.

IV. Other matters

IV.1 Creation of new staff corps

The Pakistan Parliament did not reply to this question. Five Parliaments reported that they had created no new corps of staff such as computer staff (New Zealand; Surinam; Cyprus; European Parliament; Parliamentary Assembly of the Council of Europe).

In Surinam, computer services are integrated within the main administration. In the House of Representatives in Cyprus the clerical staff and typists have been trained to use computers. In the European Parliament, new disciplines such as computer experts do not lead to the creation of new cadres of officials but are integrated into existing categories and grades.

Leaving aside computer staff, some Parliaments have created other corps. The Belgian Senate has set up a corps of security staff. Zaire and Sweden have introduced a corps of printing staff. The Israeli Knesset has a new corps of documentation specialists and an external relations corps. In Australia, the move of the Parliament in 1988 to new buildings led to an increase in demand for computer and audiovisual services and two new divisions were set up as a result. The French National Assembly has introduced new grades, for projectionists, photographers, draughtsmen, and medical staff.

IV.2 Services based outside Parliament

Only five Parliaments indicated that they have any external services (Zaire; Cameroon; European Parliament; Surinam; Republic of Korea).

The Zaire National Assembly has a unit within the *Direction du Protocole et des Relations publiques* which handles Members of Parliaments' travel arrangements. Its personnel are employed on the same basis as those in the main Parliamentary administration.

The Cameroon National Assembly has offices in the Embassies in Paris and London which handle hospitality, transport and lodging for Members and staff of Parliament in transit or on an official trip as well as medical visits. These staff are employed on the same basis as those in the main Parliamentary service, adjusted for the costs in their host country.

In Surinam there is a special unit in the Ministry of Foreign Affairs responsible for the arrangements for Members' travel. The staff of this unit are parliamentary officials.

The National Assembly of the Republic of Korea maintains three overseas services in Tokyo, Paris and Washington, which take part in international parliamentary activities, work with bilateral country friendship groups and gather information on foreign parliaments. These staff are employed on the same basis as other parliamentary staff, but receive extra sums to cover their expenses.

The European Parliament maintains an information office in each Member state. These offices have the task of briefing journalists, governments, economic and social organisations, and public opinion, on the work of the European Parliament. They also report back to the European Parliament on the situation prevailing in each Member state. The staff are employed on the same basis as those in Luxembourg and Brussels.

The Danish Folketing has recently established an office at the European Parliament, on a temporary basis. The office has the task of informing the Folketing of developments at the European Parliament relative to European political and monetary union. The staff of this office receive the same remuneration as officials in the foreign ministry posted overseas.

Although possessing no foreign service properly so-called, the German Parliament created a special office in Berlin for the purpose of closing down the former People's Chamber of the former German Democratic Republic, with employees subject to terms of employment set out under the Treaty of Unification.

Since the advent of multiparty democracy, the Hungarian National Assembly has closed its liaison offices in other parts of the country.

IV.3 Measures taken between sessions

Very few replies were received to this question - in fact, only nine.

It was intended to establish whether, between sessions or when work is light, Parliaments provide specifically for, for example, sending certain staff on leave or giving them non-legislative tasks.

The Belgian Senate maintains a permanent, but reduced, staff.

The Belgian House of Representatives maintains full services.

The National Assemblies of Cameroon and Senegal make no specific measures.

The German Bundestag makes no specific provision, since the gap between sessions is only one or two weeks.

The Spanish Congress of Deputies provides for the possibility of continued employment for most staff.

In the New Zealand House of Representatives advantage is taken of the period between sessions to undertake training programmes and long term projects.

The European Parliament stated that, during sessions, which mostly take place at Strasbourg and last one week, many officials and temporary staff from Luxembourg and Brussels are sent. Auxiliary local staff are also employed.

In the Parliamentary Assembly of the Council of Europe, meetings of the Bureau and the Standing Committee (which can act on behalf of the Assembly) and its 13 standing Committees take place between sessions. There is thus no significant lessening in the work to be done.

In the Danish Folketing, staff are given the possibility of extra leave, in compensation for extra hours worked during sessions.

Conclusion

From the preceding analysis of the replies to the questionnaire on management of parliamentary staff, it is appropriate to draw certain general conclusions which can, it is hoped, help towards a better understanding of the different systems in the different Parliaments.

First, most Parliaments have established an independent service under the authority of the Presiding Officer/Speaker and the Secretary General, who hold the power of appointment. This can be explained by the desire of Parliaments to distinguish themselves from the Executive power and affirm their independence from it, thus allowing the establishment of an efficient administrative machinery with a view to the smooth management of their work.

However, the rules underlying this independent administration are often based on those of the Executive service. This derives from the way in which parliamentary administration is seen as a part of the public sector, so that its staff should not be seen to be favourably placed by comparison with other public sector workers.

There exist nevertheless certain differences in favour of parliamentary personnel, reflecting the particular circumstances of its development.

Parliaments employ two principal types of staff: permanent officials and others (contract, temporary, or auxiliary staff).

Although not all Parliaments provide a specific career path for those who do not have the opportunity to be promoted within the parliamentary service, a variety of measures exist to encourage or recompense staff, with a view to preventing demotivation, gloom or frustration.

Thus most Parliaments have a training policy and accord certain facilities to those undertaking training or re-training. This is backed up by the desire for Parliaments to have available a sufficiently well qualified workforce to perform their allotted functions in the administration of parliament.

While Parliaments are unanimous in encouraging training and retraining of their staff, very few provide direct financial benefits as a result. Instead they recognise such extra training as giving extra professional benefits to staff, whose career prospects are thereby enhanced.

In addition, to ensure flexibility in deployment and as a means of motivation, Parliaments provide for the transfer and circulation of staff between posts and even to outside organisations. In the latter case, staff may be seconded to outside organisations as a means of broadening their horizons.

To ensure efficiency of staff as their careers develop in the Parliamentary service, Parliaments have established systems for reporting on staff.

The fact that retirement is cited as the principal reason for leaving the parliamentary service suggests that a high proportion of personnel spend their entire career in the administration of Parliament.

Most Parliaments do not however have an independent pension scheme, with retired staff instead being catered for by an Executive scheme or by the private sector. It is worth noting the case of those Parliaments with an independent scheme but which have not made specific provision for it, relying instead on the stability of the Parliamentary institution in accordance with constitutional provisions. Serious consideration is called for in such cases as to the account to be taken of the possibility of the dissolution of Parliament following, for example, a coup d'etat. Pensioners who are dependent solely on an independent parliamentary scheme could suffer severely in such circumstances.

The last point to be made in the conclusion of this report is that Parliamentary administrations are attuned to the technological revolution. Thus almost all Parliaments have created information technology or computer units or services, amongst others. This suggests they will not hesitate to adopt new technology in appropriate places to improve the service which a modern parliament expects.