



**United Nations
Development
Programme**

**Report on the
Regional Workshop on Strengthening
Parliaments in the Pacific
23 & 25-26 April 2005**

Henrik Lindroth

May 2005

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INTRODUCTION

The Pacific Island Forum Secretariat (PIFS) and the United Nations Development Programme (UNDP) with financial support from AusAID, and in close collaboration with the Parliament of Samoa, organised a “Regional Workshop on Strengthening Parliaments in the Pacific” on 23rd & 24th -25th April 2005.

The workshop was attended by all Forum Clerks of Parliaments and most Speakers. In order to facilitate experience sharing the Clerks from Fiji, Papua New Guinea and Solomon Islands volunteered to deliver presentations on their specific country experiences, with regards to strengths and weaknesses in the relationship between the Parliament and the executive (see annex E).

His Excellency Toleafoa Faafisa, Speaker, parliament of Samoa, welcomed participants in a keynote address and highlighted a well functioning parliament as a cornerstone in any democratic and prosperous society, and mentioned the value of cross country collaboration in ensuring the establishment of strong Parliaments in the Pacific.

In the inaugural session, Ms Georgina Bonin, Assistant Resident Representative of UNDP, Samoa, stressed the significant role effective parliaments can play in advancing the realisation of the Millennium Development Goals (MDGs), while Mr. Henrik Lindroth of UNDP Governance for Livelihoods Development Programme (GOLD), emphasised the necessity of parliamentarians to proactively ensure that the donor community is kept regularly informed about their needs to ensure more effective and sustainable development initiatives (see annexes C and D).

Three advisers with ample experiences of the whole gamut of legislative strengthening work across the Pacific, Ms. Moira Fraser, Mr. Michael Morgan and Ms. Julia Morris, were engaged by UNDP and the Forum Secretariat to lead the three initial sessions of the workshop. This part was used to lead interactive action-oriented sessions, organised to start with presentation(s) followed by group work, group presentations and concluding discussions. Mr. Mose Saitala (Forum Secretariat) and Mr. Henrik Lindroth (UNDP) played facilitating roles throughout the first three sessions.

The final session was managed and carried out by Ms. Judi Cooper, Mr. Bruce Donald and Mr. Johnson Honimae, all senior media practitioners with substantial training and theoretical knowledge of electronic and print media from the Pacific and elsewhere.

The local media attended the inaugural session with coverage the next day in the English-language Samoa Observer. Select participants were interviewed after the inaugural session (see annex H).

Following the completion of the fourth session, the participants developed a workshop resolution (see annex F) that would serve as a platform for further parliamentary support work to be conducted by the UNDP in collaboration with other donors and the Forum Secretariat across the Pacific region.

EXECUTIVE SUMMARY

The variety and complexity of issues faced by parliamentarians has greatly increased. As a result, thorough background analysis and proper evaluation of legislative options is in today's policy analysis cycle compromised with many parliaments increasingly relying on external information providers, such as state agencies or private sector stakeholders. In combination with an already weak institutional capacity the pursuit of a clear, consistent and effective parliamentary oversight function is becoming increasingly difficult to live up to.

This holds true in the Pacific as well. While certain functions of parliamentary governance can be seen to operate reasonably well in the Pacific, there continue to be serious obstacles to the effective operation of the legislature in most countries surveyed as part of the Legislative Needs Assessments (LNAs) completed under the UNDP Governance for Livelihoods and Development (GOLD) project.

In an effort to address and remedy these limitations, the UNDP Pacific Sub-Regional Centre, with AusAID financial support, in collaboration with the Forum Secretariat, the Pacific Media Communications Facility, and the Samoan Parliament, organized a "Regional Workshop on Strengthening Parliaments in the Pacific". The objectives of the workshop were primarily to:

- Compare the Parliamentary systems of the Pacific to identify country level and regional action required to strengthen the independence and oversight function of Parliaments in the region.
- Consider the role of free flow of information as a contributing factor to the capacity of Parliamentarians to carry out their representative role.

The first session focused on strengthening the partnership between parliament and the executive by highlighting certain strengths and weaknesses in advancing parliamentary independence as well as the ability of the Parliament to exercise its oversight function.

Both the individual country presentations as well as the subsequent group work pointed out that Parliamentary independence generally is theoretically guaranteed, but not practically applied. This is especially so on issues related to funding, staffing polices and committee functioning.

Ministerial influence over parliamentary funds utilization and lack of separate budget appropriation of parliaments are some of the specific funding constraints curbing parliamentary independence.

The lack of parliamentary control over staff policies such as appointment procedures, determination of salary levels, and at times even staff responsibilities, all have a negative impact on parliamentary efficiency. One example is that the executive, in certain countries, appoints the Chair of the public accounts committees. This was by several participants underlined as an apparent parliamentary oversight and independency deficit.

The existence of too many parliamentary committees with too unclear roles coupled with too little funding are key weaknesses in the ability of parliamentary committees to execute their oversight function efficiently. Greater public relations and media involvement in committee work was seen as one possibility of raising public awareness and thereby increasing the pressure for improvements.

Similarly, the oftentimes existing difficulty in predicting the passage of bills since their introduction and debate often not is planned in a systematic manner could radically improve parliamentary performance, if rectified.

Several ideas were put forward in response to a call for suggestions on how to practically advance the Legislative Needs Assessment studies.

Requests for the LNA information to be presented in easily digestible forms, such as working papers, folders and booklets to enhance accessibility, were proposed.

Also, several participants expressed a need to see the LNA findings translated into training programs and workshop seminars for parliamentary staff. To guarantee sustainable impartation of knowledge, the idea of making workshops/ training seminar for clerks and other parliamentary staff a recurring feature preceding the Forum Preceding Officers and Clerks Conference (FPOCC), was suggested.

Other practical suggestions to enhance parliamentary performance related to services provision. One such concrete measure would be to appoint project managers within parliaments to ensure effective and timely execution of parliamentary strengthening projects currently supported by select donors. Papua New Guinea as well as Solomon Islands presently benefit well from such arrangements, and they could serve as guiding cases for replication in other countries.

Deepened regional collaboration to reap the scale benefits by developing regionally appropriate best practice guidelines was requested. Networks, discussion groups, and recruitment of a regional collaboration facilitator, etc were some of the ideas put forward.

Numerous suggestions, at the regional as well as the national level, were raised on how to improve parliamentary libraries and research capacity as well as increasing the utilisation of such services by parliamentarians. The need for study tours of Clerks and relevant parliamentary support staff to examine the functioning of other parliamentary libraries in the region as well as identification of suitable resource people to assist in improving their own parliamentary libraries, with the New Zealand – Tonga exchange experience as a an example, were two suggestions.

Also, training of library staff on librarianship, research and information management skills was voiced as critically needed. Another widely supported suggestion was to have all the Parliaments in the region use the same ICT package to organise their library collections. This would probably not only qualitatively improve policy formulation, but also stimulate regional parliamentary collaboration.

Public service broadcasting and information disclosure policies serve as important tools in strengthening the ability of parliamentarians to better represent their constituencies, while at the same time providing citizens a valuable tool to scrutinize their legislature. This was acknowledged at the workshop, and the sentiment that media, as a key checks and balance element for good governance, should be given a more prominent role in the Pacific Plan, was expressed.

To strengthen regional media as a tool in advancing the relationship between parliamentarians and citizens; joint action strategies need to be designed, agreed upon and implemented covering, uniform media policies, enhanced joint media training institutions, shared transmission planning and management plans, mentoring relationships with international broadcasters, and development of Micronesian, Melanesian and Polynesian sub-regional co-operation frameworks, just to mention some.

Importantly, and immediately prior to the closing of the workshop, the participants discussed and ultimately approved a set of workshops resolutions (see annex F). These resolutions call for improvement of legislative skills, advanced oversight capability of public institutions and assets, as well as strengthened parliamentary secretariats and public accounts committees.

In addition, continued initiation, analysis and upgradation of the Legislative Needs Assessment studies, as well as advancement of the role and functions of public service broadcasting and information disclosure policies as means of strengthening the relationship between the parliament, the executive and the citizens, was requested.

Most enthusiastically the participants approved one resolution that expressed support for the launch of regional awareness raising and capacity building training seminars targeting specialist roles such as librarians, researchers, committee clerks and Hansard staff.

Most notably, the resolutions were considered and sanctioned by the 5th Forum Presiding Officers and Clerks Conference (FPOCC) (see annex G). Such an important political endorsement makes the resolutions a most useful guiding platform from which the international donor community, in collaboration with the Forum Secretariat and civil society organizations, can design more appropriate and specific development initiatives in the field of parliamentary support in the Pacific.

SESSION 1
STRENGTHENING PARTNERSHIPS BETWEEN THE PARLIAMENT AND THE
EXECUTIVE
23 April 2005

Key Strengths and weaknesses in Advancing Parliamentary Independence

Individual presentations highlighting country specific aspects of strengths and weaknesses in the relationship between the Parliament and the executive was delivered by Mr. Edward Blakelock, Parliamentary Clerk, Fiji, Mr. Ano Pala, Parliamentary Clerk, Papua New Guinea and by Ms. Taeasi Sanga, Parliamentary Clerk, Solomon Islands. (see annex E).

Each country presentation elaborated upon issues relating to the relationship between Parliament and the Executive as well as challenges to parliamentary independence.

Following the delivery of the presentations and in order to ensure a fruitful discussion with ample opportunities for each of the participants to share their experiences and express their views, four working groups were formed focusing on the following areas (one area for each group) to further examine ways in which the executive influenced parliamentary operations:

- 1. Autonomy of the Parliament**
- 2. Autonomy of Parliamentary Services**
- 3. Function of Parliamentary Committees**
- 4. Standing Orders**

Each group was asked to ponder the participants' experience of how parliamentary independence was affected and whether they could identify methods of strengthening it.

It was further suggested that while the above issues were focused on internal parliamentary operations, groups may wish to consider what impact may be given by external issues, for example the media and public education and awareness raising initiatives.

A review of the specific guidelines given to each group, and their responses, is presented below.

1. AUTONOMY OF THE PARLIAMENT

Participating Countries: **Federated States of Micronesia, Marshall Islands, Papua New Guinea (PNG) and Solomon Islands**

Guidelines

Often Parliaments have autonomous operations in law but in practice the Executive controls its function to a large degree. Consider, for example, how the checks and balances, often enshrined in legislation or the constitution, work in practice, and what might it take to improve or adhere to them?

The participants pointed out that generally, adequate mechanisms exist to ensure parliamentary independence, but some areas were identified that could be viewed as a problem for effective and independent functioning of the Parliament, namely:

- Funding, i.e., the lack of separate budget appropriation of the Parliament. The approval for use of funds by Parliament is often controlled by the Ministry of Finance and in some cases (e.g. Marshall Islands) the approval of the Secretary of Finance is needed to release funds for parliamentary programs and projects.
- Staffing. Many parliaments do not have control over their own staffing arrangements. Especially the lack of influence over appointments and staff salaries has a negative impact on parliamentary autonomy and thereby administrative effectiveness.
- Public Accounts Committees. It was agreed and pointed out that these could work better. One restrictive aspect in this regard was related to the executive powers control over the committee. In Marshall Islands, for example, the Chair is from the governing party, while all other members are from the opposition, effectively giving the executive extensive committee influence.
- Separation of powers matters can also be confused by the process of appointment of the Head of State-whether Head of State is elected by Parliament or universal suffrage, and how the role of Head of State may affect operation of Parliament needs in certain parliaments to be further clarified.

2. AUTONOMY OF THE PARLIAMENTARY ADMINISTRATION

Participating Countries: Cook Islands, Kiribati, Marshall Islands and Samoa

Guidelines

Does having an autonomous parliamentary service make a difference to parliamentary independence? Would it be practical in your country?

Among the countries in this group Cook Islands has a Legislative Service Act providing a certain amount of clarity on responsibilities regarding parliamentary services; Samoa is similarly having a parliamentary Service Bill ready for introduction to Parliament, which is expected to shed additional light on the roles and function of the parliamentary services provisions.

- Whether parliamentary service is autonomous or not, there are different ways parliamentary services are determined (e.g. if treated like that of a government department and reviewed by an executive expenditure committee, with the Speaker being equivalent to a Minister).
- There are certain benefits of being treated like a government department since the parliamentary budget then ensures more accountability in similar fashion as that of other ministries.
- Where parliaments are autonomous there may be some linkage between parliamentary and public officials (e.g. salary levels, promotion procedures). This could have a more beneficial impact as it would be easier to link wage flexibility to specific performance criteria.
- The lack of a predetermined sitting pattern for parliaments and the instability that this can cause in parliamentary operations is an important issue and could be further examined. Similarly, difficulty in predicting passage of bills when their introduction and debate not is planned in a systematic manner has a potential to radically improve parliamentary performance.

3. FUNCTION OF PARLIAMENTARY COMMITTEES

Participating Countries: Niue, Palau, Papua New Guinea and Tonga

Guidelines

Are the oversight committees of parliament effective in fulfilling a scrutiny role? Is the public aware of the operation and can they be involved in inquiries? Are recommendations binding? Is there awareness of and respect for the role of parliamentary committees as separate from the Executive?

This group looked at five main problems of committees, and suggested some solutions to increase their effectiveness

1. No emphasis on or priority given to work of the committees
2. No funding support – this needs to be improved
3. Too many committees (for example, in PNG there are 35 Committees, an MP may be a member of up to 10 committees) – numbers should be reduced where appropriate so as to ensure efficiency.
4. No public relations – which is where media comes into play – greater awareness is needed
5. Role of committees is not always clear, needs to be clarified.

4. STANDING ORDERS

Participating Countries: Fiji, Papua New Guinea, Solomon Islands and Vanuatu

Guidelines

How are standing orders used to influence parliamentary processes? Are they used by the Executive to push legislation through or can they be used to maintain effective parliamentary review of legislation by ensuring that procedures are adhered to?

Discussions were based on what provisions exist for Standing Orders to be suspended in whole or part, whether in the Standing Orders themselves or in the Constitution.

- Standing Orders are not suspended in Solomon Islands, Fiji or Vanuatu by way of good practice.
- In PNG, the spirit of the constitution infers that Standing Orders should not be suspended but unfortunately it is not parliament's role to determine the spirit of the constitution; this in turn puts pressure on the High Court which rarely has sufficient time to make a ruling.
- PNG Standing Orders can be suspended by an absolute majority of seats (55 MPs currently), in Fiji and Solomon Islands by a simple majority of MPs present in the chamber, and in Vanuatu by a two-thirds majority of MPs present in the chamber.
- In cases where standing orders are seen to be insufficient, Fiji and Solomon Islands refer to Erskine May, PNG refers to the Australian House of Representatives, and in Vanuatu the Speaker makes ruling independently.

SESSION 2
LEGISLATIVE NEEDS ASSESSMENT FINDINGS: THE WAY FORWARD
25 April 2005

Dr. Michael G Morgan was extensively involved and responsible for several of the UNDP supported Legislative Needs Assessment (LNA) studies carried out in numerous countries across the Pacific. In light of his expertise, session 2 was kicked off by him presenting the LNA findings to stimulate a subsequent discussion on legislative reforms.

Two specific issues were highlighted:

Issue 1: Public Accounts Committees (PACs).

PACs are often criticised for their apparent inertia or, where effective, for the lack of response to their findings. One reason is the high turnover of MPs which limits the development of effective “institutional memory”. This makes training in essence unsustainable even if necessary.

Where appropriate, how do we strengthen institutions such as PACs?

Induction seminars for PAC members may be warranted due to the specialised and important nature of their work.

Could guidelines be developed in line with national expectations of the role of the public accounts committees regionally? Or are these best dealt with nationally?

Already, certain innovations to the roles of PACs have been canvassed or enacted in Pacific contexts, e.g. Solomon Islands.

One strategy has been to co-opt civil society actors to PACs to enable non-political review of the expenditure of public funds. Another key strategy has been to empower parliamentary opposition MPs constitutionally with considerable powers. One example is Fiji and Vanuatu where the PAC chairs must be opposition members.

Are these strategies appropriate to ensure parliamentary oversight? In which contexts do they work and why? How broadly may we advocate the revision of standing orders, legislation and constitutional arrangements? How can these systems work and in what ways can we progress strengthening PACs when MPs often are voted out of office at election time or in cabinet reshuffles/Motions of no-confidence?

These are some of the questions that need to be more thoroughly examined.

Issue 2: Parliamentary Revenue Policies and Practice

Are secretariats appropriately equipped to carry out their duties in supporting MPs in their functions? Secretariats have faced problems of funding and support over recent years. In Fiji the secretariat follows similar procedures to other government departments.

The budget is established by the House Committee and approved by the Speaker. After consultations with the Sector Committee on Administrative Services, an application is made to the Ministry of Finance.

The drawback here is that the Parliamentary Secretariat has no responsible Minister to protect its interests within the executive and ensure adequate funding for its programmes in appropriation.

Does the system work at present and if not how to correct it?

Papua New Guinea’s Parliament has basic financial autonomy. It has its own appropriate bill each financial year and it is, in theory, not dependent on the executive for its daily operations.

The Parliament faces financial shortfalls similar to other government agencies.

In recent years the Department of Treasury and Finance has however cut the budgetary allocation to Parliament.

In a general context beyond PNG the parliaments need, more than anything, to maintain effective relations with the executive.

Legislative development outcomes

Our obvious endgame is a region characterized by legislatures which are transparent and accountable systems of government which are:

Effective and participatory and able to gauge constituency concerns and convey them to lawmakers (i.e. MPs);

Effective oversight mechanisms which include effective public accounts committees.

Moreover, we seek to encourage

Improved knowledge and personal networks to contribute to greater understanding of parliamentary functioning and to improve the capacity of secretariat staff.

Strong parliamentary secretariats staffed by educated officers, with appropriate resources at their disposal to carry out their responsibilities effectively.

To ensure the sustainability of these functions, secretariats guided by appropriate constitutional and legal arrangements for recruitment and revenue is required.

Following the presentation participants were divided into four groups, each provided a set of four questions to discuss, namely:

1. What is the appropriate next step in strengthening these institutions of parliament (PACS and Secretariats) in FICs?
2. How can UNDP and its regional allies - including bilateral partners - improve networks (personnel and information) for strengthening parliaments?
3. What strengths in individual PIC parliaments can be utilized in strengthening other PIC parliaments? How could this be achieved?
4. What capacity do PICs have to carry forward these ideas independently, or in partnership?

The discussions focused on the following areas:

1. The first group stated that the first step to a true understanding of the diversity of experiences in parliamentary functioning in the Pacific was to encourage other countries to undertake LNAs. Moreover, they called for this information to be utilised in easily digestible forms, working papers, books, and so forth. Also, they wished to see these experiences reflected in the kinds of training made available to parliamentary staff in the future. They also called on executives to ponder whether civil society actors could be co-opted onto PACs. However, many saw inherent conflicts in Auditor's General acting as secretaries to PACs, raising issues about possible conflicts of interest. Secondly, another appropriate step in furthering parliamentary strengthening was to establish facilities for service delivery. In particular, this would involve the appointment of project managers within parliaments to ensure the adequate delivery of such parliamentary strengthening projects to parliaments. This follows the PNG model of parliamentary strengthening projects, which could serve as a guiding case. In strengthening the functioning of committees, Group 1 suggested amendments to standing orders which require response from ministers on reports of the parliament. Also, clarity on existing revenue structures – how parliaments request and receive

funding - were seen to be crucial, though no specific recommendations were suggested.

2. Group 2 reiterated the utility of FPOCC and its preparatory workshops as vehicles for strengthening projects and information sharing. Indeed, the discussion focused on the superiority of face to face interaction with internet etc. There is a need for open fora and many suggested they could meet without the presiding officer's present, so as to encourage a more open debate climate. Many would not speak openly in front of an elected MP/Presiding Officer. The development of regionally appropriate best practice guidelines was requested. This would represent an appropriate and desirable form of regional cooperation. They also requested regional training programs, in particular related to librarianship, research and information management (among others).
3. Group 3 stated that many arrangements in the Pacific were already best practice, although their actual history was not always flawless. In particular, parliaments should have separate appropriation arrangements and be insulated from executive priorities, simply because the parliament had often been stripped of resources by needy governments. They also articulated the need for autonomous recruitment and training processes because of the specialised nature of parliamentary support work. More importantly, however, was the issue of tenure of office, which was needed to insulate parliamentary secretariats from executives which were prone to instability. Continuous employment in the public service and policy stability may be an effective insulation to this problem.
4. Several parliaments were highlighted for the strengths of their libraries. FSM had already been trained in Fiji, while Tonga was strengthened by a recent New Zealand Parliamentary support program.

SESSION 3
PARLIAMENTARY LIBRARIES AND RESEARCH SERVICE OPTIONS TO
IMPROVE PARLIAMENTARY PERFORMANCE
25 April 2005

This session was organized and executed by Ms. Moira Fraser, Head, Parliamentary Library, New Zealand and Ms. Fetai Pale, Parliamentary Clerk, Kingdom of Tonga.

Apart from presenting general organizational principles and practices guiding the New Zealand Parliamentary library, Ms. Fraser also shared insights from her time as the lead consultant in an NZAID supported project aimed at upgrading and improving the Parliamentary library of Tonga in 2002. Ms. Pale thereafter pointed out the various benefits generated by the parliamentary upgradation.

In particular the presentations highlighted issues to be considered by parliaments at a regional level. Even if national specificities necessitate different needs and structural requirements to be considered in the development of parliamentary libraries, it is necessary for PICs to network resources and knowledge with each other to utilise the benefits of scale. Mechanisms to share the financial burden by being able to divide responsibility in terms of library provisions and research availability could be significant.

To further explore the prospects of expanding regional collaboration as well as upgrade and improve parliamentary libraries and research services, numerous issues were suggested, of which some are presented below.

- The need for Clerks and relevant parliamentary staff to visit and study the functioning of other Parliamentary Libraries in the region.
- Once the library upgradation needs are identified, engage resource people to assist in setting up Parliamentary Libraries, with the New Zealand – Tonga example serving as a model.
- About 6-7 countries (out of 14) have libraries now. Only 2-3 of those libraries employ professional researchers as well as librarians. Significant training of library staff is required even if intensified regional collaboration possibly could substitute for some countries. One such collaborative measure would be to have all the Parliaments in the region using the same ICT package to organise their library collections.
- In order to conduct such library and research facility improvements there is a strong need to initiate dialogue with the donor community to explore prospects of financial and technical support

Another very important issue related to whether Parliamentarians actually would utilise research and library services even if drastically improved and upgraded.

The group pointed out that in order for improved research and library facilities to be of any value, there is a need to simultaneously undertake training of parliamentarians in areas such as computer usage and how to utilise the library facilities with ample illustrations of the value in doing so.

Guidance on presentation skills, which would enable parliamentarians to better maximise the benefits of using background research in preparing their presentations in Parliament, could also be included in training seminars.

SESSION 4
MEDIA AND THE PARLIAMENT: THE ROLE OF PUBLIC SERVICE
BROADCASTING AND INFORMATION DISCLOSURE POLICIES
26 April 2005

Public service broadcasting and information disclosure policies serve as important tools in strengthening the ability of parliamentarians to better represent their constituencies, while at the same time allow citizens to better scrutinize their legislature.

Mr. Bruce Donald initiated this session by stressing the importance of a free press by emphasizing media's crucial role in evolving the relationship between the government and the parliament and the people. Increased public access to proceedings and actual political information, through the broadcast of coverage of parliamentary, public and judicial proceedings and information disclosure policies, is key in ensuring a healthy and well functioning democracy. The significance of media as a link between the governing and the governed sometimes dubs media as The Forth Estate, i.e., the element of parliamentary democracy beside the Legislature, the Executive and the Judiciary.

It is however not enough to guarantee freedom of information by law. Media effectiveness necessitates an educated corps of print and electronic media practitioners that conduct the necessary scrutiny to keep decision-makers wary and beyond unethical temptations.

Mr. Donald and Mr. Honimae further presented how a common optimal Pacific public service broadcast Charter can encourage independent and credible information to the public which in turn can contribute to stronger democracy.

Guiding principles of such a Charter need to be Universality, Diversity, Independence and Distinctiveness. The mandate and mission of the Charter should be to: a) Inform, educate and entertain, b) Enable citizens to be informed on a variety of subjects and acquire new knowledge through interesting and attractive programming, c) to strengthen the national identity, d) Avoid assigning a "polemical role" that would undermine credibility, e) Strengthen citizens' feelings of belonging and not to propagate a particular or overly political concept of identity, and f) Independence must be assured at all times.

It of course also important that financing of public service broadcasting is substantial so that it can be a counterweight to commercial services and not be confined to a marginal role. It is in this regard important for financing to be independent from both commercial and political pressures and it must be predictable. It is important to bear in mind that media controlled by private owners or non-government institutions are an important element of information diversity but do not guarantee an independent voice.

The Pacific Media and Communications Facility has in collaboration with the Forum Secretariat consulted key stakeholders, i.e., politicians, civil servants, media and civil society representatives of Pacific Island countries, to identify the principle concerns about effective communications between government and the people.

The two priority concerns were:

- Need for strengthening independent and impartial broadcast of information, and
- Need for increased access to government information by the way of better information disclosure policies.

Therefore the two issues of public service broadcasting and information disclosure policies are directly relevant to the functions of the presiding officers since speakers and clerks are closely involved in the openness and neutrality of the parliamentary process, serving both the members and the public.

FINAL PROGRAMME
REGIONAL WORKSHOP ON STRENGTHENING PARLIAMENTS IN THE
PACIFIC
APIA, SAMOA 23RD & 25TH-26TH APRIL, 2005

VENUE – MAOTA FONO

DRESS CODE:

1. Members Lounge: - traditional or informal dress
2. Official Reception & Official Dinners: - traditional or informal dress

(Note: all Arrivals will be met at Faleolo International Airport and all Departures will be accompanied to the Airport by designated staff)

Saturday, 23rd April

- | | | |
|---------|---|--|
| 11.45am | - | Leave Hotels for Parliament |
| 12.00pm | - | Lunch (<i>hosted by UNDP</i>)
<i>Members Lounge</i> |
| 1.30pm | - | REGISTRATION |
| 2.05pm | - | Call to Order by Chair:
Introduction of programme and adoption of the Agenda
Mr Mose Saitala,
Legislative Governance Adviser,
Pacific Island Forum Secretariat (PIFS)
<i>Open to media</i> |
| 2.15pm | - | Overview of Workshop & Expectations:
Mr Henrik Lindroth,
Programme Manager,
Governance for Livelihoods Development
Program (UNDP) |
| 2.25pm | - | Welcome Remarks:
Ms Georgina Bonin,
Assistant Resident Representative,
United Nations Development Programme
(UNDP) |

- 2.35pm - **Keynote Address:**
Hon TOLEAFOA Faafisi
Speaker,
Parliament of Samoa
- 2.50pm - **Afternoon Tea**
- 3.15pm - **Session 1:**
STRENGTHENING PARTNERSHIPS
BETWEEN THE PARLIAMENT, THE
GOVERNMENT AND THE PEOPLE
- 5.30pm - Kava Ceremony
- 6.30pm - Welcome Reception & Dinner for Presiding
Officers, Clerks and Guests
(Hosted by the Parliament of Samoa)
- *Reception: Office Complex*
- *Dinner: Parliament Members Lounge*
- 9.00pm - Buses leave for Hotels

Sunday, 24th April

- 8.00am - Leave Hotels for Fasitoo-uta CCCS
- 9.00am - Church Service
Fasitoo-uta CCCS Church
- 11.00am - Lunch *(hosted by UNDP)*
Fasitoo-uta
- 1.00pm - Buses leave for Hotels

Monday, 25th April

- 8.15am - Leave Hotel for Parliament
- 8.30am - Recap of Day 1
- 8.45am - **Session 2:**
OVER VIEW OF THE LEGISLATIVE NEEDS
ASSESSMENT FINDINGS: THE WAY
FORWARD

- 10.45AM - Morning Tea
- 11.00am - **Session 2 continues**
Members Lounge
- 12.30pm - Lunch
Members Lounge
- 1.45pm - **Session 3:**
PARLIAMENTARY LIBRARIES AND
RESEARCH SERVICES OPTIONS TO
IMPROVE PARLIAMENTARY
PERFORMANCE
- 3.00pm - Afternoon Tea
- 3.15am - **Session 3 continues**
- 5.00pm - Buses leave for Hotel

Tuesday, 26th April

- 8.15am - Leave Hotels for Parliament
- 8.30am - Recap of Day 2
Members Lounge
- 8.45am - Session 4:
MEDIA AND THE PARLIAMENT: ROLE OF
PUBLIC SERVICE BROADCASTING AND
INFORMATION DISCLOSURE POLICIES
- 10.45am - Morning Tea
- 11.00am - **Session 4 continues**
- 12.00 - Workshop Resolution
Discussion and Adoption
- 12.30pm - Lunch
Members Lounge
- 1.45pm - Buses leave Parliament for Sinalai Resort
- 2.30pm - Retreat Session
(Agenda distributed separately)

- 4.30pm - Cocktail
(Hosted by the Pacific Island Forum Secretary and UNDP)
- 6.30pm - Dinner
(Hosted by the Parliament of Samoa)
- 8.00pm - Buses leave Sinalei Resort for Hotels

**REGIONAL WORKSHOP ON STRENGTHENING
PARLIAMENTS IN THE PACIFIC
23RD & 25TH – 26TH APRIL 2005, SAMOA**

DELEGATES

COOK ISLANDS

1. Hon. Norman George (Speaker)
2. Mr. Nga Valoa (Clerk)

FEDERATED STATES OF MICRONESIA

3. Hon. Peter M. Christian (Speaker)
4. Ms. Liwiana Ramon-Ioanis (Clerk)

FIJI

5. Hon. Ratu Epeli Nailatikau (Speaker)
6. Mr. Edward Blacklock (Clerk)

KIRIBATI

7. Hon. Etera Teangana (Speaker)
8. Mr. Kirata Komwenga (Clerk)

MARSHALL ISLANDS

9. Hon. Senator Maynard Alfred (Chairman of Appropriation Committee)
10. Mr. Joe E. Riklon (Clerk)
11. Mr. Filimon Manoni (Legislative Counsel to the Parliament)

NAURU

12. Hon. Valdon Dowwiyogo (Speaker)
13. Mr. Freddie Cain (Clerk)

NIUE

14. Hon. Atapana Siakimotu (Speaker)
15. Mrs. Moka Tano Puleosi (Clerk)

PALAU

16. Hon. Antonio Bells (Speaker)
17. Ms. Betty M Ingereklii (Clerk)

PAPUA NEW GUINEA

18. Hon. Bob Dade (Deputy Speaker)
19. Mr. Ano Pala (Clerk)
20. Mr. Kalu Yomilewau (Director – Administrative Services)
21. Mr. Phillip Amini (Advisor to Clerk)

SAMOA

- 22. Hon. TOLEAFOA Faafisi (Speaker)
- 23. Mase Dr. Fetuao Toia Alama (Clerk)

SOLOMON ISLANDS

- 24. Rt. Hon. Sir Peter Kenilorea (Speaker)
- 25. Mrs. Taeasi Sanga (Clerk)
- 26. Ms. Julia Morris (Project Manager)

TONGA

- 27. Hon. Veikune
- 28. Ms. Fatai Pale

TUVALU

- 29. Hon. Otinielu T. Tausi (Speaker)
- 30. Ms. Lily Tangisia Faavae (Clerk)

VANUATU

- 31. Hon. Avock Sam Dan (Speaker)
- 32. Mr. Lino Bulekuli dit SACSAC (Clerk)

RESOURCE PEOPLE/ ORGANISERS

- 33. Ms Georgina Bonin
Assistant Resident Representative
United Nations Development Programme (UNDP)
Samoa

- 41. Ms Judi Cooper
Programme Manager,
Pacific Media and Communication Facility (PMCF)
Australia

- 34. Mr Bruce Donald
Media Lawyer
Australia

- 35. Ms Moira Fraser
Head, Parliamentary Library,
New Zealand

- 36. Mr Johnson Honimae
Executive Director
The Solomon Islands Broadcasting Corporation (SIBC)
Solomon Islands

37. Mr Henrik Lindroth
Programme Manager
UNDP Governance for Livelihoods Development Program
Fiji
38. Dr Michael G Morgan
Deputy Director,
Centre for Democratic Institutions Research School of Pacific & Asian
Studies,
Australia
39. Ms Julia Morris
Programme Manager
UNDP Parliamentary Strengthening Project
Solomon Islands
40. Mr Shashikant Nair
Governance Specialist,
UNDP, Fiji
41. Mose Saitala
Legislative Governance Advisor
Pacific Islands Forum Secretariat (PIFS)

Keynote Address – Hon Toleafoa Faafisi

Speakers of Parliament, Clerks of Parliament, Delegates, UNDP Representatives, Pacific Island Forum Secretariat, Ladies and Gentlemen,

I extend to you warm greetings from the Parliament of Samoa. It is indeed a great privilege to deliver the keynote address for the Parliamentary Workshop which precedes the 5th FPOC for this year.

I welcome all the delegates who have arrived safely and pray that our Heavenly Father will protect the honourable Speakers who have yet to arrive and guide them safely to our shores.

I commend the United Nations Development Programme (UNDP) for funding this very important Parliamentary Workshop for this year. Thank you for your generous assistance. I also thank the Pacific Island Forum Secretariat (PIFS) for their efforts in putting this Workshop together.

Special thanks to those who made presentations today. I want to encourage delegates to actively participate in this Workshop particularly as the issues relate directly to the work that we do in each of our Parliaments. Please make use of this opportunity as it is not often that we get together for Workshops of this nature.

I notice that the next presentation to follow is on *‘Strengthening Partnerships Between the Parliament, the Government and the People.’* I hope it will provide new ideas and or new methods on how to strengthen those partnerships – particularly the partnership with the people – whose voices must be heard through their Parliament representative.

It is good that there will also be a presentation covering research facilities for Members of Parliaments as I note in the presentation set for Monday afternoon on *‘Parliamentary Libraries, Research Services and ICT Options.’* In order for Members to carry out their

duties in the best way possible as representatives of the people, they must conduct thorough research on all issues of interest and of course be literate in information technology. As you may be aware, we do not have Members Offices yet – the Ministry of Finance (Treasury) need to secure funding before the project can be underway. However, it does not mean that the Members of the Samoa Parliament are left without access to research facilities. They have exclusive use of the Parliamentary Libraries housed in the Office Complex which has Internet access.

Of particular interest is the '*Media and the Parliament*' paper scheduled for Tuesday morning. Coverage of Parliamentary issues should be reported fairly and accurately. You may or not be aware that lately, there has been much coverage of Parliamentary matters by the media and because there are privately owned broadcasting stations and newspapers in addition to Government owned media, one can conclude that the coverage of Parliamentary issues here is neutral and political reporting the same.

I have asked our Parliamentary staff to be observers at this Workshop so they may learn more out of the topics highlighted for discussion.

I hope to catch up with everyone later on at the Reception. I am looking forward to catching up with all the Speakers at the Retreat but until then, I wish you all the best for the Workshop. God Bless.

Soifua.

**WELCOME REMARKS AND WORKSHOP EXPECTATIONS
DELIVERED BY HENRIK LINDROTH,
UNDP PACIFIC SUB-REGIONAL CENTRE, AT THE OPENING OF THE
“REGIONAL WORKSHOP ON STRENGTHENING PARLIAMENTS IN THE
PACIFIC”**

Honourable Speaker Faafisi, honourable Speakers from other parliaments across the region, Parliamentary clerks, Mr. Mose Saitala, Legislative Adviser, Forum Secretariat, Georgina Bonin, ARR from the UNDP, Ladies and Gentlemen.

It is with great pleasure that I welcome you all to the jointly Forum Secretariat and UNDP supported Regional Governance Workshop on Strengthening Parliamentary Democracy in Forum Island Country Legislatures, and I am indeed satisfied to note such a wide country representation covering all Pacific Island Countries.

I would also like to recognise the combined years of experience that you have amongst you. No one knows Parliaments in this region as well as you do, their achievements and the challenges they face. As you would agree, the role of Parliamentarians and Parliamentary staff is at this time in history crucial to the longer-term stability and prosperity of your peoples.

Over the last ten years, most Pacific Island countries have seen an expansion in public sector debt, growing unemployment and poverty, social disintegration and widening differences between household incomes. Governance issues have become more prominent, with alleged abuse of power and/or of public office, mismanagement of national resources, and growing tensions between traditional leaders and communities and between central and local governments.

The oftentimes lack of institutional capacity have posed obstacles to the pursuit of clear and consistent policies as well as the establishment of effective public information and accountability systems within and among the governing structures.

While certain functions of parliamentary governance can be seen to operate reasonably well in the Pacific, there continue to be serious obstacles to the effective operation of the legislature in most countries surveyed as part of the Legislative Needs Assessments (LNAs) conducted by UNDP. General resource constraint, inadequate capacities of elected representatives and the at times complicated relationship between the executive arm of the government and the legislatures were in the LNAs revealed to be some of the major obstacles to good governance. There are also issues related to ensuring increased participation of civil society in the decision-making process with CSOs and media often regarded with suspicion by public sector officials.

It is against this background that the UNDP and the Forum Secretariat decided to organise this workshop with the purpose to stimulate a regional dialogue that would bring forward ideas and suggestions on how shortcomings like the ones just mentioned could be rectified.

As you already might have noted from the agenda, there are certain key issues that we wanted our workshop to highlight, namely;

- How do we strengthen parliamentary integrity and independence in the context of improved relationships between the government and the legislature?
- By reviewing the findings from the UNDP supported Legislative Needs Assessment Findings. How do we translate them into concrete reforms?
- What are the needs and how do we go about to improve certain tools, such as parliamentary libraries, research services and ICT?
- Finally how can public service broadcasting and information disclosure policies improve the communication link between parliamentarians and their constituencies?

We will examine these issues by a mix of panel discussions, individual presentations, country cases and group work that we hope will provide you insights and ideas on how

to formulate and implement parliamentary reforms in your own countries. It is our ambition to compile those ideas into a draft resolution that we in the final session on Tuesday will present you for your approval and subsequent endorsement at the 5th Presiding Officers and Clerks Conference next week.

But, and this cannot be enough emphasised. You are the ones with the knowledge about the drawbacks and the needs of your Legislatures. It is therefore of crucial importance that you during the course of this workshop clearly communicate what you feel the donor community and the Forum Secretariat best can help you improve in your parliaments.

Only then do we possess adequate knowledge to prepare a representative resolution that later on could be a valuable platform for long-term joint Forum Secretariat and UNDP parliamentary support.

Thank You

**WELCOME REMARKS BY GEORGINA BONIN, UNDP ASSISTANT
RESIDENT REPRESENTATIVE, ON THE OCCASION OF THE OPENING OF
THE REGIONAL WORKSHOP ON “*STRENGTHENING PARLIAMENTARY
DEMOCRACY IN FORUM ISLAND COUNTRY LEGISLATURES*”
23 APRIL 2005, APIA**

Talofa lava and good afternoon!

I am honoured and privileged to address this distinguished gathering this afternoon on behalf of the UNDP Country Office in Apia, to welcome you to Samoa, your host country for the duration of the Regional Workshop on “ Strengthening Parliamentary Democracy in Forum Island Country Legislatures”, and especially to this particular venue which represents amongst other things, the emancipation of this country from colonial rule and the adoption of a Constitution that was founded upon God and democracy.

UNDP has increasingly come to recognise the importance of strengthening the effectiveness and role of Parliamentarians. This is especially so in light of the significant influence parliamentarians have over the achievement of the Millennium Development Goals (MDGs) that need to be realised by 2015. Along with the international donor community at large, UNDP therefore warmly welcomes initiatives such as this Workshop that aims at improving parliamentary effectiveness.

Parliamentarians play a crucial role in ensuring successful socio-economic development and progress in any society no matter where, or how large or small it is. Sufficient and secure financial resources, access to ample and well-trained human resources, and readily available research information and background material, all within the framework of clearly stipulated roles and responsibilities between the Legislature and the Executive powers, are necessary to provide parliamentarians a democratically meaningful oversight function. Their importance cannot be overestimated, as it constitutes the fundamental building blocks of a democratic

society, guided by principles of transparency and accountability in its decision-making processes.

Several characteristics of the Pacific Island States make it beneficial to address parliamentary improvement through a regional approach that will facilitate the utilisation of economies of scale. Firm regional collaborative structures thus need to be established. Structures, that enable the individual countries to better access and benefit from each other's lessons learnt in developing parliamentary policy formulation capacity. One such example would be the joint development of ICT capacity and physical infrastructure that will facilitate access to background information required for a thorough, well informed, lawmaking process.

However, it is very important not to forget the specificities of the individual countries. They all have their own unique constitutional histories and follow carefully worked out political processes that always need to be respected and considered while developing reforms for modernisation and improvement. This has been and will continue to be a guiding principle in UNDP Samoa's support of parliamentary projects.

Presently the UNDP Samoa CO has supported parliamentary initiatives funded through its regional Governance for Livelihood Development Project (GOLD) aimed at broadening the awareness of parliamentarians in Samoa, of their roles in relationship to the oversight and Executive powers. These include support for the participation of Samoan parliamentarians at various regional and international meetings of Pacific Island parliamentarians. During 2004, the UN Department for Economic and Social Affairs (UNDESA) in conjunction with UNDP sponsored a Regional Symposium in Apia to discuss options surrounding the notion of 'reinventing governments' that are better equipped to deal with globalization. The culmination of each of these kinds of initiatives needs to be consolidated and appropriately applied in each of your countries. A well-oiled and democratic parliamentary system is essential to absorbing and synthesizing a vast number of global events and agendas with far-sightedness, timeliness and appropriate ways.

All the other Pacific Island countries, with the exception of the Constitution of Niue guarantee freedom of speech and expression. This is however not always reflected in practice. It is regrettable, and efforts to strengthen the respect for freedom of and access to information is crucial since information disclosure policies help to provide open and accountable governments; increase public participation in government decision-making, and enable individuals to be kept informed of government decision-making processes that affect them. It is also widely recognised that government information is a valuable public resource that is collected and created with public funds for public purposes. In this sense, government information belongs to the public, and governments are “trustees” of that information on behalf of the public.

UNDP Samoa will continue to work closely with the UNDP Pacific Sub-Regional Centre to advance parliamentary oversight efficiency in general and information disclosure policies in particular. We welcome a partnership with the Pacific Islands Forum Secretariat and AusAID in these endeavours and look forward to becoming more familiar with each of you as we together, forge new in-ways towards more open legislative processes that embrace public involvement and democratic governance practices.

Soifua.

ANNEX E

**Regional Governance Workshop
On
Strengthening Parliamentary Democracy
in Forum Island Country Legislatures
Apia, Samoa**

23 & 25 – 26 April 2005

**Key Strengthens and Weaknesses
in
Advancing Parliamentary Independence**

Relationship Between the Executive and the Legislature

- Fiji Experience –

**E. Blakelock
Secretary, House of Representatives
PARLIAMENT OF THE REPUBLIC OF THE FIJI ISLANDS**

The Speaker of the Parliament of Samoa Hon. TOLEAFOA Faafisi.

The UNDP Representatives from Suva and in Samoa

Honourable Speakers

Colleagues

I thank the Parliament of Samoa and UNDP for the opportunity given to us this afternoon, to make this presentation.

- The relationship between the Legislative and the Executive stems from the democratic principle of Separation of Power and the sharing of power in the Westminster System of governance, which our countries have adopted and implemented in various degrees.
- Under the Westminster system of governance, it is the Executive that drafts and implement the law, the Legislature makes the law and the Judiciary interprets the law.
- This kind of arrangement ensured that no one arm of state governance over exerts its influence over the other. There is inherently “Checks and Balances” arrangement in the role each play.
- The “Checks and Balances” are normally recognized and pursued through for instance; the constitutional text.
- In most, if not all Westminster – based constitutions have provisions which directly and indirectly state or enunciate, the Separation of Powers in the way each of the 3 powers are to play their roles.
- It must however be emphasized that separation of powers is not absolute, There are some interrelation and co-operation between the 3 arms to achieve the objectives of good governance. These areas of cooperation are really the Checks and Balances in the system, i.e. there is a cooperative or a flexible separation arrangement.

For instance:-

- In the appointment of the judges to the bench, the Legislature, particularly a parliament committee is consulted before a recommendation is made for the appointment.

- In the appointment of members of a number of independent Service Commission such as the Public Service Commission, a parliament Committee is consulted before a recommendation is made.
- The establishment and work of a Parliament oversight committee such as the Public Accounts Committee is an example of the Legislative holding the Executive to account for Government's expenditure and revenue collection.
- The procedures that are adopted in our Houses of Parliament is another way "Checks and Balances" are put in place especially oversight of the role and function of the Executive. We all know that this is undertaken through Question Time; Motions, Debates; Committee Reports and Ministerial Statement. These all provide the opportunity for the Opposition and Government Members to question Government policy, programmes and activities.
- Parliamentary procedure also ensure that the minority parties in the House also have ample opportunities to have their say. This again ensures that all available avenues are provided to hold government to account and to promote the implementations of effective representation.
- Membership of Committees also ensures that the preparation of representation in the House are also pursued outside the debating chamber.
- All in all, the independence of the Legislature or the Autonomy of Parliament is pursued at two different levels :-
 1. In the role and function of the two Houses of Parliament
 2. At the parliamentary secretariat level – in the servicing and the administration and management of the Parliament itself.

As I mentioned in the role and functions of the House of Parliament and its Committees level :-

- Parliamentarians and their own roles and functions are granted certain rights and privileges to undertake their constitutional duties. This in most jurisdictions, are often legislated in the Powers and Privileges Act. These powers and privileges are derived from recognized parliamentary practice and procedures.
- The other parliamentary oversight and scrutiny mechanisms – such as House procedures, (Motions, Questions and so on); the Public Accounts Committee; the Scrutiny of Legislations by Sector or Legislative Committees as in Fiji and Inquiry into Issues by Committees.

In the management and Administration of Parliament's independence :-

- (1) The introduction of a separate appropriate legislation for the services of Parliament usually termed the Parliamentary Appropriation Act. This is to ensure that the Secretariat is able to facilitate the effective servicing of Member of Parliament to ensure Members of Parliament and Parliament carry out their respective roles.
- (2) The introduction of a Parliamentary Service Commission which is to be responsible for the administration of Parliament under the Speaker's Chairmanship including staff recruitment. This appointments again ensures that the Secretariat is in a position at all times to effectively service Parliament.

In Fiji, we have only achieved independence or separation to a certain degree. Apart from the procedures in the House I mentioned, we have since time immemorial, a Public Accounts Committee chaired by the Opposition and 12 members, and where Government had the majority.

The Public Accounts Committee following an initial lull of over a year is now back in operation and working on a backlog of 46 reports which it hopes to complete in the current term of Parliament.

We also have a Parliamentary Sector Standing Committee which deliberates on the appointments to both the Judiciary (bench) and Executive (Independent Service Commission).

This has worked quite well although there are still grey areas that need to be sorted out especially in terms of how much information a Sector Committee requires in order to undertake its deliberating.

On the Administration side – we have our own Parliament Budget separate from the National Budget which is considered and approved during the normal Budget debate.

We are also trying to move towards a One-line Budgetary Appropriation Item, as is used in other Parliaments. However, we are still in negotiations with Government, since they have laid down some criteria to follow-in terms of the accountability mechanism they feel should be put in place. We are also intending to pursue the legislating of a Parliamentary Precincts Act to amplify the powers of parliament under the Speaker in terms of administration of the parliamentary property and its security.

Another area we are still considering is the establishment of Parliamentary Service Commission under the chairmanship of the Speaker. This is, however, way down the line.

At the end of the day, colleagues, what I wish to emphasize on the independence of the legislature, although it is laid out in the Constitution,

Statutes and parliamentary Practice and Procedures, is only as good as the RECOGNITION and ACCEPTABILITY provided by Government (the Executive) to it. Government may not be so enthusiastic if their legislative agenda is unduly hampered or derailed by the Checks and Balances requirements of parliamentary practices and procedures.

There is also a fear that parliament's financial autonomy may not be as transparent and accountable enough and may even go against the grain of the financial management reform all our countries are pursuing these days.

There is also the issue of the lack of resources – both financial and human resources to fulfill the independence of the Legislature. Most of our jurisdictions including Fiji Parliament, still have the Legislature as a Government Department and have a budget like these other Departments.

This is the issue for us today.

Whatever and however we pursue independence, it must be done within the context of the economic, social and cultural context we all operate in and what is best suited for it. Our advantage is that we can learn from the experience of other countries, that have already covered this ground.

Thank you

STRENGTHENING PARTNERSHIPS BETWEEN PARLIAMENT, THE GOVERNMENT AND THE PEOPLE

KEY STRENGTHS AND WEAKNESSES IN ADVANCING PARLIAMENTARY INDEPENDENCE

**By Ano Pala
Clerk of the National Parliament**

23 – 26 April, 2005
Apia, Samoa

THE PARLIAMENT

Introduction

The Parliament is one of the three arms of Government in what has been widely accepted, with some unique local variations, as the Westminster democratic system of government in our region. In common parliamentary parlance the Legislature as we know it is one of the three arms of Government, the other arms being the Executive and the Judiciary.

It is commonly accepted in the democracies in our region that the primary law making power is vested in an elected legislature. The duty of the executive is to administer laws in such a way that it is responsible to the legislature. The judiciary exists to ensure the supremacy of the laws enacted by the legislature are not flouted or faltered.

Parliament's independence from the executive lies at the heart of any system of representative democracy. Where power in a society is highly centralized (e.g. in totalitarian, communist or oligarchic system of government) parliamentary independence and role is frowned upon. In PNG the separation of powers is entrenched in its written Constitution.

This does not necessarily mean though that everyone, including Parliament itself and the Executive understand this fully or appreciate how this should or must work in practice.

Independence

In PNG where there is a very intimate relationship between MPs and those that elected them to the National Parliament. MPs as representatives are often seen as an embodiment of a relationship the people have with their Parliament and their

government. This view of the people's relationship through representation also extends to the executive where or when an MP serves a ministerial appointment.

In this regard there is an important role of the Parliament that is often either glossed over or taken for granted in the discussions of its more obvious traditional functions. That is that, Parliament provides the executive. In PNG as in the majority of PIF countries the head of the government is elected by the Parliament from amongst its numbers; members of the Executive or Ministers are chosen from amongst elected members of the Parliament.

Comity and Co-existence

In a real biological sense perhaps, the three arms (or limbs) of government cannot do without the other. Traditionally, where there is deference and comity between each other there is also mutuality and amicability as well as respect for one another's independence. Where this exists, and it is not always the case in the real world, it does provide an environment for a vibrant and functioning democracy.

The Flipside

There is a flipside to everything no matter how thin the slice might be. Accountability is the flipside to independence.

- Parliaments do not function in a vacuum. From time to time, Parliaments and parliamentarians find themselves incompatible with the societies in which they function when they become impervious to criticism or through an over-indulge in the shield of independence.
- Parliament must be seen to be accountable to its own laws in performing its roles and functions. Where this is not the case the whole legitimacy or *raison d'être* – reason for existence – of Parliament can come into question.
- A parliamentarian is accountable to an elaborate code of conduct (the Leadership Code) administered by the Ombudsman Commission and enforced by leadership tribunals specifically appointed to deal with allegations of misconduct in office by elected leaders.
- All MPs are accountable to the people. Occurring every five years, elections often seem as one off thing but all MPs are ultimately accountable to the people that put them in Parliament in the first place.

What Is Parliamentary Independence

Parliamentary independence entails a number of notions at different levels. At the political level they entail the following notions :-

- When an MP expresses his view he or she is genuinely free to discharge his paramount role – to comment on communal and national issues, including

government's policies objectively – without being subject to any undue influence and without fear of reprimand from any one in any form.

- In particular, an MP must not feel he is subject to political or other threats from within or without Parliament in discharging his roles and functions.
- MPs are not for sale – in the sense of being susceptible for bribes or kickbacks. This takes the form of courage and self-accountability by MPs by being brave and true to the courage of their convictions to be honest representatives of their people.
- More generally, the Parliament (the Legislature as one of the three arms of government) is well primed, geared up, ready and willing to both protect and abide by the laws it enacts. In another sense the Parliament through discussions and debates by leaders can provide a steadying influence when the executive may appear to lose its sense in adversarial and volatile situations.

At yet another level, parliamentary independence also entails that :-

- It must not be subject to the whims or expediencies of the executive when dealing with government business in Parliament where proper and thorough debate on important issues is often called for. There may be instances that we may know of in our Parliaments where the executive may have tried to rush through unpopular or controversial legislation without the benefit of proper scrutiny by Parliament.
- It must be vigilant to protect one of its fundamental roles of maintaining scrutiny and accountability over the executive by ensuring that it is not used as a rubber stamp by governments that seek approval of its decisions made at the executive level.
- Deliberations and reports of its Committees (as an extension of Parliament) must be given due consideration by government agencies that are affected by the Committees' findings. This is an important role where MPs through Committees can take time and shed light on matters of national interest that Parliaments often have little time to discuss.

Key Strengths in Advancing Parliamentary Independence

One of the features of PNG's system of government is the high degree of independence conferred on the constitutional institutions and constitutional office-holders. The Parliament (and the Parliamentary Service) is such an institution and the Clerk of the National Parliament is one such constitutional office-holder.

These entail a number of key notions that can be translated as key strengths at an institutional level. Consider the following :-

- An important distinguishing feature of institutional independence is the establishment of the Parliamentary Service. The Constitution provides (S.188) that there shall be a Parliamentary Service separate from other state services. In this

way the Parliamentary Service and the Clerk are not subject to executive or ministerial control at all. As a separate service the Parliament operates under the Parliamentary Service Act.

- The Clerk of Parliament as Head of the Service is not subject to the control of the Executive through the Public Service either. The Clerk's terms and conditions, like other constitutional office-holders are determined by a Salaries and Remuneration Commission. In practice he reports to and works in close consultation with the Speaker.
- The Clerk is appointed through an elaborate process of appointment which involves the Speaker, a parliamentary committee and ultimately a deliberation and decision by the Executive.
- Although it is the Executive that recommends the Clerk's appointment to the Head of State, he cannot be de-appointed by the Executive. He cannot also be removed by the Speaker. There is a complex procedure for removing the Clerk from office.
- The Clerk's tenure of office is "guaranteed" or protected by law. The Clerk may not be suspended, dismissed or removed from office during his or her term of office except in accordance with a constitutional law (S.223).
- There is guarantee of personal emoluments by law which states, as a general principle that total emoluments of a constitutional office-holder cannot be reduced while there is holder of such an office.
- The Parliament is guaranteed resources and facilities by law. This is reinforced by a provision in the Constitution (S.225) which deals with provision of resources and facilities. In particular, the State has a duty to ensure that all arrangements are made; appropriate resources are provided; and all steps are taken to enable and facilitate the performance of Parliament's constitutional functions.
- Under law, the Parliament has its own separate budgetary allocation guaranteed by a passage through Parliament of a separate Parliament appropriation.

All of the above, it can be said also ensures that there is confidence, trust and respect that must be maintained for the institution of Parliament.

Some Perceived Weaknesses

- The Parliamentary Service (and by implication the Clerk) is subject to the direction and control of the Speaker. This is not totally desirable. This arrangement can lend itself to confusion of roles that may impede the Clerk in carrying out his constitutional as well as administrative responsibilities as head of the Parliamentary Service. There is a real risk that where there is an errant Speaker, the working relationship between the Clerk and the Speaker may suffer to the point where the line between political and administrative responsibility may be so

blurred that it would threaten the operations of the Parliament. It has been suggested from time to time that this provision should be amended or deleted.

- Budgetary appropriation can be controlled by the Executive in the process of designing and allocating funds annually within the national budget. Thus far, the Offices of the Clerk and the Speaker have been vigilant in ensuring this does not happen.
- The Executive can, and often does, control proceedings and debates in Parliament through sheer weight of its numbers. This often raises the rights of the Opposition and of minority parties in Parliament. The Speaker has regard to Standing Orders in ensuring that this should not happen.
- Inequitable distribution of membership to parliamentary Committees. Whilst appointments to membership to Committees are made by Parliament, often the Committees are stacked with government backbenchers, supports and sympathizers.
- It has been suggested that the appointment of the Clerk and other constitutional office-holders should be made by an independent appointments committee, similar to that which appoints the Ombudsmen in the country. This Committee comprises the Prime Minister, Leader of the Opposition, the Chief Justice, Chairman of the Public Service Commission and Chairman of parliamentary Committee of Appointments.

The Media

The emotive, transparent and free debates on the floor are only matched by the probity and fearless commentary of an independent press that wields a lot of influence amongst the civil society. The governed have never shied away from ensuring that those that govern are scrutinized through the popular media and ultimately made accountable through the ballot every five years.

PNG has a free, fearless and inquiring media. When there is critical, inquiring or even caustic letter, the Parliament and parliamentarians need to ask : Why are people saying that? Is there a good reason or bad?

The letters and viewpoint pages of the newspapers are often good barometers of public feeling.

The Reality

The worst thing to do is to use parliamentary independence as a shield against the media and the people. There may be a tendency at times to regard criticism as a threat to independence of the Parliament when all it amounts to may be or really is another imposition of legitimate accountability.

The laws that guarantee freedom of speech and expression to all people; be it an MP furiously debating issues on the floor of Parliament, or a person ferociously expressing his views amongst a crowd of protesters in the street or a voter complaining indignantly about his local member's performance in Parliament; are the same laws that guarantee freedom of expression and opinion to the media.

The People

In the final analysis, it is the people who decide who their representative should be. As long as democratic elections are guaranteed, the people will have the power to choose through the ballot. Gladly, in our region even when there have been occasional threats posed by bullets the ballot has always prevailed. It is a living testimony of independence of the Legislature, the Executive and the Judiciary that the three arms of government have always come to the fore as consoling and constitutional arbiters, always respecting each others boundaries to steady the ship of State in our region.

They are, after all, there to function as the trustees of peoples' rights and freedoms. The people are the beneficiary. As beneficiaries, they often have the last say.

Solomon Islands

There exists in Solomon Islands the confusion about the difference between Parliament and Government.

Parliament and Government are not interchangeable terms. Each has very distinct functions.

Parliament makes laws.

The executive put the laws into action.

The third arm of the government, the judiciary interprets the laws.

An example of the confusion:

Solomon Islands National Parliament sign board reads:

“SOLOMON ISLANDS GOVERNMENT
NATIONAL PARLIAMENT”

When Niall Johnston CPA HQ, Director of Development & Planning and Deputy Secretary-General attended the post-election seminar for our MPs in early April 2005, was annoyed with the “Solomon Islands Government” written above the “National Parliament” and asked for a tin of white paint and brush to paint over the words “Solomon Islands Government”.

The two bigger parliaments of Fiji and Papua New Guinea had spoken so I do not feel it necessary to repeat most of what they

had said that was also experienced in Solomon Islands Parliament.

After consultations with the Parliamentary Forum Secretariat and the UNDP on the Solomon Islands LNA carried out in 2001, a Parliamentary Strengthening Project is in place. Under the project one of our priorities is to educate committee chairs, to strengthen the parliamentary committees to perform their duties, especially the Public Accounts Committees (PAC) that should scrutinize the financial and operational performance of the government, financial reviews and other public reviews instead of meeting only once a year to only make observations and recommendations on the yearly government budget.

Parliament staff comes under the control of the Public Service, so they can be transferred whenever Public Service sees fit. The Clerk though according to s.116(6) of our Constitution, before appointing a Clerk, the Public Service Commission shall consult the Speaker.

Parliament Budget comes under the Prime Minister's Office, causing difficulty for when parliament wants to run its own programmes.

ANNEX F

RESOLUTION ON PARLIAMENTARY STRENGTHENING

The Forum Presiding Officers and Clerks Workshop on Parliamentary Strengthening that preceded the 5th FPOCC held in Apia from 23-26 April 2005 welcomed the timely discussion on the role of parliamentary institutions and procedures, and the relationship between the media and the parliament. The Workshop participants agree to promote meaningful parliamentary independence and integrity, the strengthening of the capacity of parliaments to exercise their oversight roles, and the improvement of public understanding of the functions of parliament and the roles of Parliamentarians. Additionally, the Workshop considers public service broadcasting and information disclosure policies as central elements to partnerships between parliament and people.

To this end, The Workshop:

advocates improved knowledge and professional networks between Forum Island Country (FIC) legislatures, regional development partners and multilateral organizations to contribute to greater understanding of parliamentary functioning

promotes strategies to improve the capacity of secretariat staff in their support of the lawmaking, oversight and representation functions of Members of Parliament

In particular, The Workshop:

calls for FIC legislatures to support the ongoing process of initiating, analyzing and updating the Legislative Needs Assessments

stresses the necessity to enhance and strengthen regional democracy through improved parliamentary legislative skills, oversight of public institutions and assets and strengthened parliamentary secretariats in terms of resources and skills

calls for the promotion of effective and participatory parliamentary systems, able to gauge public concerns and convey them to lawmakers

supports the continued capacity building and institutional strengthening of Public Accounts Committees to ensure their effective oversight and scrutiny of public funds and assets

expresses support for the launch of regional awareness raising and capacity building training seminars targeting specialist roles such as Librarians and Researchers, Committee Clerks and Hansard staff

Further, The Workshop:

calls on development partners and other stakeholders to develop, in partnership with Forum legislatures, principles of best practices that will enhance the understanding of the roles and relationship between media and Parliament

agrees to promote the role and functions of public service broadcasting as a valuable asset in strengthening the relationships between the Parliament and the people

calls on development partners and other stakeholders to assist in the advancement in the role and functions of public service broadcasting and information disclosure policies as a means of strengthening the relationship between the Parliament, the executive and the people

5th FORUM PRESIDING OFFICERS & CLERKS CONFERENCE

APIA, SAMOA

27-29 April 2005

COMMUNIQUÉ

1. The 5th Forum Presiding Officers and Clerks Conference (FPOCC) was held at Maota Fono, Apia, Samoa, from 27 – 29 April 2005. The meeting was officially opened by the Deputy Prime Minister and Acting Prime Minister of Samoa, The Hon. Misa Telefoni. The meeting was attended by Speakers/Deputy Speakers and Clerks from the following countries: Cook Islands, Federated States of Micronesia (FSM), Fiji Islands, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

2. The 5th FPOCC was preceded by a two-day workshop from 23-26 April 2005 on Strengthening Parliamentary Democracy, and the Speakers and Clerks' retreat at Sinalei Resort on 26 April 2005. The Speaker of Samoa was unanimously elected during the retreat as Chairperson for the conference. The meeting noted that the Parliaments of Australia and New Zealand were invited by the host Parliament for the 5th FPOCC but neither responded to the invitation. The meeting agreed for future host Parliaments of the FPOCC to continue to invite all Forum legislatures consistent with the decision of the 2nd FPOCC and the call by Forum Leaders to deepen regional cooperation.

4th FPOCC Chairman's Report

3. The 5th FPOCC considered and endorsed the former Chairman's Report. Whilst some of the recommendations were forward-looking, others were fully endorsed by Speakers and Clerks. The recommendation to request the People's Republic of China to increase its supplementary contribution from US\$100,000 to US\$150,000 annually was particularly supported by delegates. The 5th FPOCC acknowledged with gratitude the continuing support and generous assistance from the People's Republic of China.

Keynote Address

4. The Deputy Prime Minister and Acting Prime Minister of Samoa, the Hon. Misa Telefoni, officially opened the 5th FPOCC and gave the keynote address. The Acting Prime Minister welcomed the participation of Speakers and officials of Forum Legislatures and the cooperative effort to promote the quality of governance in the region.

5. The Acting Prime Minister agreed that the call for deepening regional cooperation requires the engagement of our regional legislatures. He cited a number of areas, like the Pacific Island Rugby team, where Forum Island Countries could already closely cooperate to maximise return to our respective countries. Our sportsmen and women's performance globally in golf, boxing, wrestling, rugby, and other sports is a clear indication of the potential of our men and women. The success of some of our commodities, like Fiji Water, tourism, in the global markets is also an indication of some of the comparative advantages that we have in our island nations. These are potentials that should concern all leadership in our countries, more so our national legislatures.

6. The Acting Prime Minister agrees that leadership in the Pacific today, whether in the three arms of government or in civil society, should be role models for our young generation. It is in this context the Acting Prime Minister encourages leadership in our legislatures to continuously examine the models of government we have today, as they were literally imported to us by our colonial masters with little consideration for our tradition and cultural values. The success of our government today cannot rest on parliamentary democracy, as in the Westminster system, or legislative democracy as in the American or French systems of government. It will depend to a large extent, on how we apply these models of government to suit our own context.

7. The vote of thanks was moved by the Speaker of Fiji where he reiterated the sentiments expressed by the Acting Prime Minister.

The Pacific Plan & Role of Forum Legislatures

8. The Secretary General of the Pacific Island Forum Secretariat updated the 5th FPOCC on the development of the Pacific Plan. As a follow up to his statement to the 4th FPOCC in 2004, the Secretary General briefly outlined the process in developing the Plan. He confirmed that a comprehensive draft will be ready for the consideration of Forum Leaders during the Pacific Island Forum this year in Papua New Guinea. A draft outline of the Plan is now available and is currently used as a base for consultations with all Forum countries to ensure that the Pacific Plan adequately responds to the needs and aspirations of our people.

9. The Secretary General emphasised to Speakers the potential role Forum legislatures could play in developing the Pacific Plan and in gauging its implementation.

10. He emphasised in particular the importance of our national legislatures endorsing the new Vision for the region agreed to by Forum Leaders and laid the foundation for the development of the Pacific Plan. The Vision is a long term goal for the region. It is appropriate therefore that all current and future leaders understand it with the same vigour and commitment.

11. The Speaker of Niue, on behalf of the 5th FPOCC, thanked the Secretary General for the update. He commended Forum Leaders for the new long-term goal that will undoubtedly draw the region much closer than ever before. The Secretary General was also commended for his leadership in intensifying regional cooperation.

Public Accountability and Legislative Machinery

12. The 5th FPOCC congratulate the Ombudsman of Samoa for the comprehensive presentation on the role of the Ombudsman in promoting good governance. Delegates agreed that although the independence of Ombudsmen is guaranteed under our Constitutions they are parliamentary officers as most of them report directly to Parliament. Speakers and Clerks also agreed that the Ombudsman plays a vital role in promoting principles of accountability and transparency and therefore should be supported by the executive and legislatures to ensure that they are adequately resourced.

13. The Speakers and Clerks further agreed for national legislatures to continue to support the full implementation of the Forum Eight Principles of Accountability and the Forum Principles of Good Leadership. The 5th FPOCC endorsed the need to strengthen the role of Public Account Committees (PAC) and commended the interest by the Australasian Council of Public Accounts Committees (ACPAC) to help strengthen PACs in Forum Legislatures.

The Forum Parliamentary Assembly Treaty

14. The meeting noted the overwhelming interest and support expressed by Speakers and Clerks and recommended that the draft Treaty Establishing the Forum Parliamentary Assembly (FPA) be submitted to individual parliaments for their consideration and for the Speakers to report thereupon to the 6th FPOCC in 2006.

Women in Politics

15. The 5th FPOCC considered the presentations from UNIFEM on behalf of the Women in Politics Pacific Centre (WIPPaC) and the request for the latter to be located within the FPA Secretariat. Although the meeting was sympathetic with the request, the consensus was for the request to be deferred for further consideration at the 6th FPOCC in 2006.

Electoral Systems

16. The 5th FPOCC noted the importance of electoral systems in enhancing parliamentary democracy. Whilst there is no one system that fits all, the meeting noted the problems faced by a number of countries on the application of both the first-past-the-post and alternative voting systems. The meeting agreed that individual countries had chosen a system based on their own experience as well as taking into account the existing traditional and cultural values.

Stability in Parliament

17. The 5th FPOCC noted with interest factors contributing to instability in the parliament resulting in the premature dissolution of the House or changes in Government within the life of parliament. The 5th FPOCC noted the measures taken by other parliaments in managing floor-crossing which is a major factor contributing to instability in Parliament. The meeting further noted the involvement of the other arms of Government in what was conceived as traditional roles of parliament and agreed that some of these issues could be seen as interfering in the legislative system.

Update on HIV/AIDS Initiatives

18. The 5th FPOCC considered and noted the update on HIV/AIDS initiatives provided by the Pacific Programme Coordinator UNAIDS Pacific. The meeting further noted the devastating effects of this deadly disease throughout the world and some of the legislative initiatives that are, or can be put in place in the fight against this disease.

19. The meeting in noting that the Speakers and Clerks can play an active catalytic role in this fight, agreed that they should continue to pursue the implementation in their own countries of the initiatives and steps recommended in the Suva Declaration adopted during the 1st Pacific Parliamentarians Conference in the Fight Against HIV/AIDS held in Suva, Fiji in October 2004.

Workshop Recommendations

20. The 5th FPOCC considered and endorsed the outcomes of the Workshop on Parliamentary Strengthening. In this regard, the meeting expressed its gratitude to UNDP for its funding support for the Workshop. The Speakers and Clerks encourage the continuing support of UNDP and other development partners in implementing capacity-building recommendations from the Workshop.

21. The 5th FPOCC support in particular, the recommendations for development partners and other stakeholders to develop in partnership with Forum Legislatures, principles of best practices that will enhance the understanding of the roles and relationship between media and parliament.

2006 6th FPOCC Host and Future FPOCC Arrangements

22. The 5th FPOCC agreed with the request of the Parliament of Cook Islands to host the 2nd Forum Parliamentary Assembly (FPA) and the 6th Forum Presiding Officers and Clerks Conference (FPOCC).

Vote of Thanks

23. The 5th FPOCC expressed its gratitude and congratulations to the people, Government and Parliament of Samoa for the warm and wonderful hospitality extended to all delegates. The 5th FPOCC thanked in particular, the Prime Minister of Samoa, the Hon. Tuilaepa Sailele, for his instrumental role in the creation of the FPOCC and for his kind and welcome remarks to FPOCC delegates on Saturday, 23rd April 2005. The 5th FPOCC also expressed their deep gratitude to the Speaker, Hon. Toleafoa Faafisi, Clerk and staff of the Parliament of Samoa for the excellent organisation that has made the 5th FPOCC a successful meeting.

**Maota Fono
Apia, SAMOA**

Friday, 29th April 2005

PRESS RELEASE

Regional Workshop to Strengthen Parliaments

(22 April 2005, Apia) – The UNDP Pacific Sub-Regional Centre, with support from AusAID, and in collaboration with the Pacific Island Forum Secretariat is organising a “Regional Workshop on “Strengthening Parliamentary Democracy in Forum Island Country Legislatures”. The workshop will be held from 23 & 25-26 April in the Maota Fono, Parliament of Samoa.

The workshop, which is organised immediately prior to the 5th Presiding Officers and Clerks Conference, will be inaugurated by Honourable Toleafoa Faafisi on Saturday afternoon 23 April 2005, and is expected to be attended by all Forum Clerks of Parliaments and some Speakers.

Both the Forum Secretariat and UNDP recognize that while certain functions of parliamentary governance can be seen to be operating reasonably well in the Pacific, obstacles to the effective functioning of the legislature characterize most countries.

Factors such as, integrity of Parliamentarians and Parliaments, the low level of public involvement in legislative processes, and the independence of the legislature, among others, are seen as some of the major impediments to good governance.

The objective of the workshop will therefore primarily be to:

- Compare the Parliamentary systems of the Pacific to identify country level and regional action required to strengthen the independence and oversight function of Parliaments in the region.
- Consider the role of free flow of information as a contributing factor to the capacity of Parliamentarians to carry out their representative role.

This is anticipated to be the first in a series of forthcoming Forum Secretariat-UNDP efforts aimed at improving the capacity and effectiveness of Parliaments, at both the national level as well as regionally through increased collaboration. Training courses, experience sharing seminars and policy analysis workshops, are some of the initiatives that the two organisations aim to develop and launch over the coming years.

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