

CONFERENCE OF THE SPEAKERS OF THE EU PARLIAMENTS

WORKING GROUP ON ASSISTANCE TO PARLIAMENTS OF NEW AND EMERGING DEMOCRACIES

FINAL REPORT

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1. EMERGING DEMOCRACIES AND PARLIAMENTS: NEW RESPONSIBILITIES OF PARLIAMENTS IN THE INTERNATIONAL ARENA

National and international democratisation processes constitute the most important peace strategy, and are the essential precondition for entrenching the principles of freedom, respect for human rights and fundamental freedoms, and the rule of law.

Parliaments are the primary bearers of the highest democratic values, and underpin civil and political freedoms.

The development of parliamentary institutions is therefore synonymous with democratisation, and their sound functioning is a fundamental requirement of democracy.

Exchanges between parliaments enhance and strengthen their mission within each country, and contribute to the worldwide dissemination of democratic values.

Cooperation between parliaments at different levels of development is therefore a fundamental means of encouraging democracy.

For there can be no doubt that the parliaments themselves are the most capable actors to assist and strengthen other parliaments. Parliaments perform an essential task simply by guaranteeing unfettered and two-way communication of their respective traditions and experiences, and on procedures, organisational techniques, and communication media.

Inter-parliamentary cooperation has therefore become an institutional mission of all parliaments for their mutual reinforcement.

And the parliaments of the European Union are in the front line among the parliaments being asked to cooperate in this area.

The institutions of the European Union have stood out amongst the most important factors of peace and the spread of democracy and human rights throughout the European continent, and served as a model of civil, economic and legal integration for other continents, as well.

The parliaments of the European Union have played their part in this work, becoming an integral part of the European institutional architecture. It is against this background that the accumulated experience of the EU institutions in the enlargement processes, and the specific experience acquired by parliaments as a result of the role they have been playing in programmes created for that purpose, have become so essential. Particularly important in this regard has been the specific experience of the countries that have only recently acceded to the EU.

Considering their particular position, the parliaments of the European Union are also being asked to respond to a massive wave of requests for dialogue and assistance from parliaments in every part of the world, and are wondering what they can do to put their limited resources to the best possible use in order to respond affirmatively and effectively to this growing demand.

At the present time, the initiatives of national governments, the European institutions and the parliaments, are being implemented on parallel planes, even when they are operating in the same fields, or even on behalf of the same beneficiaries.

There is clearly a need to coordinate these efforts in full respect for the autonomy of the various levels of action being implemented. For the lack of coordination not only hampers the overall effectiveness of the assistance being provided, but is also damaging to the parliaments, which run the risk of being both the weakest parties and those which receive the most pressing demands. It is therefore necessary to make the best possible use of resources – particularly the very limited, but precious resources – that parliaments can provide for the development of other parliaments.

2. THE INITIATIVE: THE ESTABLISHMENT OF THE WORKING GROUP

The latest Conference of Speakers of the EU Parliaments which convened in Budapest in 2005 made a major contribution to developing the issues that had emerged at the previous Conferences at Athens and The Hague in relation to heightened cooperation between the parliaments of the European Union.

One particular issue that was examined there was inter-parliamentary cooperation in the Union's external relations, and particular emphasis was placed on assisting the parliaments in the new and emerging democracies (hereafter the NEDs).

The conclusions of the Conference entrusted the Speaker of the Danish parliament, Christian Mejdahl, the current Conference Chair, with the task of following up the proposals of the Speaker of the Italian Chamber of Deputies, Pier Ferdinando Casini in his report on "The role of Parliaments in the Union's external relations".

Speaker Mejdahl, by joint agreement with the other parliaments in the troika, invited the Speaker of the Italian Chamber of Deputies to promote and coordinate a working group, to study the current situation and make proposals for enhancing the effectiveness of the international assistance being provided by the parliaments of the European Union to other parliaments.

Speaker Casini, by agreement with Speaker Mejdahl, then invited all the Speakers and Presidents of the Parliaments of the European Union to take part in the initiative, designed in particular to produce an overview of the framework of activities and resources dedicated to assisting parliaments from the new and emerging democracies, and to analyse possible procedures and means for enhancing the quality and effectiveness of these activities by ensuring better use of available resources – beginning with the funds of the EU – and by giving parliaments a greater role.

The Speakers of 20 Parliamentary Assemblies named in the enclosed list joined the working group, and appointed an official to conduct preparatory activities, as part of a technical working group set up specifically for the purpose.

Furthermore, under the terms of the remit given to him, Speaker Casini, by agreement with Speaker Mejdahl, deemed it appropriate to seek the cooperation of the European Commission, and therefore asked the President of the European Commission, José Manuel Barroso, to appoint representatives of the Commission to serve as the technical group's reference persons for acquiring information on the Union's work and funds for assisting parliaments.

3. WORKING METHOD AND THE ACTIVITIES UNDERTAKEN

The working group created the technical group to carry out the preparatory work, primarily asking it to conduct the broadest possible fact-finding exercise covering all the activities being implemented to assist parliaments, consistently with available funding, for the following purposes:

- to collect data on the entities which are providing technical assistance to parliaments and on the methods used, and if possible on the amounts of the funding;
- to conduct a very thorough examination of the numerous activities being supported by Community funding under development programmes designed to strengthen democratic institutions;
- to take stock of the skills and working methods used in our parliaments for the provision of assistance to other parliaments, and to draw up a kind of catalogue of best practices in this regard.

In implementation of its remit, the technical group drew primarily on all available sources of information on the Internet, and at the same time sent out a questionnaire to all the parliaments of the European Union and to the main international organisations operating in this field.

The replies to the questionnaire were returned immediately, with a high degree of accuracy, and a great deal of useful information. This made it possible to draft a wide-ranging report, documenting the technical assistance activities being performed throughout the world, the forms of cooperation that exist between different institutions, and against this general background, the contribution of the European Union, its member countries, and the Parliaments.

Working on the basis of the data thus collected, the technical group embarked on a thorough exchange of information with the representatives of the EU Commission at several meetings and a number of e-mail exchanges.

The Secretary-General of the Inter-Parliamentary Union attended a meeting of the technical group to illustrate possible forms of cooperation to improve the exchange of information between parliaments worldwide on issues of interest to the working group.

On the basis of the preparatory work performed by the technical group, the Speakers' working group issued its final assessment, which is set out in this document.

4. THE RESULTS OF THE SURVEY

The survey conducted by the technical group has made it possible to measure not only the scope and importance of the ongoing activities to support NED parliaments, but also to identify the extremely wide variety of different forms they have been taking.

In the concluding summary, the figures are stated under three headings: **who** is doing **what**, and **how**.

All the leading international organisations are committed to this work and in many cases cooperate with national parliaments and with parliamentary officials suggested at their request.

By cross-referencing the results one can see a wide variety of different activities being provided to the same parliaments, without any apparent coordination.

Practically all the EU parliaments are providing assistance to the NED parliaments. At the political level, the Speakers and numerous parliamentarians are keenly interested, particularly those which are more active in the inter-parliamentary organisations. From the administrative point of view one sees that only in a few instances are there specific structures dedicated to this. Assistance is generally provided and/or coordinated by the international relations offices but, quite clearly, when assistance is actually being provided, all the areas of the parliamentary administrations that have the necessary experience are involved, too.

Secondly, the various fields in which assistance is provided have been classified.

They have been divided up into four main areas of activity:

- Direct relations between MPs, committees, delegations, etc.
- Regulations and procedures
- The administrative organisation
- The development of new technologies.

Thirdly, the different forms used for the provision of assistance to NED parliaments in terms both of methodology and funding were reviewed. The overall amount of funding committed is huge, but it is mostly managed by the international organisations (the UN, UNDP, OECD, and the European Union). There seem to be some very significant cases in which the parliaments become involved in assistance programs, whereby the funding is supplied to international organisations by their respective governments. One example at the present time is the work being carried out for the Parliament of Somalia, in which several

European parliaments are cooperating with UNDP and UNDESA.

The results of the survey conducted in the field are therefore extremely important. They make up the first systematic collection of data which can be evaluated and debated by the parliaments of the European Union, for which they are primarily intended.

The survey has revealed the vast amount of work which parliaments are performing, and the huge burden they are bearing, considering the scarcity of resources available to them, despite their potential for action.

The survey also revealed that parliaments and international organisations are often involved in the implementation of parliamentary assistance on parallel planes and lack coordination.

Conversely, the international organisations, which handle more resources, do not always coordinate their work with the parliaments, whose expertise with such activities is greater than theirs. Most of the work being done on behalf of the NED parliaments, moreover, is carried out as part of more general programmes in support of governance or governmental authorities, without the necessary distinction being drawn between different methods and experiences.

The survey therefore demonstrates how essential and urgent it is – both to avoid wasting resources and duplicating efforts, and being unable to respond to the demand for assistance – for all the players involved to know what everyone else is doing, or what they are capable of doing.

The huge amounts of data gathered by the working group so far is already an advanced basis for embarking on an ongoing exchange of information between all the parliaments interested in doing so, and the international organisations.

The exchange of information should involve, primarily, the parliaments of the European Union, for which there is a more direct and pressing need for the information to be properly coordinated. But in more general terms, it should also include both the European and the world context, considering the interaction that exists, as the analysis has clearly shown, between the activities being performed by actors within the EU, by third parties, and also by the international organisations, for the benefit of the same NED parliaments.

5. THE EXCHANGE OF INFORMATION BETWEEN PARLIAMENTS

In view of the findings of the survey, the working group therefore considers it important to identify hubs and instruments so that information can be routinely exchanged in the form of a shared data bank between parliaments on the provision of assistance to the NED parliaments.

The exchange of information on this subject would, as experience has demonstrated, make it possible to strengthen voluntary cooperation between parliaments, producing a series of positive effects:

- avoiding duplication;
- improving the programming and effectiveness of the assistance provided by each EU parliament;
- producing a complete picture of the areas of activity and technical capacities of the EU parliaments;
- fostering, whenever appropriate and possible and without prejudice for the autonomy of each Parliament, the sharing of financial and human resources and promoting more wide-ranging joint initiatives;
- offering a wider and more diverse range of experiences and know-how; disseminating best practices;
- giving the smaller parliamentary administrations of the countries that only recently acceded to the EU and which are becoming increasingly active in this area, the chance to become more involved, for they stand as an extremely valid benchmark for emerging Parliaments.

5.1 Hubs and instruments for the exchange of information

The working group considers it important to proceed as soon as possible to identify hubs, instruments and methods for exchanging information, but without creating any new bodies for this purpose. It is therefore necessary to request the commitment of existing inter-parliamentary cooperation fora and tools.

The working group believes that the exchange of information must be primarily guaranteed specifically between the European Union's parliaments, with a twofold objective:

- to create possible synergies and exploit the common European dimension in the Union's external policies;

- to offer the European Commission a well-designed package of information to be used to create direct forms of cooperation and take greater account of the particular skills and the know-how of the Parliaments and their administrations (see the following paragraph).

Taking up the requirements that have emerged from the survey, the working group also considers it important to pursue the aim of establishing hubs and instruments for exchanging information on the broader European area which is an important theatre of the EU's external policy, and at the world level where many EU parliaments are working, also in cooperation with international organisations, at the European and non-European levels.

With regard to the EU proper, the working group has positively explored the possibilities for IPEX (Inter-Parliamentary EU Information Exchange) to extend the functions of its site to include this type of information.

Within the framework of Europe in the broad sense of the word, the working group has taken into consideration the possibility of a cooperation between IPEX and the ECPRD (European Centre for Parliamentary Research and Documentation), whose field of activity is coextensive with that of the Council of Europe, which has 46 European member states.

As far as the exchange of information at the global level is concerned, the working group agrees with the preparatory work performed by the technical group jointly with the Secretary-General of the Inter-Parliamentary Union. The working group therefore considers appropriate to explore the possibility of the Inter-Parliamentary Union being asked to promote a global information network in conjunction with IPEX and ECPRD.

The working group is therefore proposing that the next Speakers' Conference ask the Secretaries-General to conclude the necessary agreements to follow up the aim of creating an efficient and cost-effective exchange of information in this field between the Parliaments of the EU, and of promoting the organisation of similar related inter-parliamentary information hubs at the broadest possible European and worldwide level. Such information should be presented in a structured way so as to avoid confusion about the kind of assistance provided.

6. THE LINKAGE BETWEEN THE WORK OF THE PARLIAMENTS AND THE WORK OF THE EUROPEAN UNION

The linkage established between the working group and the European Commission forms part of the more general ongoing dialogue with European Commission initiated by the Dutch, Hungarian and Danish presidencies of the Conference of Speakers, as the expression of all the parliaments of the European Union.

This dialogue began against the background of the new procedures envisaged by the draft European Constitution. But the rationale for it, which had already been acknowledged in the Protocol to the Amsterdam Treaty, has not lapsed in the meantime. Its deepest and most objective roots lie in the overall constitutional architecture of Europe in which the supranational order is interwoven with the national constitutional orders.

Today, the aim of giving greater prominence to the role of the parliaments within the framework of the European Union is generally recognised by all the EU institutions.

There is general agreement on the idea that, while awaiting further progress at the level of the Treaties, they can and must develop forms of loyal co-operation in the performance of their tasks, as the European Commission has also made clear on many occasions.

It was in this context that the Speakers' Conference has requested tangible forms of cooperation to enable the EU parliaments to better perform the tasks that fall to them according to the present institutional framework. This was done in particular by reference to the IPEX project, which is currently at an advanced stage of implementation, and now in relation to the working group for assisting the parliaments of the new and emerging democracies.

On these bases the working group has been able to establish extremely positive and concrete relations with President Barroso and with the representatives he has appointed to collaborate in investigating the issues entrusted to the group.

It has been thanks to the commitment of the Commission's representatives that the working group has been able to address such complex questions as the Commission's system of expenditure procedures applied to such a highly political issue as the institution-building programmes, above all in reference to the parliaments, which are the highest form of political expression.

6.1 The issue

The serious and detailed debate with the representatives of the Commission hinged around the main issue that emerged from the survey of activities for assisting Parliaments, as far as the European Union is concerned.

For the European Commission and the EU parliaments always operate in the same fields, but with virtually no kind of linkage or coordination.

The EU parliaments are receiving an increasing number of requests for technical assistance directly from the parliaments of countries all over the world. The parliaments are therefore in direct contact with the institutions concerned and are the best equipped to act, with the best technical expertise to do so. But their resources are not adequate to meet the demand.

And although the European Commission has substantial resources at its disposal, it only responds to some of these requests for assistance, and even then it does so using a tendering system that is designed to favour competitive bidding by private players which have more managerial skills than parliamentary expertise.

Parliamentarians, former parliamentarians or officials, and sometimes the parliamentary administrations themselves, are being asked to participate in an expert capacity in projects designed by the private players participating in EU tenders and to act under their supervision.

These frequent cases are indicative of a highly unsatisfactory state of affairs, which is not fitting for cooperation between such institutions as the Commission and the parliaments, which share the same objectives.

The question is therefore how can the EU parliaments be called on directly and primarily to take part in Community institution-building programmes when these programmes are designed for parliaments, and require know-how and expertise which parliaments possess to the fullest, and sometimes, exclusive, degree.

6.2 Possible solutions

In the opinion of the working group, this situation can be remedied and cooperation between the EU Commission and parliaments in the provision of technical assistance to the NED parliaments can be gradually expanded by continuing to work at the different levels to respond positively to an evident need for loyal co-operation, in two directions:

- to see how the parliaments can cooperate with the European Commission in programmes organised and run by the Commission;
- to see how the Commission can cooperate with the parliaments, helping them to implement their projects for providing assistance to other parliaments, when the projects are consistent with the objectives of the EU.

So far, the thorough debate with the representatives of the Commission has helped to identify a number of possible lines of action which can immediately be applied.

a) The technical specifications in the calls to tender

The first and minimum level of action refers to the need for the European Commission to take account of the specific expertise and know-how of the national parliaments when designing calls to tender.

For the present system of putting services out to tender places too little value on the possession of specific know-how regarding parliamentary matters, while its over-emphasises the possession of managerial skills.

To remedy this situation, a number of corrective measures could be introduced into the calls to tender for the provision of technical assistance to parliaments. When drawing up invitations to tender, it would therefore be useful for the Commission to consult in advance with the representatives of the parliamentary administrations.

b) Using programmes under which the Commission and parliaments have previously cooperated directly.

The second, more appropriate level of action has to do with the possibility of using existing EU instruments to ensure that EU programmes can be implemented through forms of direct cooperation between the European Commission and the EU parliaments, as occurred during the enlargement process.

It is therefore proposed to use, upgrade and expand past experience with such instruments as TWINNING (used in the pre-accession process for the candidate countries and in international cooperation ventures, based on bilateral cooperation between public agencies in the beneficiary country and the member states) and TAIEX (Technical Assistance Information Exchange Office, for the Eastern and Central European countries), in which parliaments can be both the providers and the recipients of assistance.

c) Forms of competition restricted to the work of parliaments for the benefit of other parliaments

It is proposed to define specific types of tenders, within the various programmes that already exist, expressly intended for the parliaments of the EU based on their proven and exclusive expertise.

Consequently, a distinction should be drawn between institution-building projects and technical assistance projects for the benefit of NED Parliaments. Invitations to tender concerning these activities would therefore be restricted to parliamentary administrations (as has already been done in some cases for other public institutions of the member states), while guaranteeing competition between all the parliamentary administrations interested in taking part.

When drawing up these invitations to tender it is essential that the services of the European Commission involved in programmes assisting parliaments should be familiar with the work that has already been done by parliaments, and with their specific expertise.

d) Requests for assistance put to EU parliaments to which they are unable to respond

Apart from the cases discussed above, at the present time there are no other procedures that permit the Commission to finance projects that have been prepared independently by individual parliaments.

In the case of requests for parliamentary assistance submitted to individual Parliaments which are unable to respond to them, it is being suggested that they should be brought to the attention of the Commission in ways that can be agreed upon, for consideration when drafting and implementing future programmes (mail box).

Furthermore, in their contacts with parliaments requesting technical assistance, individual EU parliaments should also invite them to submit their requests to the European Commission through their governments, so that they will be given proper consideration in the drafting of the programmes under EU external policies.

Individual EU Parliaments should in turn take specific steps with their own governments to ensure that parliamentary assistance objectives are given due consideration when EU policies are being designed and bilateral cooperation programmes drawn up.

e) The reform and streamlining of EU assistance programmes

EU expenditure procedures and instruments are currently undergoing reform. As part of this reform process, the European Parliament will be able to take account of the needs set out in this report in order to put in place new and more appropriate instruments to meet the demands of parliamentary assistance. National parliaments could undertake to do the same in order to make their own governments more aware of these needs, ahead of the decisions to be adopted by the EU Council.

7. CONCLUSIONS

In conclusion, the working group recommends that the Speakers' Conference take account of the working group's report in whatever way it deems appropriate, and requests the Chair of the Conference to follow it up in relations with other EU institutions and in particular with the President of the Commission.

The working group also recommends that the Conference requests the Secretaries-General to pursue the objectives that can already be achieved today in terms of the exchange of information between parliaments, and between the EU parliaments and the services of the Commission, within the framework of the already existing bodies, along the lines indicated in section 5 above.