

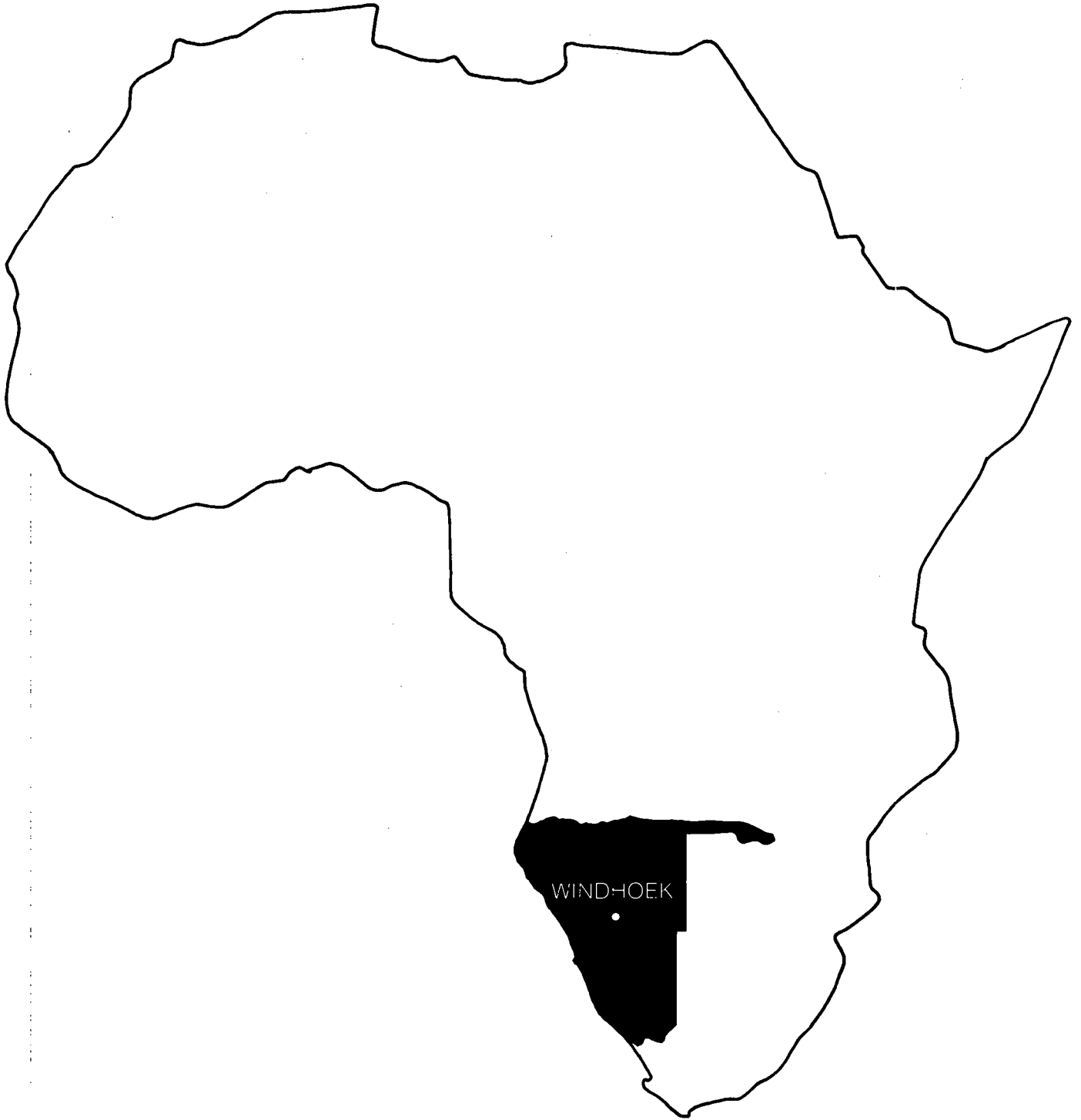
THE PARLIAMENT AND DEMOCRACY



PARLIAMENT BUILDING, BUNDESGEBÄUDE

SYMPOSIUM REPORT

NATIONAL ASSEMBLY OF NAMIBIA AND
NATIONAL DEMOCRATIC INSTITUTIONS
INTERNATIONAL ASSOCIATION



**NAMIBIA
THE PARLIAMENT AND DEMOCRACY**

Symposium

Windhoek

18-20 March 1991

Report prepared by Carol Lynn Martin

NEW NAMIBIA BOOKS



ACKNOWLEDGMENTS

The National Assembly of the Republic of Namibia and the National Democratic Institute for International Affairs (NDI) co-sponsored a three-day symposium on parliamentary decision-making and responsibilities in Windhoek from 18 to 20 March 1991.

This symposium was designed to provide a forum for Members of the National Assembly to probe and challenge their colleagues from other countries. The substance of the dialogue centred on relations between the parliamentarian and those organizations and bodies with whom they interact, including: the parliament as an institution; other parliamentarians; the government; the press; and the public. The programme was intended to facilitate a constructive and practical working exchange, beginning with the consideration of rules and procedures. It was not intended to be an arena for policy debate or ideological promotions.

The symposium was co-chaired by Dr Mose Tjitendero, Speaker of the National Assembly and Brian Atwood, President of the National Democratic Institute. Each commission was chaired by a Member of the National Assembly and presented a panel of at least two parliamentarians from other countries as discussants on the presentations.

This not a verbatim report of the symposium. Those wishing a full transcript of the proceedings may contact the office of the Speaker of the National Assembly, Private Bag 13323, Windhoek.

Thanks are due to the National Assembly and the NDI for organizing this symposium; to the international delegation of parliamentarians, and the Namibian Ministers and MPs who participated in it; to Ruairi Quinn, TD, Republic of Ireland who gave the keynote address, designed the agenda and gave a film presentation on the working of the Irish Parliament; to Dr Peter Katjavivi and staff of the Namibia Economic Policy Research Unit, who acted as advisers and facilitators; Carol Lynn Martin who compiled the report, and New Namibia Books who produced it.

PREFACE

J. Brian Atwood, President, National Democratic Institute for International Affairs

In one year after gaining its long-awaited independence, the Republic of Namibia has established a solid democratic foundation. The country's Constitution has been appropriately praised as one of most democratic in the world. After transforming itself from a democratically elected Constituent Assembly into Namibia's first democratic parliamentary body, the National Assembly of Namibia has begun the formidable task of building an effective parliament. This symposium, 'The Parliament and Democracy,' was designed by NDI and Namibian Speaker Dr Mose Tjitendero to support the development of this new parliament, which, as one of three equal branches of government, has a vital role to play in fostering a pluralistic, representative democracy.

While the basis for a strong legislative body has been established, the Namibian Parliament still has a number of obstacles to overcome if it is to fulfill the ambitious democratic goals of the Namibian Constitution. This will not be an easy task. The National Assembly is made up of individuals who represent disparate interests, many of whom have engaged in a long and bitter conflict. Some have returned from the agony of war, others are repatriated citizens, and still others have taken part in past colonial structures. All must now strive toward unity of purpose in guaranteeing the freedoms and liberties of a constitutional democracy.

In their first year of independence, Namibians have learned that the hard work of a democratic transition has only begun. In spite of the enormous difficulty of this task, NDI has been extremely impressed with the willingness of the Namibian parliamentarians to reconcile their long-held differences and move forward constructively. They are clearly eager to make their multi-party system work, and they have actively sought the support and assistance of the international community of democratic countries in fulfilling this objective.

It was in this spirit of reconciliation and critical self-examination that NDI and the National Assembly of Namibia, through the guidance of Speaker Tjitendero, developed this symposium. NDI brought a delegation of distinguished parliamentarians from Africa, Europe and the Caribbean to Windhoek to exchange ideas and practical experiences with the members of the Namibian Parliament. At the completion of the symposium, it was clear that this exchange had illuminated a more comprehensive agenda which could not be adequately addressed in the course of three days. Additional work will be required to address this unfinished agenda, and NDI was impressed with the enthusiastic commitment demonstrated by the members of the National Assembly with regard to this undertaking.

The Namibian parliamentarians were quite candid in their assessments of the strengths and weaknesses of the National Assembly. The symposium stimulated a lively discussion concerning such topics as the existing standing rules and orders of the Namibian parliament, traditions of parliamentary procedures



in other countries, and the roles of whips, ministers and political parties. The programme also served to strengthen ties between the Namibian parliamentarians and their colleagues from other countries.

I am personally honoured to have served with Speaker Tjitendero as co-chair of the first inter-parliamentary dialogue in Namibia. The Speaker's integrity, his high regard for democratic values, and his commitment to reconciliation and social justice have made him an exceptional leader of Namibia's first National Assembly. We are grateful for his leadership and guidance in conceptualizing and implementing this programme.

NDI looks forward to building on the accomplishments of this symposium and to fostering the development of relationships between the National Assembly and parliamentarians from around the world. We believe this report will serve the dual purpose of providing Namibian parliamentarians with a useful tool of reference and alerting the international community of the significant strides made by Namibians toward their goal of a stable and prosperous multi-party democracy.

INTRODUCTION

Dr Mose Tjitendero
Speaker of the National Assembly of Namibia

In the course of the transactions of this symposium, we covered a wide range of issues impinging on parliamentary decision-making and responsibilities, and the development and consolidation of democracy in Namibia.

We were honoured to have, in our midst, such distinguished Parliamentarians from a variety of countries including our next door neighbour Botswana, Trinidad and Tobago, Sweden, Zimbabwe, Mauritius, the United Germany and the Republic of Ireland. I was happy to share the chair for this symposium with the President of the National Democratic Institute, Brian Atwood.

Over the past three decades, the struggle of the people of Namibia to achieve a system of representative government, a system which recognizes the rights of all Namibians, has involved the expenditure unfortunately of untold human lives and excessive suffering.

In the last two years, a dramatic process was initiated which closed the unfortunate chapter in our history of suffering and tribulation and, in its place, installed a fledgling system of parliamentary democracy and the requisite institutions of an open society.

For a country as small as ours, the spectrum of political opinion that is available and the vigour with which views are expressed, both in Parliament and in the press, attest to our commitment to ensure that the democratic process on which our new nation has embarked will be jealously guarded and protected, to ensure that the institutionalization of the democratic process is historically consolidated beyond any shadow of doubt.

Given the commitment of the Parliament and the people of Namibia to ensure that our democracy works, grows and develops, it is with confidence that I say that parliamentary democracy in Namibia is here to stay, and will succeed.

We recognize the need to uphold the rule of law and to entrench the underlying foundations for its maintenance and consolidation.

We will do our utmost to ensure that our system does not drift or wander into the dangerous pathways of intolerance, repression and the undermining of the necessary requirements and liberties which underlie the effective operation of a democratic society. We are committed to the electoral process based on a multi-party system, with no fear or favour to any specific party.

We, the elected representatives, will endeavour to make Namibia a shining example of what democracy in a developing country like ours can achieve.



A WORD OF WELCOME

Right Hon. Hage Geingob, Prime Minister of Namibia

I would like to commend and congratulate the Hon. Dr Mose Tjitendero, Speaker of the Namibian Parliament, for taking the bold initiative to organize this important seminar on the Parliament and Democracy. I would also like to express my appreciation to the Honourable Ministers and members of the National Assembly for taking time off from their very busy schedules to participate in this important seminar. I would be failing in my duty if I did not also thank, most heartily, the Washington-based National Democratic Institute of International Affairs for generously sponsoring the seminar. Equal thanks go to all the resource persons who came from Zimbabwe, Mauritius, Botswana and as far afield as Trinidad and Tobago, Sweden, Ireland, and Germany.

Our parliamentary democracy in Namibia is now firmly in place, as are the

procedures by which in the House we, as elected representatives, go about discharging our responsibilities as lawmakers.

To say that the procedures are in place however, is not to suggest that there is no room for improvement. That, indeed, would be very dangerous and naive. A seminar such as this is, therefore, a very important opportunity to better appreciate the gravity of our calling, and to critically examine our own rules and methods in the light of international experience—as represented by the resource persons.

Above all, we must remember that rules and methods are not an end in themselves, but a means to an end. If they come to stand in the way of achieving our objectives, they must, I dare say, give way to better rules, procedures, and methods.



MAKING FREEDOM WORK: PERFORMING IN A PARLIAMENTARY DEMOCRACY

RUAIRI QUINN TD,
Deputy Leader of the Irish Labour Party

Moving from the theatre of war to the theatre of parliament is perhaps the most difficult transition a radical political movement can successfully make. When the new parliament, democratically constituted after free and fair elections, contains elected members who derive their own democratic legitimacy from different political traditions, there is inevitably tension in the political drama that takes place in the national assembly.

Parliamentary democracy is the political forum within which the power struggle of civic society takes place. Elected members, as representatives of the people, are the national assembly, in which the people themselves have vested the legitimacy of power.

Under most, if not all, democracies, the constitution asserts and proclaims that the legitimacy of power is derived from the people. It is freely expressed in secret elections and is conferred upon a national assembly subject to the rights and rules proclaimed and enshrined in the constitution.

A sacred principle enshrined in all democracies is that the people, through the ballot box, give the authority to their elected representatives to exercise a democratic power on behalf of the people, subject to one major over-riding condition. It is this: that power, when and if requested by the people at a

subsequent election, must be freely handed back by the elected representatives.

The role of the parliamentarians becomes critical upon the centre stage of democratic politics. While elected to be their member of parliament by the people, he or she is not their delegate but their representative.

Parliamentarians are not messengers sent on to the stage to act out a carefully scripted drama speaking lines with which they may not agree and which they have not written. They are representatives elected by the people because of their qualities of judgement, experience, wisdom, and integrity. They are charged to exercise that judgement freely on behalf of their constituents so as to achieve the best results attainable.

How a parliament functions and the way in which its members interact between themselves and with the elected executive cabinet of the parliament is at the core of the role of member as a parliamentarian.

Edmund Burke, a fellow countryman of mine and a famous political philosopher, set out the obligations of an elected representative in a famous letter which he wrote as a Member of the British House of Commons to the electors of Bristol in 1780. In some ways, it was a very fundamental speech which is rel-

evant today. In essence, what he said to the good people of Bristol was:

You have elected me to represent you, but I will not be your messenger. I will exercise my judgment on my behalf in the best interest of the people of Bristol. If you are not satisfied with the way in which I exercise that judgment, then you can always un-elect me. But for the period of time that I am a Member of Parliament, I am, so to speak, my own man.

Parliaments are vested with power by citizens under their constitution so as to enable a government to be formed and laws enacted. It is in this way that the fundamental rights of citizens can be exercised and protected.

All democratic assemblies have over time evolved a party political system to ensure that the conduct and the business of the parliament is carried out with efficiency and effectiveness. Implicit in the operation of the party system, within the parliamentary democracy, is the recognition that the combination of effort among members working together towards agreed objectives is greater than the individual potential of members acting on their own. The harness on the oxen or the horse transforms his strength while reducing his liberty. A party whip, ensuring discipline, enables decisions freely entered into at caucus meetings of parliamentary parties to be simple -

mented at the appropriate time and on the appropriate day.

The formation of a government within parliamentary democracy enhances the role of some but not all of the members. In the first instance all were elected on an equal basis. The government is formed in the initial stages of a parliament's life. Collective responsibility of decisions taken by cabinet must be shared and exercised by members of that government, irrespective of their personal animosities and human frailties. The relationship between the government and the permanent administration – civil servants – takes on a new

dimension that can become a major barrier between members of the cabinet and members of the parliament. If such a barrier becomes impenetrable, then it damages the effectiveness of the government and undermines democracy itself.

Elected members of government should recognize that they are likely to be members of parliament for much longer than they will be a member of the government. They should recognize the legitimate rights and responsibilities of all members of parliament whether on the opposition benches or on the back benches. It is after all in their own

interests too! Some day they might be on the back benches and some day they may very well be in the opposition as well.

In conclusion, let me say that the drama of parliamentary politics and the power struggle of society which it reflects must be freely open to the public and capable of being accurately and comprehensively reported. The scrutiny of the electorate must continue after the polls have closed and the votes been counted. The performance of elected members and the standards which they maintain are issues of legitimate interest and concern.

DISCUSSANT HELGA TIMM, GERMANY

Dr Timm is a member of a parliament which was created after an extremely devastating war in 1949. She was a student then; as a young girl, she had experienced tyranny, despotism, and war. After that, she decided to dedicate her life to building democracy, freedom, equality, and social justice, in Germany.

Being intrigued by parliamentary institutions, she undertook to understand Germany's first failure of democracy: the Weimar Republic.

Her conclusion was that a democracy requires people devoted to democratic ideals and the elements of democratic behaviour.

**You can't build democracy
without democrats.'**

Helga Timm

Dr Timm has experienced being a member of a coalition which supported government. During the last seven years, she has also served in the opposition. This experience showed her the importance of compromise, of taking into account the minority because that minority may at some future date be in power. Thus, it is important to remember that while the majority has the right to rule, the minority also enjoys certain rights, notably, the right to challenge.

Such ideals and principles may be reflected in a parliament's rules and procedures.

DISCUSSANT EMMANUEL CARTER, TRINIDAD AND TOBAGO

Mr Carter, the son of a medical practitioner who advised him to stay as far from politics as possible, served as President of his country for a few

traumatic days. He joined the civil service, but ended up spending most of his forty years of public service as a Clerk in the Parliament Department. Upon his retirement, he was brought back to serve in Trinidad and Tobago's Senate as president.

He has never been a member of a political party; his current position is that of a presiding officer, which indicates that he should have an impartial point of view.

Mr Carter touched on the importance of rules and standing orders; they must be flexible in order to ensure that they do not impede the progress of the work of parliament: passing and processing legislation.

He cautioned the group that, despite Edmund Burke's observation that once elected, he is his own man, parliamentarians should not forget that to be the master, one must be the servant. As someone once said: 'When a politician forgets that he is serving the people and believes that he is the master of the people, he has lost his perspective.'

'We all cherish democracy. It has its weaknesses and strengths like anything else, but we must never pin our faith in systems. All systems are managed by people. If a system fails, it is usually because the people who operate it are the ones responsible for the failure.'

Emmanuel Carter

He commented on the alternation of power in a democracy, specifically that he was encouraged to see that, in the Caribbean, people who served in government have gone into the opposition, to be re-elected later on.

DISCUSSANT BAHITI TEMANE, BOTSWANA

Mr Temane commented that democracy is obviously understood in a different context by those operating under different arrangements. The ideals of democracy include freedom of choice in choosing a government. Once chosen as a government, parliamentarians should place themselves in the position of being led. Democracy must be nursed and nurtured.

Mr Temane concluded that the international delegation did not come to

There are all sorts of institutional innovations designed by those who have to administer democracy in accordance with the wishes of their own nations... Democracy, like appropriate technology, cannot be imported, nor exported. You have to adapt, not adopt it.'

Bahiti Temane

preach or to prescribe institutional arrangements for Namibia. Rather, Namibia has to learn what to do and what not to do, learning from the mistakes of others.

REMARKS FROM THE FLOOR

It was observed that politicians of the world form a great college: they have similar ideals and similar ambitions. These ideals and ambitions are carried out by dreamers and by doers: the dreamers contribute ideas; the doers realize those ideas in practice.

It was reiterated that though humiliation is not a cure for an addiction to politics, it should be kept in mind that humiliation in defeat should be taken gracefully.

Since democracy is about contradiction, which is manifest in the struggle

for power, differences should be accepted, allowing for the divergency of views and alternation in office.

Namibia is in a unique position to create its own democracy. In so doing, Namibia is fortunate to be able to assess the experience of other countries. Yet, when adopting rules from other countries, Namibia should also take care to look to its own experience, to ensure that rules from overseas are in accordance with Namibian needs. In addition, the fact that Namibia is privy to the experience of other countries does not mean that Namibia might not commit some of the same errors. It should also be kept in mind that as mentalities change, so do ambitions. In this context, rules should be interpreted not to restrict or to prevent, but rather to direct. Rules should be binding, but subject to change if the situation so requires.

'We are all here to learn; none of us has a perfect recipe as to how best to conduct our affairs.'

Ruairi Quinn

PARLIAMENTARY ROLES AND RESPONSIBILITIES

MPS AND THEIR CONSTITUENTS

The general consensus was that an MP's first responsibility is to his or her constituents. Important issues in Namibia include accountability, the pros and the cons of a party list system as opposed to a single-member constituency system, voter education, unemployment, and the relationship between interest groups, especially labour and trade unions, and the government. There was a general feeling that the electorate at large ought to be a partner of government. Accountability to constituents, however, is problematic in Namibia. Because the 1989 elections were conducted on a nationwide single party list, Namibian MPs have no defined constituency. Are the MPs responsible to the nation as a whole, or to some undefined constituency of interest?

Helga Timm explained that, in her view, the relationship between parliament and the constituency depends to an extent on the way members have been elected to parliament, that is, if members are elected directly or proportionately on a party list. Fifty per cent of members in Germany are elected on a list, proportionally, and the other fifty per cent are directly elected in an area-constituency. To date, for many reasons, most women in parliament are elected by list. It is difficult for women to be directly elected. Dr Timm was first elected by list; ten years ago, after two previous failures, she was directly elected, and has since continued to be directly elected.

Botswana, constituencies are based on geographic or demographic criteria; these correspond to 34 seats. Four

'I thought [women] needed my help especially to get better informed about politics, about how they could advance themselves, promote local party groups, etc. So I really tried to serve...women.'

Helga Timm

additional seats in parliament are reserved for members specially elected by the electoral college. These four individuals do not correspond to a constituency, though they do have certain responsibilities.

In Mauritius, sixty-two of seventy-two members of the House are elected. There are twenty three-member constituencies, and an island off the mainland elects two members. Ten members are chosen from the 'best losers' to guarantee the representativity of the four main ethnic groups.

Interest was expressed regarding the scheme of ethnic representation, and a question was asked whether such a situation created obstacles for national unity. The response was that a one-person, four-votes situation did, indeed, cause problems in Fiji, which had resulted in coup. In Mauritius, however, the Constitution provides for four different ethnic groups, but not for

ethnic contingencies. Political parties are free to have candidates of whatever ethnic origin or in any constituency.

Another major topic of discussion was national reconciliation. Helga Timm drew on the German experience of how to reconcile with representatives of a previous system after a transition to a new order:

'In a policy of reconciliation, once the government gets into power, it should look into the problems of all the people, both those who voted for that government and those who voted against. Such action is both humanitarian and political: political in the sense that politicians need to enlarge their political base by bringing those who voted against them to their side while keeping those who voted for them intact.'

Netumbo Ndaitwa MP

‘Two cardinal aspects of reconciliation: You cannot reconcile without disclosing the truth and you cannot reconcile without negotiations.’

Hans-Erik Staby MP

after 1945, former Nazis suddenly become democrats. She urged the Parliament not to repress the past, but to talk openly about it to reach the consensus necessary to the functioning of democratic institutions.

It was recognized that reconciliation is a particular challenge, especially in the aftermath of armed struggle. The general feeling was that it was important to avoid vengeance from both sides: those currently in power and those previously in power.

Alan Ganoo noted that the link between government and trade union involvement is complex. The Mauritian Government's approach is to rule by negotiation, in openness, treating unions as privileged partners of government; the dialogue should be permanent. The government may also set examples: when the present Government came to power in 1982, it reduced the salaries of all Ministers and the Speaker and refused duty-free facilities as a gesture of good-will to convince the trade unions that everyone was engaged in nation-building, and that it is a long process. Mauritius has also set up an Economic and Social Council, composed of representatives of the government, the private sector, and the trade unions. This Council seeks to reach a consensus on major political issues. The trade unions cannot dictate to the government, but they must be a respected partner.

‘In fact, it is a triangle. Government is the arbiter, the referee, and then on the one hand there is the trade union movement and on the other hand there is the private sector, the investors.’

Alan Ganoo

There was some discussion over the issue of loyalties; To whom do MPs owe loyalty: to their conscience, their voters, their party, or to parliament? In other words, what is the role of election manifestos and do MPs have the freedom to join another vote on a particular subject?

In Helga Timm's judgement, loyalty should be in the first place to one's conscience and thereafter to the party through which one was elected to parliament; it is a two-fold loyalty. If an MP leaves a party because of a policy disagreement, that individual must then remain independent. If the MP joins another party, he or she will lose credibility.

‘If you cannot agree with a political line of your party and majority vote within your party because of conscience reasons, you can express this, and you can even leave the party, but you should not join a different one during that period.’

Helga Timm

In Germany and in Mauritius, there is a free (i.e. not party aligned) vote on some issues, for example, the death penalty or abortion. Crossing the floor is also a common occurrence in Mauritius.

In Botswana, there are currently debates as to whether or not individuals should be allowed to cross the floor while in office. MPs have the personal liberty to decide if they will follow the party religiously, or if they will follow their conscience. In Botswana, election manifestos are binding on the parties. The ruling party has issued an election manifesto every five years since independence; for that term of office, the election manifesto is treated like the Bible.

In India, there is an Anti-Defection Bill which makes crossing the floor illegal. The Constitution stipulates that if an individual crosses the floor, that individual ceases to be a member of parliament. If a large group crosses the floor, however, their action is not illegal; in effect, the group constitutes a new bloc. One of the arguments advanced there is that crossing the floor is fundamentally anti-democratic insofar as individuals are elected on the understanding that they are loyal to a particular party.

There was considerable interest in what was termed ‘the crisis of expectations.’ MPs are re-elected according to their commitment to their constituents as exemplified by, for example, their performance in Parliament, by the regularity and frequency of the MPs' visits to their constituency, and by their accessibility.

Thus, there is a public relations aspect of the relationship between MPs and their constituencies. MPs must maintain constant contact with their constituents to be able to learn about their problems, and to present their prob-

lems to government by articulating them in parliament. MPs also must explain political party manifestos. They must also explain government and party policies, as well as which projects are being executed as part of the manifesto or policy.

‘Every politician, after election, faces, when the glamour of victory is over...the electorate. We all have to reckon with the pledges and promises we have made. This is why, I think, it is an elementary rule that during an election campaign, no politician, be he [or she] in the government or the opposition, should make false promises’

Alan Ganoo

MPs should bear in mind that voters are impatient to see promises fulfilled. Part of the problem may be that promises often are made by campaigning parties in ignorance of what fulfilling them in practice would entail. In Ireland, Department of Finance officials are available to any political party that wants to estimate the cost for any programme it wishes to propose. MPs should help to enlighten the voters on what is feasible, lest voters become disillusioned and passive. In this respect, it is critical that parliamentarians and citizens alike remember that fulfilling election promises can take time.

‘We have a saying that you hold a cow by its horn. A person you hold by his [or her] word. So, there is accountability to the public...It doesn’t begin and end with the campaign; it is an on-going process.’

Bahiti Temane

In addition, it is also important for MPs to help constituents who voted for another party; it is also a principle of democracy that one respects one’s opponent’s choice. Moreover, paying attention to the needs of one’s constituency, irrespective of how that constituency voted in a given election, can result in an enlarged political base in the future.

THE SPEAKER

A consensus emerged that the Speaker must be loyal to *all* members of parliament. Though it was agreed that the Speaker should protect the minority, there was also sentiment expressed that such protection should not be to the extent that the minority tyrannizes the majority. In short, whereas the Speaker does not make the rules, his or her role is to apply the rules fairly.

The credibility of the Speaker is thus of utmost importance. In Britain, the Speaker is granted a period of security

‘One of the biggest problems is when the people feel alienated from the larger government and do not understand how it works. In that sense, it seems to me that everyone who is elected to office in a democracy has a responsibility to describe to the people what the government is all about, meaning the way parliament functions, the way in which issues are decided and, to some extent, to give both sides of an issue while at the same time making your political points about your minority view, if that is the case.’

J. Brian Atwood

‘The Speaker is elected by the Parliament...and owes his or her loyalty to all the members of Parliament...The Speaker has to be fair in the application of the rules of the Parliament...The Speaker becomes the referee, the arbiter of proceedings.’

Ruairi Quinn

of tenure, during which he is not a candidate. This allows him or her to build credibility. It is important that the Speaker be credible to the House as a *whole*, not just to the government.

Still, there are different ways of ensuring the Speaker's impartiality. Ireland has a convention whereby a Speaker is generally a senior politician who is retiring. To allow for impartiality, once a person is elected Speaker, he or she remains the Speaker for the term elected, even if the Parliament is dissolved. In India, the Speaker maintains his links with the party because he or she has a political future. Nonetheless, the Speaker must still strive to demonstrate impartiality. Thus, the Speaker does not attend the party caucus or party meetings. In Lesotho, the Speaker is usually a retired judge or a retired Clerk of the House, or someone who is apolitical.

Ruairi Quinn responded to a question about whether there are precedents for an MP who is not a member of the majority party to become Speaker. In Ireland, a situation occurred where the governing party commanded a very small majority; to enhance its strength, it appointed someone from an opposition party as Speaker. (Though the opposition party was unhappy with the arrangement, the individual member was content.)

Maria Leissner stated that in Sweden a non-socialist government once appointed a social democrat Speaker because he was greatly trusted by everyone. Botswana has also had Speakers who were not members of the majority party.

Chathadhuri Ajay Daby responded to a question regarding how much room for manoeuvre the Speaker enjoys in relation to the executive when performing his or her duties in the House.

He found that despite his experience as Speaker for nine years, there is no 'exact solution.'

Mr Daby remarked that even though the Speaker commands the support of the majority of Parliament, he or she is not served by having a fanatically supportive majority; the legality of the parliament can be falsified by partisan enthusiasm, particularly if such enthusiasm is ceded irrespective of the Speaker's reasoning.

Ms Leissner observed that the Swedish Speaker endeavours to rise above party loyalties. The Speaker's job is to lead the work of parliament: the position can sometimes lead to conflict with the government; in addition, to a certain extent, the Speaker must also represent the opposition.

In Ireland, if a member is dissatisfied with a Speaker's ruling, he or she may not challenge the Speaker on the floor, but must raise the matter in a committee later. In addition, once the Speaker stands up, all other members must sit down. It is a visual, non-verbal signal that all other activity must cease. If an MP is disorderly, he or she can be asked to leave the house. If he or she does not leave, a formal motion may be initiated against him or her; the individual can even be voted out of the House and suspended for one to three days after an appeal to the most senior minister.

Unlike in Ireland, in Germany there is no appeal to ministers to help discipline members. Furthermore, the Chair is never refuted or contradicted in public. If the matter is serious, MPs can request an interruption. A special committee, the Council of Elders, will have a private session, and then emerge with a ruling.

Mr Ganoo stated that in Mauritius it is possible to disagree with a Speaker's

ruling publicly by tabling a motion of dissent. However, there is usually no vote taken at the end of the day regarding the motion; its main purpose is to allow members to pronounce themselves in agreement or in disagreement with the ruling. There have been cases in the British Parliament where the Speaker himself will admit that he has erred in ruling. Mr. Quinn added that Speakers in Ireland will also admit to an incorrect ruling.

Based on his experience in the Zimbabwe Parliament, Lazarus Nzarayebani felt that if one criticizes the Speaker's behaviour in Parliament, and not in the Committee on Rules and Order, one undermines the Speaker's authority, which is not in the interest of the functioning of the Assembly as a whole. In Zimbabwe, once the Speaker calls 'Order' all activity should cease. Moreover, if the Speaker is talking or is reading something, everyone must sit down; no one is allowed to leave until the Speaker is finished.

THE WHIPS

Ruairi Quinn noted that the Namibian Parliament has only been in operation for twelve months. It has had no precedents, and has had to adopt conventions from other countries. If the Parliament does not take deliberate measures to establish precedents, then the absence of precedents will itself become a precedent.

The role of the whips is to facilitate the work of Parliament. In larger parliaments, especially, whips play an instrumental role in scheduling and planning the agenda and the parliamentary calendar, in organizing debates, and in enforcing parliamentary discipline. In some countries, whips are called 'min-

isters of parliamentary affairs.' Once whips have come to an agreement, that agreement should be construed as binding; it should be respected by all, unless a House vote dictates otherwise. If agreements that whips make are not honoured, the result is an erosion of trust: if opposition and government whips cannot rely upon the decisions they make, planning parliamentary business becomes an unduly complicated affair.

In carrying out his role, the whip also contributes to the Speaker's role, removing the political nature of the exercise of the Speaker's powers; agreements between whips and members of the same and the opposing sides are very important guidelines for the Speaker. The Speaker cannot change an agreement that has been negotiated by the whips.

In Ireland, the government Chief Whip attends Cabinet meetings as a junior minister and advises the ministers on the availability of parliamentary time to pass legislation. Discussion centred on ensuring the proper mechanism for interaction between whips and the government.

The government chief whip's second function is to negotiate, by agreement, if possible, the business of the week in parliament with the whips of the opposition parties. This negotiation takes place a week or two before the week in question. If there is not agreement, the order of the day is challenged by the opposition parties, and voted by the government.

A third role of the whips is to ensure that party members are present when votes are called. One extremely important convention, which differs from parliament to parliament, concerns how or whether a vote may be called when some members are absent.

Discussion centred upon which MPs are eligible to become whips and the organizational role of whips in parliament. Except for certain impromptu business that cannot be orchestrated in advance, all MPs who would like to speak in parliament must first contact their whip.

'The government whip's role is to manage the business of government in terms of progress of legislation through the House, to cooperate with the opposition whips, to organize the time and to make sure that the members are there at the appropriate times...to sit on the Standing Committee of Rules and Procedures...to negotiate with the Speaker, to review the mechanism and the machinery of parliament at all times.'

Ruairi Quinn

In Mauritius, there is a government whip and a whip from the opposition; in cases where there is more than one party in the opposition, the opposition whip consults with the other opposition parties. The opposition whip receives an increased salary in recognition of his or her formal status; his or her salary is usually twenty five per cent greater than that of other MPs.

In Germany, each party group may elect different numbers of whips; each party also decides how equal the whips are in relation to one another. Whips are considered equal in the Social Democratic Party because they have different obligations assigned to them. All the whips meet in the Council of Elders, along with the President, the Speaker, and the Vice-Speakers, to decide how to conduct parliamentary business. The whips receive a bonus for their service not from the general parliament, but from their party group.

In Zimbabwe, the government chief whip alerts backbenchers and ministers of the business to be conducted to ensure that a quorum or a two-thirds majority be present to vote on certain issues.

The Parliament is small in Mauritius; there are 72 members. Since there is not as much legislative work as in other countries, MPs usually meet one morning each week. MPs receive the order paper four days before the session. The whips decide that morning how much time will be required debate, based on their knowledge of how many of their party members would like to intervene. It is also decided that morning whether it will be necessary to have a night sitting. When the budget is being debated, however, the Parliament meets every day until the budget is voted. Time then becomes an issue and tempers may flare at the whips because typically everyone wishes to speak when the budget or an important bill is being debated.

Time is not a critical issue in Zimbabwe. There are 150 MPs in Zimbabwe. Parliamentary proceedings commence in the early afternoon and may continue until the early evening. Tuesdays and Thursdays are allocated to government business; Wednesdays are reserved for ordinary members' business.

There are 166 MPs in Ireland. There is one government whip who represents the two parties in government, and a whip for each of three other parties. The four whips meet to organize time for debate, allotting a maximum time for a certain piece of business. Once the whips agree as to how much time a debate will be allotted, for example, ten hours, each whip can figure out how much time his or her party receives, and how many speakers there can be. There are also certain spokespersons for certain issues in each party; when time is of the essence, these spokespersons are the obvious speakers.

Germany has 616 MPs. Since it is difficult to allocate time fairly in such a large parliament, it is done so in relation to issues rather than to individuals. Time is then allocated in relation to the strength of the party group, and the party group decides how many members will intervene during that time. The decision regarding which party group member will speak is usually decided at the party group's workshop responsible for a particular bill or subject.

CODES OF CONDUCT

Consensus-building

It is sometimes important for Parliament to speak with one voice so as not to make a bad situation worse. One example given was the problem in relation to Northern Ireland. If all parties can agree, a motion is negotiated by the whips. The actual text of the motion appears in the Order Paper, and the entire House votes on it. The message is then sent to the nation that the parliament has unanimously voted on something.

If a sensitive matter arises, or an issue

for which there is a lack of adequate information, and the matter or the issue is to be debated later, the Prime Minister can brief the opposition in private, asking the opposition to agree not to make statements until the negotiation has ended or to exercise restraint on their discussion in parliament. In effect, the government takes the opposition into its confidence, asking it to forego its obligation to oppose. To do so necessitates the prior existence of a good working relationship between the government and the opposition.

Consensus-building is critical as it can be established that the public interest is at stake.

Criticism

Participants expressed an interest in the clarification of the difference between negative and positive criticism.

'It is absolutely essential...that any government would have criticism. The best kind is positive; the worst kind is negative. But a government that doesn't hear any criticism whatsoever is a government that is in great danger.'

Ruairi Quinn

Criticism should be directed to how issues are handled rather than to the personality of individuals. Likewise, governments should be criticized for their priorities, not for the human frailties of any member of the Cabinet.

Positive criticism denotes pointing out ways for improvement; negative criticism entails detracting from programmes and policies without specifying an alternative.

'An opposition party should use the time in opposition to assemble the facts and assemble the proposals and the propositions that can clearly be seen to be more effective, more efficient, and more in line with the philosophy of the particular party that is in opposition.'

Ruairi Quinn

The idea of criticism is to demonstrate to the elector that the affairs of the nation will be better looked after and better executed in the hands of a particular set of politicians or political parties, as distinct from another set, and why. It should be borne in mind that the people can quickly determine if a particular criticism is legitimate, or if it is petty envy or jealousy.

Point of Order

A point of order is a breach of a section of the standing orders. It is manifest when someone rises and addresses the Speaker, saying: 'We have such and such a rule and the member who is talking is not respecting this rule.' For example, in Mauritius, an MP may not make casual allegations against a minister; he or she must bring forward a motion.

‘The opposition is always in a two-fold position. The one is to criticize and at the same time say how they would make it better without promising too much, [to] gain confidence...not just by criticizing everything, but also to make people understand the problems and why they could solve the problems better.’

Helga Timm

It often occurs that an MP interrupts on a point of order, but merely wishes to interfere. One device to minimize the problem would be to require Members who interrupt on a point of order to identify the rule which he or she claims allows him or her to interrupt.

MPs may invoke a ‘point of personal explanation’ to correct factual misrepresentations of his or her comments or observations.

In Germany, MPs may request an ‘explanation of vote’ if they wish to elaborate on why, perhaps despite certain reservations, they voted a particular way. The ‘explanation of vote,’ however, should not be misused to take the time

to explain on an individual basis rather than on a party group basis.

Though there is no such ‘explanation of vote’ in Ireland, at the end of a motion, the Speaker may ask, ‘Does anyone want to speak on the motion,’ (as opposed to ‘are there any objections’; MPs may not have objections, *per se*, but may still wish to clarify something).

Points of correction can be used to correct erroneous factual information, for example, how many hospitals were actually built during a certain time. ‘Statements by Ministers’ can also be used to correct misinformation.

In Germany, one device for correcting misinformation is to ask: Does the Speaker allow a question? If the Speaker does not, fine; however, it does not look good for ministers not to allow themselves to be questioned.

General issues

It was agreed that a code of conduct for MPs in their interactions with one another is important. The code of conduct should be based on honesty and integrity. It is also important to establish what privileges follow an MP once he or she is no longer in office.

The necessity that a Speaker strive for impartiality affects the Speaker’s code of conduct, and may result in a certain

isolation: in Ireland, in the cafeteria, the Speaker does not eat with members of his or her own party, or with the major opposing party.

‘It was stressed that parliamentarians should create through the totality of the way in which they act the respect they have for parliament, and also create themselves as symbols of what parliament is supposed to be, namely, a servant of the people.’

Danie Botha MP

Mr Quinn noted that if MPs want the public to have respect for Parliament, they must first respect themselves and one another, and have to demonstrate this respect in their dress and language.

‘Good temper and moderation are the characteristics of parliamentary language.’

Alan Ganoo

PARLIAMENTARY PROCEDURES

There emerged a general consensus that rules of procedure must not be imposed insensitively, and that a majority party must resist the temptation to bend rules to its own advantage. Rather, rules of procedure are intended to facilitate the smooth functioning of parliament and its work.

‘Rules and Standing Orders...must not be a stumbling block to the progress of passing and processing legislation. Rules must be alive. Anything that is static is dead; and what is dead should be buried. In the words of a senior civil servant in Trinidad and Tobago: “Rules and regulations were never meant to be a deterrent to common sense.” ’

Emmanuel Carter

DRAFTING AND TABLING LEGISLATION

Maria Leissner described the process of how bills are created in Sweden. Legislation is a highly bureaucratic and for-

mal process that requires a considerable amount of time. The government (civil servants, political staff, and opposition members) and all concerned parties outside the government (trade unions, business groups, etc.) should feel that they have been consulted and that they have had the opportunity to influence the legislation.

There are sixteen Standing Committees in the Swedish Parliament. Each political party designates one or two experts who are responsible for specific policy areas to represent the party in the Standing Committees.

The Standing Committees prepare the proposal for a bill, usually at the request of a Minister. Once the proposal is prepared, it is circulated externally for comments. The Minister must consider the comments that are received from solicited opinions; reactions to the solicited comments are attached to the bill when the proposal goes to parliament. Organizations that have not been invited to review the proposal may also comment on it, but the Minister is not formally obliged to consider their opinions.

Bills are debated at the Committee level. The Committee can choose to have a public hearing, or it can invite specific people to participate in the discussion. Government and government support groups generally form the majority in the Committee. After the bill is debated, political party representatives recommend which voting action should be taken to their respective members.

That the Committee decides on the bill prior to the plenary session is currently a contentious issue in Sweden.

Emmanuel Carter stated that in Trinidad and Tobago, bills must be approved by the Cabinet before they can be introduced to the Parliament. The Attorney-General drafts bills for approval. The bill is published in the official gazette, and the press receives a copy of all bills. On rare occasions, the Cabinet might publish a bill in the official gazette to solicit public comments while the bill is still at the draft stage.

Mr Carter observed that in Trinidad and Tobago, the publication of bills in the official gazette ensures that the public at large has access to the bill. No one is excluded, unlike in Sweden, where the Committees choose the groups invited to comment on the bill. That everyone has the same access guarantees impartiality in a small parliament.

There is also a provision in Trinidad and Tobago’s standing orders for the submission of private bills.

Private members may draft legislation, then petition Parliament for permission to introduce the bill. The bill is published in three successive official gazettes, then is subject to a first public reading. A second public reading takes place the following week. With the second reading, a special select committee is appointed to investigate the bill and to report back to Parliament regarding whether or not the bill should be adopted, or if the bill should be adopted with certain amendments.

Non-governmental organizations in Trinidad and Tobago, such as churches, may also request legal status. They may petition Parliament to introduce a private bill to incorporate their organization.

QUESTIONS

Mr Carter described typical measures to ensure accountability. Two procedures exist: oral and written questions. MPs must sign written questions and allow twenty one days for the question to be placed on the agenda. The Cabinet approves questions to control their nature and content, and to ensure that they do not embarrass a particular Minister or Ministry.

In a small parliament, such as in Trinidad and Tobago, sometimes no questions are asked on a particular day in a session. In a larger parliament, there may be more than 100 questions filed every day. Perhaps only forty daily questions are answered during the session; the rest receive a written response. In the House of Commons in Britain, certain Ministers occupy priority on different days.

In Trinidad and Tobago, over ninety per cent of questions are oral questions. Whereas in Great Britain, two supplementary questions are allowed, in Trinidad and Tobago, a half hour is allowed for questions, so there are often more than two supplementary questions. In Botswana, the first half hour of each session is devoted to supplementary questions.

The issue of supplementary questions only arises in the case of an oral question. The purpose of a supplementary question is to score a mark, to score a goal, but it comes with the risk of being scored against. Some Ministers regard supplementary questions as an excruciating experience; other enjoy them as it gives them an opportunity to deliver witty remarks that demonstrate a mastery of their job.

In Sweden, *all* questions are written. The answer is read in Parliament the next day, when it is open to general debate.

That there are no oral questions in Sweden is currently a topic of debate.

MOTIONS

The subject of motions generated sustained debate. The salient questions were as follows..

1 What is the status of a motion adopted by Parliament: does it merely indicate the articulation of a desired outcome, or is it imperative?

Emmanuel Carter explained that a motion's status depends on its wording. Most motions call upon the Parliament to *recommends* something to the government; Parliament cannot *dictate* to government and to the Cabinet what to do. In India, there is a Public Undertakings Committee that when ministers make certain promises, they are called upon to state whether or not those promises have been fulfilled. Perhaps the committee can also monitor motions that have been passed to see if action has been taken on the recommendation.

Bahiti Temane added that in Botswana there is a follow-up committee on assurances given by Ministers on motions or even on replies to parliamentary questions. The committee reports and follow-up questions serve as an instrument to sustain interest in the concern, and may result in a Minister's realization that he or she is not delivering on a specific promise, or that he or she has given a false promise.

Ajay Daby observed that motions originating from the back benches, both of the government and of the opposition, can confirm the opinion of the House. A motion can amount to an *order* by the House, if there is majority support. In such a case, the motion is binding on

the House. In the case of a breach of a House order, the House may express its disgust for the infraction (which in itself constitutes a severe reprimand), or, in rare instances, the matter can be referred to the Attorney General, for disobedience of a motion signifies contempt. Standing orders and orders adopted for a particular session are binding.

'A motion can seek, to confirm the opinion of the House, "the House believes that this is this," or the motion can amount to an order of the House, "the House orders that this should happen like this".'

Chathadhuri Ajay Daby

2 What is the right of a member or a party to introduce a motion?

Mr Daby observed that there is absolutely nothing to prevent an MP from proposing a motion. The greater obstacle is, Will the motion be discussed? There are many tactics for preventing a motion from being discussed. The party whip must decide to give the motion priority in order to ensure that the motion will be discussed.

Ms Leissner reported that there is no such thing as an unconstitutional motion in Sweden. There may be an internal discussion in each party as to whether or not it is good for the party to submit a motion and the party leaders may be displeased with a particular motion but, in the end, members have a right to put forward whatever motion they like. MPs

can have other MPs co-sign the motion to give it greater weight, and to show the party leaders that the motion commands wider support.

Sweden has institutionalized a general motion period (two weeks per year, which correspond with the budget proposal) during which it is not uncommon for 2,000-3,000 motions to be submitted. The motions are submitted to the Standing Committees according to their content; many are attached to new legislation, and they are discussed together.

Mr Carter concurred: the party whip might try to dissuade an MP, for whatever reason, but the MP is still entitled to submit the motion.

‘Every bona fide member of Parliament has a right to file a motion. If there is anybody to prevent him [or her], probably that would be a party arrangement, where the leader of the House or the leader of the opposition may try to persuade him [or her] from doing so.’

Emmanuel Carter

In Trinidad and Tobago, every fourth Friday is devoted to private members’ motions, as institutionalized in the standing orders.

3 Can a government prevent an MP from introducing a motion?

There was a definite consensus that it would be undemocratic for a govern-

ment to attempt to prevent an MP from introducing a motion.

‘In Sweden, there is no possibility whatsoever for the government to manipulate a vote of no confidence...The members of Parliament have the right, whenever they wish, to put forward a vote of no confidence and it will have to be discussed. If it is ruled, then the government has to leave.’

Maria Leissner

Mr Daby commented that there are many tactics to either prevent or force a motion through parliament. Motions can be prevented via balloting, or facilitated if the whips agree that it is a motion of consequence, and thus decide to give the motion priority. He added that if the right to submit a motion is abused, the Supreme Court is qualified to determine if there have been attempts to obstruct a motion.

Mr Temane said that it is always possible that a Minister may attempt to persuade an MP to look at a matter differently; such persuasion may result in the MP deciding not to submit the motion.

Mr Carter observed that, in any event, it is always possible that a motion may be amended, and thereby twisted to

serve a political purpose for which it may not originally have been intended.

‘Whereas there is no formal convention [for motions of no confidence]...it is not in the interest of any government to suppress any business or any motions brought against it.’

Bahiti Temane

4 What are the mechanisms for a motion of no confidence?

There are no standing orders in the Commonwealth, and probably not in the world that include a written provision for proposing a motion of no confidence.

In the Commonwealth, the opposition is permitted to file one motion of no confidence per session. The privilege of submitting a motion of no confidence is usually reserved for the leader of the opposition. Any member, however, can file a motion of no confidence. In either event, the motion can only stand in the name of one person.

In Sweden, a Committee on Constitutional Matters handles criticism of individuals. The Committee may issue a statement, such as, ‘We criticize the Minister,’ which is quite severe; it usually indicates that the Minister will eventually be replaced. If the motion is directed against the Prime Minister, by implication, it is directed against the entire Cabinet.

There are two types of no confidence motions: directed to the government as a whole, or to an individual member of the Cabinet. The Speaker has the ultimate responsibility to ensure that the motion is legitimate, that is, that the motion is not intended to intimidate or harass.

The formulation of a motion of no confidence is that 'This House has no confidence in Government;' it does not mean that the opposition has no confidence: it means that the House as a whole has no confidence.

'The most important constitutional motion, which entails submission of resignation, can only be the motion of no confidence against government. This is the only motion you can table which can bring down a government democratically, but you can always, in the course of time, censure a minister individually.'

Chathadhuri Ajay Daby

Germany has a unique provision in its Constitution: it is not possible to simply have a vote of no confidence; it must be a constructive vote of no confidence. MPs must have a positive proposal to vote for someone to replace the individual (s) being asked to resign. The provision ensures a certain stability of government.

COMMITTEES

There are generally two types of committees constituted during Parliamen-

tary sessions: Standing Committees and Select Committees. The Speaker generally takes the initiative for the creation of committees. Membership of a committee is subject to consultation between government and the opposition; membership of committees is part of an MP's duty. Parliament is not bound by the reports of the committees; it may file the information away, or use it to legislate.

Parliaments in the Westminster model have a number of standing committees. The most important standing committee is the Rules and Procedures Committee. This Committee, which may be known by different names in different parliaments, is chaired by the Speaker with representatives of all the parties, proportionate to their strength. The Committee is charged with discussing the operations of the House, including the standing orders. It is also the Committee that receives complaints against the Speaker.

The second most important committee is the Public Accounts Committee. The committee is usually chaired by a member of the opposition, and it is representative of party strength in the Parliament. The committee has powers to investigate and to censure the expenditure of ministers in the Cabinet. An Auditor General publishes the accounts and certifies that the monies spent are properly accounted for. The Public Accounts Committee reviews the report, and may summon the secretaries of the departments to appear before the Committee to justify an expenditure.

In Ireland, each MP has to be a member of at least one committee; membership on a committee is a good way to develop expertise in certain issue areas.

In Germany, parliamentary committees correspond to the various ministries. Members of Parliament rely on the expertise of individuals in committees. It is thus important for members

to cultivate their knowledge, particularly since members tend to depend upon the competence of the spokesperson of their party group. Members of the public can make appeals to parliament through a Petition Committee.

Public hearings are also important in Germany; public hearings allow parliament the opportunity to gather expertise from outside to counter-balance the expertise of the bureaucracy. Members of the public appear before a committee only by invitation.

The House in Mauritius is small, so there are not many committees. The most important one is the Public Accounts Committee. Others such as the Standing Orders Committee, meet very rarely.

In Zimbabwe, committees report to the Speaker. These committees include the Public Accounts Committee and the Estimates Committee. Members of Parliament can constitute their own committees to investigate any misdemeanour in government or anything they wish.

The Select Committee is very important. It identifies and invites prominent members of the public to submit their views on critical issues. A select committee can be an ad hoc committee, depending on the issue. Its proceedings are confidential until the report is made public.

Committees are a very important area where MPs can improve their own knowledge on subjects and develop expertise, thereby being better prepared for if and when they have to replace a minister or become involved on a higher level in a ministry.

Germany has a Petition Committee to which MPs can direct petitions if they find a blockage somewhere in the bureaucracy. The Petition Committee

undertakes to solve the problem, thus functioning like a parliamentary ombudsman.

It was suggested that this discussion could serve as an impetus for setting up sub-committees on pressing issues in Namibia, including education, housing, health, and social welfare.

GENERAL

There is an interesting practice in India, of 'calling attention motions.' These

matters are not necessarily matters of urgent public importance; they are topical matters of interest, for example: 'Have you noted that there is a report on the environment in such and such a magazine?'

Another practice is that of 'zero hour.' It lasts for approximately ten minutes. No standing orders apply during that time. Typically, MPs stand and shout out their points. The purpose is not for the Speaker or the minister to listen; rather, the aim is for MPs to nurture

their public. The constituent who comes to the gallery can verify that the MP has, indeed, raised the issue.

Interest was expressed in reviewing Namibia's parliamentary calendar. Currently, the Namibian Parliament meets every day in the afternoon.

In other countries, MPs might meet from Wednesday to Friday, etc. The practicalities of arrangements in other countries was discussed.



Members of the International Delegation to the Symposium

RELATIONS WITH OTHER INSTITUTIONS

PARLIAMENT AND THE GOVERNMENT

Bahiti Temane defined a government: the party that commands a majority after elections forms a government. The structure of government, the relationship of the executive to the legislature and to the judiciary, is important; it mirrors the representative nature of governance.

Mr Temane emphasized the need for teamwork, rather than competition between the executive and the legislature. Access to information is critical to a government's ability to perform; such information is circulated through Parliament.

Concern was expressed regarding the issue of status: Do Ministers enjoy a particular status in parliament? That is, is their status elevated or ordinary?

Mr Daby mused that when one talks of status, one generally refers to rights and privileges. In parliament, all members enjoy similar rights and privileges. Where initiatives are concerned, however, Ministers have greater access to determining the agenda.

Ministers also enjoy certain procedural rules, for example, moving the adjournment of the House or the postponement of debates, but these rules are for the benefit of the House as a whole; they are intended to ensure order. Mr Temane concurred: no one enjoys an elevated status in parliament; basically, all ministers are MPs.

'Elected Members of Government should recognize that they are more likely to be Members of Parliament for much longer than they will be a Member of the Government. They should recognize the legitimate rights and responsibilities to all Members of Parliament whether on the opposition benches or on the back benches. It is after all in their own interests too! Some day they might be on the back benches and some day they may very well be in the opposition as well.'

Ruairi Quinn

Standing orders in Trinidad and Tobago stipulate that reference must be made to members by their office or by their constituency.

'Basically, all are MPs. One often hears the expression "an ordinary MP." I don't believe that there is anything like an ordinary MP because whether you are in the executive or just [on] the backbench, you are an MP.'

Bahiti Temane

Mr Daby surmised that a basic issue in Namibia, as elsewhere, is the answerability of the executive to parliament. In this respect, he outlined two basic types of constitutions: written and unwritten conventions. He observed that Britain, for example, possesses a great number of unwritten conventions.

Unwritten constitutions (or conventions) define the duties and the answerability of the Ministers to Parliament and the duties of members. Such conventions consist of practices that evolve over time and experience.

Mr Daby noted the qualitative difference in the wording of Section 41 of the Namibian Constitution which states that

Ministers shall be accountable individually for the administration of their own Ministries and collectively for the administration of the work of the Cabinet, both to the President and to Parliament.

In certain Commonwealth countries, Ministers are 'responsible to Parliament.' The wording of the Namibian Constitution begs the questions; Do Ministers in Namibia have the right to refuse to be accountable, and if they do, what remedies are available to members and to citizens?

In Commonwealth constitutions, the right to refuse to answer a question should not be confused with a non-response.

The refusal to answer must in itself constitute an answer: the Minister must state clearly that, for whatever reason, he or she will not answer. Simply not to answer or to avoid the issue by being absent from Parliament constitutes contempt of Parliament.

In addition, a refusal to answer cannot be arbitrarily decided; it must be based on solid, credible grounds. For example, a Minister can refuse to answer a question if it is in his or her considered judgement that to answer could jeopardize national security, public policy, or the public interest. In this case, a Minister should invoke the reason officially.

A Minister may also refuse to answer a question if he or she would somehow be compromised.

The issue of whether or not to answer a question is therefore a matter of interpretation, but that interpretation must be based in law, and it should not conflict with the Constitution. In short, the Minister places his or her credibility and judgement on the line.

There was a feeling that, as a general rule, if a Minister is asked a question in a select committee, that is, a committee that is not open to the public, the question should be answered.

'If it is a select committee for a select purpose, I am sure in any parliament the deliberations must be kept under protection of the House. Any leakage or any publication that can hurt the committee itself...is a very serious contempt.'

Chathadhuri Ajay Daby

Mr Daby added that if a committee is a select committee (as opposed to a public one), then the proceedings must be strictly confidential. The Minister should therefore be bound to answer, unless he or she can persuade the committee that he or she should not answer the question.

Mr Temane observed that there are problems of accountability world-wide, especially when it comes to defence.

Ms Leissner said that a Minister should also go into greater detail in a private meeting than in a public meeting. There is a discussion in Sweden as to how to improve control over national security and intelligence.

PARLIAMENT AND THE CIVIL SERVICE

In Botswana, the civil service is neutral, but civil servants are entitled to affiliate

with any party of their choice. Nevertheless, civil servants may not take an active part in politics by openly identifying themselves with a particular party or addressing a public rally.

In addition, the traditional administration is well integrated into the public administration, and is also neutral.

In Tanzania, however, President Julius Nyerere altered the tradition of the neutrality of civil servants; civil servants were politicized. Nyerere's feeling was that unless civil servants understood what they were defending politically, they could not be relied upon to carry out their duties.

In Mauritius, Citizens Advice Bureaus have been established in rural areas. Civil servants staff these bureaus.

They listen to the complaints of any member of the public, then relay these complaints to the appropriate authority in the capital or in the town, expediting matters to ensure that the situation is resolved as soon as possible.

In Ireland, the real cost of proposed manifestos or programmes is measured and calculated by civil servants. Civil servants indicate not only how much a programme will cost, but also how the revenue for it might be raised.

Civil servants are the principle advisers of government, because of their expertise. They also implement government policy and, because of their access to and command of information, civil servants draft ministers' speeches. Civil servants are critical to the on-going functioning of government.

As a consequence, politicians tend to rely on civil servants, either because of the pressure or the volume of work to be done. Nevertheless, MPs have an obligation to their electors to develop

‘The role of the public service is to make available, in the first place to Ministers, but in the second place also to members of parliament, all information they require for their work’

Moses Katjuongua MP

It is the civil service which holds the fort when the government of the day is upset for one reason or another.’

Bahiti Temane

‘There is a need for politicians to make an input, to do their own research and complement that with information.’

Bahiti Temane

PARLIAMENT AND THE PRESS

Discussion focused on the interaction between Parliament and the media.

The media – electronic (radio and television) and printed – has a vital role to play in informing the public on the proceedings in Parliament. The media disseminates information to the people at large, keeping them informed. The media is also a forum for offering advice

to MPs and the government when it deems that programmes and results are not proceeding in keeping with promises made at election time.

The media as a vehicle for informing the public

The public has conferred a mandate upon the members of parliament, and thus the public has a full right to know – to see and to hear – the extent to which the elected representatives are carrying out that mandate successfully, or if they are failing. To this end, the media should reflect proceedings in parliament accurately, objectively, and in a balanced manner. That is, all contributions in parliament should be reported, including those of the opposition as well as those of the ruling party. The media’s access to parliament, therefore, should be as unrestricted as possible.

‘Information is a right of the people and therefore that information which the press must provide to the masses must be clear; it must not mislead or misinform society.’

Lazarus Nzarayebani

Nonetheless, it is a privilege for the press to be allowed in parliament, and the parliament has the right to exclude the press when it deems it necessary. In most Commonwealth countries, a Privileges Committee is established in parliament, charged with attending to problems relating to breaches and vio-

lations of parliamentary privilege. If a journalist breaches his or her press privilege, by, for example, misrepresenting what an MP has said, the MP has the right to bring the matter before the Privileges Committee. The Committee will take evidence from both the MP and the journalist involved, and thereafter submit a report to the full parliament to decide on the action to be taken. The punishment for a breach of privilege ranges from the suspension of the journalist’s privilege to attend Parliament proceedings for an amount of time commensurate with the offence, to, in an extreme case, imprisonment. A journalist cannot be punished for what he or she writes in Sweden, however. Instead, the media regulates itself through an ethical code of conduct. It is not considered a privilege for journalists to be in parliament; it is considered a pre-condition for democracy.

There is one television station in Trinidad and Tobago, which is completely state owned. At election time, the state gives an equal amount of prime time (about 10 minutes) broadcasting to each party. Mr Carter noted that the government continues to make use of regular broadcasting; it is the government’s right to inform the public of its achievements (number of schools and hospitals built, etc.) while it is in office.

Techniques for maximizing press coverage

The objective of bringing home to the general public the positions taken by MPs in parliament can best be achieved by maximizing media coverage both in qualitative and quantitative terms. Good relations between media and members of parliament are important for the general respect of democracy (press coverage can create confidence in the

public that the members of parliament are doing their jobs). In addition, the press can be a vehicle for promoting a party's ideas and ideology.

The following techniques and strategies were identified and recommended to help MPs to facilitate the exchange of information. Parliament and the media should operate in an environment of mutual respect for the role each institution plays in a democracy. In essence, the Parliament and the media need one another.

'The press and the Parliament, in all democratic countries, live in a symbiosis. We cannot exist without one another. A parliament without press reporting about what is happening can simply not exist...And the press has...problems to exist if there is no parliament and no politicians to report about, and no political decisions.'

Maria Leissner

MPs should avoid getting upset with journalists, and should especially avoid verbal or other abuse. Parliamentarians should save their anger for when reporting is *fundamentally* wrong, rather than reacting to every small detail. If *details* are incorrectly reported, parliamentarians can provide journalists with the necessary information. If reporting is fundamentally wrong, parliamentarians can settle the matter directly with

the journalist, calmly, and outside the public view.

Arranging informal meetings at the personal, party, or parliamentary level with identified journalists can greatly narrow the gap between parliament and the media. Some countries have instituted regular dinners or other such meetings to provide journalists with general background information about initiatives to come.

Parliamentarians should also try to understand journalists' work conditions: what information is essential to them? What documentation do they require? When are their deadlines? It is also important to differentiate between the media. That is, small magazines may prove to be as important for public relations as the major daily press.

In some countries, the media has its own balcony in the parliament and a press room where each journalist or media specialist has a mail box. The media thus can receive copies of press releases.

In some countries, the media also routinely receive a copy of all documents that members of parliament receive. Information can also be faxed to relevant media, and MPs should not hesitate to take the initiative to contact the media when they think they have something important to convey.

Personal friendship with journalists can contribute to accurate and positive reporting about parliamentary proceedings. At the same time, it is important to remember that parliamentarians and journalists perform different jobs, and that each have certain professional limitations. MPs should avoid calling press conferences to indulge in general or irrelevant information. Press conferences should be brief and to the point. If they are not, MPs risk leading

the media to believe that press conferences habitually are long, unimportant affairs. Thus, when a particular press conference is truly imperative, the media may not attend. In addition, it is important to time the event well, keeping in mind press deadlines and broadcast times.

MPs should not waste time with journalists whom they know to be unsympathetic. At the same time, MPs should not underestimate the extent to which journalists of a different ideological understanding may be interested in hearing their ideas. Letters to the editor of an 'unfriendly' publication may spark debates. Debates, in turn, spark greater ideological clarity.

General observations and recommendations

There is a need for a general debate in Namibia on the role of the media in a democracy. There was concern generated by the widespread conception that there is no professional identity in the Namibian press, and that the press is very partisan.

Journalists only report things that support the particular image of the government that they wish to portray. The problem may be related to Namibia's history: journalists have not abandoned the situation of struggle and partisanship.

Yet, when there is a very active press, professionalism is needed. Some spoke of the need for the media to develop an ethical code. Appreciation was expressed for the initiative undertaken by the media to organize a council charged with controlling the press. The Media Council will draw up a code of ethics. It was suggested that the Council have not only a code of ethics, but also a

‘Our journalism in Namibia is still very much ideologically based because the newspapers were extensions of the ideological wings of the political parties...which, of course, were caused by the conditions under which we found ourselves...I think the time has come...as all of us are moving to internalize democratic values, to realize that only united we stand.’

Speaker Mose Tjitendero

disciplinary code so that members could be disciplined for infractions.

There was also concern expressed that Namibia may have too many papers for such a small and largely illiterate country.

For others, the existence of different papers portends well for the exchange of information and freedom of the press. The importance of a free press was emphasized as a deflator of tensions.

The ordinary person on the street, through letters to the editor, etc. feels that he or she has some say in government, and that he or she can participate.

In Canada, all parliamentary sessions are completely recorded and filmed.

‘We have a fragile democracy and once it is seen that legislation is passed to control one thing or another, it will affect our image. Let’s give [the media] a chance to do any remedial work from within. They are reliable, responsible people – or should be – let them do the correcting.’

Anna Frank MP

‘I am not so much concerned about the number of weeklies and dailies we have. I think the debate is very lively both in parliament and in the press. The press must have a direction, however; it has to have a goal as to what it is trying to achieve, and that is where we still have a vacuum’

Speaker Mose Tjitendero

The Speaker retains control over the audio and visual tapes. ‘Reaction’ shots are prohibited; the camera can only

The press is always biased, more or less, and since you have so many papers, you have an advantage...it is a great help to have many different papers to address yourself to. You will have to read all the papers to find the truth.’

Maria Leissner

focus on the person who is speaking. After the material is edited by the parliamentary staff, the electronic press may request copies for live broadcasts.

In other countries, only the opening session and the session in which the budget is introduced are broadcast live. Namibia should examine its policy regarding the use of live broadcasts.

Currently, there is live coverage when parliament opens, and when the Minister of Finance introduces the budget. Should there be more extensive live coverage of parliamentary proceedings? Is more extensive coverage desirable and/or economically feasible?

The parliament should educate MPs on how to interact with the media, including such practical tips as how to write press releases, and how to behave before a microphone and a television camera. If extensive training cannot be carried out, perhaps a handy reference guide could be written to cover major points.

MPs should not forget that a positive by-product of media coverage is the personal marketing of MPs.

APPENDIX I

OPENING REMARKS

J. BRIAN ATWOOD, PRESIDENT NDI

Honourable Prime Minister and Honourable Speaker, I want to thank you very much for that very warm welcome to the foreign delegates who have come here today. The National Democratic Institute is honoured to co-sponsor this seminar with the National Assembly, and I want to thank you, Mr Speaker, and also Dr Peter Katjavivi, who was a Member of your Assembly until very recently, for the help that they have given us, and the advice they have given us in preparing the agenda for this meeting.

NDI has been very proud to have been involved in the struggle for independence here in Namibia. We sent a delegation to review the election system that was being proposed by the South African Administrator General. We have written a book analysing the important transition period and the role that the United Nations played during this period. We feel that we can share in some very small way the pride that you feel as you approach the one year anniversary of your independence. On behalf of the foreign delegation here, I want to congratulate all of you for the accomplishment; the world celebrates what you have accomplished over the last year.

There are two people whom I want to mention who are members of the National Democratic Institute Board who also played a significant role in the history of your country. They both served the United States as UN Ambassadors. They are Andrew Young and Donald McHenry. They are very proud of the role that they played in the creation of UN Resolution 435, and

they both send their best regards to you at this conference.

As you sit each day in parliament, you have in your own minds a concept of the kind of country you want to help create. Some of you are absolutely sure that your concept is right. Your conviction is probably what brought you to politics. Those of you who are absolutely sure of your cause are sometimes called idealists – some call you extremists – and some call you other names.

Many of you are no less sure of your goals but you can see both sides of an issue. You are called pragmatists. Some would call you weak, wishy-washy – some would call you other names.

Democracies cannot succeed without highly motivated idealists. And democracy cannot exist without principled pragmatists.

The members of the National Assembly who sit here today have already witnessed the strengths and weaknesses of their colleagues. You have already achieved in a short time what it has taken other nations centuries to achieve. As a Constituent Assembly you wrote a Constitution that is one of the most liberal in the world. That is quite an accomplishment for a group of human beings who had been at war with one another.

Your Constitution was written by individuals who had studied human behaviour over history and who understood that some concepts of government and management of human societies had stood the test of time.

I am very pleased that NDI was able to bring such an experienced, talented group of legislators to Namibia to share their experiences with you. We had an initial meeting yesterday to get to know one another and to discuss the agenda. You should know that your guests have studied your country and they have searched their own national experiences to see what analogies they could draw. I was impressed by how relevant were the stories of these countries to your Namibian experience. Your Speaker truly inspired our group as he summed up the discussion and brought these experiences home to Namibia.

What was missing yesterday, however, was any discussion of my country – the U.S.A. Perhaps it was the role I was playing as co-chair, or perhaps it is because I sometimes make the mistake of thinking a rich superpower is not relevant to a small country.

At 5 am this morning, I realized I was wrong and I would like to spend a few minutes burdening you with why the American experience with democracy is directly relevant to Namibia and to this conference on parliament and democracy.

First, we fought a war of independence like you – a war to be free. The great rallying cry, 'No Taxation without Representation' doesn't seem as exciting today as your 'Power to the People' or your clenched fist. But in 1776 it was just as radical, just as exciting – as was our Declaration of Independence.

In 1783, our Constituent Assembly met in Philadelphia to spend years pro-

ducing a document initially less impressive than the one you produced in weeks. Our Constitution was ahead of its time, but it would not meet today's human rights standards. It contained a wonderful bill of rights, but some Americans were given only three-fifths of a citizenship. Only white, male landowners were allowed to vote. But in that compromise document – the US Constitution – were the seeds of a great democracy. Not only did it prescribe a process for amendment, it also enshrined the concept that freedom and equality were the common goals of our society.

This is the message that I want to convey to the idealists and the pragmatists who sit in this room: the two currents of any strong democracy are freedom and equality. And the struggle for the perfect democracy – a never-ending struggle – is about the tension between these great currents – freedom and equality.

That struggle is the American story and it will be yours. 130 years ago we fought a civil war when the nation's concept of equality finally, and inevitably,

clashed with some Americans' concept of freedom – the 'freedom' to practice slavery.

100 years later, Americans of African descent had to fight another war – this time a non-violent one – against laws enacted by a 'free' society that were not based on equality. These Americans adopted an anthem – a song – that became for them as important as the national anthem. The words were simple, but powerful: *'We shall overcome. We do believe. We shall overcome one day.'*

Freedom, Equality. The struggle to reconcile these two vitally important values, that is what democracy is all about.

One person's freedom may be another person's servitude. Equal rights have become a universally accepted principle, but equal opportunity – equal access to a good education, for example – this is a manifestation of the struggle for equality that runs counter to some people's concept of freedom.

As legislators in a democratic Namibia,

you will struggle every day – whether you are idealists or pragmatists – with this tension which has been built into your Constitution. Whether you are debating over a tax bill, housing or education, the tension will be there.

Your Speaker said that your baby parliament was born with teeth and it did not have the chance to crawl or even walk before it had to learn to run.

That is true, but it is also true that you did not have to wait 200 years to achieve equal rights for all your citizens.

It is also true that your society has benefitted by learning from the sad history, and the inspirational history, of nations such as mine. In that way you are just as rich as a superpower.

You are independent and you are free. You overcame because you did believe that freedom and equality were *not* irreconcilable in your democracy.

We of the foreign delegation wish you well. Thank you very much.

APPENDIX II

OPENING REMARKS, DR MOSE TJITENDERO, SPEAKER OF THE NATIONAL ASSEMBLY

**Honourable Prime Minister,
distinguished guests, fellow
Parliamentarians, Ladies and
Gentlemen.**

It is my honourable task this morning to offer you a statement of welcome to Namibia and to present welcoming remarks upon your arrival in our country. We are happy to welcome you here

virtually on the eve of our first independence anniversary and in that respect we consider it is timely that we are together, meeting to examine the nature and implications of Parliamentary Democracy in Namibia when our country is one year old.

The cooperating institutions in this exercise, that is, the US-based National

Democratic Institute for International Affairs and the National Assembly of Namibia are together happy to undertake this exercise. In the course of the transactions of this symposium, we would be able to cover a wide range of issues impinging on parliamentary decision-making and responsibilities, and the development and consolidation of democracy in Namibia.

We are honoured to have, in our midst, such distinguished Parliamentarians from a variety of countries including our next door neighbour Botswana, Trinidad and Tobago, Sweden, Zimbabwe, Mauritius, the United Germany and the Republic of Ireland. I am happy to share the chair for this symposium with the president of the National Democratic Institute, Brian Atwood.

The National Democratic Institute for International Affairs has made a name in the conduct of non-partisan political development programmes in many parts of the world. We are aware of the fact that by working with political parties and other institutions, the NDI endeavours to promote, maintain and consolidate democratic institutions and pluralistic institutional values in the developing world. We would like to say again to the delegates from Africa, Asia, Europe and the Caribbean, who are here with us to share ideas on parliament and democracy, you are very welcome and we hope, apart from the work we have to do together, you would be in a position also to have a look at our country which has quite a few unique attractions and natural endowments. It is truly a beautiful country.

The Democratic Tradition

I want to say a few words about democratic traditions. When I say 'democratic traditions,' I want to say in this context that we in Namibia do not have any democratic traditions to look at. We are the creators, and maybe we are very fortunate in the sense that we shall create our democratic traditions. We are responsible for them now, and for the future.

Ours is a country which has, in the past,

undergone many trials and tribulations under the colonial yoke of first the German administration and subsequently the South African apartheid system. The history of our country, to say the least, has been a turbulent and difficult one. The records are available for all interested parties to examine. Over the past three decades, the struggle of the people of Namibia to achieve a system of representative government, a system which recognizes the rights of all Namibians, has involved the expenditure unfortunately of untold human lives and excessive suffering.

In the last two years a dramatic process was initiated which has closed the unfortunate chapter in our history of suffering and tribulation and has, in its place, installed a fledgling system of parliamentary democracy and the requisite institutions of an open society. A key and fundamental principle of democratic government is that the people openly and freely elect their own government on a regular and routine basis. This is what the people of this country have committed themselves to do. Namibia today enjoys a vibrant, multi-party political system, which I am sure, during your short stay here, you would notice through the diversity of frank, lively and open opinion expressed in our press. For a country as small as ours, the spectrum of political opinion that is available and the vigour with which views are expressed, both in parliament and in the press, attest to our commitment to ensure that the democratic process on which our new nation has embarked, would be jealously guarded and protected to ensure that the institutionalization of the democratic process is historically consolidated beyond any shadow of a doubt.

To do this, we are fully aware of the fact that we would need constantly to up-

hold the tenets of our Constitution and to ensure that the underlying principles are well respected by all. We must ensure that they are not only well respected, but also that a conscious effort is made, both in and out of parliament, to nurse and deepen the culture of tolerance and pluralism in all our social transactions and expose any tendencies towards arbitrary and undemocratic rule.

It is my observation that, in this first year of our existence as an independent and democratic nation, our parliament has shown a keen interest in maintaining the centrality of democratic practice in our everyday work. Naturally, with all such processes, especially in the early and teething stages, the flow of the process does not proceed always without hiccups and difficulties.

But, with the commitment of the parliament and people of Namibia to ensure that our democracy works, grows and develops, it is with confidence that I say that the entrenchment of parliamentary democracy in Namibia is here to stay and will succeed.

The three wings of our democratic system, that is, the executive, the legislative and the judiciary, have made a very good start of democratic and open practice over the past year.

These three institutions of democratic government in our Constitution provide the checks and balances necessary for the cultivation of multi-party democracy.

Together these various arms of good government in an open society have so far operated with wisdom and care, to ensure that our young democratic system works as effectively and as responsibly as is necessary, to ensure good government and welfare for the people of this country.

We recognize the need to uphold the rule of law and to entrench the underlying foundations for its maintenance and consolidation.

We also note the wisdom of Sir Ivor Jennings in his famous text *The Law and the Constitution* that:

The fundamental difference between a democracy and a dictatorship rests in this: that the people in the democracy are free to learn what facts they please about their own system of government, and to change it if they can think of a better, while in a dictatorship there is suppression of information, suppression of freedom of thought, and therefore the absence not merely of the means of establishing a different system, but of learning whether there are any arguments in favour of another.

We are proud to say that ours is a democracy, and in cultivating our young tradition in this respect, we are carefully learning from the mistakes and successes of governmental systems throughout the world but particularly in Africa, where unfortunately the record of post-independence Africa in this respect has not been, to say the least, laudable.

We would do our utmost to ensure that our system does not drift or wander into the dangerous pathways of intolerance, repression and the undermining of the necessary requirements and liberties which underlie the effective operation of a democratic society. We are

committed to the electoral process based on a multi-party system with no fear or favour to any specific party.

It is our tested belief that the Namibian people are mature enough to make correct choices and that they wish to see the strengthening of our new democracy.

We, the elected representatives, would endeavour to make it a shining example of what democracy in a developing country like ours can achieve.

We note that, across our border, the Republic of South Africa is passing through changing times and that there is determination by a wide variety of political and social forces in that country to see to it that a new and democratic dispensation buries the apartheid system, and in turn gives birth to a new system which will be responsible to a wide and democratic constituency, which will ensure the mass participation of the people in decision-making on all issues affecting their destiny.

This is an endeavour for which we wish the best for our fraternal people in South Africa. It is our fervent hope that the process underway to dismantle the apartheid system and establish a new, just and democratic dispensation for all will, in due course of time, see the light of day.

During your brief stay here, we will be examining a range of issues which will

touch on the sub-themes of:
The Parliament and Government
The Parliament and Members
Responsibility to Constituents
The Parliament and the Press,
The Responsibility of Whips

The practical experience that you bring from your respective countries will be of great value to us. We are aware of the fact that you are anxious to hear how best you can be of support to the development of Namibia in general, and democracy in particular.

I believe that the exchange of information fostered by this symposium will prove useful to both our National Assembly and international delegates, who will be able to bring the news of Namibia's success home to their countries.

In the name of the Parliament and people of Namibia, I would like to thank you very much for agreeing to come and to share your doubtlessly rich and informed views with us, as part of a common learning process in the service of the democratic ideal. We would also like to thank the National Democratic Institute for International Affairs for this kind and generous offer to assist in this learning process by sponsoring the delegation of parliamentarians from different corners of the world. We wish you well and a very pleasant stay in Namibia.

I thank you all.

APPENDIX III

CLOSING REMARKS J. BRIAN ATWOOD, PRESIDENT NDI

I am going to combine some comments that I was going to make to the fellow parliamentarians here from Namibia and from other countries with comments that I will make of a descriptive nature to the press, so that you understand better what we have been doing here for the last three days.

First to the plenary. I am very impressed with what I have seen. I think all of the foreign parliamentarians who have come here are terribly impressed. But I think it might be useful to you who are now living in the midst of this democracy to get a perspective of someone who has been here now for a third time. I have seen tremendous changes each time.

When I first came here at the time that Martti Ahtisaari of the UN arrived here, I saw a very static society, a society that was full of fear of the future. I came here the second time at the time of the election – a very important first step in the development of this democracy – and I saw a highly polarized campaign, a very emotional campaign and very little discussion among the parties although there was a healthy debate on the positions of the parties.

I came here a third time and I see the attitudes have changed tremendously, and that people are working together. That does not necessarily mean that they like one another, but they do seem to respect one another, and I think that is a very significant factor for democracy. I think it is important, and some

of you, from the opposition and from the ruling party have acknowledged that you come from different cultures, cultures that are not necessarily conducive to the development of democracy.

The ruling party comes from a military command structure for the most part, forced on you by the struggle over many years. The main opposition party – and of course, there are variations, not everyone comes from this particular background – come from a colonial structure. Neither of these structures are conducive to the development of democracy. Neither of them has fostered the values that underscore the development of a healthy democracy. Nevertheless, you have managed, I think, to work with one another and to push those people forward who really do have democratic values and your society has been enriched as a result.

The Speaker is a good example. He has come back to this society after many years. I like to think that it is his experience at the university of Massachusetts in my home state that has given him such a rich understanding of democracy, but I think he was born with that, frankly, and his sense of fairness is an indication of that.

As I have said before, elections are always just a first step. In themselves, elections do not necessarily mean that the roots of democracy are implanted. But what you have accomplished by putting this Parliament together over the last year has really begun the proc-

ess of growing that tree that National Assembly Member Danie Botha mentioned needs to grow in this society.

I would note that the very first motion put forward in your Constituent Assembly was a motion to accept the 1982 Principles and they have become the principles that guide your democracy. That motion was accepted unanimously. Not all motions that have been put forward since that date have been accepted unanimously, but nonetheless, they have been put forward with the same spirit, and that is a spirit that cares deeply for the new nation of Namibia. It is important in any democracy that government be a smoothly functioning and disciplined operation. In this conference, over the last three days, you have heard from societies such as Botswana, Germany, Mauritius, Ireland, Trinidad-Tobago, Sweden, Zimbabwe – all societies that are attempting to make their democracies function smoothly. You have heard a discussion about the importance of openness and transparency in your society. You have heard about the importance of accountability and ethical behaviour and you have heard about the importance of the rights of minority parties and freedom of speech and the relationship of parliament to the government. You have heard about the importance of consulting with public organizations that should have some role to play in the development of laws, and I think you have learnt that democracy must be a system based on discipline as well as openness.

I think that the people who have come here from other countries have enriched your understanding of your own democracy, and I must say that in talking to each one of them, they have learnt a great deal about Namibia and they will take home to their own societies a better understanding of what you have accomplished here in the last year.

I also want to mention that we have had here as observers members of the African National Congress from South Africa. They are not the only people in South Africa that need to learn from

your experience, and I am sorry that we could not have had more people representing other organizations in South Africa.

We all hope and pray that within the next few years they will be undergoing the same kind of experience that you have undergone here in Namibia.

When we first began working here, we understood that the success of the Namibian experience did not necessarily mean that there would be a change in South Africa, but we all knew very well that if this experiment did not succeed,

that you would probably put off change for at least a generation in South Africa. I hope that as the world press comes here for the anniversary of your independence, that they will report loudly and clearly to the people of South Africa and to the people of the world that this experiment indeed has been a success.

I thank you very much, Mr Speaker, for your kind advice and for your co-chairmanship of this excellent conference.

APPENDIX IV

CLOSING REMARKS, DR MOSE TJITENDERO, SPEAKER OF THE NATIONAL ASSEMBLY

I am delighted and I am very happy to be the first Speaker of the Parliament of Namibia. As it was indicated and noted by the Honourable Brian Atwood, I come from a different background, and I did not expect to be the first Speaker of the Parliament of Namibia. I must say that I am quite happy with the strides that the Parliament has taken up to this point. The hiccups are there, the difficulties in the flow of information and communication, different perspectives are there, but I am quite confident that every step that we have taken in the legislative process has been in the right direction. If there is any need, I think we shall make an in-flight correction, but we are airborne.

Today, as we come to the close of this symposium, I am very delighted to recall that the nationhood of Namibia

has been established beyond doubt. The difficulties in the National Parliament can only be seen in that light. When I recall that the Constitution of the Republic of Namibia was adopted unanimously, when I recall that the Coat of Arms for the Republic of Namibia has also been unanimously adopted, when I recall that today we have a National Anthem that has also been unanimously adopted, as the Speaker, I look back – to mention but a few events – on this record with great pride because, honourable members of the National Assembly, your commitment when the national interest is at stake has always come to prove that we are here in the same boat. And in the words of the Prime Minister, if it sinks, we are all dead; there will be nobody out there on the wall to rejoice or to witness.

I am also reminded as we are approaching tomorrow, the 21st March 1991, the first independence anniversary of the Republic of Namibia, that there could not have been a more appropriate timing for us to sit and to examine the activities, our successes, our half-way measures and, maybe, failures. As a born optimist, I only see failures as a temporary set-back. So, the failures do not exist in my vocabulary. I am very proud, and in this vein, I must express my deepest thanks and appreciation on behalf of the Parliament and the people of Namibia to the NDI President and to the very experienced resource persons who have come on this last day before our anniversary to go over the path with us with a fine-toothed comb. We are very, very grateful, and I hope that what you have given us is the strength, the direction, and the neces-

sary pat on the back for us to proceed along the lines of establishing a lasting democracy in the Republic of Namibia.

Tomorrow, we celebrate our first independence anniversary. During the past three days the National Assembly, together with a distinguished group of parliamentarians from eight nations who were brought here by the National Democratic Institute for International Affairs, have met to examine the nature and implications of parliamentary democracy in Namibia as Namibia is moving into the second year of independence. These parliamentarians came from nations whose experience has offered much to the preparation of democracy in Namibia. They came to Namibia this week to share with us their perspectives of their individual and institutional experiences in their own parliaments.

In plenary sessions, working commissions, and smaller meetings, they discussed with members of the National Assembly issues of parliamentary decision-making and responsibilities and the consolidation of parliamentary democracy in our country. I imagine that these international parliamentary delegates have also seen over the past few days that our National Assembly demonstrates an ardent interest in maintaining democratic practice in our everyday work. I know that our Assembly members have gained, as I have, in the way of ideas and concrete information about the running of a

democratic parliament. Issues relating to the relationship between Parliament and the Executive, between members of the Parliament and their constituencies, and between the Parliament and the Press have all been closely examined.

These relationships will be strengthened by these discussions; I believe they have already been strengthened. In particular, the contributions have provided the impetus to me and my colleagues in the Assembly to sit down and, looking at the experiences over the last twelve months and the clarifications produced by this symposium, review our parliamentary rules and standing orders.

To the honourable members of the Parliament, I must repeat: The honeymoon is over; Namibia's independence is now twelve months old and we must now face the tough issue of national reconciliation and nation-building. These take determination.

They take maturity. Above all, in a democratic process, they take tolerance and understanding. In order to accomplish these goals, I am going to push for a Members' Immunity Act in order to protect the honourable members to carry out their difficult task without any fear.

I think a greater respect for the institution of parliament has been gained over the twelve months that we have been in existence.

When the members of the Assembly respect themselves first and the institution within which they work, and maintain that dignity by demonstrating in the way that they interact with the outside world, the respect and dignity for this institution will be maintained and the country in return would tend to respect the Assembly and its members. Namibia, as the youngest parliamentary democracy, has had a chance to look at the experience of other nations as it prepares for a democratic nationhood; now, as a sovereign state, Namibia has a chance to consolidate its democracy on its own terms.

I would like again to thank most sincerely the NDI and the participants who came from different countries, and particularly the Ministers, who have also taken off time to attend this symposium. We are reminded that we are MPs first, and second, Ministers.

With these few words I would like to wish those Members who are returning the best of luck.

Let me close by recalling the words of an old slave who won his liberty and eventually became a great leader of his own people:

'Liberty given is not as precious as liberty sought and fought for.'

I thank you.

APPENDIX V

SYMPOSIUM AGENDA

MONDAY, MARCH 18, 1991

OPENING SESSION

9:30 am

WELCOME **HAGE GEINGOB**
Prime Minister
Republic of Namibia

**INTRO-
DUCTION**

**MOSE
TJITENDERO**

Speaker, National
Assembly
Republic of Namibia

REMARKS

**J. BRIAN
ATWOOD**
President, National
Democratic
Institute

**COMMENTS FROM THE
FLOOR**

10:30 am

**KEYNOTE
ADDRESS**
RUAIRI QUINN,
TD
Republic of
Ireland
"Making Freedom
Work:
Performing in a
Parliamentary
Democracy"

**DISCUS-
SANTS**

**HELGA
TIMM, Former MP**
Federal Republic of
Germany

**J. EMMANUEL
CARTER, MP**
Trinidad-Tobago

**BAHITI TEMANE,
MP**
Republic of Botswana

DISCUSSION

11:30 am

**VIDEO PRESEN-
TATION**
RUAIRI QUINN

12:30 pm

ADJOURNMENT

TUESDAY, MARCH 19, 1991

10:00 am

COMMISSIONS
(Participants attended
one of following
three)

**I. RESPONSIBILITIES TO
CONSTITUENTS**

National Assembly

Moderator:

J. Garoeb, MP

International panelists:
Hon. Alan Ganoo, MP,
Mauritius

Hon. Helga Timm,
former MP, Germany
Hon. Bahiti Temane,
MP Botswana

This panel examined the special relationship between the parliament and the public which is based on "the public's right to know" and constituent service. Discussion covered some specific aspects of this relationship, such as public petitioning of the parliament, constituent service and representation of and communication with the public. The panel also looked at the broader issues of public representation, including the role of parliament in the reconciliation and consolidation of democracy, public disclosure and a code of ethics.

**II. THE PARLIAMENT AND
THE PRESS**

National Assembly Moderator:
D. Tjongarero, MP

International panelists:

Hon. J. Emmanuel Carter, MP,
Trinidad-Tobago

Hon. Maria Leissner, MP, Sweden

Hon. Lazarus Nzarayebani, MP,
Zimbabwe

Discussion focused on interaction between the parliamentarian and the media. The panel probed the basic principles of professional standards for the press, examined the media as a vehicle for educating the public and as a tool for gauging public opinion. The panel looked at the access of the media to parliamentary proceedings, the television broadcasting of parliamentary sessions, and the responsible use of the press in legislative debates. The panel also highlighted a few techniques such as scheduling to maximize press coverage. Finally, it included a discussion of adversarial versus cooperative relations between the media and the parliament.

III. RESPONSIBILITIES OF WHIPS

National Assembly Moderator:
J. Hoebeb, MP

International panelists:

Hon. Chathadhuri Daby, MP,
Mauritius

Hon. Ruairi Quinn, TD, Ireland

The specific role of party whips was examined in this panel. Participants discussed the subjects of whip meetings with regard to scheduling, frequency and agenda, the parliamentary calendar and the organization of debate. The discussants explored the 'proper tradition' and 'proper procedure' of whips as well as the interaction between chambers of parliament. Finally, the panel looked at appropriate times for consensus building versus appropriate times for partisanship.

12:00 pm **ADJOURNMENT**

WEDNESDAY, MARCH 20, 1991

8:30 am **COMMISSIONS**
(Participants chose one of two)

I. THE PARLIAMENT AND MEMBERS

National Assembly Moderator:

Z. Kamecta, MP

International panelists:

Hon. Alan Ganoo, MP, Mauritius

Hon. Lazarus Nzarayebani, MP,
Zimbabwe

Hon. Ruairi Quinn, TD, Ireland

This commission examined the rules and standing orders of parliament, the techniques related to the organization of time, standing committees, points of order, and the adjournment debate. There was also a discussion on the issues of respect for the institution in words, deeds and dress, and the diversification of parliamentary business.

II. THE PARLIAMENT AND GOVERNMENT

National Assembly Moderator:

A. Von Wietersheim

International panelists:

Hon. J. Emmanuel Carter, MP,
Trinidad-Tobago

Hon. Chathadhuri A. Daby, MP,
Mauritius

Hon. Maria Leissner, MP, Sweden

Hon. Bahiti Temane, MP Botswana

This panel focused on the interaction

between the parliament and government. Discussion included such topics as the presentation and scheduling of government legislation, the questioning of ministers (written, oral and supplementary), inquiries of ministries, amendments to government legislation, and private members' bills. The panel also addressed the critical issue of the accountability of parliament to the executive and examined techniques for gaining access to information.

10:00 am **COMMISSION REPORTS**

I. Responsibilities of Whips
National Assembly Reporter:
P. Junius, MP

II. Responsibilities to Constituents
National Assembly Reporter:
N. Ndaitwah, MP

III. The Parliament and Government
National Assembly Reporter:
M. Katjuongua, MP

IV. The Parliament and the Press
National Assembly Reporter:
E. Biwa, MP

V. The Parliament and Members
National Assembly Reporter:
D. Botha, MP

COMMENTS J BRIAN ATWOOD

**SUMMATION
SPEAKER MOSE TJITENDERO**

11: 30 am **PRESS
CONFERENCE**

APPENDIX VI

INTERNATIONAL DELEGATION

J. Brian Atwood is the President of the National Democratic Institute for International Affairs. During the Democratic administration of President Carter, Mr Atwood was Assistant Secretary of State for Congressional Relations. He was also executive director of the Democratic Senatorial Campaign Committee (1983-84), and Dean of Professional Studies at the Foreign Service Institute (1981-82).

J. Emmanuel Carter is the President of the Senate in the Parliament of Trinidad and Tobago and is affiliated with the Commonwealth Parliamentary Association. Prior to serving as President of the Senate, Mr Carter had a 40 year career as a civil servant in parliamentary affairs. Following the constitutional provisions for succession in Trinidad and Tobago, Mr Carter served as President of his country during the military coup of 1989.

Chathadhuri Ajay Daby is a Member of the Parliament of Mauritius. He served as Speaker for seven years until November 1990. Following his dismissal as Speaker, he joined the coalition of opposition parties in parliament. Mr Daby has experience in both the Commonwealth and the French Parliamentary systems.

Alan Ganoo is a Member of the Parliament of Mauritius, where he is the Deputy Chief Whip for the government party, the Mouvement Militant Mauricien (MMM). First elected to Parliament in 1982, Mr Ganoo has been both Speaker and chief opposition whip.

Maria Leissner represents the Liberal

Party in the Parliament of Sweden. An MP since 1985, Ms Leissner is a member of the Foreign Affairs Committee and the Swedish Delegation on Disarmament. She serves on the National Board of the Liberal Party.

Lazarus Gumisai C. Nzarayebani is a Member of the Parliament of Zimbabwe, where he serves on the Government Assurance Committee, and the Committee for Service Ministries. He is a member of the Central Committee of ZANU (PF). Mr Nzarayebani received his degree in education from the University of Zimbabwe and is pursuing an additional degree in political and administrative studies.

Ruairi Quinn is the Deputy Leader of the Labour Party in the Irish Parliament. He is also the Labour Party Spokesman on Finance and Economic Affairs. From 1983 until 1987, he served as Minister for Labour and Public Service, and from 1982 through 1983, he was Minister of State at the Department of Environment.

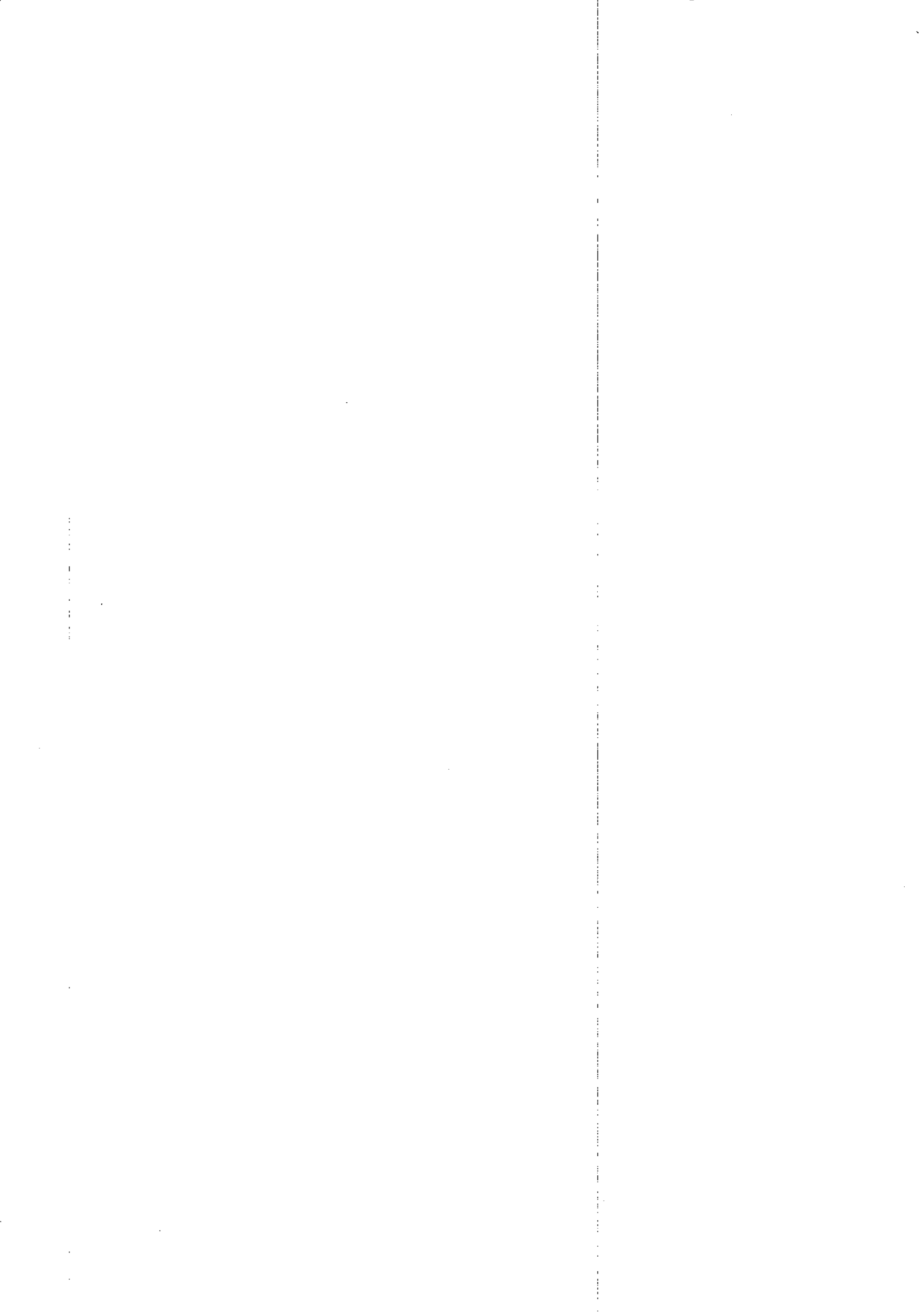
Bahiti K. Temane is a Member of the Parliament of Botswana, where he has served since 1989. Prior to his election to parliament, he was the Clerk of the Parliament. Mr Temane is a member of the Botswana Democratic Party.

Helga Timm served in the German Bundestag from 1969 to 1990. Dr Timm was a member of the Committee on Rules and Procedures and the Committee on Foreign Affairs, and served the Social Democratic Party as floor leader and organizer in the Parliament. Dr Timm is currently President of the German United Nations Association.

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SOUTH AFRICA

Bushy Molefe
Working Group on International Relations
ANC-UDF-COSATU
SOUTH AFRICA



The National Democratic Institute for Internanal Affairs conducts non-partisan international programmes to help maintain and strengthen democratic institutions around the world. Chairman, Walter F. Mondale; Vice Chair, Madeleine K. Albright; Secretary, Rachele Horowitz; Treasurer, Peter G. Kelly; President, J. Brian Atwood. Suite 503, 1717 Massachusetts Avenue N.W., Washington D.C. 20036, U.S.A.

NEPRU, the Namibian Economic Policy Research Unit, is an independent institution established in 1989 to carry out research on priority economic issues in the transition to independence in Namibia, and to provide a resource centre for ongoing socio-economic research. Its Board of Trustees is composed of the Hon. Ben Amathila, Minister of Trade and Industry, Hon. Dr Kaire Mbuende, Deputy Minister of Agriculture, Water Affairs and Rural Development, and Hon. Dr Peter Katjavivi, who is Director of NEPRU and will serve as the first Vice-Chancellor of Namibia's future national university.
P.O. Box 40219, Ausspannplatz, Windhoek.

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