

NATIONAL DEMOCRATIC INSTITUTE

FOR INTERNATIONAL AFFAIRS

Organization of the Parliamentary Session: Balancing Democracy and Efficiency

A Workshop for the Members of the Palestinian Legislative Council

> Ramallah March 15-16, 1997

Organization of the Parliamentary Session: Balancing Democracy and Efficiency

A National Democratic Institute for International Affairs Workshop

Tourist Hotel Ramallah, West Bank

March 15-16, 1997

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INTRODUCTION

On March 15-16, 1997, the National Democratic Institute for International Affairs (NDI) convened a workshop in Ramallah on "Organization of the Plenary Session: Balancing Democracy and Efficiency." This document is a report of the workshop deliberations.

The Palestinian Legislative Council (Council, or PLC) has been meeting regularly since its inception in March 1996. While the Council adopted its own Standing Orders in the early months of their existence, PLC members and educated observers agree that there is a need for greater organization and efficiency in the plenary sessions, as well as greater adherence to the Council's Standing Orders. The goal of the workshop was to emphasize, from a comparative perspective, the importance (political and strategic) of legislators knowing and abiding by their rules of procedure, and thus having a fair and impartial way to conduct business. In addition, a new legislature should abide by its rules in order to set an example and be a model for the rule of law.¹

Rationale and Program Goals

This workshop follows previous work undertaken by NDI to support the Council, which included an assessment and report of the first two months of the Council's operations, and a workshop held in May 1996, on constitutional issues raised by the draft Basic Law. NDI's current work with the Council, including this workshop and a December workshop on the Role of Committees, is part of a 16-month legislative development project that is funded by the United States Agency for International Development. NDI's program is designed to provide technical assistance through a series of workshops, materials, and study missions, as well as ongoing consultations to address different components of legislative development, including the role of committees, legislative-executive relations, constituency relations, and plenary procedures. Comparative legislative materials in Arabic are distributed to Council members during these workshops, and are also provided in response to specific requests from PLC members.

In addition to the workshop series, two study missions will be organized in which a select group of PLC members will visit other transitional legislatures.

The goal of this plenary workshop was to bring together PLC Members and a select group of legislators from other countries to discuss how to increase the efficiency of plenary procedures through greater adherence to the rules, and how the plenary can be organized in the absence of a party mechanism with greater emphasis on developing strategies on issues of common interest.

Twenty-two Members, including the Deputy Speaker, representing a regional and committee mix, attended the workshop. The cross-sectional representation of Members allowed for engaging discussions about plenary and committee deliberations.

¹The agenda for the workshop is included as Appendix A

To facilitate discussion and present models from other legislatures, NDI invited three international participants: Peter Milliken, Deputy Speaker of the Canadian Parliament; Lana Gogoberidze, Majority House Leader of the Georgian Parliament; and, Berndt Elkholm, Member of the Swedish Parliament. Myrna Phillips, Director of NDI's program with the PLC, served as chairperson of the workshop.²

NDI is thankful to all those who participated in the workshop and is hopeful that this report, including its recommendations and evaluation, will be beneficial to the development of democratic norms and procedures of the Palestinian Legislative Council.

EXECUTIVE SUMMARY

The agenda for the workshop on plenary procedures was organized to cover the following questions:

- * How do rules establish and protect the legislature as an institution; and how knowledge of the rules is of political and strategic importance to legislators.
- * How does a legislature plan ahead and efficiently set its agenda?
- * What are the procedures for making decisions in a legislature?
- * How are the proceedings of a legislature recorded?

Workshop participants discussed the questions listed above with the international experts. The first day served as an introduction and general discussion of the issues while the second day focused on three specific areas of plenary organization.

One of the themes that emerged from the workshop was the need for the PLC to establish a committee whose focus would be the setting of the long-term agenda, or work plan, of the Council. Members were very interested in learning about the structure and mechanics of such a committee from the international presentations.

The participants discussed the strategic and political importance of Members knowing the rules, as well as the tensions that naturally develop between a democratic and an efficient process, and how those are resolved. International participants also emphasized the need for solid precedents to be set by the PLC during this transitional time.

The importance of having a written record of Council proceedings was emphasized by the international participants to increase the transparency of the work of the Council and thus its accessibility to the public, as well as for historical purposes.

²Biographies of the international participants are located in Appendix B.

INTRODUCTORY REMARKS

The Honorable Peter Milliken Deputy Speaker, Canadian Parliament

You are undertaking the very important endeavor of building democratic institutions in your country. I want to talk about the Canadian model and how it works. Each province in Canada has its own legislature, and there is a federal one too. Two very important functions of the parliament are: one, to create laws, and two, to provide a forum for discussion of important issues. However, there is a fundamental conflict between the two: the need to make decisions and create laws may be frustrated by the desire to discuss policy and legislation. A balance between the two must be found.

You need to be able to make decisions and provide a forum for debate between members. What represents a good balance in one system might not be in another: maybe our rules will not all work for you, but perhaps we can together develop rules that will work for you.

I want to explain how rules help us to run our legislature. First, there are rules relating to the agenda. These are very important because they allow the opportunity for members to choose which discussions they want to participate in, by knowing which issues are on the agenda, and planning to be present for that particular debate. This is important for relations with constituents as well; specifically, for citizens to know what members are discussing in parliament. Setting the agenda two weeks in advance also helps in relations with the media, particularly in terms of getting the issues out. Certainly, this also helps in getting members re-elected. With this system, a member can know, for example, that certain bills will probably be passed within a month or two.

In our legislature, there is a fixed time during which legislation is discussed. Having rules for setting the agenda helps in approving laws. We then know that a certain law, for example, will be issued in a month. Every parliamentary session has a time for debating legislation, and another time to discuss public issues on subjects chosen by members. In addition, there are MUPIs (Matters of Urgent Public Importance), and these are proposed to the Speaker, at least four hours before they are debated. This enables members to prepare and allows for orderly debate.

Another aspect of rules is that rules ensure participation. We limit the length of speeches, which ensures time for many speakers. Some people think this is a good idea. Secondly, we can extend the hour of adjournment so that we can sit late to finish the discussion of a bill. This assures that all members who wish to speak are able to do so. Some people don't think that this is a good idea, e.g., if every member is allotted 20 minutes, each one will use all of the time, whether she or he needs it or not. We also allow time at the end of members' speeches for questions and answers. Next, we allow members to make one-minute statements -- on any subject -- during a fifteen-minute period each session. These, while short, serve as useful opportunities for members to express themselves, allowing members to talk about an issue

important to them or to their constituents. Finally, there are forced votes (by the Majority) at the end of bills, as it is important for the legislature to make decisions. We sometimes use this because the Minority tries to extend debate in order to prevent decisions from being made.

Rules are very important and members plan their work around the rules. For example, if a member knows that a debate on a certain issue will occur on Monday, the earliest that a bill can be passed is on Tuesday. Thus, members can plan to be away on Monday, but come for the vote. For this to work, however, you must have everyone obey the rules, and it is up to the Speaker to make sure that this happens. Any rule can be changed or suspended by unanimous consent; for example, if a member proposes that the Council not meet on a certain day, this proposal can be agreed to unanimously. The Speaker has the right to call a special session, but he must get this approved by the executive branch.

Special Sessions

Question: Can members ask for special sessions?

Mr. Milliken: Only the government (which controls the House) can do this, but you might want a different rule for your system, in the absence of an official opposition.

By having rules in place, and by following them, we can assure that Members who support and oppose legislation can have their voices heard. What results is a reasonable debate and a majority vote. If rules are ignored it is very difficult to enforce them later because Members can say that they have always been ignored. We all live under the rule of law, and if we expect citizens to obey the laws that we have made, then surely we, as legislators, must live under our own rules. We must set a good example for our citizens, which underscores the importance of setting solid precedents. Rules have to be interpreted by someone (the Speaker), and you, as Members, must assist the Speaker in this task. To make the system succeed, everyone must know the rules.

I hope that this was helpful, and I'm sure that we will cover many other issues in the course of the workshop.

Ms. Phillips: I would like to ask our other international guests to briefly present their systems.

Ms. Lana Gogoberidze
Majority House Leader
Parliament of the Republic of Georgia

I would like to first tell you how much compassion I have for your situation. Maybe I understand you better because we are almost in the same situation in Georgia: when we became independent, one-seventh of our country was lost, and 300,000 people became refugees. It is the right of any country to have its own land and institutions, and the only hope is to strengthen

democratic institutions during this transitional period to garner international support.

I think it will be interesting for you to know how we came to our current situation in Georgia. We have ancient institutions and culture and were constantly invaded by our neighbors throughout our history. Our real independence was not achieved until 1918, when we created an elected parliament, and began to build democratic institutions. We were invaded by Russia in 1921, however, and then were a part of the Soviet Union until its collapse in 1991. When we achieved our independence again in 1991, we faced another danger: our internal nationalisms that threatened to destroy our new state. Shevardnadze [now the president] returned to Georgia and created the Citizens' Union, which stood against extremist nationalism. This has allowed for Georgia's successful, pluralistic elections; twice since 1991.

Our parliament was composed of 33 parties in 1991, which represented a reaction against totalitarianism under which political parties were nonexistent. This created a situation in which it was impossible for us to reach decisions, and to make democracy efficient. Eventually, three parties developed: one majority and two opposition parties. Now I can say that our parliament is similar to European ones: we have discussions on many issues in the plenary, but a lot of our work is done in committees. When a bill is presented in the plenary, it has already passed through all stages of public hearings and committee work. All of our bills are published and are made available to the public, and the really important ones are published in the newspaper. This reflects the notion that democracy cannot be efficient without transparency.

The committee will present a bill to the plenary after it has been thoroughly discussed in committee. In plenary discussions about bills the time is limited for discussion, and participation from committee representatives and political factions is equitably shared among them.

The President in Georgia has a veto power. Like your Council, we hold a lot of emergency sessions. Previously, it was very difficult for us to focus on legislation because of the political situation, but we have tried to change this. We have a committee -- composed of committee chairs, the Speaker, and representatives from political factions -- which adopts the agenda, not just for the week, but for the whole year. Thus, there is no time wasted in the plenary discussing the agenda. Only in special cases can the agenda be supplemented.

Mr. Berndt Elkholm Member of Parliament, Sweden

Thank you for the opportunity to be here, and to have been able to see your session in Bethlehem. I want to begin with a reading from the Swedish Constitution: "For a state to function effectively, citizens need to know the rules of the game. If the rules are observed, the decisions are felt to be legitimate. The legal framework is a pre-condition for the rule of law and the permanence of the form of government." It might be added that the rules of the game are particularly important in times of conflict and crisis. In Sweden, we have had peace for almost 200 years.

In Sweden, the Constitution contains four different laws, including the instrument of government; the role of the monarch; freedom of the press; and freedom of expression. In the first law there are two chapters about the organization of the parliament, including their standing orders. It is very important to organize parliamentary debate to make democracy efficient. In Sweden, we use the general [plenary] sessions for decision making, and we have a process for "tabling" other issues. We also have a time when private members ask questions of other ministers, and interpolations, whereby all members will participate with written questions. In addition, we have a determined time each week for oral questions. We also have special debates for urgent matters.

A weekly schedule of the Swedish parliament was distributed, and Mr. Elkholm explained that a parliamentary session lasts for one year, and the parliament meets from Monday to Friday of each week. There are close to 200 bills that are presented by the government, and they are organized into the plenary session.

The annual budget is submitted in September. On the issue of the budget, you can suggest any motion. On other bills, however, you can only discuss what is contained in the bill. Thus, there is only one chance per year (with the budget), when a written motion can be made about anything (there are about 3,000 motions per year).

At the plenary meeting, bills and amendments are suggested to the committees, and there is usually no debate at this point. Bills and amendments are registered in a computer and a schedule is produced which lists the time that will be allocated to each bill in plenary and in committees. After that stage, all motions from the plenary discussions are included in the record as well. In a committee report about a bill, one finds the text of the bill, as well as dissenting opinions. In addition, the report will contain statements in agreement with the report that stress certain elements of the report. These reports are tabled twice to allow adequate time for discussion. They are distributed on the Friday before the report will be discussed, to enable members to review them over the weekend, before the plenary. As a member, I never read the entire report—it is thousands of pages—I only read what is coming from my committee or is of interest to my constituents.

When a committee report is debated in the plenary, it is members of that committee and others who are responsible for the motion who will speak and participate in the debate. Any other member who wishes to speak about the report must notify the speaker the day before the debate, but if this is not done, a member may still speak, but for only a maximum of six minutes. Opposition members speak first, then the ministers will respond.

If we have a debate in the evening, a decision will always be made the morning after, which gives everyone more time to think. After a decision is taken, the government is informed by written communication. The prime minister does not have a veto power, so the parliament has the last word, and the Government is responsible for carrying out the legislation. The Government is responsible once a year for reporting to the Parliament on decisions.

Before ending, I want to talk a little bit about the role of the speaker. The speaker, along with three deputy speakers, are elected for four-year terms. In the plenary discussions, the speaker cannot participate or vote. The speaker is politically neutral, in that he or she must abandon all party affiliation. There is a speaker's alternate, so that when the speaker is elected, a new member from his or her constituency replaces him as a member. If the speaker is sick, a deputy speaker assumes the role, and if the speaker dies, there is a new election for speaker.

The speaker is part of a Speaker's Conference, which is similar to the special committee Lana described in the Georgian Parliament. This Conference, composed of committee chairs and party representatives, gives advice -- basically decisions -- to the speaker. Thus, similar to the Georgian model, the agenda and other organizational matters relating to the plenary are handled by this Conference, not in the plenary debate.

If a member wants to change the rules, he/she has to submit a motion that will be referred to the Constitutional Committee or to the speaker directly. A discussion about the agenda of the meeting will be discussed in the Speaker's Conference or through a committee report. If the member does not respect the rules, they cannot speak (i.e., during the plenary, a member cannot raise the issue of changing the rules).

Ms. Phillips: I would like to note that in participants' workshop kits there are materials related to the issues discussed in this workshop, and we will be translating additional materials, all of which will hopefully become part of your parliamentary library.

Afternoon Session

PLENARY DISCUSSION: ISSUES AND QUESTIONS ON RULES FROMTHE PERSPECTIVE OF PLC MEMBERS

Political Parties

Question: In the Georgian case, how were the 33 political parties reduced to three?

Ms. Gogoberidze: Some of these parties still exist, but they face a difficult situation--some had trouble passing the five percent threshold needed to win seats in parliament. The biggest party outside of the parliament is the Communist Party, and the Socialist Party is large as well. Our political situation is much more organized now.

Mr. Elkholm: In Sweden, tax money is given to all parties, even the opposition. If a party loses and has to leave the parliament, it will still receive monthly payments until the next election. This money is for political party development, not individual salaries. With this system, it is not too dangerous to lose an election because the party still has money to campaign for the next election.

Ms. Gogoberidze: In Georgia we have a similar system, but money is only given to parties in the parliament.

Setting the Annual Agenda

Question: How can the parliamentary agenda be planned for the whole year?

Mr. Milliken: The speaker opens the session, and the finance minister submits the budget at the beginning of the session. The government expenses are submitted in accordance with the estimates. In general, there is a big interest in the public for the discussion of estimates, so we allot 20 days per year for this. I would like to show you the yearly schedule for our parliament, which is designed so we meet in blocks of four weeks with one week off. This scheduled time allows us to meet with our constituents, which is important in such a large country.

Ms. Gogoberidze: We have strict separation between the legislature and the executive. The only time the president of the republic gives speeches in parliament is the opening speech at the beginning of the session.

Mr. Elkholm: In September, the king opens the session in our parliament, and the prime minister presents the government policy for the whole year. The prime minister submits the same statement as in Canada. Then, we have motions for the budget and discussions between party leaders.

Managing the Debate

Question: In your parliaments, the number of members is very large. How can you organize debate and manage time efficiently with so many members?

Mr. Milliken: Indeed this is very difficult--we have 293 members, and three political parties represented in our parliament. The government proposes almost all of the legislation. The three parties meet weekly and decide how many days will be allocated for the discussion of each bill. If time runs out, a decision is made either to extend the discussion or to take a vote. If there is not agreement on what to do, the government can decide to extend the discussion, and this involves some sort of a deal. For example, the government will let different members from different parties speak on the issue. Members have an allocated time during which they can speak and they can divide this time, which allows for more members to speak on the issue. Parties create lists of who will speak so it is not the speaker who has full control over this process. Our committees, unlike the Georgian model, meet at the same time as the plenary, so not all members will be present for a given debate.

Question: Myrna, you have been with us for four months, and you know our problems. We have heard these presentations of different models--how can we apply them to the PLC's operations?

Ms. Phillips: Through our attendance at PLC sessions, we have seen the importance of adhering

to rules. Responding to this, we created the Standing Orders books in anticipation of this workshop.

Ms. Gogoberidze: I appreciate what you are saying, because two years ago our parliament had the same problems. We could not make any decisions [because our plenary debate was disorganized]. We have learned that following the standing orders is the most important thing.

Ms. Phillips: There are two other things I have observed here. The first relates to how agendas are set and amended, and the amount of time that is spent on this in the plenary. Often, one and one-half hours are devoted to discussing the agenda, and when you only meet two days a week, there is not enough time to deal with the substantive issues of the agenda. (At this time, the Council was meeting only twice a week; now, it sits for four consecutive days every second week). Often, the reason your discussions are so lengthy in the plenary is because there are matters that are considered urgent that take over the agenda. However, there is a clause in your Standing Orders that discusses how to handle urgent matters. Perhaps an alternative would be to hold special evening sessions to address these urgent issues. Secondly, I want to comment on the practice of dealing with legislation clause-by-clause in the plenary. This process is very time-consuming, and I would suggest that doing the bulk of this in committees would save time and be more efficient. Thus, the three most important areas that I have noticed for reform are: the adherence to the standing orders, the agenda, and how legislation is reviewed, i.e. more should be done at the committee stage.

Question: Myrna, you have addressed some of our problems. Can you give us more comments in the future about our work?

Ms. Phillips: Certainly, and in fact, [PLC Speaker] Abu Ala' has asked me for written critiques of the plenary.

At this point, a Member requested to have a special session on this topic, perhaps once a month.

Government Compliance with the Law

Question: Mr Milliken mentioned to us the importance of adhering to the law. What if the problem is that the executive is not adhering to the law?

Mr. Milliken: In our system, the government party is the majority in the parliament. If the government loses its majority in the House, it must resign and new elections will be held. The government can force us to do something because it has the parliamentary majority. In the PLC, it is apparent to me that there are limitations to your power, so I would suggest to focus on issues on which you can legislate.

Ms. Gogoberidze: We are not supporting the government in our system.

Question: What happens if Georgia's government does not comply with the legislature?

Ms. Gogoberidze: We have the power to impeach cabinet members, but the president does not have the power to dismiss the parliament.

Parliamentary Affairs Committee

Question: I have a question about Sweden's Parliamentary Affairs Committee: how does this work exactly? How often does it meet? Do you work with the (parliamentary) budget?

Mr. Elkholm: Each year, the government gives the budget to the parliament. The government uses many sources to get the figures for the budget, so that when it is presented, it is enormous. We divide the budget into sixteen pieces and each committee will review its relevant piece. In my capacity as a member of the Foreign Affairs Committee, for example, we will work on the budget relating to foreign affairs. This part of the budget is then divided, and each member of the committee is responsible for reviewing a portion. After review, we will discuss this as a committee, and will include in our report any proposed changes. Thus, when this portion of the budget goes to the plenary, it is very well-prepared and there is no need to discuss it extensively as an entire parliament, and our committee report represents our views to the government.

Parliamentary Budget

Question: Is there a special budget for the parliament. If so, who works on this?

Mr Elkholm: One sixteenth of the budget is sent to the Constitutional Committee, and part of this deals with the budget of the parliament. The process for reviewing this is the same as I mentioned above in my committee.

Question: Who is in charge of preparing, not just reviewing, the budget?

Ms. Phillips: As speaker, I was chair of the Legislative Assembly Management Committee, and there were representatives from all parties on this committee. We would focus on issues, including salaries, travel allowances, etc. The speaker's staff would review all of the information and would then make a proposal to the Ministry of Finance who would review the proposed budget. Parties would then debate the draft budget, then it would be sent to the finance minister. As for the national budget, the Opposition also has the opportunity to debate it in plenary.

Mr. Elkholm: We do not determine our own salaries. There are three people designated to determine the salaries of the ministers, and another three who determine those of MPs.

Political Party Affiliation/Relations

Question: What is the relationship in your respective systems between party members outside of

parliament and party members in parliament, i.e. is it an influential relationship?

Mr. Elkholm: In a formal way, I can do what I want to do, meaning that my mandate is between my constituents and me, but informally, I do not have full independence. I follow party lines during the elections. Because there are so many decisions being made at any given time, I refer to committee reports to determine the party opinion, or I ask my party leader in parliament. On a given issue, I can ask my party leader if I can vote a different way, and if he says no, I will follow the party line.

Ms. Gogoberidze: It is not easy to reconcile party discipline with democracy. As an individual, I want to act as I please, and speak my own opinion, but I also must follow the ideas of my party for the sake of party discipline. We have developed into a system where discussions occur within parties before decisions are made, and have realized that this is the only way it can work.

Mr. Milliken: In our case, as in the Georgian model, our party leader sits with us in parliament and he makes the decision on how to vote on a given issue. At the same time, however, he is always focused on maintaining and securing a majority, since he could lose majority support if he made a decision contrary to the interests of other party members.

Ms. Phillips: Our party meets every year, when we have policy debates and pass resolutions on issues. Therefore, if you run as a candidate under a certain party, you are towing the party line. As candidates, parties develop platforms that articulate what they are going to do for the next four years. Therefore, after you are elected and become the government, you will implement those policies. Candidates know, before being elected, what policies and issues they will implement. When the party caucus meets after the election, therefore, it is only to discuss the timing of the policies, not the policies themselves.

Question: The Georgian and Palestinian models/experiences are very similar, yet we don't have parties. The issues we face as members are national ones, not partisan ones. I would like to ask for advice on how to handle this--how can we have coalitions, groupings within the Council when most of the members are Fatah-affiliated?

Ms. Gogoberidze: I can understand what you need. When the USSR fell, there was just one party, and everyone had the same (national) goal of independence. Then, there were 50 parties, all with the same goal of independence. The difference with us, however, is that we are truly independent. One big issue that we face is relations with Russia, and this is the biggest problem in our party-some people want us to have stronger relations, while others do not. Those who oppose what we want (stronger relations) help us to clarify our position. So, for your case, I think it would also be helpful for the PLC to have majority and opposition blocs [even if they come originally from the same party] for these national issues.

Implementation of Legislation

Question: If the government does not respect the decisions of the parliament, what can the parliament do?

Mr. Elkholm: This happens with small issues. When the government does not implement parliament's decisions, we go to the government and ask again, and put this request in a new report. If it is an important matter, there is only one way it can be resolved -- through a no-confidence vote of the ministry, and at least 35 members need to vote on whether a no-confidence measure will be discussed. Three months ago, the Liberal Party called for a no-confidence vote of the prime minister. While this vote did not happen, if the vote was successful, the government would have to resign.

Public Hearings

Question: For Lana: Who organizes public hearings?

Ms. Gogoberidze: We issue bills that the public can read, thus ensuring that there is transparency and the interested public is informed on an issue. In addition, parliamentary staff organize with lobbying groups, NGOs, etc. to organize public hearings. We might have up to three hearings on a given bill. Moreover, hearings are not only held in the parliament, but throughout Georgia, to allow for increased public access. After the hearings, and committee meetings, amendments are introduced, for the first time, in the plenary. Thus, the bulk of the review of draft legislation, including amendments, occurs in the committees. This is a big difference from your system.

Mr. Milliken: Since so many Members can introduce bills and motions, there is never enough time to address them all. Therefore, we have a draw whereby the names of members are put in a hat, and if your name is chosen, then your bill will be discussed.

Video of the Australian Parliament: "A Day's Proceedings"

Sunday, March 18, 1997

AGENDA SETTING, MAKING DECISIONS AND RECORDING PROCEEDINGS

Ms. Phillips: As you can see from the agenda, we want to focus today on some of the most important issues relating to the plenary. We have divided the day into discussing three major components of a democratic legislature.

- 1) Organizing/planning ahead
- 2) How decisions are made
- 3) Keeping a record of discussions

I know that in the PLC it has been difficult to do long-term planning, because there continue to be emergencies that the PLC wants to address immediately, and rightly so. Thus, on the agenda we have noted several items that relate to getting organized. I will ask our guests to address these issues briefly. I want to note that when we talk about the agenda, there are several articles in your Standing Orders of particular importance--Article 16 (agenda), and Articles 75-77 (Urgency Procedures).

Mr. Milliken: Yesterday, I gave you a schedule about the sitting days of the Parliament, which are always held in the same place. For committee meetings, there is at least 48-hours prior notice. Agendas for our meetings are similar to "Order Papers," which outline the items that will be discussed on a certain day. Members receive this paper at the latest on the morning of the session at which they are discussed. If anyone wants to introduce a motion or a bill, he or she must give notice of 48 hours and get permission to introduce the bill. This is very important. In Korea, for example, the government introduced a bill [deliberately] when the opposition wasn't there, and widespread riots ensued. Because there is a weekly meeting of all of the parties, we know the government's business at least a week in advance. These types of meetings would be helpful for you too (i.e. members working with the speaker on issues to be included in the agenda), because you would have more time to prepare amendments and comments for discussion. The notice for amendments is shorter than the notice time needed for bills.

I would like to read through some of the "Order Paper," noting that there are certain things that happen every day, such as oral questions, so members do not have to receive notice for such matters. This paper is important because it prevents members from being surprised. After routine items are taken care of, we turn to "orders of the day," a confusing term which basically means "government's business." On this paper, you will also see a list of bills which will be debated one after another. Going through this detailed procedure is very important. Finally, I would note that Matters of Urgent Public Importance are not included in this document.

I hope this was helpful in stressing how important it is for members to know what will be discussed, and to not be taken by surprise. Also, this helps members organize their time so that, for example, if there is something being discussed that they deem unimportant, they can work with constituents on that day.

Ms. Gogoberidze: We have a more primitive way of organizing the agenda. There are schedules for all committees. Since the heads of committees are from the majority party, they meet in the party caucus. At this meeting, schedules are discussed (i.e. how to prioritize issues), then we present our draft schedule to the Speaker's Council which includes members of the opposition. Then, the schedule is published and all members receive a copy. After this, the office of the Speaker's Council meets every week and determines schedules—we alternate between plenary and committee meetings every other week, so they don't meet at the same time. Members receive a copy of the agenda a day before the meeting, and this schedule also includes public hearings.

Setting the Agenda

Question: As in Canada, do you prepare the agenda for the whole year?

Ms. Gogoberidze: Yes, the office of the Speaker's Council prepares this.

Mr. Elkholm: In principle, everything is the same in Sweden as in Canada and Georgia. We have a schedule for the whole year, and we receive a paper each week with the weekly agenda. This is important for members who have to organize their time. For example, on June 3rd, we know what issues will be discussed, and what issues will be coming up. Each debate is limited to 240 minutes. This is just the schedule for one day. What is important to note is that this schedule is very well-prepared by the clerk and his staff, who work with the clerks of all committees and also consult with party chairmen. This process is done for all bills.

When a committee report is presented to the plenary, it also lists the amendments and motions, so that the members outside of the committee can know how complicated the issue is, including, for example, how many motions will be offered.

There is a weekly plan for the Council that outlines what will be discussed every day. I would also like to discuss the Order Paper, which we receive every day, and this includes dissenting opinions on issues. Since this is well-prepared beforehand, there is no need for the parliament to adopt it as a whole, so only the speaker adopts it. This includes a list of speakers for the day and indicates how many minutes they will each speak. First the Minority speaks, then the Majority. Members who take part in the debate are only members from the committee that has studied the legislation. The only exception to this is, for example, if there is a member from the Green [environmental] Party who wants to speak on the issue of nuclear power. He would only have the opportunity to speak after members from the committee spoke.

Members who want to speak must go to the speaker's secretariat the day before to get on the list. There are no time limits, but it is recommended not to speak for more than ten minutes; if you speak for two hours, people will think you are stupid.

Question: Is this schedule for committees or for the parliament as a whole?

Mr. Elkholm: This is the schedule for the plenary. Including rebuttals, we know that the discussion is longer, but these [rebuttals] are limited to two minutes. Any non-committee member can speak on the issue, but only for six minutes each. (It is unusual, however, for other members to come to the session.)

A PLC Member commented that since so much time is spent in the PLC plenary adopting the agenda, it would be very beneficial for the PLC to adopt a model similar to the Swedish one, as presented by Mr. Elkholm.

Question: Is it possible for other members besides the leader of the party to speak?

Mr. Elkholm: Almost everything is done in committees; therefore, members from the relevant committee lead the debate because no other member knows about the issue. The committee report is the basis for the plenary discussion of the issue. Therefore, there are only about ten members (members of the committee) who participate in the debate. The exception is members who submit motions and then discuss them. The party leaders, therefore, are not necessarily experts on the specific issues--as the leader of the party, you don't have to know everything about all issues. But the committee members are considered experts on the issues they review.

Mr. Milliken: The procedure for all bills is the same--it must be filed with the clerk and put on the Notice Paper at least 48 hours beforehand.

Private Bills

Question: As an individual member, do I have the right to propose a law, or do I have to talk to my party beforehand?

Mr. Milliken: Any member is an individual member and can submit bills on his own.

Mr. Elkholm, Ms. Gogoberidze: Private bills are usually submitted to committee first.

Question: Does a member have to get approval from his party before submitting a bill?

Mr. Milliken: Any member can introduce a bill without the approval of the party. The announcement of a bill is put on the Notice Paper. When it is introduced, the member would give a brief description, then the bill is put on the Order Paper for second reading. A bill will not go to committee unless it carries a vote at second reading.

Mr. Elkholm: With 3,000 motions and bills per year, it is impossible to present them all in the plenary, so the majority of work *must* be done in committee.

Ms. Phillips: In your Standing Orders, I want to point out three important points:

1) Article 16 (about the agenda): There is a very clear way of how an agenda is to be presented, and how items should be added to the agenda. Thus, if you follow this rule, the agenda will be more organized. To start with, I think you would be happy to use the rule you now have, in which the agenda is submitted 48 hours in advance, members presenting amendments beforehand etc., and you should work with the staff of the speaker to communicate in a regular, organized way.

The other issue is emergency motions, which always take a lot of time and are handled in Articles 75-77 of the Standing Orders. Thus, the only time it should take in the plenary to discuss an urgent matter is outlined in the process described in Article 75. On the issue of the flour crisis,

for example, if five members submit a request, it should be the first item on the agenda, and a vote is taken immediately to determine whether it is discussed or not. If it is an urgent matter, it is discussed first on the agenda. What happens in the PLC now, however, when an urgent matter arises, is that you tend to discuss the content of the issue, rather than the procedure (i.e. whether to discuss the issue), and this wastes a lot of time.

If a report of a committee is on the agenda, the content of the report can be discussed. When the discussion is completed, and a report is adopted, then everything in the report is adopted. If a member disagrees, he or she can make a motion to move the report back to committee to reconsider its recommendations.

I want to raise one more point relating to amending the agenda: the next time an urgent matter arises, look at the two articles in the Standing Orders that focus on this process, and if you cannot get the issue on the agenda, then raise a point of order.

Question: But in article 76, it says that an issue can be adopted and then postponed--how does this work?

Ms. Phillips: The point is that it is the *Council* which decides whether the issue is discussed or not, and this should not take a lot of time. The issue would be discussed as an urgent issue if it is voted on to be discussed as an urgent issue. That is, if the majority decides that a matter is urgent, it is put on the agenda, *then* its content is discussed.

Procedures for Votes of No-Confidence

Question: What happens when the PLC votes no confidence in a minister or government--what happens if you want to withdraw confidence and the government does not respond to the issue?

Mr. Milliken: If the Opposition moved a motion of no-confidence, and it carried, then there would be an election. Usually, no-confidence votes are not taken on one minister, because the minister is part of the entire government. If there was a major scandal with one minister, usually the prime minister will replace him with someone of his choosing, not of the parliament's.

Ms. Gogoberidze: When we created our constitution, we wanted a strong president and legislature. The president cannot dismiss the parliament, and the parliament can only impeach one minister, not the entire cabinet. Moreover, impeachment can only be used in very specific cases.

Mr. Elkholm: In Sweden, the process is very similar to that of Canada's--the government will try to solve the crisis before it goes to the legislature.

Ms. Phillips: I would now like to move the discussion to "Making Decisions" and "Recording History".

Mr. Milliken: I would like to talk about motions and amendments in our House--a member can only speak with a motion that is seconded by another member, except during question period and the one-minute statements. Otherwise, members are expected to make a motion first then speak only on that topic. Under our rules, a member can only speak once on a motion, unless you are the one who made the motion, in which case you can speak at the end. A motion can be amended with another seconded motion.

The process for voting is as follows: at the end of the debate, the speaker says that he will now put the bill to vote. If a motion is made by a member, and this is seconded, he puts it to a voice vote of the House. There is no vote count at this point (it is the speaker's opinion whether the vote carries or not). If five people oppose this, then there is a recorded vote, which takes about eight minutes. The voting record is included every day in the "Votes and Proceedings," which you have a copy of in your workshop kits.

The reason this is important is because it is public, and sometimes the media will report to your constituents on how you vote. Votes are recorded if members request this; otherwise, there is just a voice vote. Sometimes, members want a voice vote because they don't want their vote to be recorded and known.

The other thing I should mention is the importance of having minutes recorded. The validity of laws can be challenged in court if the process of adopting a law does not conform with the parliamentary rules.

Ms. Gogoberidze: I will speak only about the voting system because it is different from what Peter described. We have a fixed time for voting--voting always occurs at the end of the day, so everyone knows that at 5:00pm, all members must be present for a vote. All votes are recorded, and only if it is a sensitive issue (e.g. voting to approve a minister) is the vote secret. In this case, people only know how many people voted for/against, without any names.

Mr. Elkholm: For the recording of minutes, we have stenographers who record the full proceedings and the proceedings are also taped. Each member receives a full set of the minutes (including questions) at 12:00pm the day after the debate. Actually, there is no need to be in the Council, because all of the proceedings are recorded. A member can even call or use a computer to access a debate. For a vote, however, everyone is present.

In the minutes, a member is allowed to change language [grammar] only, *not* content; and to make any corrections, a member must go to the stenographers and tell them they want to read the text beforehand. After one month, members receive the final product, and if a member wants to make corrections to that, he or she must do so within one week.

The last point I want to make is that citizens, through phone, computer, or through getting hard copies of minutes, can access the parliament's work--our system is completely transparent. Also, people can obtain a document describing how members vote on different issues.

Ms. Phillips: I want to summarize the discussion and bring up two additional points. First is the issue of parliamentarians, experts who are on hand to give advice to members, and these exist in many systems. What I would like to suggest is for some of you interested in the rules to appoint yourselves as parliamentarians. Several of you can do this and take turns in watching/monitoring whether the speaker and fellow members follow the rules.

The other suggestion I have is to create bill summaries (a copy of one from the Namibian parliament is part of your workshop kits). Whenever you have a draft law, you should insist that you are provided with a short summary of the principle of the law. This will help focus the debate. Then, the work on the specific details on the bill (i.e. using this word or that), should be done in committees, to avoid reviewing draft legislation line by line in the plenary.

I have heard in your debate members making different suggestions on a bill, after which the entire bill is referred back to committee. When this happens, the committee does not know which suggestions/amendments should be included, or which represent the voice of the majority. So, before anything is referred to a committee, you should work on changes and amendments to get the view of the plenary, *then* send it to committee. This process is called "referring to committee with instructions."

Recording History

Ms. Phillips: What you are doing for Palestine is very important, and your work is something that people will look back on to see how everything started, and how obstacles were overcome. Therefore, you want to have a good record and system for recording--what our guests mentioned is very important. In the record of daily debate (included in your workshop kit materials), every word of the debate is recorded and printed, as mentioned by Mr. Elkholm. The other document I would like to discuss is the report on a committee meeting, in which every word said by members and citizens is recorded.

I know that you do not have all of the resources necessary to undertake all of these activities, but I would like to propose to you to work with the Office of the Council and international donor organizations who have programs with the PLC to build this capacity as soon as you can. In Article 19 of your Standing Orders, it says that the minutes of the Council should be published--I would suggest to you that it is to your advantage as a Council member to show your constituents how you voted and what you said.

You want the public to know you are working hard on their behalf--if the public had your minutes, then they would know what you say. You want to start putting things in place so that you begin building the solid foundation of democracy.

I want to thank you for the past two days, and want to reiterate that I am always available for any meetings or consultations.

RECOMMENDATIONS

These recommendations reflect the apparent consensus of the international participants and PLC members in attendance regarding the issues raised during the workshop.

Time Management

Line-by-line consideration of draft legislation should occur in committee, not in the plenary sessions. This would increase the efficiency of the plenary, as well as strengthen the important role that committees play in the law-making process.

Urgent matters should be handled according to the Standing Orders, or should be handled at special (i.e. evening) sessions.

The agenda should be printed and distributed to Members at least 48 hours in advance of the session. This will allow members to adequately prepare for sessions, and will limit the speaker's power to change the agenda at the last minute. In addition, if this precedent is set, it will also prevent time from being wasted during the plenary trying to set the agenda.

Parliamentary Affairs Committee

The PLC should establish a committee, composed, for example, of committee chairs and the Office of the Council, that will set the short and long-term agendas of the Council, and will handle all administrative and planning needs of the Council.

Recording Proceedings

The Council should work quickly to establish a system for recording the proceedings of the plenary and committee meetings.

The public should have complete access to Council proceedings through a written record, such as a Hansard.

Parliamentarians

A group of PLC Members, if interested, should appoint themselves as "parliamentarians," whose function and duty would be to become experts on the rules, in order to monitor whether fellow members are adhering to them.

PLC Member Evaluation

The enthusiasm of the Members was apparent from the questions asked and the discussions generated, and requests for further information and mini-workshops on topics relating to plenary organization. Questionnaires were distributed to the workshop participants at the end of the workshop, where, among other things, participants were asked to assess what they found most and least useful from the workshop, what other topics could have been

addressed, as well as suggestions for future NDI activities.

The comparative focus of the workshop was well received by Members. The Georgian model was noted for its relevance to the Palestinian situation. The Swedish example, in particular, for how the parliament's work is organized. Members responded very positively to the sessions that covered the planning of the weekly and annual agenda, as well as how to effectively manage and control time. Members had mixed reactions on the sessions that covered how to record the work of the parliament.

In addition to what was covered in the workshop, members expressed an interest in learning more about how the speaker can most efficiently manage the session, how the PLC can increase its transparency, as well as the process for questioning members of the Executive. In planning its future activities, NDI is taking these suggestions into account.

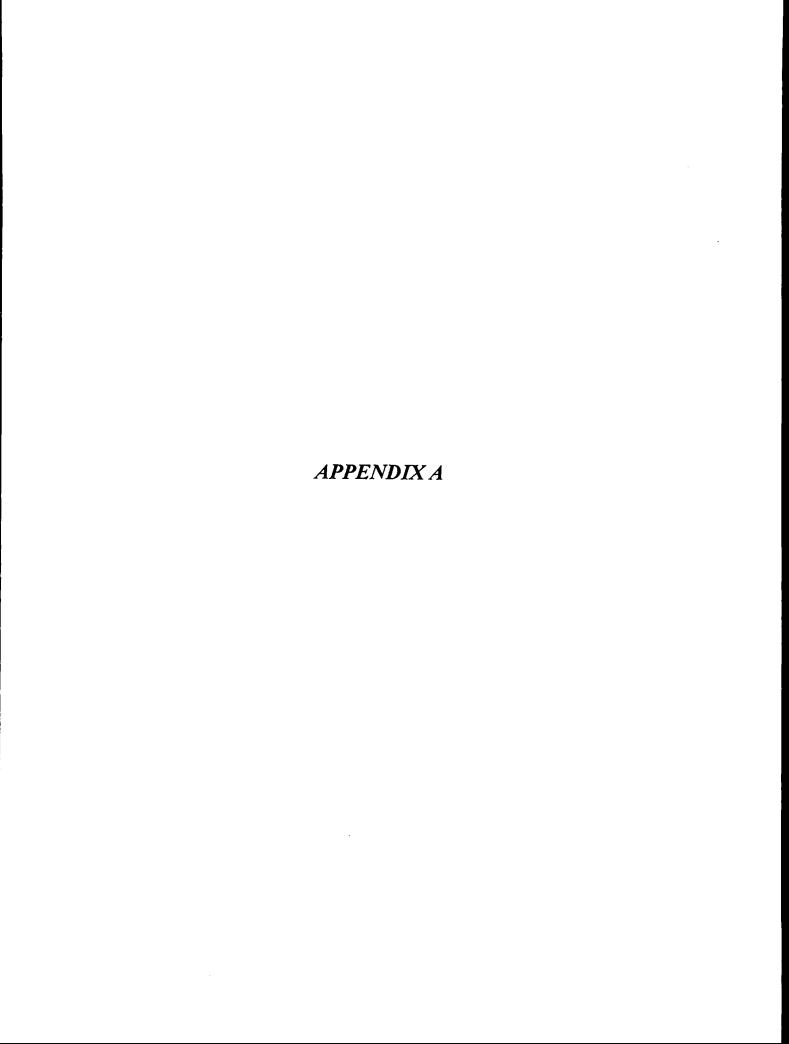
When asked what future topics Council members would like to see in workshops, members responded that they wish to learn more about legislative-executive relations, the process for approving a budget, how to draft and pass private bills, as well as the relationship between the Office of the Council and PLC members. NDI intends to address many of these issues through future workshop topics and other activities.

Members were also asked about their views of NDI activities in general, for the purpose of helping to direct future activities in the PLC program. Many members expressed the desire to visit other parliaments, in order to gain first-hand, comparative knowledge. Another suggestion was to continue to provide comparative materials in Arabic to members, as well as to consult directly with members, after viewing them in the plenary, and provide them with comments and suggestions.

FOLLOW-ON ACTIVITIES

In the period since the workshop, NDI has begun to organize mini-workshops on focused topics relating to plenary organization. This developed from a request of members who attended the workshop for more detailed discussions and working sessions on some of the topics. To date, NDI has held a workshop on "setting agendas" and plans to hold additional ones on "urgency procedures" and "motions."

In May, NDI, in conjunction with Associates in Rural Development (ARD) and the Center for Palestine Research and Studies (CPRS) held a workshop on legislative-executive relations. In June, NDI sponsored a study mission for six members of the PLC to visit the Hungarian National Assembly, to observe in particular, plenary procedures, committee work, and legislative-relations. NDI is planning another study mission to a transitional legislature in the fall, as well as a workshop on constituency relations.





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Palestinian Legislative Assistance Workshop Agenda Organization of the Session Balancing Democracy and Efficiency

Saturday, March 15, 1997

16:30 - 12:30

Welcome and Introduction Overview NDI Local Staff

International Presentations. Keynote Address "Setting Solid Precedents"

The Legislature as a Role Model for the "Rule of Law"

How does the Speaker organize with members, Parliament's activities in a manner that balances democracy and efficiency?

What roles do each have?

How can each exercise their democratic responsibilities while effectively completing Parliament's work?

How important is it to set good precedents?

We would like this to address the importance of rules in two important respects: how rules establish and protect the legislature as an institution, as well as how knowing the rules is of political and strategic importance to legislators. We want to emphasize the critical role a legislature in a new democracy must play to establish the importance of rule by law. In addition, we would look to you to stress the tensions that naturally develop between a democratic and an efficient process, and the importance of precedents.

12:30 -1:30

Lunch Break

1:30 - 3:15

Plenary Discussion: Issues and Questions on Rules from the Perspective of PLC Members

This will give you a chance as an international trainer to gain insight and hear first-hand the opinions of the PLC Members regarding their plenary procedures. This will help to shape further workshop discussions.

3:30 - 5:00

Video

We have selected a video of the Australian Parliament, which highlights many of the key aspects of the plenary. Subtitled in Arabic, we will stop at certain points to discuss issues with Members.

6:00

Reception

Sunday, March 16, 1997

9:30 - 12:30

Workshops

The purpose of these workshops is to stress the importance of organized procedure in chronological order that is consistent and predictable. This enables Members to participate fairly and equally and to strategize to accomplish desired results (i.e. how to place items on the agenda, and yet add urgent issues for debate). We hope that through these sessions, Members will realize that all parliaments operate under such a system.

"Planning Ahead"

- -Setting the Schedule
- -Location, Dates
- -Public notice
- -Setting the Agenda
 - -Orders of the Day
 - -Routine Proceedings
- -Distribution of agenda
 - -Time to prepare for debate
 - -Adaptation of agenda
 - -Amendments
 - -"Matters of urgent public importance"

In this workshop, we would like to focus on how the legislature's agenda is set—both in macro (over the course of months) and micro (the weekly agenda) in your respective legislatures, and how this might be done effectively and in a democratic fashion in the absence of a party system.

B. "Making Decisions"

-Standing Orders

- -Parliamentarians / Clerks of the House
- -Motions /Amendments
- -Introduction of Bills
- -Bill summaries: How can consistent and reliable summaries of pending legislation be made available. (intent, provisions)
- -Voting Procedures.

For this workshop, we would like you to address the above list of procedural issues that have been raised in the PLC, and to share with Members how this issues are handled in your respective legislatures. Also, in emerging democracies, how critical it is to have a record of these historic beginnings.

C. "Recording Proceedings"

- -Recording History
- -Minutes
 - -Errors/ Omissions
 - -Adoption
 - -Circulation of minutes
 - -Publication of minutes
 - -Vote and Proceedings
 - -Record of Votes
 - -Responsibility to constituents.
 - -What can members gain?

We would like you to address the ways in which debates and votes are recorded and distributed in your respective countries, why this matters (i.e. who reads them, why), the importance of recording votes with respect to the accountability of elected officials, as well as the appropriate time lag for this procedure.

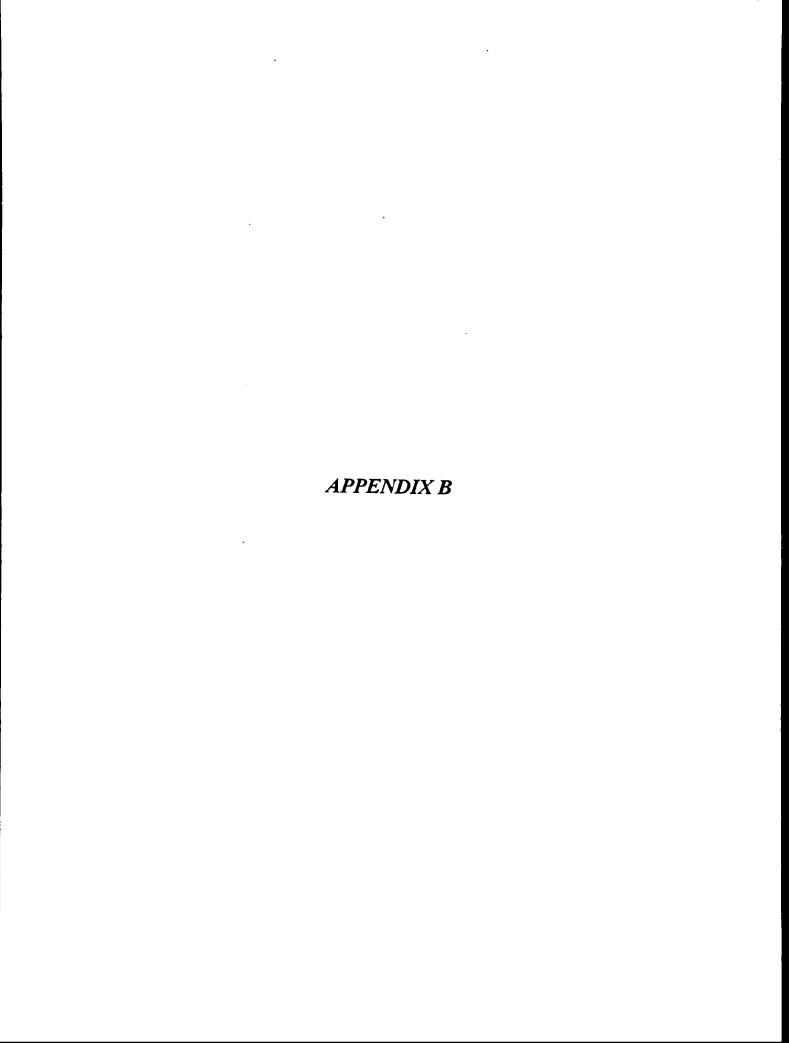
12:30 - 1:15 Lunch Break

1:30 - 3:30 "Putting Democracy into Practice"

- -Each group receives a scenario.
- -Each group elects a Speaker who leaves.
- -Each group organizes to achieve results.
- -Each group role plays a session.

-Each group evaluated by international participant.

For these scenarios, our objective is to highlight the workshop topics through a role-playing exercise. As an international participant, we would look to your expertise and insight to evaluate the activity, and to reiterate the central themes generated from the workshop.



INTERNATIONAL PARTICIPANT BIOGRAPHIES

Berndt Ekholm

The Honourable Berndt Ekholm has been a member of the Swedish Parliament since 1985. He is a member of the Standing Committee for Foreign Affairs and he specializes in Middle Eastern and Palestinian issues. In the last 12 years he has served on Committees for Agriculture, Housing, Environment, and the Boards of the International Parliament Group, Museum of Natural History, and Institute for Research on Water and Air-Pollution. He is a member of the Social Democratic Party of Sweden, and President of the Christian Branch of the party. Prior to holding elected office, Mr. Ekholm was an architect and administrator.

Lana Gogoberidze

The Honourable Lana Gogoberidze is the leader of the majority party in the Georgian Parliament. In her second term as a deputy in the current parliament, Ms. Gogoberidze also served her country in past parliaments, including the Supreme Soviet, before Georgia's transition to democracy. She also served as the Chairman of the parliamentary faction of the Citizen's Union of Georgia. She has extensive experience in leading the negotiations in defining the agenda of Georgia's parliament, and on developing Georgia's first constitution. Most recently, Ms. Gogoberidze played a key role in passing the 1997 budget through extensive negotiation between the government and political parties.

Peter Milliken

The Honourable Peter Milliken is the Deputy Speaker of the Canadian House of Commons. He was first elected to the House of Commons in 1988, and re-elected in 1993. From 1993 to 1996 he was Parliamentary Secretary to the Government House Leader and he was elected as the Deputy Chairman of Committees of the Whole House in October 1996. He co-chairs the Special Joint Committee on the Code of Conduct and is a Councillor on the Canadian NATO Parliamentary Association. Prior to entering the House of Commons, Mr. Milliken was a lawyer in Kensington, Ontario.

NDI STAFF

Myrna A. Phillips

Myrna A. Phillips is the Director of NDI's legislative assistance program in the West Bank and Gaza. She served as a member of the Legislative Assembly of Manitoba, Canada from 1981 to 1988 and as Speaker of the Assembly from 1986 to 1988. Prior to becoming Speaker she joined

the government caucus and was a member of the Industrial Relations and Law Amendments Committee. Ms. Phillips was Chairperson of the Manitoba Telephone System, on the board of Manitoba Government Employees Union, and has three decades of direct and indirect legislative experience.

Laura Abrahams

Laura Abrahams is the Program Assistant for NDI's legislative assistance program in the West Bank and Gaza. Prior to this, she has served in NDI's Washington office as a Program Assistant on Middle East projects. Abrahams has a Master's degree from Georgetown University's Center for Contemporary Arab Studies and is fluent in Arabic.

Reema Hamdieh

Reema Hamdieh is the Staff Assistant for NDI's legislative assistance program in the West Bank and Gaza. She has worked on numerous projects with NDI in the West Bank and Gaza. She is fluent in Arabic and English

Bassam Nasser

Bassam Nasser is the office manager for NDI's Gaza office. He works on NDI's legislative assistance program and on other projects in the West Bank and Gaza. He is fluent in Arabic and English.



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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. The Institute works with courageous democrats who are struggling to promote peaceful political reform. It establishes partnerships with political leaders who have begun the difficult task of building stable pluralistic institutions and creating better lives for their citizens.

Democracy depends on: legislatures that represent citizens and oversee the executive; independent judiciaries that safeguard the rule of law; political parties that are open and accountable; and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Since 1983, NDI has compiled a remarkable record of achievement. Strictly nonpartisan, the Institute supports the efforts of democrats in every region of the world to:

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of civil society. Democracy depends on these mediating institutions, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI is the world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries worldwide, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in 38 countries, NDI leverages the skills of its highly committed staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.