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# CONTENTS

**WORKSHOP ‘A’**

“EMPOWERING FUTURE GENERATIONS THROUGH ACCESS TO HEALTH, EDUCATION AND VOCATIONAL TRAINING”  
3 - 32

**WORKSHOP "B"**

"SHOULD THE COMMONWEALTH ESTABLISH A COMMISSIONER FOR DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS?"  
34 - 57

**WORKSHOP “C”**

“THE POLITICS OF CONSTITUTION-MAKING, THE ROLE OF PARLIAMENTS IN RELATION TO THE PEOPLE”  
59 - 88

**WORKSHOP "D"**

“ENSURING ADEQUATE PARLIAMENTARY SCRUTINY OF FOREIGN AND COMMONWEALTH AFFAIRS”  
90 - 114

**WORKSHOP "E"**

“THE ROLE OF PARLIAMENTARIANS IN CONFLICT RESOLUTION AND PEACE-BUILDING”  
116 - 135

**WORKSHOP "F"**

"ENGAGING POLITICAL PARTIES TO IMPROVE GENDER-RESPONSIVE GOVERNANCE"  
137 - 164

**WORKSHOP "G"**

"TERRORISM - THE THREAT TO DEMOCRACY, PEACE AND SECURITY"  
166 - 192

**WORKSHOP "H"**

"TACKLING YOUTH UNEMPLOYMENT"  
194 - 221
PROCEEDINGS OF WORKSHOP

“A”

“EMPOWERING FUTURE GENERATIONS THROUGH ACCESS TO HEALTH, EDUCATION AND VOCATIONAL TRAINING”
WORKSHOP "A"

“EMPOWERING FUTURE GENERATIONS THROUGH ACCESS TO HEALTH, EDUCATION AND VOCATIONAL TRAINING”

Moderator : Hon. Chandima Weerakkody, MP (Sri Lanka)

Discussion Leader: Professor Carlo Fonseka (Sri Lanka)
Dr. Sunil Jayantha Navaratna, Secretary to the Ministry of Higher Education (Sri Lanka)
Prof. Dayantha Wijesekera, Chancellor of University of Vocational Technology

Rapporteur : Mr. G.V.S. Wijesinghe (Sri Lanka)
Session Secretary : Ms. Arlene Bussette
Branch Secretary: TBA

The Moderator: Good morning and welcome everybody! Today we have three eminent professors representing the education sector, health sector and vocational training sector in Sri Lanka. So, first of all, let me introduce them. The person on my right-hand side is Prof. Carlo Fonseka, a very famous professor in Sri Lanka. If I am to read out his qualifications, it will take half of the session time. So, I am not going to speak all that about him. He is the Chairman of the Vijaya Kumaratunga Memorial Hospital since its inception to date, and presently he is the President of the Sri Lanka Medical Council, Chairman of the National Authority on Tobacco and Alcohol and also Chairman of the Sri Lanka Arts Council. It shows that he is a combination of medicine and arts. Though not mentioned here, he is also a trade unionist. So, I welcome Prof. Carlo Fonseka who is presently retired but he will still be contributing, in the best possible way, on behalf of the CPA.

The next person on my right-hand side is Prof. Dayantha Wijesekera who is currently the Chancellor of the University of Vocational Technology, Chairman of Tertiary and Vocational Education Commission in Sri Lanka and the Sri Lanka Country Representative of the Institution of Civil Engineers, London. He is also a past President of Institution of Engineers. At one time, he was the Vice-Chancellor of the Open University of Sri Lanka and also the University of Moratuwa and a member of so many other Boards and Committees. He has been described by the President of the Commonwealth of Learning, Sir John Daniel, in a citation as one of the most dynamic university Heads in the world having started his career as a technician and ending up as a Vice- Chancellor in two Sri Lankan universities for an unprecedented total aggregate of a period of 15 years in Sri Lanka. He, I believe, is the first Vice-Chancellor of the first ever Vocational Training University established in Sri Lanka. So, he has a lot to talk on today’s subject.

The person on my left hand side is Dr. Sunil Jayantha Navaratne, who is presently the Secretary to the Ministry of Higher Education. He obtained a Second Class B.Sc in Business Administration from the University of Sri Jayawardanepura and read a PhD in Management in Keio University, Tokyo and he has also been awarded so many scholarships and awards. He has
been the Director of Human Capital, Youth Development and Rural Network (Cargills) Ceylon PLC; Director/General Manager, Chairman of the National Youth Services Council; Secretary, Ministry of Samurdhi, Rural Development, Parliamentary Affairs, and Upcountry Development, Director-General, Samurdhi Authority, Adviser to the Ministry of Agriculture and Livestock Development and Chairman, Centre for Strategic Management in Sri Lanka.

All delegates are provided with sheets of paper. So, you may write down any point which you would like to raise. An officer will come to collect them. So, please write your name, the proposal and also questions you would like to raise. We will give you an opportunity to raise any relevant questions. Now, let me invite Prof. Carlo Fonseka to speak on the challenges, experiences and achievements of the health sector in Sri Lanka.

Prof. Carlo Fonseka: Friends, I have been invited to lead a discussion on empowering future generations through access to health. Let me begin with a profound banality as with lunch to which all of us are looking forward. With access to health, somebody finally has to pay the bill. Just as there is no such thing as free lunch, there is no such thing as free access to health. When empowering people to lead long, healthy and fulfilled lives, there is the problem of doing so within limits set by the national income of that country. So, there is evidence that wealthier the nation, the healthier could be its population. In the 1970s, an economist called Morris D. Morris devised a measure of physical well-being which he called the “Physical Quality of Life Index”. It was computed using free measures of well-being, life expectancy, infant mortality and adult literacy. He used the Index, “PQLI”, with GNP per capita as a measure of national income to make comparisons of the physical quality of life across nations. The next slide will show you some of the results he obtained. You will see that high income countries have high PQLIs whereas low income countries have low PQLIs, but exceptionally, Sri Lanka with a per capita income of US Dollars 179, had a PQLI of 82 out of a possible maximum of 100. Morris was astonished; he came right out and declared that Sri Lanka provides the most dramatic example of a country that has been able to achieve remarkable life quality results at staggeringly low levels of income. If countries could duplicate Sri Lanka’s experience, 1.6 billion people would be affected. He said that in 1979, more than 30 years ago. How did Sri Lanka achieve these fantastic results? Three reasons were adduced: The first reason is, historically Sri Lanka has an inherited tradition of State intervention when providing access to health. Sri Lanka’s ancient Buddhist Kings - whose religion taught that health is the greatest asset, Arogya Parama Labha, as the Buddha words - considered provision of access to health as a royal duty and this has continued from ancient times up to now. My friends, it is no accident that the earliest records of hospitals in history have been found in Anuradhapura, once Sri Lanka’s ancient Capital, which I hope you will get an opportunity to visit.

The second reason is, coming straight to the times in which we live, from 1931, the people of Sri Lanka enjoyed universal suffrage and they shrewdly used their voting power to extract more and more social welfare from competing governing allies. Social welfare included not only greater access to healthcare but free education, subsidized food, subsidized transport, all of which contribute to good health.

The third reason was an accident really. During World War II, from 1939 to 1945, as part of the war effort, there was a massive State intervention in food distribution and delivery of healthcare,
both in the United Kingdom and its colonies including Sri Lanka. This practice continued in Sri Lanka even after the war. So, with that background, we are now ready to embark on a discussion of what it takes to have access to health of the kind Sri Lanka provides and it will help us to conduct this Discussion in a systematic way to have a conceptual model of the processes involved in accessing health.

Let us start from the first principle. You will agree that if the living conditions of a country are unsatisfactory or unhealthy, one consequence would be that people in that country would become ill. They would be visited by disease. So, in our conceptual model, let us have two boxes, one representing the living conditions and the other representing disease. The moment disease occurs in a community, the health systems in that community go into action and in stage two of this conceptual model, when the health system goes into action, one of three predictable results ensues. That is, ideally perfect recovery, less satisfactory recovery with disability; sadly and finally, unfortunately, death. There are interactions between these aspects of the delivery of healthcare and in the third stage of this conceptual model, the question arises how the living conditions can be favourably influenced and there are three sets of factors that work: political, economic and social. In the final stage of our conceptual model, all the interactions between these can be incorporated into our model on which we can conduct this Discussion, politically, economically and socially. For example, if you ask me: “What was it that Sri Lanka did to get improved living conditions using this model?” I would say: “Politically, there was this commitment to health coming from ancient times; economically, there was direct investment in the provision of healthcare and in the delivery of healthcare with money provided from direct revenue, government taxation and socially, there were other things they pursued, the commitment to democracy; the commitment to gender equality; to equity; to plurality of health systems and so on”. That is the conceptual model and I have adapted this from the publication of this year titled, “Good Health at Low Costs” by the London School of Hygiene and Tropical Medicine. But, my friends, there was an overarching principle which has guided health in Sri Lanka over the years. That is, the State must look after the health of the poor and the rich will look after their own health. Thank you.

The Moderator: Thank you, Professor. Your presentation was excellent. Sri Lanka is a country that had free health as a State policy from ancient times. But, in the recent past, free health was initiated by the Government during the British rule. The same thing has happened in case of education also. Free education began through Buddhist Temples and formal schools started during the British time and free education policy, once again, was adopted in 1945. So, Sri Lanka has a past track record of having protected, safeguarded and developed free health and free education and also universal franchise that was granted in 1931 during the British regime.

I would like to now call upon Dr. Sunil Jayantha Navaratne, Secretary to the Ministry of Higher Education to make his presentation on education.

Dr. Sunil Jayantha Navaratna: Good Morning, Moderator, and Distinguished Guests! The topic is, “Empowering Future Generation Through Access to Health, Education and Vocational Training”. I would like to make my presentation on the topic of education. As Professor Carlo Fonseka stated, the Sri Lankan education system is very unique. Education is given free for all up to university graduation. So, no one has to spend money to get education until university graduation. Not only education, we are providing additional scholarships such as
"Mahapola" for which the monthly allowance is around Rs. 2,500 or US Dollars 25, and 60 per cent of the students are getting it. In the case of education, we are providing free books, free uniforms and concessionary transport also.

Under the education sector, there are two Ministries: Ministry of Education which covers up to secondary education and the Ministry of Higher Education which covers the university level. I am representing both sectors. According to His Excellency the President’s long-term vision, our next massive leap forward is to transform Sri Lanka into a strategically important economic centre of the world. My determination, therefore, is to transform Sri Lanka to be the Pearl of the Asian Silk Route. In modern terms, using our strategic geographical location effectively, developing our Motherland as a naval, aviation, commercial, energy and knowledge hub is His Excellency the President’s long-term vision. Under Education, development of youth to see the world over the horizon, a knowledge hub within the South Asian region and local and international research and training centres for knowledge are the key words. According to His Excellency the President’s vision statement, we have five hubs and for all these hubs, knowledge is the key. Our long-term vision is to become the “Miracle of Asia,” or the “Emerging Wonder of Asia”.

According to this graphical presentation of socio-economic data, population of Sri Lanka today is about 21 million; GDP is US Dollars 59 billion; per capita income is US Dollars 2,836; unemployment is very low which is 4.2 per cent; primary school enrolment is 98.2 per cent; literacy rate is 98 per cent and computer literacy rate is 35 per cent. Compared to developed countries, it is low but it is going up and I have mentioned the targets. So, we want to achieve almost 100 per cent computer literacy rate by 2016.

As the Moderator explained, with regard to education in Sri Lanka, we have Government schools, private schools as well as pirivenas. Pirivena is a very unique feature in Sri Lanka which is related to temples. The Buddhist monks had started this education system a very long time ago and we are still continuing with it. With regard to student and teacher population, presently we have 217,000 teachers in the public sector, 5,000 teachers in the private sector and 6,000 teachers in the pirivena sector.

Millennium Development Goals also talk about education and its second goal is related to education. Universalization of secondary education for all is the key but I am not going to explain all the MDGs in detail. When we compare Sri Lankan figures with international figures, the World Development Report of 2010 states that quality primary education of Sri Lanka is in the rank of 42, out of 131 countries; India is around 80 in the rank, and Thailand is around 80. But, when we take the overall educational rank, Sri Lanka is in the rank of 44; India 37; Thailand 37 and Malaysia 18.

The teacher-student ratio in Sri Lanka is 1:17 students where Bangladesh is 1: 43; Nepal is 1:32 and Pakistan is 1:40. In the case of the ratio of students who complete the primary education, according to the 2010 figures, Sri Lanka has 99.5 per cent; Australia has 98.1 per cent; Germany has 100 per cent; Nigeria has 74 per cent; Pakistan has 67 per cent and Saudi Arabia has 85 per cent.
According to a little older UN Report, Sri Lanka is the best performer in South Asia in primary school indicators and is on track towards achieving universal primary education with a net enrolment ratio of primary education in 2003 being 93.5 per cent. That shows the importance we have given to education. Since 1997, education for children aged 5 - 14 has been mandatory. That is also a very important point.

According to the vision of the Ministry of Education, we are talking about a flagship programme of 5,000 primary schools to centre and 1,000 fully-fledged secondary schools. This network will be developed until 2020.

Our key focus is on ICT and language skills. Empowering our younger generation on par with the developed nations, promotion of science education, human resource requirements, promotion of business education, sports, health and discipline and promotion of value education are very focal in our education.

Thousands of schools nationwide are going to be developed under the technological laboratory project. Under that, information and communication technology laboratories, language laboratories, mathematics laboratories, chemistry, biology and physics laboratories and distant learning centres will be established. I am not going to elaborate all these due to time constraint.

The mission of our Higher Education system is to be the most cost-effective and quality education hub in Asia. We have 15 national universities, 2 Buddhist universities, 12 advanced technological institutes and 36 non-state higher education institutes, which have not become universities yet.

We conduct the General Certificate of Education Advanced Level examination. Last year out of 300,000 students, only 120,000 students got qualified for university entrance. There is huge competition and pressure for university entrance but only 22,000 students will be selected because there are only 15 universities. Apart from this, about 10,000 students go abroad for higher education and another 10,000 students follow professional courses such as CIMA and Chartered. Our development programmes on Higher Education are focused on establishing responsible higher education institutes, producing 100 per cent globally employable graduates and upgrading local universities to world class universities. According to our higher education sector, universities and higher education institutes should proactively accept the responsibility of our own graduates regarding their quality and employability.

The World Class University Programme has been introduced to upgrade universities to the world class level. After investing Rs. 600 million in 2011, we have achieved the world ranking. In the Asian ranking, 7 universities are among the top 100 and there are two universities that have achieved Japan’s 100th ranking.

In order to find out the employability of the graduates, we calculate the figures of employability of each university. It is a must. The employability rate of all the universities is 59.8 per cent by the date of the graduation ceremony. When students get the cloak, there is a survey form to be filled. According to that survey form, employability rate of Agriculture is 67.9 per cent; Arts - 23.72 per cent which is the lowest; Engineering - 94 per cent; Management - 59 per cent;
According to the published data, the top most important skills and capabilities taken into consideration when recruiting new graduates are communication skills, team work and so on. Taking the total higher education system into consideration, focus is made not only on knowledge, but skills, attitudes and mindset also. All four sectors have to be developed as far the students are concerned. With these remarks, I bring my presentation to an end. Thank you.

**The Moderator:** Thank you, Dr. Sunil Jayantha Navaratna for your comprehensive presentation. Vocational training in Sri Lanka dates back to the era of kings. But, formal vocational training was introduced in Sri Lanka at the time His Excellency President Mahinda Rajapaksa was the Minister of Vocational Training. I now call upon Prof. Dayantha Wijesekera for his presentation on vocational training. Thank you.

**Prof. Dayantha Wijesekera:** Hon. Parliamentarians from the Commonwealth, Colleagues at the Head Table, Ladies and Gentlemen.

As we heard, vocational training and vocational studies date several centuries back to the time of our ancient kings. I will be touching upon tertiary education on the non-state conventional universities and vocational training institutes in Sri Lanka.

According to the statistics, Sri Lanka’s population is about 20.87 million and the literacy rate is about 91.9 per cent. The annual intake to secondary school education in 2012 is about 327,000. The annual intake to universities, as we heard from the Secretary to the Ministry of Higher Education, is about 22,500 and the current year’s potential for non-state conventional university tertiary education and vocational training is about 300,000. That is a large amount we have to look into. As we heard, we have a high success rate at the G.C.E. Ordinary Level Examination. The annual intake to Grade 1 is about 340,000 and 310,000 students sit for the G.C.E. O/L examination and 195,000 get qualified for the G.C.E. Advanced Level and about 3 per cent of them get into universities. Hence, 173,000 students, assuming they all obtain the minimum G.C.E. A/L requirement along with other post-secondary school students, would have to seek other avenues of tertiary, vocational education and training.

What is tertiary education? Tertiary education is post-secondary school education. It includes further education, higher education and professional education. The outer circle of this chart (referring to the Powerpoint Presentation) shows all the areas in tertiary education. The most prestigious component, as we heard just now, is university education. Those who have obtained the required G.C.E. Advanced Level qualification can apply and of course, there are 15 universities and other institutes. There are four universities established under the different Acts of Parliament. There are also degree-awarding institutes established under the University Grants Commission. The requirement for university admission will be assessed at the G.C.E. Advanced Level Examination along with the z-score requirement. It may not be directly applied for other degree awarding institutes.

The Open University of Sri Lanka (OUSL) is a distance education university coming under the University Grants Commission. The requirement for the admission for the OUSL is G.C.E. Advanced Level or through foundation courses or certificate level courses.
Higher education is a component of tertiary education which is actually defined as post-A/L education. That leads to national diplomas, higher diplomas and advanced diplomas in the fields of education, agriculture, nursing, hotel management, technology, science, engineering technology, management and et cetera. We also have professional education in this country. There are 17 professional bodies conducting professional education courses in this country, which also come under tertiary education.

There are legally registered institutes in both public and private institutes conducting accredited courses in vocational education and training. There is the Tertiary and Vocational Education Commission of which I was privileged to be the first Chairman and after 20 years, again I am the Chairman there.

The three main components performed by the Commission are registration of training institutes, accreditation of training courses and auditing of quality management systems. Availability of vocational education and training are listed in a guide which is published and made available to the public, students, teachers and parents every year. There is also a website to indicate all the opportunities available for technical, vocational education and training.

What we adopt here is a national vocational qualification framework which is very similar to the British, Australian and New Zealand framework, but not identical. It has been adapted to suit our local requirements. It is going up from NVQ Level 1 to NVQ Level 7. NVQ Level 1 to 4, as listed out in the slide, is a certificate course conducted at about 800 vocational centres and technical colleges in the country. NVQ Level 5 and 6 is the diploma level conducted in the colleges of technology and accredited institutes. NVQ Level 7 is the degree level of the vocational qualification conducted at the University of Vocational Technology. In the NVQ ladder, different competencies are indicated. There are 7 levels of National Vocational Qualifications. The amount of theory and practice being taught at these levels is shown by the brownish line in the graph. At Level 1, there is about 10 percent of theory and it increases to about 80 per cent of theory at Level 7. The linkage between the certificate, diploma and the degree programme starting from NVQ Level 1 to the degree level is shown in the career path so that anybody starting at the lowest level can go right up to the graduate level. At the same time, there are access points from non-NVQ diploma courses conducted under the Ministry of Higher Education. They can get direct entry to the second year of the Degree Programme. That is the career path available for those who are with diplomas of non-NVQ courses.

The University of Vocational Technology which was established in 2009 consists of two faculties, namely the Faculty of Training Technology for producing teachers and the Faculty of Industry and Vocational Technology.

The challenges which are faced before us is actually the G.C.E. O/L, G.C.E. A/L examination and the degree syndrome in this country. Everybody wants to take that route and nothing else. We have to eliminate that. We have to bring vocational education into secondary schools. We have to change the mindset of parents, teachers and the students to encourage effective participation so that A/L is not going to be a criterion for employment. Even those who have
been trained in vocational courses would be able to get employment. Positive interaction among parliamentarians, educationists and bureaucrats would be essential in this regard.

The term “vocation” is being used differently among the Commonwealth and in many parts of the world and the issue for discussion today would be attracting students for vocational studies, recognition of vocational training within the Commonwealth and the role of the Commonwealth of Learning in vocational training. Thank you.

**The Moderator:** Thank you, Professor, for your very good presentation. Now, the Floor is open for questions. I now call upon Hon. Shri Kaptan Singh Solanki, MP, Lok Sabha, India, to present your question in brief.

**The Hon. Shri Kaptan Singh Solanki, Lok Sabha (India):** The per capita income of Sri Lanka is very low compared to other countries. But, access to health is very high which is 82 per cent. You said, “Wealthier the nation, healthier the nation” as far as people are concerned. I do not agree with this. Wealthier means materialism but healthier means spiritualism. If human beings lead their lives spiritually, control their senses and makes lifestyle better, then they will be healthy. I think health has no concern with materialism or wealth. Do you agree with this or not?

**Prof. Carlo Fonseka:** Yes, with respect, I have to agree with you. You are taking, shall I say, a religious approach to life. The spiritual well-being can be secured at very minimal physical well-being. So, you have a point there. The only question is, of course, the figure of 179 applies to 1979, which is more than 30 years ago. Today, Sri Lanka is no longer a low-income country. We are a middle-income country and our GNP per capita is over 2,800. So, we are also advancing in the material sphere, but we have not forgotten the importance of the message that our kings transmitted through the religion of Buddhism which, of course, was preached by the greatest son of India. So, you can take part of the credit.

**The Moderator:** Thank you. The next person is the Hon. Zitto Zuberi Kabwe of Tanzania.

**The Hon. Zitto Zuberi Kabwe (Tanzania):** Thank you. I want to ask only one question from the professor who made a presentation on health. I like your conclusion that the State must pay for the health of the poor and the rich have to take care of themselves. But, before that, you said that at the end of the day somebody has to pay. So, how does the State pay for the poor? In some countries in Africa, for example, in Tanzania, the country that I am coming from, the capacity of the State to support the poor is very low because the economic activities have to be in the highest position to help them access health facilities and the Government has to generate more revenue. But, according to our demographic structure, almost 70 per cent of the population is below the age of 30. So, a large group of the population is dependants. They are not working and jobs are not there. So, how does the State cope up with this? Also, how do you see the interaction between the State and the market on this because there could be some market solutions for the poor to access health facilities? How is it being done in Sri Lanka? For example, we have community health insurance schemes with which the poor is paid a small amount of money to access health services. A National Health Insurance Fund is
available in most of the East African countries and there is the Social Security Fund to which we can contribute so that the poor can access health insurance. How is it being done here? Thank you.

Prof. Carlo Fonseka: That is a difficult question but I think Sri Lanka has approached this in a number of ways. There is a plurality of health systems. We have in our country, the standard western medicine, the Ayurvedic medicine which comes down from three thousand years ago, the indigenous medicine, homeopathy, and so on and so forth. So, people in the country are free to access all these different systems. The western system was at one time the most expensive, but we have somehow managed to channel the majority of the people to cost-effective healthcare. If I may use my special knowledge in the medical field, 85 per cent of diseases that human beings suffer from is self-limited; they cure themselves. So, it really does not matter what system of medicine they have recourse to. Eighty five per cent of illnesses people suffer from are self-limited. It is only in that 15 per cent that intervention by scientific medicine will prevent premature death and avoid suffering. So, by this mixture we have been able to do reasonably well and I may draw your attention to the fact that in 2008, the World Bank identified nine countries in different regions of the world as examples of cost-effective healthcare and Sri Lanka emerged on top. So, we have somehow got the mixed system, but of course, we can improve.

Dr. Sunil Jayantha Navaratna: I would like to add a little bit more to that. Sri Lanka is a unique country where we find home-made medicines. When a person gets sick he goes to his home garden, and finds some medicine by himself. That is also one way and also there are Ayurvedic doctors in every region of the country. As a social responsibility, they give treatments without charging any money. So, that is also a part of this. Above all, we use a lot of spices and various other things in our food. So, our food habits may also have been helpful to lead a disease-free life and to make people healthier.

The Moderator: Thank you. Hon. Delegates, let me draw your attention. You do not have to write your question on the piece of paper. If you just mention your name on that, we will call upon you and then you can specify the question in brief. Now, let me call the Hon. Obuebite Robinson Jonathan from Nigeria.

The Hon. Obuebite Robinson Jonathan (Nigeria): My question is directed to the professor who spoke about education. In the course of your presentation, you mentioned about student enrolments to universities and also specified that the tertiary education in Sri Lanka is free. Considering diversity, how do you select students to universities at every academic year? Considering the total number, we observe that wholly around 300,000 students apply and around 120,000 of them get admission for every academic year and also around 180,000 students are denied of admission to universities. So, how do you manage to have an equal diversity? What is your experience on that? Thank you.

Dr. Sunil Jayantha Navaratna: As I explained to you, we have two examinations in school education. At Grade 10, students have to sit for the General Certificate of Education (Ordinary Level) Examination which is almost equal to the British education and in that exam there are 10 subjects. So, after passing that exam, the students can proceed to the Advanced
Level which includes three subjects. At the Advanced Level, there are four streams: Arts, Science, Commerce and Information Technology which has been started recently. So, a student has to pass at least three subjects to apply for university admission. Since university admission is free, we need to have a very transparent methodology. So, every year, the Advanced Level Examination is conducted at national level. Normally it is held in August. The aggregate marks a student gains at the Examination is converted to a formula called "Z-score" and we give the Z-score to every student. Based on the Z-score, students apply for universities and the students who acquire the highest Z-score will have the opportunity to enter universities. That is how we select students to universities.

The Hon. Obuebite Robinson Jonathan (Nigeria): You have these parameters but your strength or the capacity is limited. According to your presentation, the 15 universities are limited to 120,000 students to have university education. What happens in a situation where you will have to take around 200,000 students within the mark you have given for admission for a particular academic session? What will happen to them because universities are not enough to all students?

Dr. Sunil Jayantha Navaratna: Normally we admit 22,000 students out of that. According to the Central Bank statistics, the balance 10,000 go to overseas universities. Some students do professional courses like CIMA, Chartered Accountancy, CIM, Accounting, Human Resource Management and so on. Also, there are foreign-affiliated universities operating in Sri Lanka and as Prof. Dayantha Wijesekera explained, there are eight degree-awarding institutes as well. Also, we have the SLIATE, the Sri Lanka Institute of Advanced Technological Education, which offers advanced diplomas. Then, we have the Defence University including defence technical colleges. Also, we have the University of Vocational Technology, the Ocean University and various other institutes. But, this is not enough. So, the Government is going to pass an Act to open up university education in non-State universities also. But, there is a small group opposing that. Therefore, we have not yet been able to pass that Act in Parliament. But, very soon we want to open up university education for the private sector also. Anyway, the demand versus the supply is not enough, as you mentioned. We consider that access for education and higher education is a right of every citizen and we should allow everyone to have it. But, the problem faced by the Government is the inability of providing 100 per cent free education to all the universities. Now, there are proposals being made for fee-levying courses to be started even in State universities. Of course, the post-graduate courses are not free. We charge for them. But, some people demand conducting fee-levying courses in State universities instead of starting private universities. So, there are various suggestions regarding that.

Prof. Dayantha Wijesekera: May I add to what Dr. Navaratna mentioned. All tertiary education is not free. In the 14 conventional universities, education is free but in the Open University, a nominal payment is required. Then, there are some free degree-awarding institutes; some charge a nominal fee and some charge a little bit higher amount. Vocational training is more or less free. Therefore, there is a mixture of all but actually free education is given by the 14 conventional universities and the institutes attached to them. Both private and the public sectors are there but I agree with you that it is not enough for our country.

The Moderator: Let me invite the Hon. Ian Tresize of the Parliament of Victoria.
The Hon. Ian Tresize (Australia): My question is directed to Prof. Carlo Fonseka regarding his role as the Chairman of the National Authority on Tobacco and Alcohol. I am from Australia and as you are aware, Australia has recently introduced a Plain Cigarette Pack Law. That means, all cigarette packages should be in olive green with a health warning and there could be no distinguishable brand label. This, as I understand, is the world’s first move regarding tobacco control. I need to know your views on that initiative.

Prof. Carlo Fonseka: Yes, I salute Australia’s policy. You are showing the way it should go in regard to tobacco control. As you know, the tobacco industry is one of the most - I do not know whether I could use words which are not parliamentary - I mean, it is well-documented and there have been all kinds of practices designed to trap our children to this vicious habit. So, Australia is showing the way and I wish we could emulate you. Congratulations!

The Moderator: The next Delegate is the Hon. Rotimi Emmanuel Olowo from Nigeria.

The Hon. Rotimi Emmanuel Olowo (Nigeria): Good afternoon! My question goes to Prof. Carlo Fonseka. You talked about Morris appreciating what he told about Sri Lanka in 1979, about 32 years ago. I want to know what the population in Sri Lanka was 32 years ago. I know that the population of Sri Lanka today is about 21 million which is less than the population in Lagos, Nigeria, where I come from. Going by your forefathers and the UN Report as well, we appreciate your religion and your health as Morris talked about it. Today, what are you doing to control the increase in population? The Professor, in conclusion of his presentation, said that the State must look after health of the poor and the rich will look after their own health.

In Nigeria, today we are facing a population challenge. Unfortunately, people are paid for targets. Poor people are illiterate. They have five to nine children in their families. So, what are you doing to control birth in your country? Look at India, your neighbouring country. They are also facing a population challenge.

In addition to that, we are talking about industrialization the world over. What was the level of industrialization in Sri Lanka 39 years ago and what is its level today? We are also talking about climatic changes and environmental pollution which cannot be posed to people individually. It happens due to economic activities by people around the world. Is there any legislation in your country to stop environmental pollution? Thank you.

Prof. Carlo Fonseka: In 1979, our population was about 14 million. I remember our population was 7 million when we got Independence from the British in 1948. We were growing at about 2 per cent and in 1979, we had about 15 million population in Sri Lanka. We invested in educating our women. You know, there was gender equality. Women are as well educated as men. That has served as a kind of check on population. If you ask me as to what the most effective method of birth control is, I would say, educate your women. We have been following that principle. So, we have really cracked the population explosion.

The Moderator: The next Delegate is Hon. Yee Jenn Jong from Singapore.
The Hon. Yee Jenn Jong (Singapore): Thank you. I would like to thank the speakers for sharing insights into healthcare, education and vocational training systems in Sri Lanka. I have two questions. The first one is on healthcare. I think most people would agree that the State should provide free health for the poor and the rich would pay their own cost to look after their health. The challenge is, as a country develops, there would be a big growing class of meagre income and I would like to know from the Professor as to how the middle class people in your country would be able to cater to an affordable healthcare system with their meagre income.

My second question goes to Dr. Sunil Jayantha Navaratna. There is a relatively low student-teacher ratio in Sri Lanka compared to many other countries, which is a very good thing. What is the actual class size in your schools? How did you arrive at this ratio? Is it by dividing the total number of teachers in a school by the total number of students? What is the budget that Sri Lanka spends for education especially at primary and secondary school levels? What are the challenges that your country faces in maintaining such a low student-teacher ratio? For example, how do you get enough good teachers in schools?

Prof. Carlo Fonseka: If I talk about the growing middle class and the direction on which they are going for their healthcare, it is like this. There is an Out Patient Department - OPD - care for trivial illnesses and more and more people are going to the private sector for that kind of attention. It is only in the inpatient care where the State sector is intervening in a very big way. I will give you the statistics. About 95 per cent of patients are in the State hospitals which includes the poor and the lower middle class. The remaining 5 per cent, the rich, go to a few private hospitals. But, increasingly the number of patients seeking OPD treatments, ambulatory treatments, treatment which does not require hospitalization is increasing in the private sector. Now, we are going through this period of transition and we are just coping with it.

Dr. Sunil Jayantha Navaratna: The answer to your question on education is this. The ratio is taken by dividing the total number of students by the number of teachers. But, when it comes to regional levels, it differs. For example, if you take Royal College, which is the most popular school in Colombo, it has 8,000 students and roughly 300 teachers. From school to school the figures might vary, but this is a national figure.

The Hon. Yee Jenn Jong (Singapore): What is the class size actually in Sri Lanka?

Dr. Sunil Jayantha Navaratna: It should normally be 45 students. Legally it is defined.

The Moderator: As Parliamentarians, when we go to remote areas, sometimes we see that there is one teacher for five students in a class. In the remote areas, there are transportation issues and financial issues. If we did not provide them with a school in the vicinity, we would not have reached this level of literacy. In order to educate everyone, we have to stick to such systems.

The next Delegate is the Hon. Dato Devamany S. Krishnasamy from Malaysia.
The Hon. Dato Devamany S. Krishnasamy (Malaysia): Thank you, Sir. We are talking about empowering future generation through access to health, education and vocational training. My question is, do young Parliamentarians give their views on this? They are the stakeholders in the future and that is one area that the Commonwealth has to look into to make sure that there are legislative reforms to get young Parliamentarians involved in the Parliamentary process. A culture of young Parliamentarians is now prevailing in society.

Secondly, we can see that the globe is going through a massive economic recession where unemployment in Spain is 49 per cent. If you look at Italy, it is 29 per cent. But, I think it is worse in the African region and the Asian Region. You need to give access to fiscal policies. In Malaysia, what we did in order to quickly respond to this problem was, we came up with a quick economic transformation programme that can capture those who are left out from the mainstream to have distribution of wealth in a very equitable manner. So, within two years, we were able to turn around a few things, and the focus was on reforming the labour market which we did very aggressively by revamping the education system. A new education transformation system has been introduced from this month with inputs from all stakeholders, especially the young. We got even school students to come and tell us what they want; secondary school students to tell us what they want and university students to tell us what they want. The problem today is that we do not listen to the young generation. The time has come for us to listen to the young. There is value degradation among the young population. Family institutions are cracking and the minds are changing. Today’s youth are globalized but not nationalized. With this mindset, what can we expect from them? Our policies do not match with their needs. Can we reform them with our thoughts? So, that gap has to be bridged. The enhancing competence of graduates is not relevant to the market because the market is so dynamic. What was accepted six months ago may not be relevant now. How do we make sure that they are competent in the job market? For example, vocational training is a specific need now. Mainstreaming and broadening of access to quality technical education in vocational training is necessary. This is where I think Commonwealth can play a role.

Finally, I would like to pose a question as to how we network the Commonwealth for common exchange of policy changes and co-operation so that we can go together in the future.

The Moderator: In Sri Lanka, we are also following the same process. At the request of His Excellency the President, we set up a National Education Committee to which all segments of people, professors, teachers, priests, parents, university students, school children and everyone else interested was given a hearing and we have reviewed those recommendations on several occasions. We have almost come to a conclusion as to how we should revamp or re-organize our education system. Also, one thing that is very common in Sri Lanka’s school education is that we have popular schools in very few districts. So, parents are trying their level best to admit their children to those schools. That has been the case for four to five decades. But, now, the President has taken a decision to develop selected 1,000 schools as secondary schools. So, every Divisional Secretary's Division will have at least three fully-equipped secondary schools at the beginning and we have also chosen 5,000 primary schools which will be the feeding schools for those secondary schools. We have already commenced developing and equip those schools. The issue here is providing facilities. Now, we are giving the best possible
facilities to all the selected 5,000 primary schools and to 1,000 selected secondary schools. That is one way.

To enhance higher education and to match it with the job market we have set up the first ever technical university in Sri Lanka of which Prof. Dayantha Wijesekera is the Chancellor. We also have allowed so many affiliated universities to come in. As a State policy, we promote BPOs to come in so that such companies can train their own personnel to match the requirements.

The Hon. Dato Devamany S. Krishnasamy (Malaysia): The thought is how to share our experiences in the Commonwealth, not in Sri Lanka alone but on a global basis.

The Moderator: Exactly. When our national education policy is opened up to match the international standards, we will have a system for a national committee to expand into the level of an international committee on education.

Prof. Dayantha Wijesekera: I fully agree that we should not be talking only about Sri Lanka, but about the entire Commonwealth. That is why I mentioned about the role of the Commonwealth of Learning of which I was on the first Board of Governance. There is lot of coordination, collaboration among the Commonwealth countries in the Commonwealth of Learning in many areas such as distance education and vocational training. I think there is a series of other activities which can be shared among all of us. That is why I mentioned that the quality standard of our vocational training and vocational qualification is all maintained on International Vocational Qualifications (IVQs). Therefore there should be mobility of vocationally trained personnel among the Commonwealth countries to get employment in different places. But, there is just one aspect about Sri Lanka even for politicians. The Minister of Youth Affairs and Skills Development has set up a youth Parliament where our youth, irrespective of their political affiliations, are brought in. There is a Government party, the Opposition and the Speaker. The whole effect is there and some of the present Parliamentarians are very complimentary about this Youth Parliament.

Dr. Sunil Jayantha Navaratna: It is very important to learn from each other. I think we can learn very much from Malaysia and also from other countries. We can share knowledge.

The Hon. Abdool Razack Mahomed Ameen Peeroo (Mauritius): Mauritius is fully aware of the changing perspectives of the 21st Century education and the need to sustain human development. My question is a follow-up of the overriding theme of the 18th Conference of Commonwealth Ministers held in Mauritius very recently from the 28th to 31st of August, 2012. The theme was “Education in the Commonwealth”. Emphasis was laid on the question of bridging the gap as we accelerate towards achieving internationally agreed goals. This is the CPA Conference. The speeches I have so far listened to are focused on the conceptual models of Sri Lanka. When we look at the theme itself, it is very clear that we should have laid emphasis on empowering future generation through health and education in a global model. My question therefore is, in what way can the CPA help transfer of technologies from developed CPA Member countries to under-developed and developing CPA Member countries? Then, we can face future with confidence and expect that there will be real cooperation in the field of transfer of technology among Members of the CPA.
Prof. Dayantha Wijesekera: I think this would be ideal through the Commonwealth of Learning because that is the common body. We should be able to share our experiences and expertise with other Commonwealth countries. I think this should be taken up at the next Commonwealth Heads of Governments' Conference which will be held next year. That is the body which is capable of co-ordinating all of us together.

The Hon. Abdool Razack Mahomed Ameen Peeroo (Mauritius): I would like to know the views of Sri Lanka on the issue of transfer of technology.

Dr. Sunil Jayantha Navaratna: Transferring technology is a must, especially from developed nations to the developing nations. The issue is with regard to the strategy that could be used and how we are going to do that. Sometimes technology cannot be transferred free of charge but sometimes they may be willing to do so. We have to take into consideration things such as cost, who is bearing the cost, whether it is applicable or appropriate to look into because some technologies are highly sophisticated. Such technologies cannot be used by the developing nations depending on the economic situation, resources and situation of the country. It is a very good proposal. But, we have to consider it after a lot of discussions. For example, if Mauritius is going to produce motor vehicles, that might not be feasible because our markets are smaller. Maybe, you can produce scooters or three wheelers. Technology transfer is a good topic, but we have to do more scientific studies, gather data and understand the core competencies of each country to decide what is more appropriate. That is very important when we talk about transfer of technology.

The Moderator: Hon. Members numbering 20 have raised questions but we have only one hour left. So, we will have to think of time management.

The Hon. Rajendra V. Arlekar, (India Union, Goa): I have two points to make. One is with regard to the health sector. To some extent, it has been answered to a question raised by one of my colleagues. My question is about the different treatments which you have been following. I would like to know what Sri Lanka is doing with regard to indigenous systems of treatment. You mentioned about Ayurveda. In India we have certainly given impetus and encouragement to these systems. This will certainly bring good health. Is the Sri Lankan Government giving special attention to this?

The next one is regarding education. As Commonwealth nations, we all give attention to education, particularly to primary education. What I want to know is whether primary education is given in the mother tongue or in any other language such as English. We are all concerned about the growth of the child. Everything comes naturally when we give education in the mother tongue or in that particular regional language. What are your experiments and experiences in this regard?

Prof. Carlo Fonseka: In regard to your question on health, this country is certainly encouraging the study and fostering of Ayurveda. It has been in our country for 2,000 odd years. The Government has a separate university devoted to it. So, we are doing all we can to promote Ayurveda. Many people in our country have recourse to it when they fall ill. It is only when
they fall seriously ill, a major surgery or some big intervention is required. Then, they have recourse to a more westernized kind of treatment.

Dr. Sunil Jayantha Navaratna: With regard to the language of primary education, basically we teach in Sinhala or Tamil, which is their mother tongue. But, in addition to that, we teach English as a second language. Recently His Excellency the President introduced the trilingual language policy. That means all Sinhala students should learn Tamil and Tamil students should learn Sinhala to reduce the ethnic gap and to promote reconciliation process. All Sinhala students should learn Tamil and Tamil students should learn Sinhala plus English as a second language.

The Moderator: But, the medium of education remains vernacular.

The Hon. Nansubuga Rosemary Seninde (Uganda): My question is a simple one and I wish to benchmark from your best practices and strategies that have enabled you to achieve 98 per cent school completion rates compared to my country where we have 25 per cent completion at primary level. In other words, what are the motivational factors that attract completion in your schools?

Dr. Sunil Jayantha Navaratna: The most important factor is the parents’ attitude and our culture. In Sri Lanka, we believe that education is wealth. Parents give education to their children even by selling or mortgaging their lands and homes. Education is the most valuable asset in our society. Parents never send their children to work because the first priority is to get them educated and it is compulsory now. Legally also there is a binding but more than that, I think the willingness of the parents to get their children educated and the value of having a good education is the key to success. So, nobody wants to keep their children at home except a few like refugees, beggars and so on. So, most parents need their children to get educated. To eradicate poverty, education is the key. So, education is considered as the biggest mean to climb the ladder in society.

Prof. Dayantha Wijesekera: According to the keywords of this presentation, education would be compulsory up to 14 years of age and provision of free education up to secondary level is also a must.

Dr. Sunil Jayantha Navaratna: Students get free books, free uniforms and sometimes free meals also, according to our system.

The Moderator: Now, the Hon. Mantsheng Tsopo of South Africa, please.

The Hon. Mantsheng Tsopo (South Africa): One of my questions is directed to the professor who made a presentation on health. Can you tell us the maternal and infant mortality rate in Sri Lanka? How do you say that your health system is cost-effective? Are you having adequate professionals to deliver the service?

The other question is on tertiary education and it is directed to the person who made the presentation on education. Budget-wise, how sustainable is the education process in Sri Lanka?
Prof. Carlo Fonseka: I carry in my head the worst statistics on record in our country and that was in 1935. By that time our maternal mortality rate was 27 per 1,000 mothers and the infant mortality rate, believe it or not, was 263 per 1,000 live births. That is, if 1,000 children were born alive, 263 of them died during their first year. Today, our maternal mortality rate is about 1: 3,000. It has been decreased from 27 per 1,000 to 1 per 3,000 and the infant mortality rate, I think is about 12 per 1,000. How did we achieve this? It was by direct investment in health. Professionals are doing the assisted delivery, not necessarily by doctors, but trained midwives contribute to that in a great deal at village level.

The Moderator: The Hon. Wynter Boipuso Mmlotsi of Botswana.

The Hon. Wynter Boipuso Mmlotsi (Botswana): I just want to find out the attitude of the Government and the nation towards vocational education and academic education. There is a different background in my country. Parents, and of course, learners both prefer academic education than vocational education because vocational education is considered as a low-quality education and people prefer to do white collar jobs. So, what is the attitude in Sri Lanka towards vocational education and how do you deal with that?

Secondly, what are the notable factors that lead to low unemployment rate in Sri Lanka? I realize that the unemployment rate in this country is 4 per cent which is very low. What I want to know is as to how a lot of people in Sri Lanka get jobs. If I explain the situation in my country, for example, there are a lot of graduates roaming on the streets because of skills mismatch. That means, the Ministry of Education has failed to meet the national requirements so that there is a mismatch of skills. Therefore, a lot of people who have been trained or graduated find it difficult to be employed because the field for which they have been trained is already saturated.

My last question is with regard to the health sector. I also note that you have been very successful with regard to the health sector. So, I want to find out the prevalence of chronic diseases such as high blood pressure, diabetes, cancer and HIV AIDS in your country. How have you managed to keep these diseases in check?

Prof. Carlo Fonseka: Yes, of course. You have put your finger on the important health problem. There are four major killers in the world today so as in Sri Lanka. They are: cardiovascular diseases, cancer, diabetes and chronic lung diseases. There are also four major causative factors. An unhealthy diet is one factor. Lack of physical exercise is the second factor. Tobacco use and alcohol abuse are two more factors. So, we are working on all these fronts. As the Hon. Member from Australia told us a little while ago, we are trying our best to deal with this evil weed called the "Tobacco Plant" which, in the 20th Century, killed one hundred million people and if we do not do something serious about it, we are set to kill a thousand million in this century. So, we are keen on tobacco control and alcohol abuse is also being dealt with. We have the National Authority on Tobacco and Alcohol. We encourage people to get more exercises. You can see in the country today, certainly in the cities, parks and byways along where people can walk and exercise. Reforming the diet is something that we can do and we are trying to go back to our traditional diets. So, we are dealing with all these issues, not with spectacular success, but we are doing our best.
Prof. Dayantha Wijesekera: I started my presentation by referring to the G.C.E. (O/L), G.C.E. (A/L) and the degree syndrome. It is a real problem in this country. Everybody wants to do Ordinary Level first. Obviously we have to do it. Of course, however much talented they are vocationally or are skillful, they still want to do the Advanced Level to enter a university and only 3 per cent can get into it. But, we have a very aggressive career guidance programme going on for vocational studies. We have been having consultants and experts from many commonwealth countries like Australia who are very familiar with the tape system. Then, New Zealand and Canada have a lot of lateral entry opportunities and we have been propagating that because we are very slow on lateral entries to higher education system. In fact, I myself, do not have Advanced Level qualifications although I have been a Vice-Chancellor for 15 years. I had to go to the UK with my technical qualifications to do my higher studies right up to Ph.D. This is seriously lacking in our country. We are not going to show all the good things about our country. This is a very serious lapse but things are improving. So, even in other developing countries we have to introduce lateral entries and the stream, like what Singapore is doing where they identify students who are good for vocational studies at the secondary level at school itself. That is why, as our Secretary mentioned, we are going to start the technology stream for G.C.E. Advanced Level. Otherwise, the technology stream is meant for dropouts. I say that there are no "dropouts" in this world. They are always a hope for the future. Therefore, career guidance must be given not only for students but also for parents.

The Hon. Wynter Boipuso Mmlotsi (Botswana): The issue on HIV has not been touched. So, I hope one of you would do that.

Prof. Carlo Fonseka: In regard to HIV, Sri Lanka has been doing remarkably well. I think we are the only country in this region where incidents of HIV is very low. I do not carry the exact number in my head right now. In fact, we are not even regarding it as a major health problem because it is well under control and all precautions have been taken because the approach is rather conservative. The use of protective condoms is advocated but not very publicly and we have somehow managed to keep HIV under check. It is attributed to the kind of religious background which educates our people and they conform more or less to monogamy in a strict sense. This is probably a factor which has played an important role in our very low incidence of HIV. We lead in this part of the world, in the low incidence of HIV.

The Moderator: The Hon. Adrian Sanders from the United Kingdom.

The Hon. Adrian Sanders (United Kingdom): Thank you for all your contribution so far today. I chair an international group of parliamentarians interested in diabetes. If anybody wants to join that organization, give me your card and I will put you on the mailing list.

There are four killers and one of them is diabetes. What I want to say is, it applies to all chronic conditions. We can tackle these things with screening, treatments and even best medicines. But, the real problem with all the health systems is that the cost is increasing. Even in answering questions, I did not hear anything in the presentations about preventative work on public health which is absolutely crucial. How do you diagnose problems before you come on to treatment? My question is on your public health preventative work because there may be lessons from
which others can learn. If you diagnose a chronic condition early, it can be treated far more effectively.

**Prof. Carlo Fonseka:** You are spot on. We have in Sri Lanka a very well-developed public health system. Indeed, we attribute our good health statistics such as low infant mortality, increased life expectancy, low maternal mortality and so on to the excellence we gained through the public health system inherited from the British. We have developed it. There is almost equal focus on public health as on curative medicine. So, we are quite aware of its importance and we are doing all we can to detect chronic illnesses early and the campaign right now is to promote healthy living, i.e. healthy diet which means basically low salt; white sugar out; white flour out; white rice out; total quantity of food minimized; total fats reduced; animal fats reduced and saturated fats reduced. That is the message we are giving you. We are a bit slow in doing exercises. Although we have specialized and excelled in the field of cricket, we have not very much excelled in other areas. Sir, I think you will agree that we tend to be good at sitting and talking rather than moving about and getting things done. So, we are deficient on that. But, there is a concerted effort being taken right now.

**The Moderator:** Thank you. The next Delegate is the Hon. Baroness Gardner from the United Kingdom.

**The Hon. Baroness Gardner (United Kingdom):** I am from the UK. But, I am one of the many people in the UK who went there to work in the British National Health Service. I suffered from the problem that was mentioned earlier by the Delegate from Botswana. There is an over-training of dentists in Australia. I am a dentist and thousands of dentists from New Zealand, Australia and so on went to the UK in the 1950s and 1960s to fill the need there. The Commonwealth really is one of the major causes of success of the National Health Service in the UK. We have some standing professors from so many Commonwealth countries and I should mention that in my field, a professor from Sri Lanka at Kings College, London, is the outstanding authority on cancers in the mouth and oral cancers, generally. Then, we have a Malaysian researcher at the Eye Hospital and he is doing brilliant stem cell research for eye replacement. He believes that eventually they will be able to cure blindness. These people are making a huge contribution to the UK. But, we have new problems arising in the UK Health Service. I have worked at all levels of major teaching hospitals, right down to basic local community level. The new problems we have are with regard to the ageing population. Authorities in the nursing profession have decided that they want to have graduate nurses only. Unfortunately, now we have not got enough ordinary caring nurses because they have to have full academic entry. Some of the best nurses I have ever known could possibly not reach the academic level to become undergraduates and then graduates. I am hundred per cent in favour of training nurses to the highest possible standard. In Australia, for example, they train nurses at two levels: one top level is graduate level and the other is caring level. Now, we are having a crisis in the UK. Elderly people in homes are sometimes tragically abused and in many cases, they are simply not cared for. There is no one who is doing ordinary care nursing. I want to know the position in other Commonwealth countries. I think we should learn from the UK experience. Do not throw out the baby with the bath water. Keep all levels of training at nursing so that you do have people. No one wants to be called, a “care assistant”. They all want to have the prestige of being a nurse. If you cannot be a nurse, then you will feel that you have been
cheated or something like that. So, I think we have really gone a little too far on that. In future, we are going to call for a new level of training to replace what used to be the ordinary caring nurse. We will still retain the nursing practitioners at the top level. But, there are new problems in the UK health system regarding the ageing population.

A point was made by a Delegate about early access to treatment and I would like to say that early diagnosis is absolutely essential for mouth cancer. People tend not to look at their mouths or even think about their mouths. If diagnosed late, it will be one of the most horrible cancers that one can possibly have. So, my campaign in Parliament now is for early diagnosis of cancers and more caring for people. Thank you.

Prof. Carlo Fonseka: If I understood you right, Madam, you are extolling the virtues of the Nightingale tradition of nursing where there were caring nurses. I could not agree more with you. I think it has to do with a differential pay. We do not pay people who care. We only pay higher salaries for those who know how to care, but do not care. It is a big problem, even here.

Prof. Dayantha Wijesekera: May I add that in vocational training as well, we have caregivers being trained for the requirement you mentioned. But, they also could not go up the ladder to higher levels.

The Moderator: The next Delegate is Hon. (Prof.) David K. Mphande from Malawi.

The Hon. (Prof.) David K. Mphande (Malawi): Thank you very much for your provocative questions and presentations which have been made. I first want to thank Sri Lanka for being very adventurous because one Sri Lankan worked in my country in the 1990s as a consultant in our education field. So, I want to thank you so much for that. I want to ask from the professor who made a presentation on development of skills, attitudes and mindsets of students, on what levels do you assess these concepts and what mechanisms have you put in place in order to achieve that? I know that assessing attitudes is extremely difficult. Thank you.

Prof. Dayantha Wijesekera: We have developed skills standards and competency standards for two different levels at the certificate level for craftsmen. We develop the skills standards along with the contributions from industry. They are assessed individually on the skills standards on practical tests. Then, at the higher levels of diploma, we have competency-based standards which have also been developed with the contributions from the industry. This competency-based assessment has been conducted for their success.

In addition to both these systems, we also have another system called, “recognition of prior learning” which is practised in the Commonwealth and other countries as well. There is so much that children learn from their parents or by working with somebody else. So, "recognition of prior learning" is there to match with our National Vocational Qualifications and they are assessed by that. In other words, our skills match is being gradually reduced because industry participation is done in a big way.

Dr. Sunil Jayantha Navaratna: Regarding higher education, we call it, "KSAM" - Knowledge, Skills Attitude and Mindset. We have specially added the word, “Mindset” also. It
shows how you see the world and it is also important. In universities, especially in the academic world, we are mostly working on theoretical knowledge. We are focusing on theory plus practical skills, communication skills, team work, leadership programmes, delivering results, planning, et cetera, and all these things are very important. In the academic world, we deliver a lecture and students write notes and repeat that at exams. That is highly outdated. So, we have to focus on skills. Theory alone will not help because private sector as well as the public sector is now looking for skills. So, skills have to be inculcated and especially, moving from teacher-centred education to student-centred teaching is very important. Students should learn. A teacher should be a mentor and a guide. So far, this attitude has been neglected in the higher education and the secondary education. So, we have to inculcate the correct attitudes and also the mindset to learn properly. So, all those four sectors are important. If we give 100 marks to each sector, then it will be 400 marks. Normally if the teacher teaches theory only, we can give only 50 marks for each. So, we have to have all four sectors balanced. That is our approach.

**Prof. Dayantha Wijesekera:** We have a separate Ministry for Youth Affairs and Skills Development.

**The Moderator:** The next Delegate is the Hon. Joseph Madonsela from Swaziland. You may ask your question in brief because there are 12 more Delegates to pose questions.

**The Hon. Joseph Madonsela (Swaziland):** My question is directed to Prof. Carlo Fonseka. He spoke about the State being responsible for the health of the poor. I just want to find out what reforms are in place to control the dependency syndrome amongst the poor regarding health issues.

The second question is, what is the radius between a healthcare centre and people which enables easy access to healthcare?

The third question is, are all healthcares in Sri Lanka compliant to maternal care?

My fourth question is regarding education. I just want to find out whether you regard English as a major requirement to gain university entrance or for vocational training.

As you said, vocational training has seven levels before one achieves a diploma qualification. I just want to find out the intervals between the levels that you were talking about to get to that stage. Thank you.

**Prof. Carlo Fonseka:** Concerning access to health, there is a Government sponsored or Government serviced institute at a distance of three kilometres from any household in Sri Lanka. With subsidized transport many people are able to reach the health centres. That is one secret of our success. Sir, I missed your first question. I answered your second question.

**The Hon. Joseph Madonsela (Swaziland):** Yes. You have answered my second question and I am quite happy about it. In our country, it is situated at a distance of eight kilometres which means, it is more improved in Sri Lanka. You said that the State is responsible
for the health of the poor people. My first question was, what are the reforms that will control the dependency syndrome among the poor?

**Prof. Carlo Fonseka:** There is no doubt that there is a tendency among the poor to have full recourse through State services whenever it is possible. But, we do not necessarily discourage them. They come to State hospitals because they are poor and they need it. So, with the growth of GDP and increasing affluence, a greater percentage now go to private hospitals for ambulatory care. For OPD care, 60 per cent go to the private sector and 40 per cent go to the public sector, whereas it was much more in the decades gone. So, that is how we are dealing with that.

**Prof. Carlo Fonseka:** What is your third question?

**The Hon. Joseph Madonsela (Swaziland):** The third question is on health centres being compliant with maternal care.

**Prof. Carlo Fonseka:** The whole thing is geared with mothercare. In Sri Lanka, If I may say, in the strictest metaphorical word, mother is our “sacred cow”. We worship our mothers and everything has been geared to maternal health and it has paid dividends also.

**Prof. Dayantha Wijesekera:** On the seven levels of vocational training, the first four levels, as I quite rightly indicated, are the craft level which is conducted in the local languages, Sinhala and Tamil. The craft level is, as you know, for masons, plumbers, carpenters and so on. Then, Level 5 and 6 is the diploma level. The teaching material is developed in English. Those who require are given adequate orientation in English to pick up diploma level courses. Level 7 is the degree level. The seven levels do not indicate seven years as such. It is all based on a credit rating at their own pace. Up to level 4, it will take about 4 years and 60 credits per year and one credit is roughly about Rs. 1,500 notional allowance. Level 7 is a two-year course which is the fastest. Based on the credits that they accumulate at their own pace, they go up the ladder. Up to level 4, it is in two local languages. Level 5 and 6 which is diploma level is in English and level 7, the degree level, is also in English.

**The Moderator:** The next question is to be posed by the Hon. Osei Bonsu Amoah from Ghana.

**The Hon. Osei Bonsu Amoah (Ghana):** We share such circumstances in Sri Lanka. In 1957 when we had independence, the population was 5 million. Now, it is 25 million. Some of my questions have been answered especially on preventive healthcare and graduate unemployment. But, I want to know the policy of Sri Lanka on national health insurance.

Then, on education, I want to know the sources of funding for free education and the percentage of GDP spent on education. Interestingly, none of the speakers perhaps, mentioned about sports. When it comes to healthcare and education, sports is very critical. In fact, in Ghana, sports are now a big business. We have many international players. Talking about vocational education, have you got schools for vocational education or colleges of sports?
Prof. Carlo Fonseka: In Sri Lanka, we have not relied on health insurance at all but only to a very small degree. Revenue from government taxation funds the health system. I think that is one thing we are proud of. The Government looks after the poor. The insurance business looks after only the rich. That is the short answer to your question. If you are a poor country, direct taxation and direct investment in health from Government funds is the way forward.

Dr. Sunil Jayantha Navaratna: In response to your question regarding the sources of funding for free education, basically, the Government Budget funds education with grants and loans from the World Bank, ADB, JAICA, JBIC and so on. If I tell you the figures on higher education, in the year 2000, our investment on education was Rs. 5 billion. In 2005, it was Rs. 10 billion and it doubled in 2010 which was Rs. 19 billion and in 2012, it is Rs. 25 billion. So, every five years, we double the investment on higher education. In the case of secondary education also, it is going up. Percentagewise, GDP is around 2 per cent. But, people are demanding to increase it. In the UNESCO, the concept is 6 per cent. But, that is not practically possible.

The Moderator: Hon. Delegates, you will be restricted to raise only one question in order to allow all the other Delegates to be answered. The next question is to be posed by the Hon. Obius Chisala from Zambia.

The Hon. Obius Chisala (Zambia): My question is directed to the professor who mentioned about free education. In the third world countries, particularly in Africa, due to population growth, there is lack of space in public universities and this has adversely affected my country, Zambia, where we have only two public universities. In this context, I would like to learn from Sri Lanka how they manage the problem of lack of space. Thank you.

Dr. Sunil Jayantha Navaratna: Sri Lanka also has the same problem to some extent. As I explained in my presentation, we have 15 national universities and education is given almost free in 14 universities except the Open University. The demand is so high. There is every possibility to have higher education opportunities. For example, we have given degree-awarding rights to 8 institutes such as SLIATE and NIBM. They charge to offer degrees. There are also foreign universities that offer foreign degrees 100 per cent locally or sandwich courses. Online degree programmes are becoming popular. Students go abroad. Every year, nearly 10,000 students go to India, Malaysia, China, Indonesia and even to England and the USA for their higher education. Rich people have money but people who do not have money mortgage their property and send their children to foreign universities. At the same time, we have drafted a bill to open up private universities for higher education. But, there is a small opposition from some parties. That is why we are delaying it. So, we give all the opportunities for higher education. Education at universities is given free of charge.

The Moderator: The next is the Hon. Noxolo Phoeba Abraham from South Africa.

The Hon. Noxolo Phoeba Abraham (Ntantiiso, South Africa): First of all I want to state that I appreciate the presentations that we have had. As different Member countries, we really want to have relations with Sri Lanka so that we can learn some lessons. Of course, the challenges that you are facing are similar to the challenges that most member countries face.
Some of the questions that I wanted to ask have already been asked. I was impressed to note that there are various ministries on education to fight the stigma against other qualifications than the degree. You have introduced a ministry for vocational and technical training. My question is, how many ministries do you have for education? For example, in our country, when we prioritized education, we divided our education departments into two. We have higher and basic education. What is the situation in your case?

Then, I want to quickly check on the case of ensuring job opportunities because that is another thorny area for countries especially in Africa where a learned and qualified graduate cannot find a job. But, I see that Sri Lanka has a way of making universities responsible for their learners. It would be nice to hear how you do that. Secondly and very importantly, how do you ensure that the private sector also comes to the show, because as a Government we have a responsibility and the university has a responsibility? How do you ensure that private sector also knows that education is everybody’s business.

**Dr. Sunil Jayantha Navaratna:** As far as ministries are concerned, we have the Ministry of Education, and the Ministry of Higher Education directly linked with education. In addition to that, we have the Ministry of Science and Technology doing research and training. Then, there is the Ministry of Youth and Vocational Training. The Ministry of Health also trains doctors and nurses.

**Prof. Dayantha Wijesekera:** In addition to the two Ministries that are directly involved in education, there are 20 other ministries carrying out their own staff development programmes. For example, telecommunication, irrigation, transport and so on.

**Dr. Sunil Jayantha Navaratna:** As far as unemployment is concerned, I think foreign employment also plays a vital role. Nearly 1.5 million people are working overseas. That also helps to keep our unemployment rate low. Our average economic growth rate is 6 per cent and we have been maintaining that continuously. Especially after the war, the war-affected areas are also coming up. There is a lot of infrastructure and industrial development taking place. Hotel and tourism sector is coming up. The service sector is also growing very fast. There is a huge demand for that. At the same time, there are people who do not want to work in those sectors. That is also a problem. There is a mismatch between education and the labour market demand. For example, there are graduates who do not want to join the private sector. When we offer jobs in the public sector, they quit the private sector and join the public sector because the public sector has a pension scheme. But, some companies get down people from India to cover up their labour. There is a labour shortage in one way. These factors contribute to keep our overall unemployment rate low. But, the unemployment rate among youth population between the age of 28-30 is a little bit higher.

**The Moderator:** Next, the Hon. Stephen Charles Rodan from Isle of Man. You are requested to pose one question, please.

**The Hon. Stephen Charles Rodan (Isle of Man):** Thank you. My question is about graduate unemployment. In Sri Lanka, many school leavers obtain qualifications at A/L but unfortunately and sadly, only 3 per cent of them become eligible to enter universities for not
having enough space in the universities to meet the demand. That is why you said that the rest have to look for other forms of tertiary education to obtain qualifications.

However, when we look at this table of different universities and compare the figures of graduate employment, I think getting a job ranges from 99 per cent down to 30 or 40 per cent in some other stream. My question is, why are there not enough universities when there is so much demand? Since there are not enough universities, many students get disappointed with not having an opportunity to enter university. Why does a university degree apparently not guarantee giving employment? Is it the type of degree which is wrong for labour market requirements or is it the quality of degree or is it that your institutions are not good enough or is it not having other alternatives such as vocational education? Around 50 per cent of students go for higher education from my country. But, that does not certainly give any guarantee of employment. It depends on the quality and the particular type of degree.

**Dr. Sunil Jayantha Navaratna:** As I explained to you, the possibility of getting a job percentagewise in engineering and medicine is more than 90. Then in agriculture, it is around 70 per cent by the date of graduation. After completing university education, students have to wait for 6 to 12 months for graduation unlike other countries. In Management Studies, it is around 60 per cent and in Science also, it is around 60 per cent. The main problem is with Arts which is around 23 per cent. Most of our Liberal Arts Courses are highly theoretical. The lecturer comes to the class, delivers a lecture, students jot down notes and produce them back at the exam. So, that is a highly outdated education system. That is why we introduced the KSAM model, not to give theoretical knowledge only but to give practical knowledge also. The skills are very important as well as the attitude and the mindset. For example, there have been mass communication graduates who have not written a single article to a newspaper. So, we have to change that. Then, it maybe relevant to the quality, teaching methodology and learning cycle. So, we are in the process of changing that. But, as you know, doing changes in universities is not that easy. There is always a resistance. So, we will have to face a huge resistance and we are in the process of changing especially the mindset of lecturers. Without doing that, it is very difficult to introduce these changes.

**Prof. Dayantha Wijesekera:** Actually, I do not want you to go with a wrong figure. The 3 per cent that I mentioned is those who enter the secondary school. Out of 100 students who enter secondary education, only 3 per cent will be able to have university education. It is not the students who sit for A/Ls as such. That is, about 14 or 15 per cent. But, the biggest problem we have is to build up the middle level. We need levels 1, 4, 5, relationship which is not happening. So, we are trying to build up the middle diploma level of personnel required for the country’s employment purposes.

**The Moderator:** There are six more Members to raise questions. So, I will allow all six Members to raise their questions and the panel will answer all at the same time. Next, the Hon. Adeloye Adeyinka Olubunni of Nigeria, may speak.

**The Hon. Adeloye Adeyinka Olubunni (Nigeria):** Thank you very much. Going back to the theme of this Conference, “Ensuring a Relevant Commonwealth for the Future” I would like to first suggest that there should be a synergy of information. There were some questions
posed but Discussion Leaders could not give answers. For example, the question raised by the Delegate from Ghana in regard to sports was not answered. So, is there a collection of information in a form of repository from where we can access? I would like to suggest that. I would say that the majority of countries in the Commonwealth have emerging economies and Nigeria is one of them. We have about 60 million people as is estimated. Now, of course, it is more than that. The gross challenge we face is the unemployment among the youth.

Talking about the issue on vocational training, I would like to pose a question to you, Professor. Do you have any legislative inputs in Parliament of Sri Lanka regarding vocational training?

**The Moderator:** The Hon. Amery Browne of Trinidad and Tobago.

**The Hon. Amery Browne (Trinidad and Tobago):** There is a tremendous resistance in my own country to sex education, health education and family life education in primary schools, secondary schools and even at the level of university. It appears that Sri Lanka has a very religious society and one of the answers given earlier alluded to that. I want to know whether a similar resistance can be seen here, and if so, how it is managed within the education sector. There is just a little note of caution with regard to the earlier answer which reminded that we need to bear in mind that in the coming years, young persons in Colombo, Mumbai or New York are going to believe more and more in a similar fashion. So, why do we rely on traditions and other things which may have had protective impact on the generations? We also need to put systems in place to ensure that our future generations are truly empowered and protected.

**The Moderator:** The Hon. Simon Piet Dollman Skhosana from South Africa.

**The Hon. Simon Piet Dollman Skhosana (South Africa):** Thank you. I want to deal with the issue of health, State versus the private sector. In your conclusion, Professor, you indicated that the State would normally deal with health issues of the poor and the rich will pay for themselves. The ideal situation is that State-owned hospitals would be well-equipped and be the best in the country because of the source of funding and for being government institutions. But, in practice, the converse is happening and that is a problem. I just want to know whether your private hospitals are better in terms of human resources and equipment versus the State hospitals. If that is so, is there anything that you do in regard to that?

I will take the issue of training of professionals, doctors and nurses. We find that most of your professionals are leaving the country and are migrating to other countries, the UK, in particular. How serious is that problem in Sri Lanka? Probably you might not have the figures now. What is the doctor-patient ratio in Sri Lanka?

**The Moderator:** Thank you, Hon. Delegate.

**The Hon. Simon Piet Dollman Skhosana:** There is one other question.

**The Moderator:** You may please ask the question in short because there are three more Delegates.
The Hon. Simon Piet Dollman Skhosana: Thank you very much. As to my understanding, they come from Africa and I am very slow in doing things. In Sri Lanka, do you have a system for medical aid?

The Hon. Vusumuzi Victor Zibuthe Windvoel (South Africa): Moderator, I object to that. That is not the way we do things in Africa. We are not slow at all. I ask the Hon. Member from South Africa to kindly withdraw that statement. Thank you.

The Hon. Simon Piet Dollman Skhosana: I said it in the context that I was under pressure, Hon. Delegate. I will withdraw that.

The Moderator: That statement is withdrawn.

The Hon. Simon Piet Dollman Skhosana: Hon. Delegate, I was extremely under pressure. Sarcasms sometimes leads to problems. Thank you very much.

The Hon. Shri Dilip Dattatraya Walse-Patil (India Union, Maharashtra): Thank you very much. I would like to ask some questions on education. In your presentations, you discussed about literacy rate, standards or quality of education, free and mandatory primary education and private universities. I have some questions on them. When we talk about the literacy rate, most developing countries have to spend a lot for education. In your presentations, you never mentioned about the percentages of national Budget allocation to primary education, higher education and technical education. What should be the ideal allocation for all the developing countries, for Sri Lanka, India or any other country?

Then, you talked about setting up of private universities in Sri Lanka and further mentioned that there is a little opposition for that. Even in some States of India, there is a little opposition by some groups. I would like to know the actual position and I would be grateful, if anybody can explain about the ideal model that other countries are having globally.

Talking about mandatory education, I would like to know whether there is a penal provision in any country for not sending children to schools. What are the special efforts taken by Sri Lanka in regard to this?

We are talking of empowering future generations through access to health, education and vocational training. I request you to make available to Members copies of the presentations made here.

Finally, if we can issue a joint statement or a declaration on common practices and new ideas of empowering future generations, that will be a document to remember this Conference. We are here for the next two days. You can invite them on mail and then, we can consolidate best practices adopted in the world. If you can release such a statement it will be helpful for developing countries. Thank you.

The Hon. James Gordon Reed (Jersey): Thank you. We know that the brain is most receptive in the early years and brain development begins before birth. Pre and post-natal care,
good nutrition, healthy and supportive home environment and pre-school education programmes make a difference. I would like to know what the Sri Lankan Government is doing to support mothers and children under five years.

**The Moderator:** The last question will be posed by the Hon. Kalisa Evariste from Rwanda.

**The Hon. Kalisa Evariste (Rwanda):** Hon. Moderator and Hon. Members of the CPA, I would like to tell you that we had a genocide in Rwanda in 1994 and about one million people were killed. Since then, we have been trying to overcome the consequences of that genocide. I would like to take this opportunity to tell all our partners how we are still trying to overcome the consequences of it. For that, we have build four pillars of success: good governance, justice, economic development and education.

Hon. Moderator, I do not have any question, but with your permission, I would like to share our experience of genocide. Improving the health of people is a chief concern in Rwanda. After the genocide in 1994, one of the major challenges that Rwanda faced has been with regard to improvement of health sector. Various activities have been implemented against diseases such as malaria, HIV/AIDS and all epidemics. The Government and all the institutions try to address these issues by putting in place, policies and laws and providing guidance to the students by having programmes.

**The Moderator:** Hon. Member, do you have a question to ask or are you making a speech?

**The Hon. Kalisa Evariste:** I do not have a question to ask. But, I would like to share our experience in terms of education and health after the genocide in 1994.

**The Moderator:** Thank you very much. We have already exhausted the allotted time.

**The Hon. Kalisa Evariste:** Let me conclude, please. Eighty five per cent of the population has health insurance schemes.

**The Moderator:** Thank you very much, Hon. Member. There are many questions to be answered and we have to start the next Session also after lunch.

**Dr. Sunil Jayantha Navaratna:** Hon. Amery Browne was talking about resistance. So, what kind of resistance do you want to get clarified?

**The Hon. Amery Browne:** The issue was with regard to health and family life education, sex education in primary and secondary schools given the strong religious traditions in the society.

**Dr. Sunil Jayantha Navaratna:** Prof. Carlo Fonseka will answer that question. Hon. Shri Dilip Dattatraya from India Union, Maharashtra posed the question as to what is the
percentage that we are spending on education. My answer is that we are basically spending 10 to 12 per cent on education out of our Budget including higher education.

**The Hon. Shri Dilip Dattatraya Walse-Patil (India Union, Maharashtra):** There is one more question I have to ask and that is about the resistance to private universities.

**Dr. Sunil Jayantha Navaratna:** Actually, it is motivated by the extreme leftist groups.

**The Hon. Shri Dilip Dattatraya Walse-Patil:** It can be political but on what grounds are they opposing to it?

**Dr. Sunil Jayantha Navaratna:** They say that we are going to privatize education for political reasons and we are going to destroy free education. That is their argument.

**The Hon. Shri Dilip Dattatraya Walse-Patil:** Are they against privatization?

**Dr. Sunil Jayantha Navaratna:** Yes.

**Prof. Carlo Fonseka:** I jotted down six questions pertaining to health. The first is about sex education. Yes, there is a great deal of conservatism on that subject. Parents generally do not want sex education to be given in a formal way. Enough of reproduction is taught in biology and that will do is the general attitude. Of course, we are making inroads into this and more and more young people are getting sex education in informal ways.

Regarding rich-poor dichotomy, a question was asked as to whether more poor people come to the Government sector because the standard of healthcare is, in fact, better. That is so, because our best specialists work in the Government sector. They go to the private sector only after 4 p.m. and there is high level care. So, there is great pressure on the Government sector for the quality of care. It is just like hotel aspects. In State sector hospitals, beds are not too clean and the toilets are not ideal. That is a kind of disincentive to come to the State sector. Otherwise, in terms of healthcare delivery, the State sector is the best. When I fall ill, finally, I will go to the State sector.

Then, regarding brain drain, we have a huge problem. Our doctors and nurses are well educated and they have a worldwide demand. When we send them for higher training to the UK or Australia, they get trained and stay put. So, we have a huge problem in regard to brain drain.

About the doctor-patient ratio, we are not as good as we could be. In Australia, it is 200 per 100,000 population. I think in the UK it is 220; in the United States it is 230 and in Sri Lanka it is about 70. But, of course, that ratio is counting only the western qualified doctors. We have ayurvedic doctors, indigenous doctors, homoeopaths, acupuncturists and so on who are added to the pool but they are not counted in the statistics. So, in Cuba, it is 590 per 100,000 people. That is way ahead of all other countries. We are marginally better than Pakistan, Bangladesh and Nepal. In the South Asian Region, we are okay, but still the ratio is below 100.
Regarding the health sector, Government hospitals are open to anyone. When they fall ill, they can come to Government hospitals. If there is emergency or no emergency, they are welcome there. So, there is a sense of security for anyone. Anyone who falls ill can come to State hospitals straightaway. Perish the thought, if anyone falls ill now, you will be immediately taken to a very good hospital in the State sector. No insurance is required.

**Prof. Dayantha Wijesekera:** Fortunately, I have just one question to answer. That is about the legalizing of vocational education. There is a Tertiary and Vocational Education Act, which has been enacted in 1991. According to that Act, no institute can conduct any tertiary education courses except universities and a few other institutes. Those who are deemed to be conducting tertiary education have to get registered and the courses have to be accredited. Otherwise, they could be taken before courts.

**The Moderator:** Thank you very much for the presentations made by all the Panelists who are eminent professionals in Sri Lanka and also I extend our gratitude on behalf of CPA and CPA Branch (Sri Lanka) to those who participated in this Workshop.

If anyone requires copies of the presentations, they will be available on the CPA Website.

Thank you very much.

*(The Session Adjourned)*
PROCEEDINGS OF WORKSHOP

“B”

"SHOULD THE COMMONWEALTH ESTABLISH A COMMISSIONER FOR DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS?"
WORKSHOP "B"

"SHOULD THE COMMONWEALTH ESTABLISH A COMMISSIONER FOR DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS?"

Moderator: Hon. Marwick Khumalo, MP (Swaziland)
Discussion Leaders: Senator Dr. Farogh Naseem (Pakistan)
                  Mr. Hugh Bayley (United Kingdom)
Rapporteur: Ms. Elizabeth Kingston (Canada)
Session Secretary: Mrs. Musonda Sandy

The Moderator: I welcome the distinguished Hon. Members to Workshop "B". Our topic for discussion is: “Should the Commonwealth Establish a Commissioner for Democracy, the Rule of Law and Human Rights?”. I will be the moderator. My name is Marwick Khumalo, Member of Parliament from Swaziland. I also serve as the Treasurer of the CPA. I am the Chairman of the CPA, Swaziland Branch. I have been a Member of the CPA Executive Committee for the last four years.

Hon. Members, let me at this point, on your behalf, welcome our Discussion Leaders, our Presenters, Senator Dr. Farogh Naseem from Pakistan and the Hon. Hugh Bayley from the United Kingdom. Before we can ask each one of them to give us their presentations on the subject, I would first request them humbly to introduce themselves because then we know with whom we are talking.

I will start with Senator Farogh Naseem.

Senator Dr. Farogh Naseem (Pakistan): Thank you very much, Sir. I am a Senator from Pakistan. I belong to the Muttahida Qaumi Movement, which is a political party in Pakistan, which has strongholds in Karachi. Professionally, I am a lawyer. I am a Barrister from England. I have a PhD in Law from the University of London. At one point of time, I was an Advocate-General for the Sindh Province and in March 2012, I was elected as a Technocrat Senator for the Upper House in Pakistan. Thank you.

The Hon. Hugh Bayley (United Kingdom): Good Morning, Colleagues! I am a Member of the UK House of Commons. I have been a Member for 20 years. I served as a Minister in Tony Blair’s Government. I have been the Chair of the UK Branch of the CPA and played a strong part in the CPA’s affairs for over 20 years. Before I entered Parliament, I had three different jobs. For a long time, I was a Trade Union official advocating for the rights of ordinary working people in health services in Britain. I then became a Television Producer. I set up a company to make television programmes about North-South Development and environmental issues. Then, while I was nursing my seat in the long battle to become a Member of Parliament, I taught Economics and Social Policy at the University of York in the United Kingdom.

34
The Moderator: Thank you very much for those brief introductions. We could not have got or found the most relevant personalities to do the presentation on this topic. Let me invite Senator Farogh Naseem to make his presentation on the subject.

Senator Dr. Farogh Naseem: Thank you very much. The core values of the Commonwealth are democracy, human rights and rule of law. I think there is no dispute with regard to those. In order to effectively implement these core values within the Member States, we all agree that we need certain guardians, certain implementers and the best implementer for any of these core values would be the Municipal Judiciary. Every nation State needs an independent judiciary in order to effectively implement these core values of the Commonwealth. Incidentally, these core values of the Commonwealth could be found very easily in all the Constitutions. We have a particular topic, a chapter on human rights which are called, “Fundamental Rights”. These are entrenched and enforceable by Courts of Law.

In the past, we have seen international observers. We have had the Human Rights Watch; we have Amnesty International and so on and so forth. The problem with these international observers is that - we have experienced in Pakistan - at times they are prone to take political sides. In particular, the Human Rights Watch and the Amnesty International have particular Chapters in Municipal States in a country like Pakistan and unfortunately instead of recruiting or having neutral people they have people who belong to a particular political party: they side a particular political party or they oppose a political party. As a result, the factual investigation which is conducted by these international observers is quite flawed and that is the problem that we might have even with this type of institution that we are talking about.

If we were to have a Commissioner of Commonwealth to enforce or at least talk about and advise upon Democracy, the Rule of Law and Human Rights then the first precept or precondition would be to ensure that the office itself would be absolutely neutral. At the same time, it should ensure that the information that it is getting is properly filtered.

There is a problem, I am told, with regard to a consensus on this issue by the Heads of State at the CHOGM, which is the principal executive body of the Commonwealth. I think to-date there is no consensus about establishing a Commissioner for Commonwealth for these aspects that we are discussing. Therefore, the first thing would be to have consensus among the smaller bodies and support this idea and then take it to the Heads of States' Meeting where it would be received as a doable thing. Then, it would be easier to establish such an institution.

In Pakistan, we have had the Eighteenth Amendment to the Constitution where we have had the most important aspect of fundamental rights. That is, the right of fair trial in terms of Article 10(a) of the Constitution. Previously, this was a procedural right but now it is a substantive right entrenched in the Constitution. Through the Eighteenth Amendment, we have had another very important fundamental right, which is the freedom of information. Again this was not a fundamental right, not a human right entrenched in the Constitution but now it is. Very importantly, we have Article 25(a) in the Constitution which guarantees compulsory education. Previously, education was a principle of policy. It was not a fundamental right but now it is a fundamental right. Very recently, the Parliament of Pakistan, to experiment this fundamental right, has passed a law for schools, for compulsory education for the capital territory Islamabad,
and hopefully, once that experience goes well, then we have every intention to have a similar types of laws and experiences for other cities and villages.

When having this institution or a Commissioner for enforcing these rights, the first thing would be to inculcate and educate the office itself with various Municipal Constitutional Laws. Every country would have a separate system of Constitutionalism. Secondly, the most important thing is factual investigation about the state of the rule of law and human rights. If at all, this forum says that this is an office, that the underlying and most important aspect would be to equip this office to talk about an independent judiciary - because without an independent judiciary - I think any international observer or institution trying to implement these rights would really be a tall order.

Therefore, my respectful submission before this Panel is that before we talk about the terms that we need to have this type of a commission, why is it that the Heads of Governments are not coming to a consensus about installing this type of an institution? Thank you very much.

The Moderator: Thank you very much Dr. Naseem for that insightful presentation. Now, I call upon the Hon. Hugh Bayley to make his presentation.

The Hon. Hugh Bayley: Thank you for inviting me to speak this morning.

If I were to ask the question, “What does the Commonwealth stand for?” I know what you would say. You would say, “Peace, Human Rights, Democracy, Rule of Law and International Development.” Where do these principles come from? They are set out in the Harare Declaration agreed by the Commonwealth Heads of Government 21 years ago in Harare. These are the core principles which make the Commonwealth different from any other international body. What does the Commonwealth do to promote these values? They discuss them at the Commonwealth Heads of Government Meetings every two years. They do things like election monitoring. They support within the Commonwealth Secretariat - a Commonwealth Forum - of National Human Rights Institutions. So, they advocate for human rights, as we, the Commonwealth Parliamentary Association does.

But, still there are problems and what does the Commonwealth do when it identifies problems? For quite a number of years now, it has an institution called, CMAG - Commonwealth Ministerial Action Group. It is a Committee of nine people appointed every two years by the Commonwealth Heads of Government. They recommend action when there is a serious breach of democracy, human rights or the rule of law in a Commonwealth country. At the moment the Members of the CMAG, Commonwealth Ministerial Action Group, come from Jamaica, Trinidad & Tobago, Canada, Tanzania, Siera Leon, Bangladesh, Australia, Vanuatu and the Maldives. The Membership of Maldives is currently in abeyance because the Maldives is one country which is under investigation. The Commonwealth Ministerial Action Group can impose sanctions. Basically, the only option it has is to advise a change of policy and behaviour by the Government of a Commonwealth State and, if that fails, to suspend the country from membership of the Commonwealth. There has been growing concern that this is too blunt a weapon and that there ought to be other ways to encourage good practice and good performance by a Commonwealth Government if it is slipping away from our shared Commonwealth values.
Three years ago at CHOGM, a Group of Eminent Persons was appointed to review the way the Commonwealth pursues its objectives in this field and others. At the last CHOGM, they recommended in their report, the appointment of a Commonwealth Commissioner for Democracy, Rule of Law and Human Rights. In their report, they state that the role of this office-bearer should be to render, simultaneously to the Secretary-General of the Commonwealth and the Chair of the Ministerial Action Group, advise about when a State is violating core Commonwealth values, particularly human rights in a serious or persistent way and to indicate remedial action. Secondly, to work with the Commonwealth Secretariat to strengthen the existing early warning system, to pick up early on when things are going off the rails and when it is easier to correct the problems. Thirdly, to draw on the working knowledge of various Commonwealth Civil Society Organizations and professional networks. I believe that could include and should include the CPA to establish a Pan-Commonwealth system to detect human rights violations, threats to religious freedom and other difficulties.

It further went on to say, that the Commissioner should be a Commonwealth citizen of exceptional experience. That means a former Prime Minister or a President who has widespread support within the Commonwealth. The person would be appointed for a six year non-renewable term.

There are a number of reasons why this recommendation has not yet been implemented. In part, it is because some States in the Commonwealth fear that the Commonwealth Commissioner would ask some difficult questions of their Governments. There is also a concern that the Commonwealth Commissioner, if appointed, would be independent of a Commonwealth Secretariat. That is to say, independent of the executive branch and unable to be silenced by Governments.

I believe, we should as a Commonwealth Parliamentary Association, urge the Commonwealth to appoint such a Commissioner. It would be a good thing if many of us, when we go back to our Parliaments after this Conference, table this at Parliamentary Questions to ask what our Government’s view is on this matter and perhaps we could collect the answers and discuss them at the next CPA Conference to see what progress is being made. I believe that progress can be made and that these difficulties can be ironed out. There is already a proposal that the Commissioner should report jointly to the Secretary-General of the Commonwealth as well as to the Ministerial Action Group. But, is it enough for us to give the responsibility for defending human rights to the Executive Branch? I think, as Parliamentarians, that is not enough. Of course, it is not enough. We, as Parliamentarians have a duty and responsibility to defend the rights of Members of Parliament to express their views without fear or intimidation, to hold office if duly elected and the duty to defend human rights of our citizens from abuse. We need to remember that when human rights are abused - it is most often not always the case - they are abused by the State.

I believe the Inter Parliamentary Union is way ahead of the CPA and for many years now they have had a Committee that examines human rights abuses against Members of Parliament. In the latest report related to the IPU Conference, there were 450 cases of infringements of rights of Parliamentarians reported, 121 concerned with undue exclusion from political life, duly elected Members having their mandate taken away from them by the State, 93 cases of arbitrary arrest or
detention, 70 with undue restriction on freedom of speech, 31 cases of murder or disappearance of Parliamentarians, 29 cases of attacks or death threats against Parliamentarians, 6 of torture and 2 of kidnapping. Some of these cases are in Commonwealth countries. I can think of examples over the years. The last time the CPA Conference was held in Colombo, during the Conference, the home of a Sri Lankan Member of Parliament was attacked. He escaped but members of his staff were killed. A British MP was killed during troubles of Northern Ireland. We have had Margaret Thatcher bombed at her party conference. This is not a problem just in the South. It is a problem throughout the Commonwealth. In India, there was a bombing of the Lok Sabha and not so long ago, there was an attack in the Assembly in Jammu-Kashmir - if somebody from India could help me - and a large number of Members of Parliament were killed.

The Hon. Nimal Siripala De Silva (Sri Lanka): Can you please name the Member whose house was attacked? Have you been correctly informed? When you make a particular statement regarding a country you should place evidence. You cannot make a general statement.

The Moderator: Hon. Member, you will have the chance to respond.

The Hon. Hugh Bayley: My understanding is that there are Members from all ethnic groups in Sri Lanka who have been victims of terrorist attacks and I am certainly not seeking to name one side or the other. But, we do need to recognize that being a Member of Parliament is not always safe and is not always easy. So what should we do about it? I think we should take advice from the Inter Parliamentary Union. We have a wider reach in the IPU because we deal with legislators who are not only legislators of Sovereign States but also legislators of Provincial Assemblies and legislators from Non-Sovereign States.

I believe we should ask ExCo to have a discussion with the Commonwealth Human Rights initiative. This is based in New Delhi. It is a Commonwealth NGO and chaired by a former Nigerian Member of Parliament. It reports every two years to CHOGM, the Heads of Government Meeting. Its two most recent reports were entitled, “Defending the Defenders”. Talking about the need for States to protect the rights of people and activists who speak up for human rights, it has a long section in the report about the rights of election monitors to ensure that there are free and fair elections. This is a direct concern, of course, to Parliamentarians. The report before was entitled, “Stamping out Rights”. It looked at the role of anti-terrorist laws in restricting the rights of citizens and Parliamentarians. It made a very strong criticism of the United Kingdom. I will quote from the report which states, “In the United Kingdom, despite intense opposition the Anti-terrorism Crime and Security Act of 2001 was rushed through Parliament in less than a month”. It advocated that there should be a process of pre-legislative scrutiny when legislation of this kind is brought before a Legislature. It is something which our Parliament has listened to. We use pre-legislative scrutiny much more now than we did in the United Kingdom 11 years ago. That was on police accountability: making the point that the police should be subject to scrutiny by Parliament and should answer to Parliament for their action. So, I would like to propose that we, in our report, recommend to the Heads of Government that they work out a formula to enable the Human Rights Commissioner to be appointed.
Secondly, I would like if we take some action ourselves, as legislators. I would like our Executive Committee to discuss the Commonwealth Human Rights initiative and ask whether the report they produce every two years for the Heads of Government, could be presented to our Conference so that we could have a discussion at our plenary session every two years on that report.

Next, I would like our ExCo to discuss with these human rights bodies within the Commonwealth and see what other action we could take to defend both the human rights of Parliamentarians and the rights of citizens in our countries.

The ExCo could establish a third subcommittee - there are two already - to examine this matter. Perhaps to begin with, to appoint a time-limited working party to examine what we, as Parliamentarians, as an Association, can do to promote these core Commonwealth values of democracy, human rights and the rule of law and particularly in support of the independence of the judiciary through practical action.

Thank you.

A Delegate from India: Hon. Member, you mentioned India. That should be expunged from the proceedings or you should withdraw it.

The Moderator: Hon. Members, the way we will proceed is, if there are clarifications that you would need to find out or seek from the presenters, the Floor is free to do so at the appropriate time. I have the list of speakers and it goes up to 14 as of now. There are Members of Parliament who have just walked in, who probably would like to have a say in this. The list is somewhat still open to those Members of Parliament who would like to speak.

Having said that, I now give the Floor to the Hon. Nimal Siripala de Silva, the Leader of the Delegation of Sri Lanka.

The Hon. Nimal Siripala de Silva: Thank you, Mr. Chairperson. At the inception I must say that we are very much alarmed at the manner in which the earlier speaker presented his case before this august Assembly. This is the fear we have with our colonial masters. They think the other small countries - Asian countries and many other countries in Africa - are still under their command. They are trying to rule our countries through various mechanisms. So, that is why we vehemently oppose an appointment of a Commissioner for Democracy, the Rule of Law or whatever it is. The creation of the Commonwealth Commissioner for democracy, the Rule of Law and Human Rights is inclusive and would result in monitoring the internal affairs of Member States to ascertain compliance with commonwealth values. The Commonwealth Association is a charitable organization registered in the UK to conduct its work through engagement rather than inclusion, especially considering that there is an established criteria in gaining membership of the organization. Further, the establishment of the Commissioner for Democracy, the Rule of Law and Human Rights would result in the duplication of work of the UN, which encompasses all nations of the world and its related bodies in their mechanisms. The case of the UN Human Rights Council and special procedures are relevant examples. In the
world, there is only one organization which deals with the human rights violations and all these things. And, you want a duplicate, you want the Commonwealth to come in there.

Tomorrow the SAARC might meet and say, “SARRC countries want to have a Commissioner for Human Rights” Then, ASEAN might say that they too want to have one. So, there would not be an end to the number of human rights commissioners and people who are monitoring the internal affairs of other countries. This will be quite against the principle of independency and integrity of the countries. So, we are opposed to that. Also, the basis for a country to come under scrutiny by such an official is unclear. It seems that it would be dependent on CMAG, which is a mechanism for only eight countries. Therefore, the creation of such a national commissioner is unacceptable and baseless. Further, the UN has sufficient mechanism for similar aspects which would not be replicated by another body which is a voluntary organization. We are a charitable, volunteer organization which is registered in the UK.

**The Moderator:** Hon. Nimal Siripala de Silva, you are left with only 30 seconds.

**The Hon. Nimal Siripala de Silva:** Only 30 seconds? He spoke for more than ten minutes and -

**The Moderator:** He is the presenter. Everybody has to speak.

**The Hon. Nimal Siripala de Silva:** In that case, I will stop. I mean, this is a very important discussion. The Discussion Leader has given a brief for the appointment of a Commissioner. That is wrong. The role of the Discussion Leader must be a moderate one. He must place the facts as done by our friend from Pakistan. He was very moderate in his presentation. He was carrying a brief for the UK and all other people who want to bring back the colonial rule.

**The Moderator:** Thank you, Hon. Nimal Siripala de Silva. Your 30 seconds has expired.

**The Hon. Nimal Siripala de Silva:** I will tell you that if you try to do this, you will be meted out by more than two-thirds of the Members of the Commonwealth and you will be left only with a few of your countries. So, please be aware of that situation also.

**The Moderator:** Thank you very much. This is just a discussion. I would humbly request all those who are going to speak now not to lose your temper. This is a forum in which we just exchange ideas on matters of mutual concern. Thank you very much. Now, I call upon the Hon. Ranil Wickremasinghe, Leader of the Opposition in Sri Lanka. You have three minutes, please.

**The Hon. Ranil Wickremasinghe (Sri Lanka):** The topic raises the crucial issue regarding the role of the CPA. The EPG Report is on the Commonwealth of the People and there are very, very important recommendations regarding the Charter as well as the Commissioner. But, what did the Heads of Governments do? They are trying to keep it with themselves and that is why I disagree. This has to come to us, and we have to assert our role. Before we meet in Colombo next year, it is not merely this workshop but the whole CPA should meet. So, if we can have an oversight of the Heads of Governments individually through our national Parliaments,
the CPA should be able to have an oversight of what is happening in the Commonwealth. So, while others express their views on this, I would like to say firstly, that we have to assert ourselves and say that the Heads of Governments cannot decide until we decide. Otherwise, we have all the power in Parliament and have no power in the association. I must also say that my Colleague being a victim of terrorism would have spoken with a lot of heat but I would like to say that I disagree with him. Forget the UN; if the Commonwealth did not fight from June 1941 to June 1942 by ourselves, without the Soviet Union and without the USA, today there would not have been a United Nations. So, we are entitled to state our view. Thank you.

**The Moderator:** Thank you very much. Now, I call upon the Hon. John Amaratunga, the Chief Opposition Whip of Parliament in Sri Lanka.

**The Hon. John Amaratunga (Sri Lanka):** Thank you, Mr. Chairman. There could not be a more appropriate topic, "Should the Commonwealth establish a Commissioner for Democracy, Rule of Law and Human Rights", to be discussed at the 58th Commonwealth Parliamentary Conference. I say this for a very good reason. The Commonwealth Heads of Government Meeting held in Perth in 2011 deferred a final decision on establishing the office of a Commissioner of Democracy, Rule of Law and Human Rights as recommended by the Eminent Persons Group. The Secretary-General was called upon to report back to the Foreign Ministers at their meeting in September in New York.

The Report of the Eminent Persons Group was commissioned by the very CHOGM at their meeting in the Port of Spain, Trinidad in 2009. They recognized the need to strengthen Commonwealth capabilities to deliver collective action, which were initially highlighted in the “Commonwealth Conversation”. This Report pointed out the dilemma faced by the Commonwealth which is a value-based organization committed to upholding democracy.

The report bluntly states the truth that “today, while Member State governments carry out appalling human rights abuses, many see a Commonwealth apparently standing blithely by. Without a commitment to see these principles upheld, Commonwealth membership is devalued. A values and principles-based association that does not consistently strive to defend its ideals, and to be defined by them risks appearing to be little more than an imperial relic”.

The Office of the Commissioner was proposed by the Eminent Persons Group with a view to establishing an early warning mechanism to allow the good offices of the Secretary-General to pre-empt any deviation from the principles of good governance by any of the member states. The issue at stake is whether the Commonwealth acting as a whole or as members individually are able and willing to standby the values which were reiterated in Trinidad.

In Perth, the Heads of Governments agreed to enhance the role of the Commonwealth Ministerial Action Group (CMAG) and also take into account a situation of concern in a member country which could be deemed to constitute serious or persistent violation of Commonwealth fundamental political values other than an unconstitutional overthrow of a government. Without the office of the Commissioner, this will be a futile exercise.
Some governments have been heard to argue that such action would amount to interference in the internal affairs of member states and infringe upon their sovereignty. This argument does not hold water since the Heads of Government also agreed that any member state may draw the attention of the Secretary-General, where a fellow member country violates the principles of any Commonwealth country. If you are a member of the Commonwealth you have to adhere to the principles and rules on which it has been founded. If the argument of the “sovereignty” obsessed states is accepted, then it would result in the Commonwealth becoming a Commonwealth of Governments and not a Commonwealth of the people.

May I very humbly request that the Governments should not, in any way, oppose any measures to make these rights more effective. Therefore, these discussions should be open to both Parliaments of member states and other commonwealth institutions.

**The Moderator:** Thank you.

**A Delegate:** I rise to a point of order. Mr. Chairman, I have a suggestion: the respective Members who have written submissions may table it.

**The Moderator:** Thank you very much. I think that is quite in order because the written submissions would actually be carrying something very important, which will be very useful and we would be happy to receive them. Thank you very much Hon. Member for that submission.

I think the Hon. John Amaratunga was moving too fast. He was worried about his time, three minutes. Anyway, he was trying to make some very important points.

Next, the Hon. Charnjit Singh Atwal, Speaker of Punjab Legislative Assembly in India, please.

**The Hon. (Dr.) Charnjit Singh Atwal (India):** I have listened to what my colleagues have said but I want to put forward the point of view of my own people of India.

India is not in favour of creating a Commissioner for Democracy, the Rule of Law and Human Rights as the very idea of such a Human Right Commissioner is not in line with the Commonwealth’s way of functioning. It seeks to undermine the role of the Secretary-General and CMAG itself, and the role also seems to be a duplication of the concept of a UN Rapporteur. At a time when the Commonwealth is being asked to tighten its strings without duplicating unnecessarily an organization, the Commissioner of Human Rights appears to sideline the development challenges, which are uppermost important in the minds of Commonwealth Members. It will shift the focus of essentiality of democracy and good governance. It may also give an impression that the biggest challenge before the Commonwealth is violation of human rights in its Member States. The idea of a Commissioner for Human Rights does not make sense.

In spite of this view, our Government has created a National Human Rights Commission for all the citizens. Our State Branches have also opened its Chapters at the respective capitals. In fact, India is very much aware and alive about the importance and significance of Human Rights. The democratic ethos flourishes when all enjoy full human rights. The Commonwealth is most
suitably placed in addressing the many concerns of Human Rights, through its unique style of functioning which is consensus-building, informality and goodwill. Beyond the ties of history, language and institutions, it is the Association’s values, viz, democracy, freedom, peace, the rule of law and opportunity for all, which unites its members. We, the Commonwealth countries, as a policy, inform each other, consult and cooperate in our own interests of the people regarding world peace and human rights and for promotion of democracy. We are committed to protect human rights and there is no need to establish a Commissioner for Democracy, the Rule of Law and Human Rights when the institution of UN Rapporteur exists.

Moreover, when it is said that the Commissioner will provide valid and reliable information, it means that the information that is already lined with the Commonwealth Secretary-General and the Chairman of the Commonwealth Ministerial Action Group, is not reliable.

The Moderator: Thank you very much, Hon. (Dr.) Charnjit Singh Atwal. If you could submit your written document, I will be very much obliged.

The Hon. (Dr.) Charnjit Singh Atwal (India): Okay, I will table* it.

The Chairman: The next Speaker is the Hon. David Paul Smith, Senator from Canada.

The Hon. David Paul Smith (Canada): Thank you, Mr. Chairman. The issue of the Commissioner relates to the recommendation from the Eminent Persons Group. We studied this and came to the conclusion that we should try and build consensus. I am personally open-minded on the Commissioner too. I mean, what is all this about? What do we stand for? If we do not stand for free and genuine democratic relations, then I have got a problem. If we do not stand for human rights that include freedom of speech, freedom of press, freedom of solicitation, then I have got a problem. If we do not stand against discrimination on the basis of race, ethnicity, gender, religion, physical and mental disability, then I have got a problem. Yes, I am open-minded on these things. I think we should move in that direction. We have to have a consensus. You know, about a generation ago, South Africa remained in the Commonwealth all through apartheid. Nobody did anything. So, I am going to say this is what we stand for and I hope we do. Thank you.

The Moderator: The next Speaker is the Member of Parliament from Cypress, the Hon. Sophocles Fittis.

The Hon. Sophocles Fittis (Cypress): Thank you, Mr. Chairman. Although I have a lot of points in favour of the establishment of a Commissioner for Democracy, the Rule of Law and Human Rights, in a written document which I will deliver to you in order to be distributed later on, I suppose, that this Commissioner will be common between the CPA and the States of Commonwealth. This raises some points for consideration. For instance, for some countries the office of this Commissioner will be the second after the Commissioner of the United Nations.

* (Speech tabled at end of proceedings)
For the European countries and some other countries of the Commonwealth, it will be the third one because we have the Commissioner of the Consular of Europe for Human Rights. We have the Commissioner of the United Nations; we have the Commissioner for the Committees of the European Parliament and now there would be a new Commissioner. So, for the new Commissioner, I think some points will be taken into consideration if we go to practically implement this decision. This Commissioner will need an office; one office in each continent, I suppose. He will need a lot of finance, a lot of experts, a lot of officers to have visits, to have reports and to prepare seminars. We suppose that this Commissioner's work will be to advise, monitor and so on. This is all I say orally, my written document is in favour of this. Thank you very much.

The Moderator: Thank you very much. May I call upon the Hon. George Nnensa from Malawi.

The Hon. George Nnensa (Malawi): Thank you, Mr. Chairman. I am the Chair of the Malawi Local Branch of the CPA. This subject is quite important. There are no countries that have institutions established for Democracy, the Rule of Law, and Human Rights. Yet, what is on ground is totally different for a number of reasons. Without stepping on to any other issue, I will talk about my own experience in our region. Our political background and culture influences on how we practise democracy and human rights in our country. For example, in Malawi the chiefs are the ultimate rulers and that seems to permeate to the political arena. We have that UN institutions established to look after these principles. However, the UN may be more distant, and not all countries have ratified the UN Charter. Therefore, establishing this Commissioner will be closer to home as one family. However, we have to make sure that if we agree to establish this Commissioner, it has to be done with consensus so that we will be able to accept what the Commissioner decides. Already, there are different views here. So, we have to make sure that the Members are in agreement in totality. Thank you very much.

The Hon. Dato’ Teng Chang Khim (Malaysia): Thank you, Mr. Chairman. I am the Speaker of the Selangor Legislative Assembly, Malaysia. Mr. Chairman, it is a fundamental duty of the elected representatives to safeguard and promote human rights and the rule of law based on the accepted principles of democracies. Therefore, we agree to the setting up of a Commissioner who oversees human rights, rule of law and democracy in the Commonwealth to share the common value. This unique office will stand to safeguard human rights. However, we have to take into consideration, the differences of the historical background, the religious beliefs, the different stages of economic development of each country and we must try to reduce the controversies in setting up this Commissioner. I suggest to set up a commissioner, who will be advised by a committee comprising people of different backgrounds or an office of a commission comprising members as Commissioners and a Chairman. That will, I believe, reduce the controversies and it will be a more prudent way to make sure that setting up of these commissioners or commission will be acceptable to all parties. The primary duty, of course, is to oversee and therefore the commissioner or the commission will have to report and make recommendations to either the CPA or the CHOGM or any other appropriate body that is accepted by us. Thank you.
The Hon. Major-General Jim K. Muhwezi (Uganda): Thank you very much, Mr. Chairman. Every country and every Member of the Commonwealth subscribes to the principles of Democracy, the Rule of Law, Human Rights and International Development. Therefore, I have no problem whatsoever with the establishment of a Commissioner. I want to know whether it is a Commission or a Commissioner, because in my view, it should be a commission, so that it is not a single person. There is a big difference between a commission and a commissioner. I think some countries may be worried that we are going to create a monster, a person who is going to be a prefect to declare these countries undemocratic. But, if it is going to be a commission composed of a number of people, democratically elected by ourselves, the Member States, I see no problem with the Commission. I agree that if there is a Commissioner, then we should have a subcommittee composed of various people democratically elected, so that Member States have a trust over this committee. There are definitely reasons why we should have this kind of a body. I come from Uganda. We have a new Constitution which was promulgated in 1995, after five years of fighting. So, since we respect the Commonwealth, just like we respect the United Nations, there is no harm in opening ourselves there, so that we are democratic. But, if you do not support it, then you create a fear that something is being hidden. So, I see no problem with this commission. But, you must think of the composition of it. It should not be one person. There should be more people and there should be a nice formula to select this group which is acceptable to all Member States. Thank you.

The Hon. Gavin Short (Falkland Islands): Thank you very much. Certainly from what I have heard today, I am in favour of this. I do not think in the Falkland Islands, we have anything to fear for a Human Rights Commission or Commissioner. Human Rights is enshrined in our Constitution and it is something we follow very, very rigidly and enthusiastically. Indeed, we have watchdog groups to make sure that we comply.

I would like to, perhaps, put a couple of questions to the panel. Is this just to be aimed at national governments or will it have a wider reach? How would you make other governments comply with the rules or the findings of the commissioner? The reason why I ask this is because there are some countries even within the Commonwealth, who actually do not recognize our rights as Falkland Islanders. Thank you.

The Hon. (Dr.) Sarath Amunugama (Sri Lanka): Mr. Chairman, we strongly oppose the establishment of the post of Commissioner. The reasons for that are both structural and substantive. Structural, firstly, because there are already existing mechanisms to examine issues of human rights and questions of democracy, particularly through the United Nations. The Secretary-General is empowered to act in that matter. There is the UNHCR and I do not see how the Commonwealth Organization which is a voluntary, small organization can arrogate to itself the powers that are already conferred on the United Nations, which is a far greater and more influential assembly. So, there is a question of structure. If you look at the substantive issues, firstly, there is the question of priorities. Is this the priority of the Commonwealth Organization? There are so many other areas like environmental concerns, economic concerns, development assistance, which are closer to our hearts and closer to the purposes of this Union. When there are existing mechanisms, why should we try to duplicate those, when other mechanisms which are badly needed, have not been funded. Then, the other conceptual aspect is that, we are responsible primarily to our Parliaments and to our people. We have come into a voluntary
association here. We cannot arrogate to that voluntary association and its officers, the powers to supervise, the powers which are given to us by the people of our countries and through our Parliaments; that is the height of arrogance. Regarding the interpretation of democracy, we find that in some of these so-called examples of democracy, they are held to ransom by small minority groups who keep on pressing them at elections, particularly diasporas, people who fund them, people who engage in sleaze and corruption, who bribe MPs to ask questions. They keep the agenda of these so-called traditional large powers who keep on highlighting these issues, partly as a concession to their domestic requirements. Who is asking for these things? Are these coming from the Commonwealth countries or some of the so-called leaders who are really captives and held to ransom by minority groups who have had difficulties in their own countries. So, we totally oppose that, and one more thing. Instead of talking of this, we should be talking of Commonwealth Solidarity. When we go to the IMF, when we go to international forum, when we go to UNHCR, our bitterest opponents come from the Commonwealth group. What is the point in our remaining in the Commonwealth group talking about human rights if you cannot have any solidarity at these joint sessions? I represent my country at the IMF. When all the other countries give assistance and strongly stand for assistance - countries like India and Pakistan - we find that the so-called leaders of the Commonwealth oppose our requests tooth and nail. Should we not look into that?

The Moderator: Only thirty seconds please.

The Hon. (Dr.) Sarath Amunugama: Thirty seconds is enough. When we go to the UNHCR, again this is a repeat performance. So, I suggest that instead of having a Commissioner for Human Rights, we must have a Commissioner to examine why Commonwealth countries betray their own constituents. Thank you.

The Rt. Hon. Joyce Adeline Banford (Addo, Ghana): Thank you, Chairman. Democracy, the Rule of Law and Human rights are pertinent to Ghana and indeed to every democratic country. In Ghana, we have our courts. We have our human rights bodies. Our Constitution guarantees human rights and our courts enforce them. It has worked for us. We are now thinking of setting up and appointing a Human Rights Commissioner for the Commonwealth. From the arguments, I hold the view that the structures and bodies of governance to ensure respect for human rights, the rule of law and democracy are already necessary in my country. These already established institutions should be allowed to work and, if necessary, have a well-arranged mechanism that will strengthen these institutions. Ghana is not the best per se to the establishment of a super structure condition of democracy, the rule of law and human rights. Its problem, however, stems from cultural practices which deem sacrosanct and non-negotiable, maybe deemed or interpreted by others as constituting a violation of human rights. Ghana holds the view that rather than creating a Commissioner for Democracy, the Rule of Law and Human Rights, the Commonwealth should channel resources to build up capacities of existent structures within our Member countries.

In conclusion, it is pertinent to state that the member countries have their own constitutional arrangements in checking possible abuses or violations of values and principles of the Commonwealth, which are embodied in the democratic aspirations and traditions of its Members.
In addition, these values are protected by relevant institutions such as the Judiciary and other institutions of Human Rights. So, these institutions serve as the custodian of the democratic values and principles of the respective countries. The Commonwealth Secretariat can, therefore, coordinate with the relevant bodies to ensure the enforcement of these democratic trends and also raise their red flag on possible violations. Thank you.

The Hon. (Dr.) Jayalath Jayawardana (Sri Lanka): Thank you, Mr. Chairman. First of all, let me say that the United Nations and the CPA both are voluntary organizations. We have taken the membership of the United Nations and the Commonwealth voluntarily. So, those international institutions are voluntary organizations. As far as the repetition or the duplication is concerned, we have a Secretary-General of the United Nations. In that case, if it is the case of a repetition or a duplication, we do not need a Secretary-General of the Commonwealth. So, you could abolish the post of Secretary-General of the Commonwealth and if we are to accept it, the only way is to have only the United Nations Secretary-General. We believe that we are voluntarily gathered here as a Commonwealth family to practise and implement the principles of the Commonwealth. That is the Democracy, the Rule of law and Human Rights. If there is nothing to hide, I do not think that we should be afraid of establishing a Commission or a Commissioner for protection of the human rights, democracy and the rule of law of the Commonwealth, because we are very open. We have all these international conferences in open forum. We do discuss international affairs as well as internal affairs. If we are practising good governance, good democracy and protection of human rights, I do not think we should be scared of establishing a Commissioner or a Commission. After all, what about the recommendations in the Eminent Persons’ Group Report? Are we going to reject it or accept it? I do not think that we should leave it only to the Heads of Governments; it is we who have been elected by the people of the respective countries. We represent the people, whether we are in the Opposition or in the Ruling Party, we are answerable and we are the real defenders of human rights. The elected Members of Parliament are the real defenders of human rights.

Yesterday, at the inauguration, His Excellency Mahinda Rajapaksa, the President of our country very clearly indicated that the LLRC, which he appointed, has come out with the recommendations to strengthen the democratic institutions. He said that he has already started the implementation of the LLRC recommendations. So, one of the recommendations as far as Sri Lanka is concerned is to protect and strengthen the human rights of Sri Lanka. As the Discussion Leader pointed out, the Inter-Parliamentary Union is doing a good job of work as far as human rights is concerned and not only the Members of the Ruling Party, even the Opposition Members of Parliament are being given a forum. So, why can the Commonwealth also not give the same opportunity to its Members? Thank you.

The Hon. Shri Pinaki Misra (India): I am grateful to you Mr. Chairman, for giving India a second chance to supplement what my senior Colleague, the Hon. (Dr.) Charnjit Singh Atwal has already pointed out. Contrary to some of the prickly reactions that have come, I do have to point out one significant clarification which is required here. The Discussion Leader from UK pointed out about two attacks which took place in India: one was in the Parliament House in New Delhi, which is the Central Parliament and the other one was in the State Legislative Assembly in the State of Jammu Kashmir. But, I would like to say that neither of the
attacks were connected with human rights violations per se; they were attacks of terrorism. Therefore, there was not an iota of violation of human rights in that sense; unless those who were attacked, their rights were perhaps violated. There were no deaths of any MP in either of the attacks. Twelve security personnel died in the attack in Parliament. They gave their lives fighting against the terrorists and in the State of Jammu Kashmir, I think they had only a few injuries. The security forces were very strong in taking action and thwarted the terrorist attacks. So, there was no violation of human rights, only terrorism was there. This is the important clarification that should come on record.

I will just take 30 seconds more to point out a couple of compelling reasons why this should not be taken forward. I am surprised to see that this is still on the agenda though there was an overwhelming opposition to this proposal at the CHOGM 2011. There are sufficient bodies which are already in place including the Secretariat of Human Rights Unit within the organization itself which could be strengthened perhaps to take forward the agenda. That is the only thing I have to say. Thank you.

The Hon. Henry Chimunthu Banda (Malawi): Thank you, Hon. Chairperson for giving me the Floor. I would like to provide some supplementary information to the views expressed by the Chairperson of the Malawi CPA Branch in support of the proposal to establish either the office of a Commissioner or indeed a Commission. I wish to inform the members here that we, in Malawi, do have the office of the Human Rights Commission and that office is responsible for looking at issues of human rights and the rule of law and it periodically sends reports to the UN.

Mr. Chairperson, I also wish to support the views expressed by my Colleague from Uganda. That is to make the office effective. Let it be an office rather than an officer. But, I go further and propose to establish regional offices, because sometimes it might take rather long, under the current circumstances, for the Secretary-General to move from London to member countries. Many people do not know the efforts of the organization in as far as the human rights are concerned. I would like to end by saying, as Members of Commonwealth, we all subscribe to basic values of human rights and it would be imperative that these basic values are monitored by their observers. Thank you.

The Hon. M.A. Sumanthiran (Sri Lanka): Thank you, Mr. Chairman and very particularly, the two Discussion Leaders for opening up a discussion in this way and my Hon. Colleague from the UK, who gave a negative example, not only from other countries, but also from your own country. This is a session in which we discuss our own affairs together and I appreciate very much your leading role in this.

The number of speakers from Sri Lanka itself would demonstrate the problem that Sri Lanka has with Human Rights. You heard the sharp differing opinions from two Ministers in the Government and three Opposition Members. Understandably, the Leader of our Delegation demonstrated the anxiety of the Government in a very sound and vociferous way to start off the discussion.
I represent the Tamil people of Sri Lanka. We also have a complaint against the United Kingdom, in that, as colonial powers, when you left us and went, you handed us over to another power, to another set of people to rule us. So, we have got the wrong end, the negative end of democracy, that of majoritarianism. Since we are numerically inferior, we have suffered immensely over 60 years and we have been looking for mechanisms such as this that will give us some kind of respite. Of course, the United Nations is there and we have used it. The United Nations Human Rights Commission has reprimanded Sri Lanka. Two Cabinet Ministers, just a couple of months ago, publicly threatened some of our human rights defenders who made representations in Geneva, that when they return to the country their limbs would be broken. They still remain in the Cabinet. That shows the respect that Sri Lanka gives to human rights. So, as a representative of the oppressed people, we look forward to an establishment of a Commissioner for Human Rights, Democracy and the Rule of Law eagerly so that the shared values of the Commonwealth of people, not just of ruling entities, would be realized. To that end, I support the suggestion by the Hon. Leader of the Opposition of Sri Lanka, when he says that this must not be left in the hands of the Heads of States, the people of the Commonwealth must decide this. Thank you very much.

The Hon. Syed Muzafar Hussain Shah (Pakistan): Thank you, Mr. Chairman. We have witnessed since morning, during the course of the debate, a lot of divisiveness instead of evolving a certain amount of consensus. Delegate after delegate, some of them have been supporting it while some others have been vehemently opposing it. I would suggest that in an item of this nature that generates so much controversy, we should first be able to address major apprehensions which have been expressed by the delegates. These apprehensions are based on very firm foundations. Many of them say that there is the possibility of duplication on the mandate of the Charter of the United Nations. It is very clear that we are all signatories of the United Nations. Then, the mandate of the Inter-Parliamentary Union also includes the question of human rights, the due process of law and democracy. In fact, basically, all Member States of the Commonwealth are committed to the values of democracy, human rights and due process of law. The question is, if we were to have three or four institutions simultaneously to investigate human rights violations, one of these institutions may say that there has been a violation and another institution may say that there has been no violation of human rights. Then, we would be leading to a scenario of confusion. The Commonwealth has developed through consensus. The values of the Commonwealth have a broad basis acceptable to all Member States. I would say, in view of the controversy and the amount of divisiveness that has been generated, it would be appropriate first, before we take a decision at any stage, to address these apprehensions and it would be appropriate to leave this to the Heads of Governments. Because after all, we have seen here that the members who are representing the Governments are opposing the appointment, and those in the Opposition of the national political level are supporting it. So, there is a division within the national Parliaments.

In view of the circumstances, I think the Commonwealth primarily is meant to generate unity and that is what we must spread basically throughout the world. Any element of controversy or divisiveness must be avoided. Therefore, I would respectfully submit that this is an issue which needs further deliberation and it needs to be left to the Heads of Governments to take a political decision. The question of duplication by various other institutions such as the Charter of the United Nations, the Inter-Parliamentary Union are questions that need to be addressed. Where do
we divide the mandates of these international organizations? It would be appropriate that in view of what has been generated here in these discussions, this matter be left to the Heads of Government. Thank you.

**The Hon. Nisar Ahmed Khuhro (Pakistan):** Thank you, Mr. Chairman. Everybody knows, the world knows that the Commonwealth stands for Democracy, the Rule of Law and Human Rights. But, I get a little feeling that somehow or the other, there maybe a little bit of no-confidence on the democracy. I believe that democracy can be well-protected and best protected by the people of the country. We have seen cases when democracy has been rooted out, the UN or the Commonwealth has stood as a spectator, but had not been able to protect the people, had not been able to protect the democracy the way it should have been. There are ways that you can come up with the reports of any violation of human rights and the rule of law and so on and so forth. When the Commonwealth has the authority to start proceedings of a suspension of a Member having derailed democracy, then why have a Commissioner which would create controversies, which would create debates, which would create arguments? I think you have other observations to be made about a Member country, and what an embarrassment for a country to be suspended of a membership of such a high forum? That itself is deterrent enough to protect what you are looking forward to. Thank you.

**The Hon. Kenneth Marende (Kenya):** Thank you, Mr. Chairperson. First, allow me to appreciate the presenters for the good work they have done, in fact, stimulating this Discussion in the first place. I am of the view that the Rule of Law, practice of Democracy and Human Rights are universal rights, which are inalienable and are the minimum requirements for any government that believes in democracy. As far as I am concerned, there is no debate whether we should have a Commission that will supervise or oversee the practice of this in our respective nations. If they are international rights and universal rights, then there cannot be any exception of their existence and every nation must be prepared to accept it.

I come from a school of thought which believes that the government is shared between the Executive, the Judiciary and the Legislature. So, I cannot, by that argument discourage those who argue the other way, because if we leave the matter of implementation of human rights, the rule of law and democracy to Heads of State, they constitute just one part of the government. As far as I am concerned, the Commonwealth Parliamentary Association must be prepared to provide leadership. We must get into the driving seat and I want to say at this Conference that we all would support the idea of establishing a Commission that would superintend the application of Human Rights, the Rule of Law and Democracy. In Kenya, our Constitution has provision for a Commission for Human Rights in gender issues. In fact, we already have that Commission in place. So, that is my stand and I think it is a good position and I want to persuade the rest of you to agree to this.

**The Hon. (Mrs.) Carol Anne Martin (Australia):** Thank you, Mr. Chairperson. There are a few points that I want to make. One is, do we support the establishment of a Commissioner? The other is that sometimes the UN does not follow up. In the case of our people in Australia, we did not have citizens’ rights for 45 years. So, a lot of things did not seem to be okay and the UN does not follow up. Aboriginal people do not have a voice at the UN.
I think the other matter that is really important is, if you want to have a look at something that needs to be brought up or followed up is the fact that Aboriginal people are struck off from the electoral role. To me, that is not democracy. The Northern territory has about 400,000 people and 60 per cent of them are Aboriginal.

The Racial Discrimination Act has actually been repealed so that land can be taken away from Aboriginal people. In the last 15 years, land title has become an issue. Aboriginal people have gone to the High Court to get their land back. The real issue now is that they are not entitled to use that land in an economic way. There is a fiduciary duty that has always been apportioned to the Commonwealth, that is and should remain in place for Commonwealth countries, and in this case, for Aboriginal people, because we were subjects of the Commonwealth.

Women make up 50 per cent of the world’s population. In Australia, women are the lowest paid. We are not employed very well. We too are subjected to violence as our children. So, without an independent arm to take these issues, I think we are amiss.

The other matter is, as an MP I have had security following me around. My Parliamentary privilege says, I am protected from tyranny. When a Parliament is bombed or attacked that is, in my view, actually an attack or an assault on democracy. So, the way that happens we have a problem.

The other big issue that confronts Australia is asylum seekers and we lock-up children in detention centres. So, the world should be looking at all these things. Australia is one of the oldest-living countries in the world and my people are there without any assistance or help from anywhere. Therefore, other than the voice at the UN, we need something else. And, it is my belief that the establishment of a Commissioner will assist in dealing with that. Thank you.

The Hon. Abdul Halim Hussain (Malaysia): Thank you, Mr. Chairman. We are in support of the establishment of a Commissioner for Human Rights, the Rule of Law and Democracy; we are for it. I am the Speaker of an Opposition State and my fellow Colleague is also a Speaker of the Opposition State. Today, we have here a Minister of our Parliament also. We must say that we are in favour of the establishment of a Commissioner. I would like to remind the Hon. Members who are present here that the Commonwealth always promotes democracy. The establishment of the CPA is for promoting democracy and the theme of the CPA for this year, 2012 is, "Ensuring a Relevant Commonwealth for the Future". We are a family that shares the same similarities in many ways, especially through the Constitution. So, why are we scared of this? The gathering of the CPA here is not a gathering of Governments but it is a gathering of Members of Parliament. They are comprised of Opposition and Government MPs. If we cannot get certain things done in our Parliaments, this is a platform where Members could voice their unhappiness or their complaints. We see the establishment of a Commissioner as another platform that Commonwealth could look at, when practising democracy. So, any government that has transparency should not be scared of this. We all are independent States. It is for all of us to decide, a transparent government should not be worried about the establishment of a Commissioner. In fact, I believe positively, that this has been proposed with a good intention. This is one platform where the Commissioner could look into the complaints, so that we have better Members of Commonwealth. Thank you.
The Hon. Hamad Rashid Mohammed (Tanzania): Thank you, Mr. Chairman. First of all, let me say that all of us would have holy books but most of us do not respect those holy books. Likewise, we can have many organizations but we do not have respect for those organizations. Therefore, what we need now is a political will to observe and implement decisions taken by those organizations. We need to safeguard the values of the Commonwealth. According to our Constitution, we have established a Human Rights Commission and we are working on it. On top of that, Tanzania has signed all Charters. Since we are very open and transparent, we feel that it is very important to have an independent body to observe our elections, our systems and our democratic rights so that we can adjust our programmes and also help improve the standards of our people.

Therefore, to us it is very important to establish as many organizations as we can. The population has increased. Human rights violations are increasing day by day and only the United Nations cannot take care of those, so we need this organization to establish a Human Rights Commission.

Secondly, we have witnessed various observer groups in our countries. So, it is important for us to create more groups and thereby have more reports which we can compare. Sometimes people in these groups are biased so that it is good if we have more groups. Then, we, as Members of the Commonwealth can meet and discuss our issues. I think it will be an advantage for us to make reports from different organizations, compare and then send them to the United Nations.

The next is, the question of financial implications. Most of the organizations which we have established have failed to implement their programmes because of financial constraints. Therefore, it is very important to consider how much finance we are going give this Commission when we establish it. Apart from that, the enforcement of the recommendations of the Commission is very important. We may pass a lot of resolutions but if the enforcement is not practical it will not serve the purpose. Therefore, this is another important issue which we must discuss. Thank you very much.

The Hon. Moono Lubezhi (Zambia): Thank you very much. First and foremost, I would like to ask as to what necessitated this paper because as the previous speakers said, we have a UN body which looks after human rights. Next, I would like to ask, why should we not discuss about strengthening the UN Commission?

The Commonwealth is built on values of Democracy, the Rule of Law and Human Rights and, if I may take you back, these values were agreed and set down by all Heads of Commonwealth Governments, at two of their bi-annual meetings, in Singapore in 1971 and affirmed in Harare in 1991. If we have such protocols saying that the Commonwealth is just a rhetorical organization, we do not walk the talk.

For me, I think there is a need to reaffirm what is already there instead of creating other bodies. I agree with the speaker who said democracy is about transparency but at the same time transparency is not about duplication. So, I think for me it is better to reaffirm what is already there instead of duplicating. In Zambia, we have a Human Rights Commission at a country
level. I do not think it is in order to keep on duplicating things. We should be talking of strengthening what is already in existence. Thank you.

The Hon. (Dr.) A. Chakrapani (India): I strongly believe in the establishment of a Commissioner for free democracy and protection of the rule of law. This is very urgently needed because there is frequent violation of human rights everywhere. The rule of law is not respected nowadays. The Judiciary is overstepping its jurisdiction. Almost all countries recognize the doctrine of separation of power. In spite of that, there is overstepping of one over the other. So, there is an urgent need for establishing a separate Commissioner for free democracy and to stop the violation of human rights.

The Hon. Hunter Tootoo (Canada): Thank you. I heard some interesting comments on both sides of the argument. That shows the reason why something like this could be helpful to try and bring two sides together. As Parliamentarians, we have to work together, learn from each other and help each other. I agree with the gentleman who said that it should be a Committee, a group of people. One of the questions was whether there are differences and quite clearly some of the people talked about their differences in opinion. We have to sit down and try and bring those sides together to resolve those issues. I think a group like this would help countries, where they need help, to sort out their issues and resolve them so that everybody is happy. So in principle, I agree one hundred per cent with it. Even in Canada, like in Australia, there are Aboriginals across the country. Therefore, I think it should be a good tool for us, as Parliamentarians, to get together and sort things out in a good way and hopefully move forward helping the progress of democracy wherever it is needed. Thank you.

The Moderator: Thank you very much. Hon. Members, we have now come to the end of interventions. I will give the Floor to our presenters to have their last piece based on what they have heard. This time I will start with the Hon. Hugh Bayley and I am giving him strictly seven minutes.

The Hon. Hugh Bayley: I think some very good points have been made by Members on both sides of the argument. I hope it will be captured by the rapporteur and read by people in the Commonwealth Secretariat.

The issue has not been resolved one way or the other. It is clear to me that further modification and changes are needed if it is to go ahead in order to meet the fears that some countries have about the Commission.

However, I think it would be presumptuous of us to make a recommendation to the Commonwealth Heads of Governments one way or the other. But, I do think we should forward the points of view that have been expressed on both sides.

I would like to respond particularly to the Hon. Minister from India, who made the point correctly that the attack on the Lok Sabha and the Jammu-Kashmir State Assembly were attacks by terrorists and not by Government forces. I should also make it clear - I think people do know - that the attack on the MP in Sri Lanka was an attack by terrorists. But, I regard these attacks as
attacks on human rights. Your human rights are infringed not by the State but by terrorists. Nevertheless, we, as Parliamentarians, have a responsibility to defend Parliamentarians who face attack. My Colleague, Carrol Martin from Australia made it very, very clear that if a Parliamentarian is bombed, that is a direct attack on democracy. And, if we believe in democracy and defending the rights of Parliamentarians, I believe we should have something to say about this. I also drew examples from my own country where Human Rights bodies in the Commonwealth have criticized the UK and the UK Parliament for not taking human rights issues seriously. Of course, it is embarrassing but I also think it is necessary for me to look at criticisms when made on my own Parliament and for our Parliament to respond to those criticisms. Those criticisms were made when we were in too much of a rush after the 9/11 attack to clamp down on terrorism, that we did not give proper scrutiny to the legislation, that we should have had pre-legislative scrutiny and that we should have listened to citizens in our country and human rights defenders. I hope that lesson is being learnt.

I heard some important modifications of the proposal. There were ideas that it should be a Commission with people from a number of Member States rather than a single Commissioner and perhaps should be an Advisory Committee to ensure that cultural differences, religious differences, historical differences and economic development are taken into account if this office of a Commissioner is established. These are important points which I am sure will be included in the report.

In response to the speaker from Kenya, you said something which none of us in this room should ignore, that the question of defending human rights of Parliamentarians and of citizens is too important to leave to the Government. We, as Parliamentarians, have a duty, a responsibility and I hope that we could agree even though we say nothing on whether the Commonwealth should establish a Commissioner, we should invite our Executive Committee to set up a group to look at how we, as the CPA, can do more to protect human rights of Parliamentarians and to enable Parliamentarians in Commonwealth countries to protect the human rights of their citizens. Thank you.

Senator Dr. Farogh Naseem: I must congratulate everyone for agreeing on the disagreement. As you would see, this type of proposal cannot go along unless and until we have a consensus and the consensus has to be really from the Heads of Governments. It would be putting the cart before the horse if there was to be a voting in this forum and was to be decided by any majority or minority formula because until and unless the Heads of Governments agree on putting up this Commission or Commissioner, I think this would be an exercise in futility.

Having said that, there are inherent problems I see with regard to the appointment of a Commissioner or Commission and those will have to be debated thoroughly. One of the aspects which I had pointed out earlier was with regard to the process of appointment of a Commissioner or a Commission. Really, what the office would be meant to be doing is in terms of factual investigation, in terms of accuracy of such investigations. Having said that, again I would re-emphasize that this has to go through by way of consensus and not otherwise.

Thank you.
The Moderator: Hon. Members, the issue of sharing of ideas and exchange of ideas is very crucial. The issue of human rights is a cross-cutting issue and there have been very good arguments on both sides on this matter. Of course there has been support for the establishment of a Commission, maybe not so much the Commissioner. At the same time, there has been support for the matter to be left in the hands of the Heads of States because the view is that it is a political matter.

Again, there have been arguments that Parliamentarians cannot remove themselves from discussing these issues. Someone proposed that the Heads of States should have referred these matters to their respective Parliaments to discuss this matter.

Let me assure you, Hon. Members, that the Secretariat, the rapporteur has collected information and a report will be sent to all branches. Then, you can see what is contained therein. However, let me acknowledge that we could not reach consensus over this matter and respect the divergent views that have been expressed in this forum.

Once again let me thank you all and may you join me to give a round of applause to our presenters.

(The Session Adjourned)

*Speech tabled by The Hon. (Dr.) Charnjit Singh Atwal (India)*

"In the Universal Declaration of Human Rights (December 1948) in most solemn form, the dignity of a person is acknowledged to all human beings; and as a consequence there is proclaimed, as a fundamental right, the right of free movement in search for truth and in the attainment of moral good and of justice, and also the right to a dignified life."

- Pope John XXIII, 1881 - 1963.

Human Right is a birth right ipso-facto, it was bestowed by the Almighty to both Adam & Eve before shifting them from Heaven to this planet. Human Right stands for dignified existence of the human beings. They are fundamental and inalienable. Every individual in the society should have the right to live a good, comfortable and meaningful life.

So far as the issue of Human Rights is concerned in Commonwealth, in the year 1009 CHOGM held in Port of Spain, it was decided to create an Eminent Persons Group (EPG) which was "to undertake an examination of options for reform in order to bring the Commonwealth’s many institutions into a stronger and more effective framework of cooperation and partnership". The EPG’s final report entitled "A Commonwealth of the People: Time for Urgent Reform", contains 106 recommendations on a wide gamut of issues, which was submitted for the consideration of Leaders at the 2011 CHOGM in Perth.

Among the main recommendations of the EPG was the recommendation to establish 'A Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights, who should be appointed to provide well-researched and reliable information simultaneously to the Secretary-General and the Chairperson of
the Commonwealth Ministerial Action Group (CMAG) on serious or persistent violations of democracy, the Rule of Law and Human Rights in member States and to indicate approaches for remedial action.'

The responsibilities spelt out for the Commissioner by the EPG are as follows:

1. Based on thorough investigation of the facts: (a) to render simultaneously to the Secretary-General and the Chairperson of CMAG, advice on which an informed decision may be taken when a state is violating core Commonwealth values, particularly human rights, in a serious or persistent way; and (b) To indicate approaches for remedial action.

2. Work with the Secretariat to strengthen the existing early warning system that identifies member states in danger of violating core values, and to advise the Secretary-General and the Chairperson of CMAG and indicate possible corrective actions that could be taken.

3. Draw on the work and knowledge of the various Commonwealth civil society organizations and professional networks to establish a pan-Commonwealth system to detect human rights violations, threats to religious freedom and other impending difficulties so that they can be preempted or quickly resolved.

4. With other matters, he/she will elaborate a graduated list of responses for consideration by the Secretary-General and CMAG;

5. Investigate situations which the Secretary-General or CMAG draw to the Commissioner’s attention;

6. Establish a special rapporteur to identify the social victimization of women. India has been opposing the proposed Commonwealth Commissioner for Human Rights, Democracy and Rule of Law.

7. Apart from the fact that the proposed Commissioner’s position in the structure of the Commonwealth is not very much clear, the very idea of such a Human Rights Commissioner is not in line with the Commonwealth’s way of functioning.

8. Based on the responsibilities spelt out for the proposed Commissioner in the EPG Report, he/she would seem to undermine the role of the Secretary-General and the CMAG itself by being expected “to provide well researched and reliable information” to them, thereby suggesting that the information presently available to them is neither reliable nor well researched.

India is not in favour of creating a Commissioner for Democracy, the Rule of Law and the Human Rights as the very idea of such a Human Rights Commissioner is not in line with the Commonwealth’s way of functioning. It seeks to undermine the role of the Secretary-General and CMAG itself, and the role also seems to be a duplication of the concept of a UN Rapporteur. At a time when Commonwealth is being asked to tighten its stings by duplicating unnecessary organization. The Commissioner of Human Rights appears to sideline the development challenges, which are uppermost important in the minds of Commonwealth Members. It will shift the focus of essentiality of democracy and good governness. It may also give an impression that the biggest challenge before the commonwealth is violation of human rights in its member States. The idea of Commissioner for Human Rights does not make sense.

In spite of this view our Government has created a National Human Rights Commission for all the citizens. Our state Branches have also opened its Chapters at respective capitals. In fact, India is very much aware and alive about the importance and significance of Human Rights. The democratic ethos flourishes when all enjoyed full human rights. The Commonwealth already is most suitably placed in
addressing many concerns of Human Rights through its unique style of functioning which is consensus-building, informality and goodwill. Beyond the ties of history, language and institutions, it is the Association’s values viz, democracy, freedom, peace, the rule of law and opportunity for all, which unites its members. We the Commonwealth countries as a policy inform each other consult and cooperate in our own interest of the people regarding world peace and human rights and for promotion of democracy. We are committed to protect human rights and there is no need to establish a Commissioner for Democracy, Rule of Law and Human Rights when the institution of UN Rapporteur exists.
PROCEEDINGS OF WORKSHOP

“C”

“THE POLITICS OF CONSTITUTION-MAKING, THE ROLE OF PARLIAMENTS IN RELATION TO THE PEOPLE”
WORKSHOP “C”

“THE POLITICS OF CONSTITUTION-MAKING, THE ROLE OF PARLIAMENTS IN RELATION TO THE PEOPLE”

Moderator: Hon. (Dr.) Pambos Papageorgiou, MP (Cyprus)

Discussion Leaders:
- Hon. Request Muntanga, MP (Zambia)
- Sen. Ike Ekweremadu (Nigeria)
- Hon. (Prof.) G.L. Peiris, MP (Sri Lanka)
- Hon. Hon. David Musila, MP (Kenya)

Rapporteur:
- Mr. G. Jeyachandra (Sri Lanka)
- Ms. Madeline Foley (Australia)

Session Secretary:
- Mr. Andrew Imlach

CPA Secretariat:
- Ms. Wezi Nyirenda

**The Moderator:** My name is Pambos Papageorgiou and I am an MP from Cyprus. This workshop is based on the politics of constitution-making and the role of the Parliaments in relation to the people. We have four lead speakers. They will address you for a maximum of 10 minutes, each. Then, you can have your own interventions. There is a time limit of five minutes for that. I will get a list of those who want to speak, make comments and interventions and I will follow that. The effort is to have as much interaction as possible and also a lively discussion on this very interesting subject.

Allow me to introduce our first Lead Speaker. He is the Hon. Request Muntanga who is sitting right next to me. He has been a Member of Parliament in Zambia since 2001 and a Member of the CPA from 2001 to-date. The Hon. Request Muntanga holds a Diploma in Agriculture, an Advanced Diploma in Agriculture, and also an MBA and a Diploma in Accounts. He is also engaged in management and politics at the same time. Hon. Request Muntanga, you can start your speech.

**The Hon. Request Muntanga (Zambia):** Thank you very much, Hon. Members. Good morning, Colleagues, Ladies and Gentlemen! Let me state from the outset that I feel greatly honoured to lead this discussion on the topic: “The Politics of Constitution-Making, the Role of Parliament in Relation to the People”. To start with, I wish to make the following observations:

- a Constitution is the supreme law of a country on which all other laws are based;
- it is a social contract between the rulers and the ruled;
- it embodies the wishes and aspirations of the country;
• there are written and unwritten Constitutions as observed in the constitutional arrangements of Zambia and Great Britain that has no written Constitution respectively; and

• most developing countries have written Constitutions.

An Overview of the Politics of Constitution-Making

It is also to be noted that in the modern constitution-making process, there is emphasis on the participation of ordinary people. This introduces the concept of ownership by the majority as a fundamental prerequisite to the legitimacy of any resultant Constitution. A Constitution must be a reflection of a people's history, fears, concerns, aspirations and vision of the nation. In this regard, it is argued that to achieve popular involvement in constitution-making, certain requirements have to be satisfied. These requirements are:

• the population must be educated about the role they will play in the formulation of the new Constitution;

• there must be a consultation which must be inclusive providing full scope for every person to make contributions without fear or favour and fora for debate on contentious issues;

• it must be preceded by or accompanied by ‘civic education’, to increase people’s familiarity with constitutional issues and to enable them to engage actively in the process;

• the process must be open and transparent. The public must be informed and involved at all stages of the process of constitution-making; and

• the role of political parties and experts in the constitution-making process must be recognized as they play a role in bringing issues for debate to the people at the grassroots level.

The Role of Parliaments

As I have already intimated, an inclusive constitution-making process has to embrace many stakeholders. One such important stakeholder is the institution of Parliament which among others must:

• facilitate public involvement and provide citizens with a meaningful opportunity to be heard in the making of the laws that will govern them;

• use its representative role to engage with constituents on contentious issues in the constitution-making process;

• allocate moneys for the various programmes that are undertaken in the process; and

• ensure that the Constitution is enacted into law. Parliament therefore, enacts laws, which are subordinate to the Constitution as prescribed by the people.
The Zambian Situation

Colleagues, Ladies and Gentlemen, I wish to say something about the Zambian situation. Like in the case of your respective countries, Zambia has had a number of attempts at constitution-making since Independence in 1964. The first being in 1969, when the requirement for a referendum to amend the Constitution was removed. In 1990, multiparty democracy was restored by amending the Constitution to remove the one party state; and in 1991, the 1973 Constitution was repealed and replaced with a new one to reinforce multiparty democracy and enhanced the power of the Legislature to oversee the Executive function. In view of the foregoing, let me now state some of the highlights of Zambia’s three major constitutional amendments since independence in 1964.

The First Republican, Constitution, 1964 - 1972

As a negotiated instrument, the Constitution, at Independence, had no direct and active involvement of the public in its crafting. It provided the basic framework of the Government under a multiparty democracy.

The first major constitutional reform ensued the year after Independence when the then Constitution was amended to remove some clauses. These amendments included the removal of the referendum clause in 1969 and also the Zambian Legislature was given power to amend the Constitution.


The Chona Review Commission was appointed and given very wide terms of reference on the form the one party system was to take, in the context of the philosophy of humanism and participatory democracy. In 1972, the Constitution in force, from the time of Independence, was repealed and replaced by a new Constitution to bring in the system called 'One-Party Participatory Democracy'.

Reversion to Multiparty Democracy - 1991

The One-Party Participatory Democracy was reverted in 1991. The transition to Multi-Party Democracy was the culmination of a number of developments, at home and abroad calling for a simple amendment to the 1973 Constitution by the deletion of Article 4 which declared Zambia a One-Party State.

In November, 1990, we had what you call the Mvunga Constitutional Review Commission which was appointed to enquire, determine and recommend a system of political pluralism that would ensure the separation of the powers of the Legislature, the Executive and the Judiciary. Shortly after, a constitutional amendment was passed as Act, No. 20, of 1990, removing Article 4 from the Constitution and thus paved way for the formation of other political parties.

Notwithstanding the above stated amendments, Zambians were not quite satisfied with the resultant outcomes. It was, therefore, felt necessary to make further amendments as I shall try to show hereto.
The Mwanakatwe Constitutional Review Commission

We had to form another Commission which was called Mwanakatwe Constitutional Review Commission in 1993. This Commission was requested to recommend whether the Constitution should be adopted by the National Assembly, a Constituent Assembly, a national referendum, or by any other method suitable for amending any part thereof and to review the 1991 Constitution. In this regard, the Constitution of Zambia (Amendment) Act, 1996, included changes. Among the notable changes were, inclusion in the Preamble the declaration of Zambia as a Christian nation; addition of provisions relating to the qualifications of a Presidential candidate based on origins or birth of a candidate's parents, and inclusion of provision that no person twice elected is eligible for re-election to that post.

The Mung'omba Constitutional Review Commission

In 2003, we had another Commission called the Mung'omba Constitutional Review Commission which was appointed with the broad mandate to recommend a Constitution that would effectively promote legal and constitutional protection of fundamental human rights and freedoms and stand the test of time. The people were not satisfied because they believed that a number of issues were not conceded. The Commission was appointed with a broad mandate to recommend a Constitution that would effectively promote the protection of fundamental human rights and freedoms.

Colleagues, Ladies and Gentlemen, in order to harmonize the findings of the Mung'omba Constitutional Review Commission, a meeting of political parties represented in Parliament under the umbrella of the Zambia Centre for Multi-Party Democracy was convened in July, 2007. At that meeting, it was resolved that instead of a Constituent Assembly, a National Constitutional Conference would adopt the Constitution. In accordance with that decision, the National Constitutional Conference Act, No. 19 of 2007 was enacted. The 2010 Draft Constitution was presented to Parliament in 2011, but failed to gain the two-thirds majority because others believed important issues were left out. That brings the issue that involving everybody is very important.

In 2011, the Tripartite Elections ushered in another Government, which has since appointed a Technical Committee under the chairmanship of Hon. Justice Silungwe, our former Chief Justice, to come up with a Constitution. The committee submitted the first Draft Constitution on 30th April, 2012, and the public has been given time to make submissions to the Technical Committee on the Draft Constitution. The process of obtaining contributions to the Draft Constitution is in progress up to the end of September, 2012.

In conclusion, let me emphasize the point that a Constitution is not an ordinary piece of legislation. As such, the constitution-making structures should be open to the views and the opinions of all stakeholders who must be given meaningful opportunity to make their concerns and wishes known.
The constitution-making process in Zambia has been dominated by political elites. However, it must be noted that in the on-going constitutional project, the cry of the people of Zambia has been that the people themselves should define the constitution-making process and that the Constitution should be a product of the sovereign will of the people.

I thank you.

The Moderator: Thank you very much, Hon. Muntanga. Our next Lead Speaker is the Hon. Senator Ike Ekweremadu from Nigeria. He is the Deputy President of the Senate of Nigeria. He is the Speaker of the Ecowas Parliament and the Chairman of the Senate Committee on the Review of the Nigerian Constitution. He is a lawyer and a politician.

The Hon. Ike Ekweremadu (Nigeria): Good morning everybody. I have a printed copy of my presentation which would be distributed to everybody later. I am going to use power point application for my presentation, so that we can save time and summarize what I wish to say in the next 10 minutes. Starting with the concept of a Constitution, for us as democrats, Constitutions are the mode of all laws. It is the basic law of every country. The late South African Chief Justice, Ismail Mahomed said,

“All Constitutions seek to articulate, with differing degrees of intensity and detail, the shared aspirations of a nation, the values which bind its people and which discipline its government and its national institutions, the national ethos which defines and regulates that exercise and the moral and ethical direction which that nation has identified for its future”.

Why I say that simply is that every human anywhere in the world have their own problems. The best way to solve them is to change them with the powers of the Constitution. So, whatever I do would be within the confines of the Constitution. According to a special report by the United States Institute for Peace in 2003, we have about 200 Constitutions of national governments all over the world and more than half of them have been written or re-written in the last 25 years. So that shows how constitutional amendments and constitutional issues are taking place all over the world. It also shows that during 2008 and 2010 there were about 55 constitutional activities in different parts of the world including amendments and adoption of new ones.

Then, I come on to People and Parliamentary Sovereignty. Essentially, we believe that sovereignty belongs to the people and this sovereignty is exercised through the elected Members of Parliament in respective Parliaments and their duty is to exercise this sovereignty on behalf of their people. So, most modern Constitutions begin with the expression, “We, the people”. This can be seen in Article one of the Constitution of Ghana. It states:

“The Sovereignty of Ghana resides in the people of Ghana in whose name and for whose welfare the powers of government are to be exercised in the manner and within the limits laid down in this Constitution.”

This is mentioned in the 1999 Constitution. So, the Parliament exercises this sovereignty on behalf of the people. The Parliament is thus the capsule of this sovereignty.
Then, the Legislative Powers of Parliament include law making, appropriation, oversight, confirmation of certain executive and judicial appointments and removal of executives from office through impeachments or vote of no-confidence motions and all that.

Lawmaking is the highest and most fundamental function of the Parliament. Constitutional legislation is the height of the law-making because every other law derives its legality or legitimacy from the Constitution. Since Parliament is a creation of the Constitution, Parliamentary powers and competence in relation to the Constitution is naturally limited to amendments. That means, all of us are creators of our different Constitutions as Parliamentarians. We are talking about Constitution-making in relation to Parliaments. We are mainly taking about issues of amending Constitutions because the Constitution is established by Parliaments. We are mainly talking about the amendments because the process for amendment is usually circumscribed or prescribed by the Constitution.

For instance this is found, in the case of Nigeria in Sections 8 and 9 of the 1999 Constitution of Nigeria; Article V of the Constitution of the USA; Sections 38 - 49 of the Constitution Act of Canada, 1982; and Chapter 25 of the Constitution of Ghana. In all those Constitutions it is prescribed how those Constitutions should be amended. There are various modes of amending Constitutions. In the case of Nigeria and the United States, it requires a large majority. In the Nigerian Constitution, they require a Bill for an amendment to be passed by a two-thirds majority in both the House of Representatives and the Senate and by a two-thirds of the State Assemblies. That means, you need 24 States to pass any amendment.

In the case of America, it also requires a super majority, a two-thirds majority in both House and Senate to pass any amendment. In the case of Ghana, the process required for the amendment of the Constitution of Ghana depends on the subject matter. The process is simpler if it is not an “entrenched provision”. In the other process, it can only be passed by a two-thirds majority of the Parliament and it has to be signed by the Presidential of Ghana. For “entrenched provisions” such as fundamental human rights, the territories of Ghana, Executive, Legislature, Judiciary, the armed forces, et cetera, it must in addition seek approval in a referendum.

Now, in the case of Denmark, an extant Parliament cannot conclude a constitution amendment. Once the Parliament passes an amendment, a general election has to be held to elect a new Parliament to ratify the amendment before it is subsequently subjected to a referendum where at least 40 per cent of eligible voters must vote in favour of the amendment for it to pass.

Now, there are some Constitutions that are provided with some conditions that those things cannot be amended. In the case of Brazil, Article 60 of the Constitution prohibits amendments that would abolish individual rights or alter the basic frameworks of the nation such as separation of powers or the Federal Republic. Article 5 of the US Constitution, forbids any amendment that may affect equal representation of the states in the Senate without their consent. Then, in Article 79 (3) of the German Basic Law bars amendments that intend to modify the federal nature of German Constitution.
Why do we amend the Constitution? There are several issues that make constitution-making imperative in democracies. These imperatives may vary from country to country, but they are fundamentally the same. The most important imperative is dynamism of society. This implies, among others, that the Constitution is a dynamic document, responding to fresh realities. In some places there are deficits and inelegant drafting and gray areas that should be taken care of. The political history of the country and of course, electoral issues are also contained in the Constitution as is the case with Nigeria. In such instances, little progress could be made in electoral reforms processes without amending the Constitution.

The structural imbalances are also a problem that needs to be addressed. Colonial legacies as well as military and other forms of autocratic rule left a lot of Commonwealth nations with inherent imbalances that can only be addressed through Constitution review. In addition to those issues, institution building and guarantee of human, economic, social and cultural rights are also issues that make Constitution-making imperative in democracies.

It is not easy to amend a Constitution. Most times the challenges include inexperience and lack of template of procedure. Constitutions inherited from dictatorships, for instance Nigeria’s Constitution, specifies that the States House of Assembly are to vote on the amendments carried out by the National Assembly. It does not define the timeframe within which such ratification should take place. Furthermore, the issues of crisis of expectations and temptation to do so much at a time, apathy and lack of democratic culture, lack of ethnicity, lack of political will and lack of independence or autonomy also play a major role.

Now, we will discuss the role of the Parliament in relation to the people. This is situated in the following cardinal principles of constitution-making like inclusivity, participation, diversity, autonomy, transparency or openness, accountability and legitimacy.

Much of what I said so far and what I believe is, the Parliament’s role in relation to the people in constitution-making is captured in my opening address at the Retreat of the Nigerian Senate Committee on Constitution Review a few months ago and I would like to quote what I said there.

"I wish to reassure Nigerians that we will be open and true to them. We have no position on any issues except those taken by the Nigerian people through their inputs, whether through their memoranda, contributions at public hearings, and their elected representatives at both the National and State Assemblies. We bear no allegiance to any, except that which we owe to the Federal Republic of Nigeria. We have no interest to protect, except that of the generality of the Nigerian people and posterity. We will be driven by the force of superior argument and public will. What we owe our people is leadership, legislative due process, transparency, inclusivity and popular participation. We want to ensure that the generality of Nigerians own and drive the process to be able to take full responsibility of the eventual outcome”.

So, these are, I believe, should be the basic principles. Therefore, it behoves on the national Parliaments of the Commonwealth to make this happen.

Thank you.
The Moderator: Thank you, Senator Ike Ekweremadu. A copy of the speech is being circulated now and you can have a copy if you want.

The next Lead Speaker is one of our host Members here, the Hon. (Prof.) G.L. Peiris. He is the Cabinet Minister of External Affairs, a National List Member of Sri Lanka Parliament, a former Cabinet Minister of Export Development and International Trade, a former Cabinet Minister of Industrial Development and a former Cabinet Minister of Justice and Constitutional Affairs.

The Hon. (Prof.) G.L. Peiris (Sri Lanka): Mr. Chairperson, Discussion Leaders and Distinguished Delegates. Within the short space of ten minutes I will try to present to you some thoughts on the subject that we are dealing with today: the role of the public at large in constitution-making. Most Constitutions contain imperative requirements for the formulation or the modification of provisions contained in the constitutional instrument. Almost invariably, there is a special majority that is required. That is a two-thirds majority in Parliament. In the case of the more basic provisions, there is also the requirement that a referendum - I think the first speaker also referred to it - has to be held in order to make certain that the majority of the public support the constitutional proposals that have been made. Now, I think one of the basic issues here is the electoral system. If people are to have a say in constitution-making, then, we have to ensure that Parliament is a mirror of public opinion. So, this means that we need to focus on electoral systems; what is the system that best enables the people of a country to elect a Parliament which reflects its views. I think the Sri Lankan experience in that regard is very interesting, Mr. Chairperson. We have experimented with all the major electoral systems.

From 1931 to 1978, we had the First-Past-the-Post System. That is the system that you have in the United Kingdom, India and other countries. We were disillusioned with that system - First-Past-the-Post. If one candidate gets 60,000 votes and the other gets 59,900 votes, the candidate who has a simple majority of the votes polled will be declared elected to a particular constituency. That is the system that we had for a long period. We adopted that system even before we obtained Independence from the United Kingdom.

Now, the reasons for feeling dissatisfied with that is that there was a significant disproportion between the votes polled by a particular Party and the number of seats to which it is declared elected. You can have 100 seats which you win with a majority of less than ten votes. It means a winner-takes-all. The majority may be less than ten, but the winner-takes-all and the other Party that has lost by a very small margin does not get any seat at all. So, there is this imbalance between the votes and the seats. That was one of the structural deficiencies of the First-Past-the-Post System. It also made for steamroller majorities which enable governments to ride roughshod over the views of others. So, for a variety of reasons, we did away with that system and in 1978, we adopted a particular variation of Proportional Representation. That is the system that we have in operation in Sri Lanka today. But, we are disenchanted with that system as well and there are reasons for that. One of the reasons is a disconnect, the absence of a nexus between the person elected and the constituency that he is supposed to represent, because a Member does not represent a territorial constituency. Now if you take for example, we are having this Conference in the District of Colombo. In the District of Colombo you will have a slate of Members who are elected, say 23 Members who are elected from a particular Party, but the Member does not have special responsibility for a defined territorial area. Now, one of the
requirements of a vibrant democratic system is that the constituent must know whom to go to, to get a problem solved. That requirement is not adequately fulfilled by this system. The other deficiency is that there is no provision for by-elections. If a candidate dies or resigns or if he is removed, then the next person on the list automatically comes into Parliament. So, governments in power do not have the opportunity of testing their popularity because by-elections are a barometer of public opinion. So, that is also a structural deficiency in the present system. Now, what we are contemplating is a hybrid system which seeks to combine the positive elements of both systems. So, I think this is something that we need to bear in mind when we talk about the participation, the continuity of involvement of the public at large in constitution-making and indeed in the making of legislation.

Then, another topic that we need to consider, and all of you representing a reservoir of experience from different Commonwealth countries, I think, should apply your minds to the question of which is better: a Unicameral Legislature or a Bi-cameral Legislature. Many Commonwealth countries have two Chambers. We had two Chambers until 1965. But, today we have only one Chamber. Abbe` Sieyes, a famous writer reflecting on the Commonwealth experience says that a second Chamber is either superfluous or redundant. It is superfluous if it is a mere a rubber stamp. He says it is obnoxious if it resists the political will of the first Chamber. So, you have a conundrum there. If the second Chamber simply rubber-stamps what has been done by the first Chamber, it is redundant; it is superfluous - you do not need it. But, it is obnoxious if it resists the will of the first Chamber. So, how do you then conceive of a second Chamber that is really useful? I think the way to do it, is to define very clearly the kinds of legislations which the second Chamber should consider, not everything, but determine the priorities in that particular country and also focus on the composition - how do you ensure that the second Chamber consists of people who are really equipped to make a contribution of value to the legislative discourse in the country?

Then, another matter I think that we need to consider is - I think this is of practical importance to most of you - when you incorporate rights into the Constitution, to defend the people, to make certain that you empower the people. Does it make sense to put into the Constitution abstract rights - the right to housing, the right to employment, because today all over the Commonwealth there is a sharp focus on economic rights. We are concerned not only with political rights, but also with the full development on the human personality. Therefore, you are concerned with an amalgam, a whole combination of rights and economic rights are today assuming predominance. But if you put into the Constitution a right such as a right to employment or a right to housing, how do you implement it? The Constitution of South Africa is perhaps a best example of a Constitution which sets out in great detail economic rights. Jurisprudentially, if I have a right I must have a remedy which I can assert if that right is infringed. So, if the Constitution gives me a right to employment and right to housing, can I compel the State to give me a house? What about resources? What about the practicality of it? Now the danger is, when you go too far in that direction you produce public skepticism, cynicism and that is the danger of it. If the people feel that the constitution is not being honoured in practice, then there can be an erosion of confidence which is destructive of the values of a democratic society. I think my time is up. I will just end with two other thoughts.
What about quotas? For empowerment of people, should you have quotas? For example, a certain proportion of seats in Parliament to be reserved for women. Most countries adopt that. In Sri Lanka we have not done that. We do not feel a need for it because women are not disadvantaged. They occupy prominent positions in all spheres of public life. They have access to education and there is something patronizing about telling women in our country, “You cannot get these on your own merits, therefore, we need some special mechanism to bring you in”.

Then, the last thing is, should you identify certain provisions of the Constitution which are unalterable even with a two-thirds majority, even with a referendum? The Constitution of India contains certain core values which are permanently entrenched in the Constitution and which cannot be changed even by a hundred percent majority in Parliament. Is that desirable? I pose that question to you.

Finally, when there are issues relating to the interpretation of a Constitution, should it be done by the apex court, namely the Supreme Court of the country or is it desirable to have a separate court, a Constitutional Court as in some countries like South Africa? Which of these two methods is preferable with regard to the adjudication of issues that may arise in respect of the interpretation of a Constitution of a particular country? So, I throw these thoughts to you and maybe we can discuss these in further depth during the discussions today.

I thank you.

The Moderator: Professor, thank you very much. Our next and the last Lead Speaker is the Hon. David Musila, who has been a Member of Parliament of Kenya since 1998. He holds an MBA (Honours) Degree in Economics and he had a distinguished career in Kenyan Public Service spanning over 30 years and he was a member of the Parliamentary Select Committee on the Review of the Kenyan Constitution which played a major role in delivering Kenya a new Constitution. Hon. Musila is currently the Deputy Minister for Defence.

The Hon. David Musila (Kenya): Thank you Mr. Moderator, Hon. Members, Ladies and Gentlemen. Today our topic is "The Politics of Constitution-Making and the Role of Parliaments in Relation to the People". I wish to make a few comments on this topic in the next 10 minutes.

I want to agree with my Colleagues who have defined the Constitution as the supreme law of the land and I agree that a Constitution is an instrument of governance. It provides mechanisms to govern and control the exercise of State power and promotes the values and aspirations expressed in it for the benefit of the society. Consequently, it affects the reality of people's lives. Constitution-making, therefore, presents moments of great opportunity to create a common vision of the future of our States and the resources which can have profound lasting impacts on peace and stability of our States. The provisions of the Constitution include protecting the rights of the people, promoting constitutional values of equality and social justice and ensuring the integrity and the accountability of the government. Making of many Constitutions has resulted in a stalemate when no competing political group is able to win an outright victory, which in most cases, as a result of lack of adequate consultation with the people or their representatives. This has been amplified by the previous speakers and therefore note that consultation is a key component of constitution-making.
Parliament has a role to play in making a Constitution from the beginning of the process to the end and beyond. The first principle, of course, is the fact that a democratically-elected Parliament represents the people and their Constitutions are about people - their fears, needs, interests, aspirations, their future and indeed their way of lives. Parliament should, in essence, have in heart the process of constitution-making. That is what the Professor said, that Parliament is a mirror in constitution-making.

This is exactly what transpired in Kenya in the formulation of a new Constitution in August 2010 in response to its demands for a new Constitution dispensation. Parliament must make Constitutions enabling legislations to create institutions and provide necessary budgetary provisions for the exercise.

Here I want to give an analogy of the Kenyan experience. There was a Constitution that was made before Independence in London in 1963 for our country through negotiations by the few political parties that were existing during the British colonial power. The Constitution which was to serve for the next 47 years was lacking in many ways. Firstly, the people had not been consulted. Therefore, it went into a lot of amendments. In those 47 years, the Kenyan Constitution was so mutilated through amendments - a few genuine, but others meant for the convenience of the ruling class. Therefore, Ladies and Gentlemen, for over 20 years Kenyans continued to agitate for a new Constitution which would meet the changing socio-economic and political aspirations of the people. This is a common problem of our emerging nations. Our Constitution was just placed on the people in order to achieve Independence. But, experience has shown that over the years after trying to use that Constitution in many cases, it is not workable and therefore many amendments followed. For example, during the period between 1992 and 2002, Kenya marked numerous demonstrations and street protests. It was not until June 1993, when we returned to Multi-Party Democracy, that new reforms begun. The Government of the day gave in half-heartedly to the demand for a new Constitution. Therefore, consultations for a new Constitution were made. But, we have to focus attention on the fact that it could not achieve much, and therefore the country went into elections before a new Constitution was in place. It was not until 2002, that a new President was elected with a reform agenda and constitution-making was one of them.

So, we embarked on making a new Constitution in 2002. Regrettably however, although a lot of time and resources were spent in making this new Constitution, again due to the lack of adequate consultation with all stakeholders, including political parties and the civil society, there was no support for the new Constitution which went into a referendum and was defeated in 2005. The country again went into elections without a new Constitution in 2007.

But, Kenyans did not give up the clamour for a new Constitution and there was a new determination by political parties to try once more. The new Parliament of 2008 made certain amendments of the laws to cover any loopholes that might have been noted and that led to the failure of the first Constitution. Intensive consultations between all those stakeholders were carried out in a Constitutional Review Committee comprising local and international legal experts and constitutional experts. A Parliamentary Select Committee was created to lead the process - of which I am happy say that I have been one of the members of that Review Committee. The Independent Electoral and Boundaries Commission was again enforced and
was charged with the responsibility of us seeing a new Constitution. Intensive civic and educational programmes were undertaken. In August 2010 people went to the polls and because of the consultations that had been made and the participation of the legislature, a massive 67 per cent of the voters voted “Yes” to the new Constitution. This new Constitution was promulgated on the 27th August, 2010.

Therefore, that process shows how much difficult it is to make a Constitution, especially starting from scratch. A lot of people talk about amending the existing Constitution in order to seek certain aspects. But, you cannot do that. If you want to do a new Constitution, you must start from scratch and you must go through extensive consultations involving Parliament, civil society and everybody and the results would be what happened in Kenya in 2010 when the majority of the people accepted the new Constitution.

In conclusion, the role of Parliament in constitution-making at earlier stage extends beyond passing of a new Constitution. In the case of Kenya, a Committee on the Implementation of the Constitution to oversee the passing of the numerous legislations to operationalize the new Constitution was established. In fact, in the Constitution itself, it provided Parliament with the timelines by which certain laws to operationalize the Constitution had to be made. In our Constitution, Parliament has been given a timeline, that if you do not pass this law by a certain date, Parliament maybe dissolved. Therefore, that made it clear to Parliament to make those laws which are so necessary to operationalize the Constitution. In fact, the bulk of legislation we have been enacting during the last two years have been on the new Constitution. These new laws will continue to be enacted for some years to come.

From the observations that I have made, political parties play a major role in agitating and participating in constitution-making. Without political will and agreements on major issues, there cannot be success in making a new Constitution. Parliament, as people’s representatives must remain in the centre stage of making and defending - I underline "making" and "defending" - their Constitutions.

I thank you.

The Moderator: Thank you, Hon. David Musila. We have one-and-a-half hours for your questions and your interventions. We will have a catalogue for that. The Hon. (Prof.) G.L. Peiris has to leave in half an hour. So, I would like to pose some questions specifically for the Hon.(Prof.) Peiris and then I will go through the normal procedure. If you would like to make any comments or if you have specific questions that you want to ask from Hon. (Prof.) Peiris, please raise your hands.

Senator Zaynab Abdulkadir (Nigeria): My question is to Hon. (Prof.) Peiris. I listened to him quite attentively. But, I am not clear about what he said about the quota system that should be enshrined in the Constitution. He gave an example of his country, Sri Lanka. I am not sure because the comment is neither here nor there. What are you thinking about the special groups or what have you thought about the special groups as far as their position in the Constitution is concerned? Thank you very much.
The Hon. (Prof.) G.L. Peiris: What I said, Madam, was that in several Commonwealth Constitutions, you have reservations or quotas for disadvantaged groups, for women and so on. That is a feature of several Commonwealth Constitutions. What I said was, in the Constitution of Sri Lanka, there is no provision for such quotas or reservations. So, whether you need such quotas or reservations depends on the circumstances of each Commonwealth country. You cannot generalize. You cannot have a universal norm.

Now, take for example, women in several Legislatures - Pakistan and India. In those Legislatures there is provision based on quotas. We, in Sri Lanka do not have it. The reason is that women in this country have consistently had access to education. So, it has not been found necessary to make a special provision because they can compete on their own merits. That is why there is no provision relating to quotas in our Constitution. But, there is a current thought in the country that there should be such a provision because the number of women in our Parliament is very small. We have women in very prominent positions in other walks of life; in the universities there are more women than men in most of the professional faculties including law; there are women in business; there are women in the medical sector, in particular. But, in politics, - Members of Parliament - the proportion of women is very small. So, there is a suggestion made in this country that it perhaps would be a good idea to require a certain quota for women in the Sri Lankan Parliament.

Now, I think the right way to approach it is to look at the circumstances of each country. But, if you do have quotas, I think it is a good idea to restrict it to a certain period. Why do you need a quota? It is a form of formative action or reverse discrimination. You need it until such time as you create a level-playing field. That is, for a disadvantaged group that has not had the advantages which were available to other sectors of society, now you want to bring them up to the standard of the rest of the society. So, it is good to have a timeline rather than do it in purportedly.

The Hon. Malik Nosher Khan Anjum Lungerial (Pakistan): Do you think that a constitutional amendment is necessary to be adopted at least in Commonwealth countries or throughout the globe? You said that there are so many fields in which women are coming forward. Why is this not implemented in Sri Lanka or in other Commonwealth countries? Please tell me your opinion on that?

The Hon. (Prof.) G.L. Peiris: Now, if there is deprivation, if there is no equality of opportunity, if there is no access to education, then, you need quotas. But, it is for each country to decide whether the situation is such that there is discrimination which is sufficiently serious to warrant the recognition of quotas.

The Hon. Hamdun Abdulla Hameed (Maldives): I am a Member of Parliament from the Maldives. I congratulate all the presenters and especially the Hon. (Prof.) G.L. Peiris, from whom I would like to ask a few questions. My first comment is that your presentation was very good and it had a lot of important points which I would like to follow up later. So, I will get a transcript of your speech and then we will try to communicate later.
In 2008, the Maldives adopted a new Constitution which was in culmination of the work of a special Majlis for about five years and that was the time we considered the benefits of a unicameral or a bicameral system. So, my first question is whether there are any bicameral systems where you feel that it is neither superfluous nor obnoxious? Is there a workable example of such a system? Because, we have found that after the 2008 Constitution, when the new Majlis was formed, we have represented on a representative basis. There are problems in that and there are issues in a multi-party system as well. The Parliament tends to become the main political power and it can even overpower in some ways, the Executive. So, are there any practical good examples or suggestions of a bicameral system?

Then, my second question is regarding the quota system for women. Are we looking at a situation where the Parliament just prepares the Constitution and finishes that work, or is the Parliament continuously passing legislature on different laws which are impacting on women, in which case, the women need to be represented fairly in Parliament? Thank you.

The Hon. (Prof.) G.L. Peiris: I think the answer to the first question is that that does not depend on the composition of the Second Chamber. Its utility, its relevance would depend on how you constitute it. Now, in Sri Lanka, we had a Senate. Under the first Constitution, that was the Soulbury Constitution in terms of which we obtained Independence from the British in 1948, that Constitution provided for a bicameral Legislature. The Second Chamber was called a Senate. It consisted of 30 Members, 15 of whom were nominated by the Governor-General representing the Queen. That was done on the advice of the Prime Minister. The other 15 were elected by the First Chamber on a single transferable vote. Now, how do you do this in the Rajya Sabha? It is a little different.

In the United Kingdom, today, there is a very vigorous debate, as you know, on the reform of the House of Lords. Then, a very relevant question in that regard would be: “Should the second Chamber be entirely elected?” like the United States Senate. In the United States, the House is elected, the Senate is also elected. The House of Lords is not elected. The only difference between the House of Representatives and the Senate in the United States is that in the case of the Senate, the doctrine of sovereign equality of states, that means, every state in the US, irrespective of size or population, returns the same number of Senators. So, take the very large states like California, Texas and so on and the smaller states like Iowa, Wyoming and Nebraska - they return the same number, no difference. The number of people elected will depend on the population and the size. Is that a good system? There are no answers that you can confidently offer. One can only pose the issues. So, should the Second Chamber, if it is to make a contribution of real value, be directly elected by the people just like the First Chamber? Should it be direct election or indirect election? In some countries, it is indirect election. For example, would you ask the provincial councils or local authorities and so on to elect the Members of the Upper House rather than the people directly? So, I think those are the clusters of issues that are relevant to the first question that you posed.

The answer to the second question is, Parliament is always passing legislation that impacts on women; maternity leave, maternity benefits, welfare benefits for families, the size of families and so on. Legislation has a lot to do with women’s interests and women’s aspirations. There is no doubt about it. I do not want to be misunderstood. I am not against quotas for women. All I am
saying is that there is no universal rule that you can follow. It all depends on the social circumstances of every country.

**The Moderator:** I have got a list of names indicating their willingness to raise questions. But, since the Hon. (Prof.) Peris will be leaving shortly, first we will take up the questions directed at him. After that, we will take up the rest of the questions.

**The Hon. (Prof.) P.J. Kurien (India):** Thank you Mr. Moderator. The Hon. Minister mentioned the disadvantages of both types of election systems. That is, the First-Past-the-Post system and the Proportional Representation system. Both have their advantages and disadvantages. Then, he said that he was thinking of some hybrid system, that is, the combination of good of both systems. Hon. Minister, would you enlighten us on that?

Secondly you mentioned a bicameral Parliament and you mentioned that the Upper House can be either obnoxious or even a rubber stamp. But, I would like to inform you that India has a bicameral Parliament in which the Upper House, the Rajya Sabha, has definite functions mentioned in the Constitution. The Lower House, the people’s House, can pass a law but the Upper House can amend it or send it back and then not only is there a discussion but also, only a joint session can pass it. Therefore, the Upper House in India serves a very useful purpose and it is effective. I would like to mention that here.

Thirdly, you mentioned about women quota. I would also like to say it is a widely welcome -

**The Moderator:** I think only two questions are allowed.

**The (Hon.) Prof. P.J. Kurien :** Okay. Thank you.

**The Hon. (Prof.) G.L. Peiris :** Now, what I said was that each system has merits and drawbacks. What we are trying to do is to conceive a hybrid system which endeavours to capture the benefits of both and I think we can derive some assistance from the experience of Germany and Japan, neither is, of course, a Commonwealth country. But, those are two countries that have evolved a system that seeks to amalgamate, to fuse the advantages of both. That is basically - I am simplifying it a little bit - the electoral system would start by identifying Members of Parliament on the basis of the First-Past-the-Post system. But then, if you find that there is a significant disproportion between the votes polled and the seats obtained - say on the basis of the First-Past-the Post system, you find party "X" having two-thirds of the seats. But, it has not got anything like two-thirds of the votes. Then, you resort to the Proportional Representation system to remedy that situation. So, PR is adopted as a topping-up process, as a corrective measure. That is basically the *modus operandi* in Germany and Japan. So, we are convinced that both systems are flawed in fundamental respects. Under the present system, a man who has a problem does not know whom to go to because there is no Member who is directly responsible for him. On the other hand, under the earlier system - now we had a situation where a political party obtained 29 per cent of the votes that were polled at a General Election, but ended up with eight seats in a Parliament of more than 200. So, the First-Past-the-Post system can produce that kind of distortions, distortions of that magnitude. That is why a hybrid system is useful.
On your second question, yes, certainly the Rajya Sabha experiment is very useful and another example would be Canada. In Canada, the Upper Chamber has specific functions with regard to centre-province-relations. It does not straggle the whole gamut of legislation. So, that is an answer to the criticism by Abbe Sieyes, that generally a Second Chamber tends to be either superfluous or obnoxious. But, if you give it specific functions and responsibilities and then you provide a course of action to be adopted when there is disagreement between the two Houses. In South Africa under one of their Constitutions, they provide for a joint session. If there were problems that could not be resolved between the two Houses, there is a joint session and there is a specific majority in that joint session. There are different ways of handling that.

The Hon. (Prof.) P.J. Kurien: In India also, it is the same; we have a joint session.

The Hon. Eran Wickremaratne (Sri Lanka): I am a Sri Lankan Member of Parliament and I really want to make a comment. I thought I should make that comment in the presence of the Hon. (Prof.) G.L. Peiris before he leaves. We have agreed that in Constitution-making, you need wide consultation and also there was the principle put forward that if the Constitution itself is being amended, then more stringent measures should be adopted in amending the Constitution. The Sri Lankan Constitution has provisions for "Urgent Bills". Normally you would give several weeks. So, there could be a public debate. You could challenge it in the court for its constitutionality and subsequently the parliamentary process would go on. But, in an Urgent Bill, that time is collapsed, that you have 72 hours actually for the Supreme Court to declare its verdict on the constitutionality of the Bill. In 2010, the Sri Lankan Government actually put forward the Eighteenth Amendment to the Constitution. As a Legislator, I saw the Bill on the morning of the Debate. It was not an ordinary law. It was actually to amend the Constitution of the country. It abolished the previous amendment and introduced new clauses and the two significant things that it did were: one, it abolished the term limit of the Sri Lankan Presidency, which we had since 1978. It actually abolished it. and The point I am making here is that, in constitution-making apart from adopting a new Constitution, the amendment process itself could change the nature of the State. Therefore, I think we should be extremely careful how actually amendments are brought to the Constitution and certainly it should not be brought through Urgent Bill processes where the public are not consulted.

Secondly, apart from abolishing the term limit, what it did was this. There was a Constitution Council set up under the Constitution. The principle behind it was that it had a wide representation of different shades of opinion and colours of Parliament. It abolished that Council. The Council’s function was essentially to appoint the independent commissions - the National Police Commission, the Election Commission, Commission to Investigate Allegations of Bribery or Corruption, the Finance Commission, the Public Services Commission and so forth. It was to give a measure of independence and also to see that a wide array of opinion in Parliament was represented in that mechanism through the Constitutional Council. What the Amendment did was, the President became the appointing authority and there was a concession given that a Parliamentary committee would be consulted in that process. But, it has essentially changed the character of it. The point I am trying to make here is, you may have a Westminster system, you may have a Westminster system-cum-Presidential system, but we have a powerful Presidential system. This is about actually making sure there is a balance between the presidential powers and Parliament. I would like to just highlight that point. Thank you.
The Hon. (Prof.) G.L. Peiris: Well, I can respond to each of those issues, but it would take long. Therefore, I would make two general comments. One is that, the phenomenon relating to Urgent Bills - it must include constitutional amendments because there can be situations in which an amendment to the Constitution is very urgent. I mean it may be a question of social stability, preservation of law and order. So, you cannot have a general principle that Urgent Bills can never apply to constitutional amendments. I do not agree with that at all. There can be situations where the degree of urgency in respect of a constitutional amendment is such that that procedure can be legitimately resorted to.

On the subject of the Eighteenth Amendment, I am not at all embarrassed to say this: I think the degree of political stability that we have in Sri Lanka today is, in a large measure, attributable to the Eighteenth Amendment. If you look around and if you take stock of the turbulent situations in some other countries in the region, and the total stability in Sri Lanka which was reinforced by the elections that were held when you were on the Sri Lankan soil, I think we all need this stability after a 30-year conflict to build up our economy, to move the country forward. It has a great deal to do with the content of the Eighteenth Amendment. So, we are proud of that Amendment.

A Representative: Why do we discuss only about Sri Lanka, why not about other Commonwealth countries?

The Moderator: It was just a question.

The Hon. Raphael Trotman (Guyana): This question is on the speech delivered by a Professor in Sri Lanka. Professor, the first question is this: Is there an activating mechanism for a constitutional change and reform or does it depend on the will of the Government at the time or is there a Standing Committee of Parliament in Sri Lanka in this regard?

My second question is this: The post-conflict era, was it anticipated and are there any reforms in place to further bring the nations together here in Sri Lanka. How is that being done? Thank you.

The Hon. (Prof.) G.L. Peiris: The answer to your first question is that any Member of Parliament can initiate a constitutional amendment, but there is no provision in Sri Lanka for the public to initiate that. Some countries have the initiative, the referendum, the recall. The Swiss Constitution experience, for example. We do not have anything comparable with that. But, any Member of Parliament can initiate a constitutional amendment.

The answer to your second question is, “Yes”. Sri Lanka has appointed a Lessons Learnt and Reconciliation Commission to come up with practical suggestions about reconciliation: how you heal the wounds of the past; how you put behind you the anguish of 30 years of conflict and how you move forward in a spirit of inclusivity. In order to achieve that, the President of Sri Lanka appointed a Lessons Learnt and Reconciliation Commission. The Report is out and the Cabinet of Ministers has put in place a mechanism for implementation of the suggestions contained in that Report. We are going forward with that. Even yesterday we had a media briefing in my Ministry for foreign and local media to discuss issues connected with that.
The Moderator: I will allow one more question from the Hon. (Prof.) Peiris and then I will bring into play all our Lead Speakers. This is the last question to the Hon. (Prof.) G.L. Peiris.

The Hon. Philemon Mapulane (South Africa): My question is in relation to the representation made by Hon.(Prof.) Peiris. He mentioned the inclusion of socio-economic rights in the Constitution. The impression I got is that the Professor was somehow discouraging the inclusion of socio-economic rights, if I heard you correctly.

The Hon. (Prof.) G.L. Peiris: No.

The Hon. Philemon Mapulane: Okay, because my understanding was that some of the rights included or to be included in the Constitution must seek to attain the ideals that the society thrive to achieve and the inclusion of the socio-economic rights do not necessarily mean that they must be provided at that particular stage. It means that a country or a nation must progressively seek to attain those rights that are included in the Constitution. So, it is not a matter of any particular citizen seeking to enforce the rights that are there in the Constitution. It means that a country will provide them, given the resources that exist in the country. So, I thought you are discouraging the inclusion of those rights the in the Constitution.

The Hon. (Prof.) G.L. Peiris: That was not my purpose at all. In fact, I am entirely in favour of any emphasis on economic, social and cultural rights. But, the only question is, should one include those as substantive rights entrenched in a Constitution or are they really assuming the character of directive principles of social policy? That is, they are not capable of immediate enforcement or any implementation, but these are ideals which we must strive to attain and work towards those ideals - full employment, full housing, provisions against environmental degradation and all that. But, some Constitutions, notably the Constitution of India has achieved that through a slightly different avenue, namely, the directive of social policy. That is, certain values that must guide and inform all legislative initiatives. That is another way of doing it. I am a great admirer of the South African Constitution. I have lectured in the University of Witwatersrand and the University of Cape Town, because my doctoral thesis at the Oxford University was on the Roman Dutch Law and I was invited to lecture in your universities. I am full of admiration for the South African Constitution. I do not mean to denigrate it in any way. I am only raising the issue. What is the best possible mechanism for achieving that objective?

The Moderator: Thank you very much, Hon. (Prof.) Peiris. Now, we have three more distinguished Discussion Leaders here. So, I will open a catalogue for questions or remarks. When your turn comes, please identify yourself and mention at whom your questions or remarks are directed.

The Hon. Pono Pearson Patson Moatlhodi (Botswana): Our first presenter referred to education. When he spoke about making of the supreme law of the country or the Constitution, he referred to education as one of the ingredients, as one of the components that is required to make a Constitution. He referred to a wider debate on the matter. But, my question is that I have seen some of the most educated leaders throughout the globe stifling debate on the making of a
Constitution. This is so tyrannous on the people and in those countries hunger remains the order of the day after years of consultation. Now, my question is, how do you reconcile this with the United Kingdom system where the Constitution is not written but the fruits of governance continue to serve positively to the people. It is a pity that most of the countries throughout the world has not tapped from the Westminster style. I thank you.

The Hon. Robert Magongo (Swaziland): I think he has touched on all the questions that I needed to ask. But, I want to ask only one question. The Discussion Leader from Zambia mentioned that he had too many commissions in Zambia. What were the results? Thank you.

The Hon. Lt. (Rtd.) Amo doi Cyrus Imalingat (Uganda): First of all I thank all the Discussion Leaders who spoke on this subject - "The Politics of Constitution-Making : the Role of Parliament in Relation to the People". I want to say this. A Constitution should always not be technical, it should be brief and not comprehensive. It should be easier for the people to understand because if it is technical and complicated, then people will not understand it. Secondly, the Constitution is necessary even if the Government is despotic because without a Constitution, a State becomes anarchic in nature.

The other matter is that a Constitution is very necessary because it helps the coming into power of governments on the fundamental law and to restrain a government on behalf of the individuals. Finally, a State without a Constitution is unthinkable. I got my references from various scholars who have defined the Constitution, for example, Millers, Dr. Fenner, Sir James, Aristotle and the rest. So, as if we look at the Constitution, whether it is written or unwritten, flexible or rigid, it must always reflect the interests of people. But, in most Constitutions of the world, leaders try to manipulate the Constitution to fit their own ideologies and understandings. So, my prayer is, the leaders must always leave Constitutions to reflect the interests of the people, not to manipulate them to fit their own understandings as it is today in most of the countries. I thank you.

The Hon. Lekhetho Everistus Rakuoane (Lesotho): I have two questions, and the first one would be to the Deputy Minister from Kenya. It is really in relation to the separation of powers in the new Constitution that has just been approved. How far have you gone into that? Otherwise, what new elements have been brought by the Kenya’s new Constitution in terms of separation of powers?

The other issue, of course, would be for the Professor, but I hope the Hon. Deputy President of Nigeria will tackle this issue of economic rights. Maybe our Friends from India could also contribute because my own Constitution has certain issues that we adopted from India - economic rights - but they are now called State policies. Economic rights, that is not possible in my own country, but they are in the Constitution. What kind of mechanism can we have in place, at least, to monitor, to make sure that there is progress, the intended goals are achieved even though you cannot go to courts and enforce those rights. I thank you.

The Hon. Justice Dr. Patrick Matibini (Zambia): My question is directed at the Discussion Leader from Kenya. I would like him to shed a little more light on the process leading to enacting the new Constitution. My concern is this. He indicated in his presentation
that special legislative arrangements were put in place to ensure public participation. I want to know who ultimately has the power to enact the Constitution? Is it the people or is it Parliament? If it is the Parliament, does the Parliament have the power to override the wishes of the people?

The Hon. P.C. Bai Sebora Kasanena (Sierra Leone): First, I would like to make an observation. Listening to the presentation made by the Hon. (Prof.) G.L. Peiris, could you please ask him to prepare a handout enabling most of us to get the benefit out of what he said. Thank you very much.

The Moderator: Thank you very much. I can entertain one more question, please. Then, I will let the Discussion Leaders to respond to the first round of questions.

The Hon. Barbara Webster-Bourne (Anguilla): Thank you. We found lots of presentations this morning basically referring to the Constitution as the ultimate law of the land. Many modern day Constitutions begin with "We, the people..." Basically, the will of the people should be included in the Constitution. My question is: When is the power allocated to people by the Constitution if you are a citizen of a colonized State, where the colonizer or the mother country can come in and suspend the Constitution as they wish, replace it by what they want, not necessarily by the will of the people?

The Hon. Request Muntanga (Zambia): The first question was on education and then the debate on other Constitutions vis-à-vis the situation in Britain. In my statement, I said that the people should be educated about the role they play. I think you understood the meaning of individuals being educated. Perhaps, I should emphasize that the people should be made aware of; they should understand the role they will play in this constitution-making. The behaviours of various educated people in various governments is an issue that I do not want to tread on as there have been several problems.

As regards the British not having a written Constitution, you are aware that there is a sort of a Constitution derived from their traditions, from a very long tradition under the monarchy and they follow that.

Then, on the other question as to when we were colonized, when we made our first Constitution for Zambia, it was a negotiated Constitution and the people of Zambia were not consulted. We had politicians who went there to represent and the colonizers in London agreed on how they would leave the country. That was the Constitution they made. In that Constitution, there was a referendum requirement - that you cannot amend any section of the Constitution without a referendum. Therefore, it was like putting a Constitution cast in stone.

So, firstly, we had a referendum to cancel the referendum requirement. It was a referendum to get rid of the referendum requirement and placing the power of changing the Constitution with the Parliament. That is with a two-thirds majority. When we talk about enacting a Constitution, people must be consulted. We must also be concerned about elections. If Constitutions are going to be enacted by Parliaments - that is where we have the problem because you may have a Parliament that is not well balanced. If you have a Parliament that may have a two-thirds of one
Party, it means all their wishes for their stay in power would be favoured. I could see this when the Professor answered a question raised by a Member of Parliament from Sri Lanka. I believe in Sri Lanka with the majority in Parliament - they may have several parties or maybe a single Party - it was easy for them to amend the Constitution. These are the dangers of Constitutions. If we have a clause to say "two-thirds", then the people must be educated on what they are about to vote. If they are voting in such a way that one Party is given more than two-thirds, then your amendment for the protection of the Constitution does not carry weight. They must also be educated on what we have proposed as an amendment and what the Constitution is supposed to be thereafter. We must accept the Constitution as a document, for the people and by the people. And, for this, people must be consulted. Where they are not consulted, there is an abrogation. Therefore, there is rarely any permanent peace. You are going to have peace only for a short while because you are sitting on a time bomb. Also, what we have put here is not a panacea for what would happen in all the countries in the Commonwealth, because we have said here that a particular Constitution must show the feelings and cultures of the people concerned. Under various cultures, we prefer differently, but we have set a common understanding for democracy. In the Commonwealth, we have so many Constitutions, although all of us had our first Constitution given to us. It was enacted in Britain and given to us to continue.

I think there was a question directed at me on the Commissions, the very issue that there were so many Commissions. We decided that the Commissions had to travel across the whole country - every district, every constituency, and people were told to come and submit their views. In that great book that we compiled, we had this section on what people want. Then, when we were enacting the next Constitution in 2011, when certain requirements of what people said generally were left out, one has said in Parliament, “We should not vote for this Constitution for more than one-third”. So, there was no two-thirds for that to be accepted. So, now we go back. Our interest is in what people say and the majority of views must be included. That is the reason why we had so many Commissions.

Then, there was a question as to why there were so many changes in Zambia. We had three Constitutions and there have been changes as the people themselves were not satisfied. We are trying hard right now to put a Constitution that would last for some time and stabilize the situation for some time. But again, in America over a number of years, there have been 17 amendments. Check it up. You can have a Constitution to stay for a long time. But, for how long? Life changes and how you think now is not how young men after 10 or 20 years from now, may think. So, I would say that we have been trying to bring in a consensus of the people.

The Hon. Ike Ekweremadu (Nigeria): There was a question regarding economic rights. Actually this was referred to by the Professor. This is my opinion, not the Professor’s opinion anyway. The Professor talked about economic and social rights. I am not sure that any Commonwealth country can provide economic and social rights to the people. It is difficult for a Constitution to provide, what we call, the fundamental objectives under the principles of State policy. That is the aims and aspirations of what the State should provide. Certainly, most things are not justifiable, such as thriving to provide infrastructure. There, you are compelled by the Constitution to provide shelter for everybody, to provide employment for everybody and so on. It is very difficult at the stage of our developments. So, the constitutional approach is to provide their fundamental objectives under the principles of State policy. But, as you did mention, that is
a benchmark. For example, in Nigeria a provision was made in the Constitution for the National Assembly of Nigeria to make laws to make some of them at certain stages to be justifiable. If you get the level of their development, it becomes justifiable; the country can afford to provide for instance, employment for everybody. The National Assembly can make that aspect of fundamental objectives of the country to be justifiable, then in which case, it becomes justifiable. That is the first part of our social rights. That is also agreeable with what is in force. Certainly, such rights as cultural rights, economic and social rights are usually not emphasized in the Constitution. They are provided as benchmarks, as aspirations of the people. So, that is how it is discussed in the jurisdiction of any Commonwealth.

The Hon. David Musila (Kenya): Mr. Moderator. I would address two questions. The first one was raised by the Hon. Speaker from Zambia. He asked whether the process of the new Constitution that we made in Kenya was made by Parliament or by the people? I want to respond to that by saying that Parliament only made laws to facilitate the making of our new Constitution, starting first with the amendment of the old Constitution itself. Since you are making a new Constitution, there has to be provision to get rid of the old Constitution and coming out with a new one. So, first of all, it was to amend the old Constitution, to create provision for cancelling that Constitution and introducing a new Constitution and then making institutions like the Review Committee and other Commissions, to collect information from members of the public. In essence, Parliament only plays the role of enabling a new Constitution through legislation. But, the people made the Constitution because they were consulted. There was education for the public after the draft Constitution was made and finally there was a referendum, a referendum is the key to an acceptability of a new Constitution. We need the ratio of two-thirds of the votes. It it stated in our Constitution - 70 per cent of those who voted. First of all, it failed because it was about 56 per cent. Then, we had another Constitution made to make amendments to the new Constitution which favoured resorting to a referendum and we had massive acceptance because we made sure that all the areas that we had omitted in the first one were included and, therefore, it was accepted.

Then, we also created bodies to oversee implementation. That is very important when there is a new Constitution. You need a body that would ensure that that Constitution is implemented. Giving timelines is also important. We have a committee for implementation of the Constitution which makes sure that all the provisions are done within the time limits and that Parliament is made to pass laws and, of course, there are penalties for Parliament if it does not pass the necessary laws in time. As mentioned by my Colleague, the Senator, it is very difficult to amend the new Kenyan Constitution. There are certain provisions that you cannot amend without a referendum. Of course, there are certain provisions which are clearly defined in the Constitution that you can amend this with a two-thirds majority in Parliament but only after three months of consultation with the people and then, there are such provisions which you cannot amend without a referendum which must be again with a two-thirds majority.

The Hon. Deputy Speaker of Lesotho asked us about separation of powers - "How do you ensure the new Constitution and address separation of power issue adequately?" In the past - I believe this is true with many States - the Executive tends to take the role of everything. The Executive appoints judges, controls the budget of the Legislatures and even the Judiciary. So, the first thing to do was to ensure that there was complete separation of powers in this new Constitution.

80
by removing the powers of the President from appointing judges and creating a body that would be responsible for the appointment of the judges. The Judiciary now has all the independence which it requires. It has its own budget. The Judiciary makes its budget and presents it to the Minister of Finance to include it. He cannot amend or reduce any provision by the Judiciary. With the Legislature also, it is the same. In the past, the Executive used to control the calendar of Parliament. The President would decide when Parliament goes on recess, when Parliament is recalled, when Parliament is prorogued and when Parliament is to sit. Now, the new Constitution gives the Legislature independence to control its calendar. It has its own budget. Again like the Judiciary, we make our budget and present it to the Minister to include it. He cannot amend any provision of the budget that is made by the Legislature. So, these issues enhance the independence of each of the three arms of the government. It is so strict in this new Constitution that Parliament operates independently; the Judiciary is now operating independently and the Executive knows the limits and there is no interference whatsoever; thanks to the new Constitution.

I thank you.

**The Moderator:** Thank you very much, Hon. David Musila. It is almost two hours now that we have been deliberating this very exciting subject. I will have another round of questions. Please try to be very brief so that I can cover more people.

**The Hon. G. Karthikeyan (India):** Namaste to everybody, Ladies and Gentlemen! A Constitution is credible and durable only when the voices of people from across society are heard and incorporated in its creation. After all, a Constitution should be a document that unites rather than divide. Bringing people together, building trust and developing shared ownership takes time but it is always time well spent. The forms of public participation now go beyond voting for constitutional reforms or a referendum. Instead, they include civic education and media campaigns, public consultation, national dialogue and other creative means. It is important that the process is made more genuinely participatory; not just participatory, along with the potential risks associated with public participation and how to minimize these risks.

Constitutions are the product of long negotiations in which different interests are carefully balanced or positioned. Constitution-making is a lawmaking process. It is a potentially higher form of lawmaking with different dynamics than ordinary politics and policy making. Constitution-making should be designed so as to be a relatively deliberative process, where the role of group and institutional interests is re-emphasized. India is a Third World country whose Constitution is not only more like a code than a frame of government, but it deliberately seeks to democratize the Indian political tradition.

**The Hon. Barbara Webster-Bourne (Anguilla):** Sir, I rise to a point of Order.

**The Moderator:** What is your point of Order?

**The Hon. Barbara Webster-Bourne:** I believe presentations have already been made. This is time for questions and discussion.
The Hon. G. Karthikeyan: Shall I conclude?

The Moderator: It is okay. The problem is that we have limited time.

The Hon. G. Karthikeyan: Okay, I am very sorry. I will conclude. Building trust among the civil society is at the heart of constitution-making and it is the most difficult outcome to achieve. Thank you.

The Moderator: As we have only a few more minutes, please ask very brief questions and do not make long inventions. I am following that rule.

The Hon. Sipho William Lubisi (South Africa): With regard to the matter that the Professor raised, I just want to just check here whether there is any country that is trying to deal with this matter of a hybrid system, because in South Africa we have the Proportional Representation system, which has the challenges that he raised here. The ruling Party has tried to deal with this matter by allocating MPs to constituencies. I do not think it is adequate. It needs some form of intervention that will assist. Everybody spoke about accountability. I am trying to check whether there is anyone who has a solution to address this challenge. The First-Past-the-Post system in South Africa will invite going back to the history where we come from - the challenges, the tensions and the divisions. This is my personal view. You need to address that with the Proportional Representation system. You know, it must be inclusive and everybody must be there. It must reflect the society. Then only our Parliament will reflect the society of South Africa.

The Hon. Raphael Trotman, Speaker (Guyana): I am asking this question from the Hon. Request Muntanga from Zambia. You made a very broad statement. You said, "People themselves should define the process for constitutional reforms". How do you suggest that this should be done in terms of allowing the people to define the process knowing that it must come to Parliament whether it is an amendment or reform?

The Hon. Chandreshwar Prasad Singh (India): For me, two minutes is not enough for briefing. I have already submitted my speech. Please include* that in the proceedings.

The Moderator: Thank you very much.

The Hon. (Prof.) P.J. Kurien (India): The Constitution should express the will of the people and ultimately it should be inclusive and there should be provisions in the Constitution, so that the government is accountable to the people. In the Indian Constitution, the Government is accountable to the people through the Parliament and also we have legislated Acts like the Right to Information Act, by which people can know everything about what is happening in the Government, which has made it more transparent.

* (Speech tabled at end of proceedings)
We also have the directive principle which gives the Government the direction as to what is to be done for the welfare of the people. I would like to know whether these examples of the Indian Constitution, which we consider as very important, relevant and sacrosanct would be incorporated in other Constitutions? I would like to know whether there are such provisions in the other Constitutions which you have mentioned, and if not, what is the way by which accountability is achieved through Parliament or through any other way?

The Moderator: Thank you, Professor Kurien. I will now give five minutes to our Lead Speakers to respond to the last round of questions and also make a final statement if they wish. Then, we can go for lunch.

The Hon. Request Muntanga (Zambia): Thank you Moderator, the first question was posed by the Speaker of Guyana on "How do people define constitution-making?". I said that the constitution-making process has been dominated by political will. However, it must be noted that in the ongoing constitution-making process, the cry of the people of Zambia has been that people themselves should define the constitution-making process. It is because of this that commissions have been put in place, to go to the people so that they can tell us what they want to be included in the Constitution. In doing that, how do you adopt that in the Constitution? People have also found out that even when they do give what they want to put into the Constitution, we used to have what is called a "Government White Paper". Through that, the Government picked what they wanted and rejected the rest. So, people did not accept. This is where the question of "Do you accept and adopt the Constitution through a Constitutional Assembly or do you adopt it through a referendum?" came up. The point was that once you have gone on to produce and draft what the people have agreed, then you go to a referendum like what Kenya has done. If the majority of the people say that they agree with this Constitution, then it is taken. Mind you, in the Kenyan situation, there were 64 and there were two others who said, "No, we do not want it". So, we were somehow trying to get to somewhere that the majority of people would agree. This was reflected in two ways: the first one was that there was a Government White Paper and the people’s interests had been ignored and the second was the effects of the enactment of the Constitution. Once the people have agreed, it is debated on the Floor. This is why the constitution-making process is important to Parliament and the Parliamentarians can come up with any changes. But, the people are also saying, "How do we trust when they are throwing away whatever they do not want?" There has already been an issue where the President was elected twice and if one wants to continue, and if you have the majority of the House, what do you do? You throw that provision out. So, in that case people are not consulted. Then, there will be a situation where you will use the power of the President. The issue that we are debating now is that you must pick Members of Parliament and Ministers from outside Parliament. That is the argument. If you do it and bring people from outside they will be thrown out because Members would say, “We go and campaign and we want to govern”. Then, you will have people who refuse or keep away from campaigning and hope to be just called "Ministers". So, the people are saying, "Once who have agreed and you have passed it, either through a Constitutional Assembly or through a referendum, it is passed".

This is the background of it. But, bottom-line, I am saying that it should be accepted that a Constitution is the supreme law of the country. We have stated that and it must have the participation of the ordinary people. We should have the people’s history, their fears, their
concerns, aspirations of the nation and their reflections included. That is what we try to achieve. We are battling to talk about the rights of the people, right to education and so on put into the Constitution. Hon. Members, when we went round there were so many demands for rights. You would be surprised to hear what these people were talking about. They need all these rights included. But, the point is whether this is being accepted by the Government and whether they can manage all this. Do you need to put it into the Constitution? So, the important thing is that all the concerns of the people and their visions and aspirations are taken care of.

I had a question from the Hon. Barbara Webster-Bourne from Anguila. She wanted to know about a situation where you set up a Constitution and the former colonists come and throw that Constitution out. I must state that that again is colonization and imperialism. If someone colonized you for so many years and if you were able to fight to get out of that, they do not like it. They may be diplomatic enough to smile but they do not like that; they would rather control you. So, if they come and throw your Constitution, you should know that you are bound to fight for your independence. So, then you have no independence and that is very sad and I do not think that in Commonwealth countries, it is happening. The British people go round the world and say that you are not independent - you are still a province of Britain. That is a sad situation. I am saying that what we have submitted is not a panacea for various Constitutions, but we feel that once you have got independence, you do what your people want you to do. We are now fighting for economic independence. That is what is worrying us now. We are telling you because of lack of money if you do not do this, follow that neo-colonialism policy and these things must be considered by ourselves. Thank you very much.

The Hon. Ike Ekweremadu (Nigeria): Thank you, Moderator, and the very distinguished participants, I would like to thank you for your incisive contributions. We have been discussing our role as Parliamentarians regarding constitution-making on behalf of the people. Essentially, as we said from the beginning, sovereignty belongs to the people and we would derive our power to do so many things including law-making and constitutional-making - whether it is making of a new Constitution or to amend an existing Constitution - through that. So, I believe that as Commonwealth countries and as Parliamentarians, we must continue to strive to ensure this principle, that sovereignty belongs to the people and it should pass through credible elections to be sustained and maintained.

Now, two specific issues have been raised and I just want to make my opinion clear on those issues. Our friend from South Africa said something about Proportional Representation. For the purpose of those who do not understand what happens in South Africa and in some other places, Proportional Representation is the process where elections are fought by political parties, not by individuals. So, people have no relationship whatsoever with the representatives but they all represent them ultimately. So, it is a very good example that follows the principle of Parliamentary democracy, but as he said, it reflects the history of the people.

Now, I am not going to explain the First-Past-the-Post System as the Hon. Professor has explained it. It is very difficult to find out whether there is in any hybrid situation in any Commonwealth country because of the outputs of colonialism. Most of the independent Constitutions reflect what they have in the United Kingdom and most of the subsequent amendments are also less important. But, South Africa because of its peculiar nature, desired to
choose Proportional Representation. The rest of the Commonwealth countries have adopted the First-Past-the-Post System where people represent their specific constituencies and those who are voting for them know for whom they are voting for. Under such an instance, some seats can be set aside for Proportional Representation based on the percentage of votes received in an election. So, it is something that a constitutional amendment can take care of in South Africa. So, I think that clearly solves some of the problems that are created in South Africa. I think a hybrid system will work well for South Africa and bring them in line with what is happening in the rest of the Commonwealth and it will also ensure that it is a reflection of their past history.

Then, an Hon. Member also spoke about how to ensure accountability. I think that accountability is in two levels: accountability as Parliamentarians and accountability in law-making or in constitution-making process. If I am to talk about accountability as Parliamentarians, in most places, there are provisions for recall. For instance, as Parliamentarians if they do not perform their responsibilities, if they are not in touch with their constituencies, if they are not accountable to those who elected them, then there is a process called a recall. It is an election management body. It holds a referendum and you have to compete and come back, if not, the people will replace you.

For constitutional amendment and law-making, you achieve accountability through a feedback mechanism like in Nigeria, where a constitutional amendment says that all Members of Parliament have to be in touch with their constituencies, brief them from time to time and get a feedback from them. They would collect these, and on that basis at the end of the day, they would be assessed. We have to ensure that people are part and parcel in the area of accountability. It also depends on what is at stake. So, I believe, as Members of Parliament, at all times we must ensure accountability as the principle of democracy. Thank you.

The Hon. David Musila (Kenya): Mr. Moderator, I just want to make a very brief comment. First I would like to say that every country is unique and no Constitution can be perfect for another country. Any country, in making a Constitution, has to borrow from other countries what they think is appropriate for them and ignore what they think is not appropriate. When we were writing a new Constitution, we borrowed heavily from the South African Constitution but not its entirety. We went through that with a fine tooth comb, checked what we thought was appropriate and what was not. So, our Constitution is really made of Constitutions of many countries in the world: some from India, some from the USA, some of Zambia and some from South Africa. So, what I am saying is that, let us not think that you can borrow one hundred per cent from a Constitution of a country because countries are different.

Also, provisions for amendments must be there because as you move on, you will be able to see clearly areas that you need amendments. We are just about two years since we made our Constitution and already we are looking at some areas and saying, "this should not have been done". But, the most important thing is to make sure that any amendment goes through a process, because our experience was like the situation which the Hon. Member from Sri Lanka pointed out in the morning - you find an amendment that would be required to be passed in the afternoon and probably that Party with a majority can manipulate and ensure that it is passed.

Our first Constitution had almost 40 amendments during the 47 years that it was in existence. That is why we have stringent laws to make sure that any amendment is done after a process.
You cannot make an amendment in Parliament unless it has been published and discussed in public for 30 days. After that, you can bring it to the Floor of the House but that too, only certain provisions. Other provisions like human rights, gender et cetera, you cannot do it without a referendum. I think these are safeguards and you must ensure that they are maintained when we are making a Constitutions. I thank you.

**The Moderator:** Thank you very much. We have been deliberating here for over two hours now and -

**The Hon. (Prof.) P.J. Kurien:** Mr. Moderator, give me one second. This is only a request. Some of us have given brief interventions and we have already submitted them to the Secretary in advance. Would you allow them to be included as part of the procedure?

**The Moderator:** Yes, and also I think you can find the speeches of the Lead Speakers on the CPA website today itself. Thank you very much.

*(The Session Adjourned.)*

*Speech tabled by The Hon. Chandreshwar Prasad Singh, Speaker, Jharkhand Legislative Assembly, India:*

Respected Chairman Sir, Friends and Honoured delegates from various Commonwealth Countries attending the 58th Commonwealth Conference at Colombo in Sri Lanka.

The Constitution of a country is the bedrock on which the country's very existence is founded. Besides specifying the rights, duties and privileges of the citizens of the country, it is the last word on the pattern and structure of governance. In an enlightened system of Government, it is the font from which flow the powers, responsibilities and duties of the Executive, the Judiciary and the Legislature, the three pillars on which the government is based.

Dr. M.V. Pylee defining constitution as "A constitution is a set of laws and rules setting up the machinery of the government of a state and which defines and determines the relations between the different institutions and areas of government, the executive, the legislature and the Judiciary, the central, the regional and the local governments. The first well known instance of a written constitution was that of the United States of America which set up an original pattern and which for its brevity, restraint and simplicity is universally known remarkable document."

Napoleon once told Talleyrand, his leading political adviser that a Constitution ought to be short and clear but the latter countered, "No, Sir, it ought to be long and obscure". Of the two qualities prescribed by the ingenious Frenchman, there can be no doubt the Indian Constitution possesses the first, it is debatable, how above whether we have achieved the second quality. Our Constitution has 22 parts with its 395 articles, many of which contain a number of exceptions, limitations and qualifications. It has 12 Schedules and it runs into about 300 pages making it the longest in the history of constitutions of the world.
Though the Constitution of India is not framed by our Parliament but by the Constituent Assembly in which leaders of our national movement were present, it is a reflection of aspirations and wills of Indian people. It is enacted and adopted by the people of India. It starts with the words - "We the people of India." The preamble of the Constitution proclaims that India is a land of our people and sovereignty resides in the people of India. The people are the authors of the constitutional law. It is they who have entrusted to the various organs of the government, their respective powers and functions.

The Government cannot claim sovereignty because its authority is derived from the Constitution which can, by an amending process, also deprive of its powers. No law enacted by union Parliament or state legislature is final which is against the principle of our Constitution. The Supreme Court is the authority which has right to examine these laws but it has also no highest power because ultimately it is controlled by the Constitution. The Constitution itself is not sovereign because its provisions can be amended by the constitutional process of amendments. In fact, sovereignty resides in the people of India. The entire authority has emanated from the people. They have conferred powers on the organs of Government.

It is well known that India is a country of diversities, where people of different religions, castes, cultures, languages reside. To fulfil the aspirations and wills of different types of people was a Himalayan task but our constitution makers tried to fulfil them by our Constitution.

The success or failure of a democracy depends largely on the extent to which civil liberties are enjoyed by the citizens in general. A democracy aims at the maximum development of the individuals personality and the personality is separately bound with his liberty. Therefore, every democracy pays special attention in securing the base objective to the maximum extent without, at the same time, endangering the security of the state itself.

The idea of incorporating a text of fundamental rights in the Constitution of India had excited the imagination of almost all political thinkers and constitutionalists in India from the time the idea of the transfer of powers from Britain to Indian hands had taken shape. The Indian National Congress, the liberals, moderates of all shades and the religious minorities like the Muslims, the Christians and the Sikhs, all consider it not desirable but essential, both for the protection of rights of minorities and for infusing confidence in the majority community. When the Constituent Assembly met for the first time in 1946, no member opposed the idea of a chapter on Fundamental Rights as an integral part of the Constitution. It secures freedom and equality, to all the people of India. Every citizen of India of 18 years has voting rights. We have adopted the principle of separation of powers among the government organs. No organ of the Government is empowered to interfere into the functioning of another organ. The Constitution not only defines the powers of each organ but also demarcates their responsibilities; it regulates the relationship between the different organs and between the government and the people. Our Constitution is superior to all other laws of the country. Every law enacted by the Legislature or Parliament has to be in conformity with the Constitution. By its Preamble, the Constitution lays down national goals of Indian democracy, socialism, secularism and national integration. The Constitution also contains provisions for the amendment in it and 97 amendments have been made so far.

In successful working of more than six decades of time, our Constitution has achieved a number of major goals. Every adult citizen of India has sufficient qualification for full citizenship including the right to vote. We have fulfilled the concept of civil liberties by our Constitution. The Indian Constitution reflects a faith in political deliberation. It has provided a firm foundation for the successful working of parliamentary democracy during the last few years.

In 60 years, our democracy has grown from strength to strength. This has been possible because the framers of the Indian Constitution being fully aware of the enormous problems, challenges and inequity, provided specific provisions in the Constitution for the attainment of social and economic justice, which
alone could bring about a meaningful change in the lives of the people. The Constitution has become the guiding force for successive governments to lead the nation to a secular, socialistic, equalitarian and inclusive society through democratic methods. Today, India is lending its constitutional expertise to countries that opted for democracy. Thank you.
PROCEEDINGS OF WORKSHOP

“D”

“ENSURING ADEQUATE PARLIAMENTARY SCRUTINY OF FOREIGN AND COMMONWEALTH AFFAIRS”
WORKSHOP "D"

“ENSURING ADEQUATE PARLIAMENTARY SCRUTINY OF FOREIGN AND COMMONWEALTH AFFAIRS”

Moderator : Hon. Dale Allison Graham, MLA (New Brunswick)
Discussion Leaders : Senator Stephen Parry (Australia)
Senator Ian Gorst (Jersey)
Senator Raynell Andreychuk (Canada)
Hon. Michael A. Peart, MP (Jamaica)
Rapporteur : Mrs. Rabi Audu (Nigeria)
Session Secretary : Miss Anna Scheutsteri
Branch Secretary : TBA

The Moderator: Each presenter will have 10 minutes and the Session Secretary, Anna will ring a bell at eight minutes and another at ten minutes. So, I would ask each presenter to respect the time frame and if any member from the audience wishes to make an observation, he will be granted five minutes. At the end of three minutes, a bell will be rung and another at the end of five minutes, at which time he will have to wind up. So, everybody will get an opportunity to express his views. If one finishes before time, that would be fine. I would ask everybody to feel free and be time-wise. Hope you have a good topic and a good session of workshop.

Senator Stephen Parry is the first presenter. He has joined the Tasmanian Police Force at the age of 16, in 1977. He belongs to a funeral business family. He set aside his family business and joined the Liberal Party in 1980. On October 9, 2004, Senator Parry was elected as the Deputy Government Whip and in 2006, he was promoted as the Chief Government Whip in the Senate. In 2007, he was reelected as the Chief Opposition Whip and in the same year, he was appointed the Manager, Opposition Business in the Senate. In July, 2011, he was appointed the Deputy President and Chairman of Committees. I kindly invite Senator Parry to make his presentation.

Senator Stephen Parry (Australia): Thank you very much, Chair, my fellow Discussion Leaders, Parliamentarians and good friends. It is my pleasure this morning to lead up the Discussion. I will just give you some idea as to how I define the topic. The keyword to me is “Adequate Scrutiny”. So, I have focused on the scrutiny aspect and the adequacy of scrutiny from our Parliamentary perspective. In relation to "Foreign and Commonwealth Affairs", I have just combined the two. I have not delineated anything between "Commonwealth" and "Foreign" because our Parliament regards all foreign relations the same, and because we have a membership of the Commonwealth, it does not really outweigh our overarching policy framework.
I have divided “scrutiny” into two aspects as “Government scrutiny of foreign affairs” and “Opposition scrutiny of foreign affairs” because they are two different aspects in our Parliament and maybe the same in the other parliaments. When we are in Government, we have the ability to get involved with our Foreign Affairs Minister at the policy level. It is compulsory for the Foreign Affairs Minister, when Parliament sits, to meet with the Foreign Affairs Policy Committee of the Government. Any backbencher of the Government can be nominated to be on the Foreign Affairs, Defence and Trade Committee. It is a unique committee. You can do that in writing, you have full writing rights, and then you can attend any of the meetings that the Foreign Affairs Minister is compelled to attend, which is held usually once a week. So, this gives the backbencher true access to the Minister and true input into foreign affairs policy.

Then, once a week, when Parliament sits, for three hours we caucus as a party room in Government and in Opposition. In Government, any foreign affairs policy is presented to the party room and the party room must agree on it before the policy becomes a Bill and presented to Parliament for debate. So, this is all free legislative reforms. When in Opposition, we have similar aspects but there is a couple of additional things. We have the Policy Committee Meetings and any backbencher can be nominated to be on the Committee for Foreign Affairs, and it is compulsory for the Foreign Affairs shadow Minister in this case to attend and participate in policy discussions with the backbenchers. That meets once a week. Similarly, we have the party room that meets once a week for three hours and any foreign affairs policy is scrutinized by the party room. Before we take a position, we have to agree with the foreign affairs legislation. The Opposition has the opportunity of asking questions about foreign affairs policy within the Parliamentary Question time.

Next, we have the Senate Estimate Process. This is probably the greatest level of scrutiny that our Parliament has on foreign affairs policy, and I know different countries have different aspects for this. Thrice a year, the Senate meets the representative Minister for Foreign Affairs and it goes on for two full days from 9.00 a.m. to 11.00 p.m. Any question concerning the foreign affairs portfolio can be asked at that meeting and it is on Hansard and public records. So, it is a great detailed level of scrutiny where we can really delve into minutiae. Also, we can ask broad policy questions in relation to foreign affairs. So, that happens thrice a year and is a very valuable tool. In Opposition, we build up an expertise, compare Questions from each Estimate with the Answers and you can next build up a picture of the foreign affairs aspect.

From Government and Opposition, now I am moving on to Parliament itself. We have another aspect of scrutiny and that is through the Joint Committees. We have Joint Committees of the Senate and the House of Representatives which usually meet once a week. In the case of foreign affairs, we meet once a week with ambassadors. We write to the ambassadors, - I think we have 60 ambassadors in Australia from other counties - they come once a week and brief the Foreign Affairs Committee and the Foreign Affairs Joint Committee in closed session, ask detailed questions about policy. Some of these meetings are very frank. In particular, I recall in recent times - I am on the Foreign Affairs Committee - where we had really asked heavy questions from the Israeli Ambassador, the Palestinian Representative and some of the foreign affairs issues, we have discussed in a nice way. This includes all embassies and we invite them in writing. If there is a particular issue of concern to Australia, we will have an extraordinary meeting with the particular representative of the country or countries.
Another Joint Committee is the Treaty’s Committee. This is a quiet Committee of Parliament where every single treaty is examined by a Specialist Committee. This, again is a Joint Committee of both Houses, which examines in detail the treaties and advise the Government of its opinion. That is a great form of analysing and scrutinizing the treaties that Australia has entered into with different countries and different bodies.

Finally, the foreign affairs policy is largely determined on a day-to-day basis by the Cabinet. The policy formation is largely done by the Cabinet, sometimes with day-to-day input by Members of Parliament. The scrutiny process takes place after decisions are made, apart from the fact that I have mentioned earlier, where a legislation goes through fairly a rigid process internally before becoming a Bill that is presented before Parliament. I am satisfied that our scrutiny is adequate and some may say we have too much scrutiny. But, in some of the issues it is not so. Sometimes the minor parties call upon the Parliament or the Minister of the day to take some course of action through submissions. I know that during the last 20 - 30 years, when minority groups with a particular interest presented these Motions, the Government of the day and the Opposition generally got united and defeated the Motions, irrespective of the sentiment of the Motion on the basis that the foreign policy cannot be decided on the Floor of the Chamber by way of another submission. That is a very strong tradition or convention that we, the Government and the Opposition follow. When we are in Government, we enjoy the support of the Opposition. Now, when we are in Opposition, they enjoy our support in relation to minority groups trying to dictate foreign policy by way of submissions.

Chair, I am going to facilitate further discussion and I would like to know whether we are moving next on to questions or to the other presenters.

The Moderator: Thank you very much Senator Parry. We will first offer the Floor to all the presenters and questions would follow thereafter. The next presenter is Senator Ian Gorst from Jersey. He was first elected to the State Assembly in 2005 and was elected the Chief Minister of Jersey on 14th November 2011. He is a qualified accountant. I welcome Mr. Gorst and look forward to your presentation.

Senator Ian Gorst: Thank you. Yesterday, we selected this topic because we want to learn from everyone else. Before I come on to the topic shortly, I would say that it is a pleasure to be here with you today and take this opportunity to thank the CPA Executive Committee and the Hon. Speaker of the Sri Lanka Parliament for their excellent organization of this Conference. As I said before, after the Small Branches Conference earlier, this is the second time I have had the privilege of addressing the CPA Conference Workshop. The first time was at the 56th Conference when I was the Social Security Minister in Jersey. In October last year, I was privileged to be elected as the Chief Minister and that is the reason why I look slightly more haggard today than I did two years ago.

Jersey and the Small Branches certainly find the CPA, a very valuable forum for exchange of ideas and we particularly value the diversity that the Association offers. It is a fact that we are so diversified, yet, we still have many issues which are common to all of us. One of these issues
which is common to all of us and we are here to consider today is, how best to ensure that adequate parliamentary scrutiny of foreign affairs takes place.

As the first speaker has already indicated, this of course, is a notoriously tricky area for Government to scrutinize, given that diplomacy is conducted in a confidential environment and policy decisions often be made quickly and reactively, added to which is the difficulty of defining what exactly is meant by the phrase, “Parliamentary Scrutiny”.

As I said, the topic was discussed on the first day of the Small Branches Conference which began earlier this week. My fellow Discussion Leaders at that Conference were Senator Velma Newton from Barbados and the Hon. David Agius from Malta. I will give later in my comments this morning, a little of what they said at the Small Branches Conference.

Despite Jersey having 800 years of autonomy in a wide range of areas, we only recently acquired a greater degree of independence regarding our external relations when the States of Jersey Law was adopted in 2005 and as I said, this makes us relative newcomers to the complexities of foreign affairs and therefore, I am keen to raise this subject today.

I would like to focus on three key questions concerning Parliamentary scrutiny of foreign affairs. They are:

* What are the areas of foreign affairs that Parliaments would wish to scrutinize?
* Is there a way it can be done better?
* Is there a way to work more in parallel as issues and policies develop, as opposed to the common approach which is conducting retrospective inquests?

Certainly from our limited experience and looking around at the experiences of other nations, Governments, it seems, that Parliament's scrutiny of foreign affairs generally tends to concentrate on policy, administration and expenditure and these are the natural questions to ask of any government in any sphere of its operation:

* Are you doing the right thing?
* Are you doing things right?
* And are you deploying the right resources?

These can clearly be difficult questions to answer, at least to the satisfaction of Scrutiny Panels and Select Committees. Naturally - forgive me for sounding perhaps a little partisan - this is not because governments are failing to do the right things or to organize them properly and within budget; it is simply due to the fact that the nature of external relations means that it does not always fit neatly into the scrutiny template. This, of course, can be for any number of reasons, perhaps, timing or confidentiality.

The problem that can result from this is that foreign affairs is often considered to be a matter dealt with by ministers without the involvement of Parliament. And, this perceived lack of involvement could be said to be a failure by Parliament to fulfil one of its vital roles of
scrutinizing the actions of ministers and of holding government to account. Added to that, if Parliaments did not have it hard enough, the job of scrutinizing foreign policy becomes tougher still when you factor in multinational organizations, which has become an increasingly common feature of our geo-political landscape. Who, for example, scrutinizes the G20? This presents a particular challenge where governments have pooled their competencies such as in institutions like the European Union. I had an interesting discussion yesterday with Lord Foulkes about the European Select Committee and the work that they do and how the national Parliaments scrutinize the bodies like the EU. Perhaps these challenges might be more easily faced if we were to develop more inter-Parliamentary scrutiny of policy, drawing in members from different and relevant Parliaments in cases where policy is being developed in a multinational context. For example, the Foreign Affairs Select Committee of the UK is considering “The Role and Future of the Commonwealth”, but could policy set by the Commonwealth Heads of Government be scrutinized by inter-Parliamentary groups?

Working in partnership may be one way to ensure that adequate scrutiny takes place and we have begun to take our own small steps in this direction. Jersey and Guernsey have recently established the practice of arranging joint meetings between our respective Government Ministers who deal with international relations. The main purpose of this is to work closely together, but it has the added benefit of ensuring that our foreign policies are subject to another level of scrutiny while they are being developed. We see this as a useful addition to the more retrospective work that, as I have already said, characterizes the remit of Select Committees and Scrutiny Panels. Of course, while this may be useful, it does raise the question of whether or not it constitutes adequate Parliamentary scrutiny. Similarly, independent bodies such as the OECD and the IMF also perform an important function in the scrutiny of foreign and Commonwealth affairs and again this cannot be categorized as Parliamentary scrutiny. But, I would argue that it provides a rich source of objective material to our own elected representatives charged with the task of scrutinizing how we set and put into practice our own foreign policies.

I have touched on a number of issues already this morning and perhaps I would like to just return to the comments that were made in the Small Branches Conference. Senator Velma Newton from Barbados advocated the establishment of a committee with the task of meeting other committees, discussing issues with other Parliamentarians and receiving submissions from the public properly to address the question of scrutiny of foreign affairs. This had been tried in Barbados but had failed through lack of time, and suddenly of interest by the Members because it was felt that the Parliament was not sufficiently equipped to support such a process. One step forward in Barbados, she said, is that all treaties must now be ratified by their Parliament. However, there was also some feeling that what is required is a simple majority which is different to the approach taken by the United States where a two-thirds majority in the Senate is required for the ratification of treaties. It was felt perhaps that increased majority might be a solution for their going forward. She also made some recommendations and I will go through them quickly. The Antiguan Ratification of Treaties Act, she felt, should be replicated in the rest of the Caribbean and that was something that they were going to look at and also said that research and scrutiny would be sufficiently resourced.

The Hon. David Agius from Malta also made similar comments and talked about the importance of scrutiny. He also made a large number of recommendations but I have no time to go into them
all. He suggested regular debates, discussing activities of international institutions and possibly some shadowing as well and then setting up of committees, subcommittees in national parliaments to follow up Government’s international affairs activities, which is very similar to what happens in the Australian National Parliament. He also recommended that Parliamentarians must ensure that international affairs and related activities are kept high on the national agenda.

We had a wide-ranging debate and I think we all felt that certainly for small countries and probably most larger jurisdictions as well, more needed to be done to ensure setting up of adequate Parliamentary Scrutiny Committees where Parliamentarians could involve in overseeing treaties rather more retrospectively. As I said, there is a need of introducing legislation similar to the Antiguan Ratification of Treaties Act. But, the overriding concern was that jurisdictions should review draft treaties and foreign policies from the perspective of how they will affect the lives of ordinary citizens. Since the requirement of international bodies and treaties do affect the lives of citizens daily, we must be careful not to just look at the legal implications, but to look at how foreign affairs is affecting the lives of citizens everyday. Perhaps, because of the complexity of scrutinizing foreign affairs, sometimes Parliaments and Parliamentarians put that scrutiny into the "Too Hard to do Box" and that is something we must guard against and ensure that we do not.

The Moderator: Thank you very much Senator Gorst. It is a great presentation and I know that there is some information that you may not have been able to share but I am sure we will have time after. Anyway, I appreciate your comments.

The next presenter is a Senator from my home country, Canada, Senator Raynell Andreychuk who was born in Saskatchewan. She is a professional lawyer, a former judge, chancellor and a former ambassador. She was appointed to the Senate on 11th March, 1993. Certainly, I know that she does a lot of voluntary work and engages herself especially in committee work. She chairs the Committee on Foreign Affairs and International Trade. Senator Andreychuk, we look forward to your presentation.

Senator Raynell Andreychuk: Thank you. Being the third presenter is easier than being the first. I had a written speech which I had put aside. I am going to have a few comments. But, as a Parliamentarian, you know that few comments are dangerous because we usually usurp our time.

I have had the pleasure and honour to serve in the judicial arm, the legislative arm and the executive arm in Canada and my being in those positions has given me a different perspective of where the role of Parliament should go.

If I were to title this panel, I would not have said “Adequate Parliamentary Scrutiny”, I would have said “Adequate Parliamentary Involvement” and I want to pick up what my colleagues have said. When I came into Parliament, many years ago now, there was a Foreign Affairs Committee, we still have it and we do a lot of valuable work. But, what I found is, every Committee - I can sit on the Agriculture Committee, I can sit on the Social Affairs Committee, - now has an international aspect. For everything we do, there is a national policy and an international policy. Every field we touch, including - to my great relief - human rights issues, is now internationally-
driven. So, if you are going to be a Parliamentarian, you have to know just not the national policy but also the international policy. More and more of our citizens are demanding that we do something, and when we turn back and say, “Yes, but it is an international treaty”, then they say, “We do not care; we elected you. We want either our rights or we want you to be more responsible”. They look for redress or for opportunities.

Unlike in the Australian Parliament, our Opposition as well as some of the backbenchers introduce Motions and Private Bills on international issues, and I am beginning to worry that Parliament is going too far. We have had a couple of Bills, which I thought were interfering in what should have been the Government’s discretion, and how to implement certain policies. So, they structured a Bill containing what they do, when they do and how they do it, and it seemed to me we were usurping the Executive’s role. So, it is a hot topic in Canada. But, we do not put it this way. It is usually around the interest and the issue. It is not an issue which is national or international, it is about how we have our say on a certain issue. I think it is time for Parliament and the Parliamentarians here - because the pillar of the CPA, at least one of them, is the promotion of Parliamentary democracy and while we are looking at only one aspect here - to be a part of what the Commonwealth is now looking for in its reform; restructuring and scrutiny of foreign and Commonwealth affairs is certainly important.

Canada did not gain its rights on foreign policy until much later and I think many countries around the table are in the same position. We formed our country but received the right to determine our own policy much, much later. I have often read debates of having sent men and women to war. But, it was not a Canadian decision, it was a British decision and it is my thinking that we need to reclaim, rethink and restructure what we mean by foreign policy and the role that Parliamentarians play.

I am going to use just a little bit of Canada's example. The Government and those who advocate the stand of course say, "It is confidential. We have to move quickly and we do not have time to do all other things so that we have to delegate or allow, as citizens, our Executive the right to make those decisions". But, more and more people are advocating that these reasons should not preclude a Parliamentary involvement. So, today, in our very international world, as I have already said, nearly every aspect of national policy has an international aspect. For example, there are trade agreements. We have agreements on International Human Rights. For the first time we have an International Criminal Code that binds us once we ratify it, and world health initiatives that we are bound by. Information Technology makes us respond to the citizens; they can be our citizens living in other countries or other countries impacting our Parliamentarians at home. We used to do it only on humanitarian issues but we no longer do it. As you very rightly pointed out, at the G20 Meeting you have citizens scrutinizing and e-mailing you asking, "What are you going to do about this?" "What is your opinion about it?" Information Technology has made all of these issues today's issues on our table.

There is also a growing knowledge by our citizens everywhere about accountability and transparency. They are no longer waiting for us to tell them what the rest of the world is, but they tell us what they want from the rest of the world. They are holding us to account in many ways and all these indicate, "I am in a camp for a change" We want an expanded role for Parliamentarians. I have a few recommendations and they were echoed too by my colleagues.
They are: consultations with Parliament and involvement in the negotiation stage. More and more trade agreements are involving our provinces - I see one of my colleagues from Saskatchewan. We are negotiating the Canada-Europe Free Trade Agreement and we have structured and involved the provinces to the extent that it would affect their jurisdiction and their responsibilities under the Constitution. Interestingly, we are involving the stakeholders and citizens because it will, as you pointed out, change their lives when we sign these and we want to know the pluses and minuses before we negotiate, because after negotiation it is too late. You cannot unwind an agreement.

We have now a policy in Canada where we have to table the treaties once they are signed in Parliament. Now, it is simply done on the discretion of the Prime Minister. It is non-binding, but it is now a precedent. We are asking for more scrutiny and review of any specific processes on ongoing issues. So, we do have an ad hoc and on-going scrutiny in our Foreign Affairs Committee and other Committees before we have meetings that involve our Prime Minister or Ministers. We are also creating initiatives and awareness within the Committees that we get involved. I do not think I have time to go into the but we are creating an environment where citizens can come and react and we then recommend to the Government on international policies. We rarely make the distinction that we should not go there because it is international and the Governments are pushed back very nicely when they think we have gone too far.

At the federal level, they have to respond to our reports within a certain number of days. Sometimes they responded saying that we have gone too far. That is fine. I should say that we have led a number of initiatives in the Senate and I want to point out that we recommended to the Government in the year 2000 that before playing any greater role in the NATO and sending troops overseas, it is the exclusive right of our Executive, the decision should be reviewed and approved by Parliament. Often, we have had a debate 24 hours before in the Senate. At least we have a say, and we sound warnings and signals. I had the pleasure of chairing the Human Rights Committee. When we ask them to implement Canada’s human rights obligations, our Government goes over and signs as many Agreements as your Governments do and they come home and the excuse is, "We need to ratify; we need to consult" and "There are technicalities and we do not ratify". Our Supreme Court in one judgement said, "Canadians believe that if their Government signs an Agreement, it is a promise they will keep. So, take the implementation steps, do not give us reasons why you cannot because these are rights of citizens when you sign on their behalf".

The other issue is about the ratification of the Convention on Rights of the Child. Children are the silent citizens. They do not vote. This international treaty talks about their rights and our responsibilities towards children. We, as Parliamentarians, say that children are our future. So, we should give them a voice through the Convention; it is their Convention.

I will end by saying that I am not sure what is "adequate." We are struggling with that in Canada. The message I get in Canada is, "Question the Executive". If we want the Commonwealth to be relevant, I think it is important that we get involved in scrutinizing our Government leaders who go to CHOGM. They had a Working Group with 106 recommendations. The first was the Charter and that is what the Heads of the Governments have looked at. Our Foreign Minister asked the Foreign Policy Committee to do the consultation across Canada. The Working Group
did not talk about Parliament; many of them talked about democracy. We are now changing the CHOGM’s part to include Parliament and I would invite all of you to have that kind of debate. But interestingly, our Government recognized that consultations with people is the most legitimate way and to let Parliament do it because we represent the people. So, we started consultations and the rest of that is history. It is on the website with comments to the Minister.

Now, we are plugging in Canadians, especially the young Canadians into the Commonwealth. I hope that we could narrow the gap and make the Commonwealth more relevant in Canada. Thank you.

The Moderator: Thank you very much Senator Andreychuk. The next presenter is the Hon. Micheal A. Peart, MP, from Jamaica. He has been elected a number of years and has several years of involvement in the CPA Parliamentary Staff Training Workshop, a member of CSPOC, it has been a great experience and has chaired the Standing Committees and Select Committees. Certainly, we look forward to your presentation.

The Hon. Michael A. Peart (Jamaica): Thank you. Mr. Moderator and Fellow Parliamentarians, Good Morning!

It is a pleasure for me to make this presentation today. I think it is really a critical topic in the development of our democracies as we face a more globalized world.

Foreign policy used to be the exclusive domain of the diplomats and contributes to the rise of representative democracy. It used to be conducted by the elite in complete secrecy without taking the public into consideration. The history of the European diplomacy, until World War II, has been repeated with the making of secret treaties with other powers without the knowledge of the public. However, the evolution of the democratic system has changed this completely bringing democratic institutions such as Parliament, media, interest groups and the public opinion in particular into the picture. The executive branch of Government is no longer completely independent, both in the formulation and implementation of foreign policies. The very existence of these institutions serve as a major deterrent for those who have been very carefully making the foreign policy. They have to be accountable to the respective public who exercise their control through democratic institutions. But, parliamentary oversight and scrutiny over government decision-making is becoming an increasingly important power of parliaments and an object of growing research.

Foreign policy has traditionally been in the era which many Governments have been able to act with little parliamentary control. Yet, the foreign policy decisions of many governments can have greater effects for good or bad on the lives of its citizens, its neighbours and those with whom it trades. Globalization has made citizens around the world more aware than ever, of these effects. But, parliamentary scrutiny in some external policies does not seem to have kept pace with these new developments.

Though many countries have not engaged in reforms to facilitate changes in this regard, many have considered the fundamental aspects of external policy-making such as the declaration of war, distinguishing of treaties, aid and development, relations with certain nations, arms selling
as critical democratic control and oversight. This has historically created a huge imbalance between the power of Parliaments and the executives of Government.

Notwithstanding the foregoing, democratic countries have expanded the reach of their Parliaments in world affairs. This is because the power between the domestic and foreign dimensions has been weakened as politics has become more democratic. It is also because globalization has led many domestic public policies to acquire an external dimension. As global issues increasingly affect citizens more directly, be it terrorism, pandemics, climate change, international financial or economic issues, nowadays, executives cannot simply argue that it is in the national interest to do whatever they wish.

Having achieved higher levels of knowledge, access to information and participation, modern democracies possess the means to exercise democratic accountability in most public policy spheres. Involvement by Parliament in the decision-making process of national governments contributes to the democratization of the entire multi-level governance system. It means that a part of the decision-making process must move from civil servants to Ministries and closed Cabinet meetings to a wider circle of representation of both the governing and opposition party groups. Opening decision-making process, maybe at minimum, bring involvement of Members of Parliament with a specialized interest in a particular topic, a smattering of interest groups and the stakeholder interest in those issues. But, at other times, it may bring entire party groups, a wide range of competing interest groups and media attention to carry the debate to a wider public for discussion and consideration. These processes reduce the democratic deficit in governance, improve representation and increase a sense of democratic legitimacy among citizens.

Parliamentary scrutiny is the exercise of power by the legislative branch to control, influence or monitor Government decision-making. These three terms refer to varying degrees of influence that Parliament may have over the Government. Robert A. Dahl in his book named, “Democracy and its Critics” defines the term "influence" as a relation among actors - the wants, desires, preferences or intentions of one or more actors that affect the actions or predisposition to act of one or more actors. Dahl further states that this influence maybe either manifest in which Parliament explicitly acts to achieve a given outcome or implicit in which Parliament is successful in achieving a given outcome without taking any overt action because a Government may act in anticipation of reactions from Parliament.

Parliaments and party groups have a variety of ways in which they attempt to control and monitor the Government's decision-making on foreign policy issues. Parliamentary scrutiny of Government decision-making over these issues may occur publicly within the formal institutions of Parliament or in a process more likely to be away from the public eye, within the party groups.

Parliaments’ formal institutional tools to attempt to control, influence, or monitor the Government may be grouped into three main types: (1) Committee deliberations, which we have heard before; (2) Parliamentary questioning of Ministers; and (3) Plenum debate. These types of discussions and deliberations usually occur in full view of the public as Parliaments have become more transparent through opening its various aspects to the public. Party groups often have their own informal rules, procedures and conventions for privately controlling and moving the Government away from the public eye. These tools may be grouped into four main types: (1)
Consultation by individual policy experts in a party group with Government ministers or officials; (2) Party group committees or working group deliberations usually parallel to the formal Committee structure; (3) Full party group deliberations; and (4) Going to the public, raising issues for public discussion. Each of these opportunities for raising and discussing issues, either privately within the parliamentary party group or publicly must be considered to evaluate the full efforts of Parliament and its party groups to control, influence, or monitor Government decision-making over foreign affairs matters. Existing research has begun to document the different responses of national Parliaments to the evolving system of governance and foreign related matters.

Let me just go through some recommendations which some Parliaments are implementing and some are not. They are: Government to seek parliamentary approval for the deployment of armed forces in armed conflict abroad on a statutory footing with safeguards that would preserve unnecessary flexibility in practice; to bring formal proposals that give Parliaments the genuine right to debate and vote upon foreign treaties as its members choose; to begin a complex task of placing other prerogative powers on which it relies for the conduct of external policies on a statutory footing and to take forward existing parliamentary proposals to improve the scrutiny of Commonwealth business. Parliament must also seize the initiative.

Two important resources within the grasp of Parliamentary Committees are neglected - MPs and time. Many Parliaments have long summer breaks of around two-and-a half months from late July to October and this is wasteful. Parliament is often recessed when an emergency, foreign or domestic, occurs and therefore MPs and peers are not sitting to hold the Government to account. Time that would be devoted to Parliament's ongoing legislative and oversight activities is lost. The prolonged recess belongs to an earlier era when the role of an MP was not full-time and scrutiny of Government was less demanding. In our view, the accountability gap and loss of parliamentary time are unjustifiable.

Select Committees should collaborate more in cross departmental scrutiny of Government policies with a view to achieving "joined-up" strategic oversight of external policies. They should also make systematic use of Public Service Agreements, departmental reports and other source documents as a framework for continuing scrutiny. Government should also produce further regular reports on broad issues requiring strategic oversight and review such as a particular country’s response to conflict worldwide. I would ask a question. How many of our Parliaments have discussed, debated or even thought about what is happening in Syria? Ministers and Committees should develop what is described as a British form of "soft mandating" whereby Government ministers would be obliged to state a possible range of outcomes in forthcoming negotiations and indeed to set out the Government’s intended positions to the Parliament’s Scrutiny Committee for a particular Commonwealth country's action and to the appropriate Select Committee in advance of other international negotiations. If such reform proved insufficient to rebalance satisfactorily the relationship between Ministers and Committees, a case could be made for a "harder form of mandating" allowing Committees a degree of control over the matters on which it will be necessary for the Government to elucidate its position. Parliaments should mainstream scrutiny of all important legislative and non-legislative business by shifting it to the Select Committees. We should create supporting institutions, a legal counsel's office in Parliament and a parliamentary external audit office should be created to
provide authoritative information and advice on which Parliament could be assisted on Government policies. Parliament should work closely with relevant Non-Governmental Organizations and outside experts like Amnesty International and Human Rights Watch because civil society organizations and MPs both benefit from this interaction.

I would just like to mention that the Jamaican Parliament has an Internal and External Affairs Committee, which is mandated to examine all matters relating to foreign policy treaties and international agreements and to advise Parliament of their lively impact on the country. The committee played an active role when Parliament examined the agreement in CARICOM to establish the Caribbean Court of Justice. That is an example. I could elaborate on some of these matters that I have raised in the Discussion. Thank you.

The Moderator: Thank you very much, Mr. Peart. It is time we open the Floor for the comments of the audience and I would ask each one to identify yourself, your Parliament and the country. I am sure I do not have any order, but maybe who wants to speak can raise up his hand.

The Hon Robert Philip Braidwood: I rise to a point of Order, please. I have suggested at the Small Branches' Conference that at the Question and Answer Session, a delegate should be given about three minutes to express his views because that leads to better interaction.

The Moderator: That is exactly what we do. Five minutes will be given to each Delegate to express his view.

The Hon. Wade Mark (Trinidad and Tobago): I would point out that the weak and feeble Parliaments remain a hostage of the Executive. In that kind of an environment, it seems very difficult to focus on the adequacy of scrutiny as related to foreign affairs or foreign policies. Most of our Parliaments in the developing world do not have independence as our counterparts, Australia, Canada, India and the UK do, and I would say that it is one of the areas that we are very weak in the Commonwealth. So, what we should continue to focus in future is, how do we strengthen our Parliament and make them, rather the Executive, more accountable to the Legislature.

Now, we are talking about scrutiny, but how many of our Parliaments in the developing world have the ability to seriously scrutinize foreign policy? Governments treat Parliaments with contempt and I argue saying it is because the autonomy and independence that is required within the framework of the separation of powers do not exist. And, if we are to make any sense and derive any benefit from this exercise, we should look at the consequences that would flow due to inadequate scrutiny on foreign policy in weak and feeble Parliaments. You talk about the United Nations, you talk about the World Health Organization, you talk about UNCTAD, but Parliaments and Parliamentarians do not know what is taking place there. They read in the newspapers; they hear and see on television what is taking place. Matters that affect the citizenry, matters that impact on the sovereignty of a State are read in the newspapers and seen on television.

Mr. Moderator, I am simply advancing that there is a deficit, there is a lacuna when we talk about foreign affairs and the Parliaments scrutinizing foreign affairs without taking into account
the weak and feeble nature of several Parliaments within the Commonwealth, which are held hostage by the Executives. Therefore, if you are in a hostage situation, how can you talk about freedom and ability to properly scrutinize foreign affairs? That is my submission.

The Moderator: Thank you.

The Hon. Kanwaljit Singh Bakshi (New Zealand): I agree with the presenters today that the majority of the foreign policies are held by the bureaucrats and the Executive. But, in New Zealand, we have got a process where any legislation which is related to foreign policy or any treaty endorsement of Parliament as required, goes through public consultation. All the Bills are referred to a Select Committee and the public are given about six weeks' time for submission if they have got some issues with those legislations. Upon listening to those submissions, the Select Committee reports to Parliament as to how it is going to affect the people, all the stakeholders and then it is ratified in Parliament and if any changes are required, they are made. In New Zealand, we have got a system where there is a lot of consultation with the public and it is good to know the Australian system where they call upon the ambassadors for their submissions and their policy statements. I think it is a very good way of getting the public involved and other Parliaments can also learn from that. Thank you.

The Hon. Lord George Foulkes (United Kingdom): Mr. Moderator, I am a Member of the House of Lords but, in mitigation I would say, that before that I was a Member of the House of Commons for 26 years and of the Scottish Parliament for 4 years. So, I hope that it will, at least, give me some democratic credentials.

I understand what the Speaker of Trinidad said about the separation of powers, the Legislature and the Executive. In Scotland, now we have one party controlling both the Executive and the Legislature but it does not mean that the Legislature’s powers of scrutiny are constrained. I can say to both Speakers from Trinidad and my colleague from New Zealand that it does not just apply to foreign affairs, it applies to everything else and the Legislature does need to find ways of exercising separate powers and control. I just want to mention one or two developments in the United Kingdom and since we have got a Colleague from the House of Commons here, my good friend, the Hon. Roger Godsiff, if I get it wrong he will correct me, no doubt.

Since the 1970s, we have had scrutiny of all areas by the House of Commons, in particular, foreign affairs, international development, defence as well as domestic matters. Three Committees and a Select Committee for each department were set up by the Conservative Government in the 1970s and they have developed and strengthened them very effectively. We have also got a Committee which I have served on, a joint committee, for three years which scrutinizes the work of the Intelligence Service and the Security Service, which is a very important role. The Intelligence Service and the Security Service have, perhaps, even more powers than the Civil Service and the fact that we have scrutiny over them is a great development and it is one that Canada, the United States and New Zealand have developed and other countries should look at.

We also have a Joint Committee on National Security Strategy which looks at other aspects of security like energy and so on which affect us. We, of course - I was talking with the Chief
Minister of Jersey about this - have a very elaborate system for scrutiny of European legislation. But, to be honest, that is not really foreign affairs anymore. They are domestic matters that affect the United Kingdom along a whole area, almost every area of our activity now. But, we have a very elaborate system, and I think quite an effective system in the House of Lords, for scrutiny. We also have developments under the Labour Government. Before the UK Government can send troops overseas to fight a war, it needs the approval of Parliament and that is a development that has taken place. It happened before sending troops to Iraq. It has happened and it will happen in other deployment of troops overseas.

I think there are other things that we can look at and I find the Senate Foreign Relations Committee a very good model; the ratification of Ambassadors and High Commissioners and other senior appointments is something the Legislature might be involved in. So, I think in Britain, we have moved a long way to give Parliament greater scrutiny and for Parliament to actually take greater scrutiny itself. But, we have got to go further. Thank you.

A Delegate from Malaysia: Mr. Moderator, I am a Member of the Federal Parliament of Malaysia. I fully agree with the comments made. In most of the Commonwealth countries, I do not think that we have adequate Parliamentary scrutiny, especially, on foreign affairs. Most Parliaments are just a rubber stamp today. I want to share some Malaysian experience with Senator Parry from Australia. In the Malaysian Parliament, there is no Joint Committee or Select Committee on Foreign Affairs. So, the Government Members or the Opposition Members do not play a role on foreign affairs policy or on treaties and the only time they play a role is when a Bill is presented in Parliament.

According to Senator Parry, in Australia, there are so many ways where Parliamentarians can engage in scrutiny, but I do not think this is happening in most of the countries of the Commonwealth. Leave aside Parliamentary scrutiny, I do not think most of the countries of the Commonwealth are able to carry out public scrutiny effectively. So, I would like to find out from Senator Parry as to how it happens in the Australian Parliament and what role the CPA can play in order to help other Parliaments of the Commonwealth to ensure that effective scrutiny takes place. Of course, I must stress the fact that every country of the Commonwealth must have a foreign policy of its own and it should not be the foreign policy adopted by any other country or by the CPA, in particular. So, what role can the CPA or more developed member-countries play to help other member-countries to ensure that they have adequate scrutiny on their foreign affairs as well as other affairs? Thank you.

Senator Stephen Parry: Well, you raised some good points. The best thing I could do encourage the CPA and other countries is to look at - because each country has its own sovereign right to determine - the Committee structure in our Parliament. That is the thing that we value most. The structure of the Committees and the robustness of the Committee system enable the backbenchers when they come from their constituencies in particular, to actually feel effective in their role as Parliamentarians. Just take away the foreign affairs aspect for a moment. All Members of Parliament, I am sure, even Sri Lanka is related to this, wish to be heard and be effective. If a Parliamentarian gets an opportunity to be effective in policy development across any area, speak their mind confidentially in a policy committee, speak their mind publicly in a recorded committee area, then they feel effective and are less likely to be disruptive and more
likely to be cooperative in the whole Parliamentary process. It is about managing Parliamentarians.

Coming back to foreign affairs which is a little bit more sensitive, we do not want Parliamentarians running off and talking to the media about complex foreign affairs matters. So, we encourage the Parliamentarians through the Committee process to discuss robustly and honestly. Of course, there are divergence of opinions, as you know, in relation to foreign affairs matters. So, the key is the robust Committee system where the Committee has power to meet and discuss independently about the executive arm of the Government, and the Parliament itself decides the composition of the Committees. It is not the Prime Minister, not the Minister, but the Parliament itself. The Senate is valued particularly in Australia. We determine our own destiny, we determine who presides over the Parliament - I am elected by a secret ballot to be the Deputy President. The Senate determines who should be nominated to a Committee. There is consensus amongst whips, amongst parties as to what its composition would be. This is the other thing that we value. Generally, Committees are equally represented by the parties including independent and minor parties and the composition of the Committees roughly reflects the composition of the Senate or the House of Representatives. So, we have the Opposition, the Government and the independent parties and also we have Joint Committees. The Foreign Affairs, Defence and Trade Committee is a joint Committee and we make sure that it is evenly distributed between the two Houses. I go back to the robustness of the Committee system because everything stems from there.

The Hon. Michael A. Peart: I think it is obvious and everybody knows that there is an inherent weakness in the Westminster model with regard to separation of powers. Parliaments have been dominated by the Executive from its inception and it has been a continuous struggle for the legislature to get itself free. In fact, coming back to Speaker Mark's concerns, the smaller the Parliament, the more difficult it is to separate the Executive from the Legislature and we have examples in the Caribbean where there is total domination - I repeat total domination - of the Parliament by the Executive. In fact, Speaker Mark used the words, "timid" and "weak" and said it is difficult to overcome this and asked the question, "How can the CPA help?" I think by a process of communication and information of what is happening in each of our Parliaments, we come to some kind of a best-practised framework where Parliaments are made aware of what is happening in other Parliaments and it might be used as a stimulus to get some change because we have the understanding that there has to be a kind of concession by the Executive to have any change in the Legislature.

Senator Raynell Andreychuk: I just want to comment on trying to strengthen Parliaments, especially the Executive. I think that international affairs and foreign affairs today support - if there is political will in your Parliament - to exercise your responsibility. We are getting more tools internationally to help us. If you look at some of the human rights instruments, it obliges the Governments to include Parliamentarians, it obliges the Governments to listen to NGOs. For example, the new structure in the Human Rights Commission or Committee indicates that there have to be representations and consultations with others than the Executive because earlier they were just writing nice, classy letters saying that everything is going on well in their country. Now, you hear alternate voices in international issues and that is
making the Executives to pay more attention to Parliaments. So, it is an incremental thing and we are getting more tools than we had in the past.

The Hon. (Dr.) David De Garis De Lisle (State of Guernsey): I was very interested in the deliberations of the speakers and by working on a small scrutiny committee in a small island, I found that one of the problems is keeping scrutiny current; dealing with and scrutinizing issues that come up almost on a week-to-week basis. A lot of scrutiny is reported after several months or years. By the time the reports come, the issue has either moved away or has changed somewhat and the focus is different. So, my question to the panel is, how do you keep the scrutiny current and scrutinize current issues and get an answer right upfront while the issue is hot?

The other question that I would like to ask from the panel is regarding the most valued means of scrutiny. Senator Parry, you went through a whole series, various ways, for example, in the Senate. The Senate Estimate Process is one and you have Joint Committees and so on and so forth. Which of those is most appropriate and derives the greatest benefit? I would like to ask that question from Senator Parry because he went into various areas of scrutiny. I would also like to put the other question to the panel with regard to keeping scrutiny current. Thank you.

Senator Stephen Parry: Ideally, all of them are great mechanisms in relation to which would be the best value. If I had to remove all and keep one, I would keep the Senate Estimate Process. That is the most powerful, the most public and it is the one that ministers fear the most. So, that would be the one I would keep but all of them are working really well together.

Addressing your issue of relevancy and how we can scrutinize foreign affairs policy, as it moves at a very fast pace that we all comprehend, we are not going to get this type of response simply because the Foreign Affairs Minister or the Cabinet of the day, if they are making a decision when Parliament is not in session, they are going to realize that there will be ultimate scrutiny at some point of time. It is going to be after the event and that is something we cannot change. They make decisions bearing in mind that they have a fairly good understanding of what their Parliamentary Colleagues would think and expect, and that comes primarily from the ministers or in the case of shadows, the Foreign Affairs Policy Committee can engage in the ongoing weekly dialogue when Parliament is in session. So, for a minister to say, "This is not the way. This is the thinking of the Policy Committee," would be very arrogant and inaccurate. As I have already said, ministers would certainly be canvassing their decisions, apart from the emergency matters, based upon their knowledge of what their Parliamentary Colleagues would think, and scrutiny would then follow.

Senator Raynell Andreychuk: One of the techniques we have developed is, we have to get an Order of Reference to study any of these from our Chamber. But, what we have built in is a continuing study. If we finish our study, we know our data already, we bring them back for follow-up. So, we are trying to keep current that way. In our system, we have scrutiny through the Budget; it is an instance where Parliament holds the Executive accountable. There are fifty bureaucrats coming with a stack of folders and everything is so complex. How many hours can you spend on it and what kind of expertise do you have? We have even a budget officer, who seems to have made it more complex than simple. So, we are trying to find other avenues and it
is basically our public who keep driving at the issues. They keep the issues current and they understand. By the time we make recommendations on Syria, something else has happened and I think public is aware of that and they want us to engage; they want us to at least say, “We are aware of it; we are following it”. I think there is a gap, but it is a known gap.

**The Hon. (Mrs.) Jean Muonaowuza Sendeza (Malawi):** First of all, I would like to concur with what my Colleagues have said about scrutinizing the foreign affairs policies in our National Assemblies.

In Malawi, we have got Committees in place and we have MPs but we have constraints in the resources. The resources are controlled by the Executive. For a Committee to do any activity, they have to go to the Executive to get the resources. So, how can the CPA help? As my Colleagues have already questioned, narrow that gap or at least streamline it. We, the Members of Parliament and the Executive should work together. But, that gap of resources in Malawi is too wide. So, how can the CPA help in bridging that gap so that we play the representatives' role of oversight on foreign affairs policies?

Thank you so much.

**Senator Ian Gorst:** Our scrutiny system or Select Committee system comes under our Assembly, which is Parliament, and our Budget is written into law which the Assembly will submit to the Executives for inclusion in the Budget what it thinks fit and the Executives will then submit the Budget to the Assembly for approval. So, we cannot as Executives say, "Well, we are not going to give you the resources you require to carry out your scrutiny functions. That is a decision for the Assembly and it cannot be interfered with". That is one way of ensuring that you have got sufficient resources and the Assembly itself or the Parliament is a strengthened body.

Just going back, not to resources but to bridging the gap, I think Senator Parry said some very good things which I am supportive of. That is, we are elected to Parliament to serve the interests of our community. We want to make a difference and being politicians, we seem to be making a difference as well. If the Executives can understand that and therefore create opportunities for scrutiny, and if Parliament Members want the Executives to take, not party but policy development, then I think that will help bridge the gap. But, sometimes, we think that scrutiny and Select Committees as being straightforward, - all is public, all is reported and on record, - that is how it should be, but there is a great opportunity as well for having, as Senator Parry said, more informal briefings with ministers where they can canvass the opinions of Parliamentarians, of Select Committees and then actually develop policy with a more collaborative approach which recognizes the sources of the question: whether Parliament is involved or accountable for decisions of the Executives? These are the areas that need to be considered.

**The Hon. Mussa Azzan Zungu (Tanzania):** Mr. Moderator, I am one of the Presiding Officers of the Parliament of Tanzania. The Malaysian counterpart wanted to know as to how the CPA could help the other countries to have effective scrutiny. What I understand is that the only time Parliament is important to the executives is the budget period and once the budget is passed, it is the end of the business and they do what they want. One delegate pointed out that the
executives should know the importance of Parliament. This seems an international hangover that the executives would prefer to talk with the Executive. They would not talk with Parliament when they need some sort of support, for instance, international support. We have been pointing fingers at the countries which do not practice good democracy or good governance but we do not see the Commonwealth or any other international organization pointing to the Executive and saying, "You do not respect and you do not give a mandate to your Legislatures". So, this seems to be something that the Executive enjoys. They would not talk to Parliament when they need international support. This is something for which we should have a roadmap or resolution. The executives should know that their Legislature has the right to check on whatever decisions they make.

Thank you.

The Hon. Robert Philip Braidwood (Isle of Man): Mr. Moderator, I have to approach this on a different perspective because like Jersey and Guernsey, the Isle of Man is a Crown dependency. We have over 1,000 years of continuous Parliament and it is the oldest one in the world.

In actual fact, the Ministry of Justice links us with the UK and the UK looks after the foreign affairs. However, Lord George Foulkes of the House of Lords mentioned that the EU is mainly domestic but it affects the Crown dependencies. What happened lately was, though we have not had great autonomy, Letters of Entrustment were given so that we can sign agreements. We are coming under international pressure from the International Monetary Fund, the Financial Action Task Force and we also have the EU Code of Conduct on Business Taxation and this causes a lot of pressure on the Isle of Man to go along with agreements on Letters of Entrustment with the Tax Information Exchange Agreements using the templates of the OECD. So, we are getting more autonomy. However, as regards legislations coming through the EU, we cannot rely now on the United Kingdom. That is why the Isle of Man has opened an office in Brussels with representatives and we have lawyers as well who continue to scrutinize EU legislations, which may impact on the Isle of Man, and probably those with Jersey and Guernsey. So, we have to be on our own merit, look after ourselves and we cannot rely on anybody now.

As regards scrutiny, we have a Standing Committee on Scrutiny where no minister is allowed to be a member. Therefore, no member of the Treasury is allowed to be a member there. So, they have autonomy but one thing is that although the Executive might agree, it has to come to Parliament. In the Channel Islands and in the Isle of Man, there are no parties, we are all independent. So, in actual fact, we have not got a party which has the majority in Parliament and the Executive has to come to Parliament for information, exchange of agreements and Parliament has to agree on any foreign policy.

The Hon. Tavish Hamilton Scott (Scotland): I have been a Member of Scottish Parliament since 1999. We are a young Parliament, in the sense, we were there only for 14 years. In the 14 years that I have been a Parliamentarian, I have been both a Government Minister and an Opposition Member. As Lord George Foulkes mentioned, when you have the majority you have both the Executive and the Legislature. So, it is very interesting to hear the comments made by the Head Table reflecting on that. But, the two points I want to mention is
this: If you are a Government Minister or the best Government Minister, I think the Speaker from Tanzania had it absolutely right, you play your role only on the Budget Day. On the Budget Day, you could talk and talk but not on issues concerning international aspects.

The Senator from Canada described the process that would allow, in Canadian terms, the provinces to be involved in trade negotiations. So, the Canadian view is fascinating and I thought I should consider it in the context of the UK. Lord George Foulkes might agree that people nowadays do not care about which Parliamentary system you are in. You are expected to be a master of everything, have knowledge on everything and react to hundreds and hundreds of e-mails, Facebook or Twitter or whatever other form of communication. So, I do think the Canadian examples would be very important. As regards the Parliamentary system, we are looking at Senator Parry's observation on the Australian Parliamentary system, how it practically works and the freedom to scrutinize the Foreign Minister and ambassadors from other countries. That is what I am going to take home and that would be immensely helpful to us.

Now that we have ambassadors or honorary consuls from around the world, when there is an international agreement that directly affects Scotland, having informal sessions behind closed doors or whatever they want, does not breach responsibility. That would be a very helpful model in terms of improving scrutiny and understanding of Members of Parliaments concerning complex international affairs. But, my main question would really be on the Canadian example: Is it working and how do you see it developing in the future? Thank you.

Senator Raynell Andreychuk: Maybe that is an issue that even I should take up separately because it is a very complex issue based on the powers of provinces in our federation and how we are involved over a series of trade. If you have 10 provinces and three territories, they see the outcome differently of a trade agreement, and rather than saying a national government, they want to be positive, they say, "It is going to affect my province. It is going to be of benefit to three others and it is going to head us".

How do we manage our federation when we are making compromises already in trade agreements? Look at the national interest. There are always downsizes in any positive trade agreement and sometimes it hits one region, one area. I will be pleased to talk to you about the Canada-Europe negotiations because I think they are unique and we have got to watch if they are working. I think that is probably very good. With respect to diplomacy, I just want to comment on that having being one for seven years. You know, in the old days they were sending telexes asking, "Why do you want to talk to President Moore in Kenya?" When I say, "Here is, what I am going to talk to him about", then they say, "Do not go into this area; only touch him on this area". So, they controlled. But, what they are realizing now is that you cannot do that because if you shut your ambassadors, the negative comments would be really strong. So, there is a very slow awakening. Ambassadors have to be a part of your PR system. For example, recently we had the German Ambassador commenting on what he thought Angela Merkel was going to say in Canada. I am sure he would have a lot of consultations before he did that. So, more and more ambassadors are becoming a part of the PR in their country and, I must say, it is being led by the Middle-East as much by anyone else. So, I think we are all readjusting our roles. I do not think, however, in the Canadian system, we want to do anything behind closed doors. Ambassadors
and Parliamentarians who go behind closed doors, do not control. So, in our case, we do it in the front room and there is enough party time to talk informally.

A Delegate from Bermuda: Mr. Moderator, I suppose one would ask why my staff and the delegates are here. We come from an overseas dependent territory. So, we have no oversight whatsoever when it comes to foreign affairs. But, something happened a few years ago in Bermuda where the leader of the Government had accepted four Uighurs from the Guantanamo Bay Prison to Bermuda. It caused considerable uproar in and out of Parliament and the Leader maintained that he had the authority, under the domestic legislation, to do so and regarded it as a human rights matter. Of course, the Governor who is the Queen’s representative took great umbrage at this. I think it was largely thought that we really did not have the authority, but it was done. I do not know whether you would call it a plain outright, dastardly act. But, it was done and I would like to know what advice the panel would offer us on this matter. I would add that that matter is still not resolved. It is being discussed by the UK Government and the US Government and everybody knows that the Attorney General of the United States was eager to relocate Uighurs. So, what advice would you give us?

The Hon. Cornelia Carol September (South Africa): I serve in the National Assembly of our Parliament. We have got two Houses, NCOP and the National Assembly. I come from the ruling party in South Africa. In the room, we have got the Hon. Lulama Smuts Ngonyama who is an Opposition Member in the National Assembly.

I will just give two points in brief from our side. Of course, what we have done in South Africa after our liberation was, we put a number of things into our Constitution. So, our Rules of Parliament and whatever powers we have to scrutinize the Executive are derived from that. I do not think they are completely perfect, but I do think it has given us quite a lot of assistance on how to approach international matters. Some would argue that the Constitution says that international matters come under the preview of the Executive but we read that together with our oversight accountability. We would do oversight on any aspect and do not make any distinction when it comes to international affairs. For example, at the beginning of the year, every department is expected to provide us with a strategic plan and that plan remains unaltered during the five-year term. This time of the year is the "Annual Report Season" in Parliament. Through the examination of annual reports, we assess whether they have been able to achieve the goals set out in the strategic plan, both in relation to finances and programmes. So, these are some of the mechanisms that we adopt.

I also serve on the Committee of International Relations and Cooperation. We have changed the name of the Committee from Foreign Affairs to International Relations and Cooperation because there should be nothing as “foreign”, they should be "international" and there should be cooperation amongst all of us round the globe. So, that Committee looks at a range of different programmes and we too have the power, as Parliamentarians, to provide a programme but you cannot have a set programme on international affairs. We would not know whether the "Arab Spring" would happen as we sit here and therefore, our programme allows the flexibility of them saying to the department, "Can you come and brief us on what is happening in the "X" country? We have had briefings on Syria and came to know how complicated it is. We would ask them how South Africa is positioning itself in these difficulties. We are in a position to ask why are we

109
taking certain positions, for example, at the United Nations on different issues although we understand that South Africa’s position is derived from our Constitution and is related to our national interest which says that we need to observe human rights. Sometimes, our decisions may seem funny at the UN but they are derived from the premise that human rights are important and should be applied.

Of course, in South Africa we believe that we must negotiate and must not bomb. So, whatever is said about the need to have forceful, violent power, is something we simply cannot go on supporting in South Africa. Sometimes, we find ourselves saying, “alone” and I think we are prepared to say, “alone” because we do not believe in blood and violence. Our liberation in South Africa was not premised on violence and blood, it was achieved with the assistance of many of you around this room and through a continuous dialogue.

Lastly, we are quite interested at this level to engage with each other and to confer. For that, we do not have to attend the CPA Conferences only. Technology assists us a lot in this globe to communicate with each other and, maybe, one of our resolutions in this little meeting should be as to how we can enhance that. For example, we can talk with Canada on a particular issue, like climate change. But, I know climate change is not a good example to be shared with Canada, because we are not good friends on that. But, let us take that. We can communicate with each other and say, "These are the issue". As Members of Parliament, one thing that binds all of us is oversight accountability. That is the first issue we should be united on. So, we would want to discuss how we can have a little more creative ways of engaging with each other on particular topics. Secondly, how do we enhance oversights? All of us have got different ones. I do not think that South Africa has got the greatest.

Finally, I want to say that all of us must unite and achieve the Millennium Development Goals because poverty is something that all of us are enlightened about.

Senator Raynell Andreychuk: I think one of the good things that the CPA has started is its workshops and it has facilitated delegations coming back and forth. For example, we started the Canada-Africa Group in Canada. So, we could specifically have bilateral relationships with the African Region. If we are going to have a meeting with commercial countries, we want those that are interested in trade. So, we have developed other mechanisms. In Canada, we have the Francophone, we have the CPA, we have the Canada-Africa Group and other committees and through them, we are trying to coordinate and get to know each other.

Coming on to what you said about technology, I have got more addresses and I keep in touch with them.

I think it is incrementally beneficial getting to know each other in building new alliances. With South Africa, we used to talk about Britain. We are now talking about BRIC with South Africa, which involves Brazil, China, India and Russia. We have had years and years of building up the CPA value system. I want to know as to how you translate the CPA value system in BRIC? Every time I see someone from South Africa I grab them, whether they come into my Committee or not. So, let us talk more.
The Hon. Moinina Conteh (Republic of Sierra Leone): We have been talking here about scrutiny of Foreign Affairs and International Co-operation Committees, as to how to monitor and scrutinize them. Let us look not only at them. We should also look at Agriculture Committees because in Africa, they are getting millions and millions of dollars into these committees, which are not accounted for. If the Members of the Oversight Committee want to do an oversight on the Ministry of Agriculture, they have no way to go and see what is happening there because they have to go on their knees either to the Permanent Secretary or to the Minister begging for transport. For God's sake, that is not good for young Africa. We are very, very tender about democracy. We are just coming out of a war which prevailed about 10 years ago. So, we are asking the international community to help us. But, the money that they are giving is not being properly monitored. I can say that without fear.

Coming back to Foreign Affairs and International Co-operation Committee, we have to look at it from this angle: In Britain or in America, they train their MPs or Senators to deal with different regions, for example, Asia, Africa, East Africa, Central Africa et cetera. But, we, in our young democracy, have no such training. For instance, when the Foreign Affairs Minister goes for a United Nations meeting in New York, in EU, or for any other meeting, he goes with the people of the party in power. They go abroad, come back, but do not report. Since they do not report, nobody knows what is happening. If a Member is given the chance to go abroad, he comes back and reports as to what happened. But, now, there is no proper reporting. The question is, what are the methods you propose to bring to book our leaders, be it the President, the Prime Minister or whoever?

The Hon. Syed Ali Mohsin (Bangladesh): In our country, the Opposition Members come to Parliament only to break the 90 consecutive Sitting-Day period. They come on that day, sign and go back. Therefore, our Parliament is not functioning properly. We have an absolute majority and our Speaker and members of political parties urge the Opposition Members to come to Parliament but they are not coming. So, there is no proper Parliamentary system functioning in our country. Can the CPA think over it? That is my question. Thank you.

A Delegate from Malaysia: I would like to know in brief whether the CPA can come up with a plan to find solutions to the issues raised by my comrade just now. Perhaps, it could be valuable and useful for the new generation to understand that the CPA would be vitally involved in the future. Thank you.

The Hon. (Ms.) Lovitta Foggo (Bermuda): As our Speaker pointed out, we do come from an overseas dependent territory. Speaker Mark pointed out the difficulty that very small polities have in separating the Executive from the Legislature. I think it would be incumbent upon small polities to ensure that they have Standing orders, which are adhered to very rigidly. They should clearly outline the role of Parliament and give it more teeth to be able to stand up freely and feel comfortable. When some issue is brought before the House, Parliamentarians play their role of oversight. So, if they feel it is not beneficial, then through their vote they ensure that it does not go through until such time they feel they have ample say in terms of drafting such legislations. It is quite difficult when decisions are made behind closed doors. We have a Cabinet which makes decisions which do impact on legislations and policies that are later implemented and the backbenchers have no say whatsoever in the drafting of such legislations. They have
power only on the Floor of the House. They can take certain measures or perhaps dictate how things should be done, like referring a Bill to a Committee, when a matter is brought before the House. In that way, more power can be vested in the hands of each and every Member and perhaps, more oversight can be brought into the decision-making process.

**The Moderator:** Thank you very much, Ms. Foggo. I believe Senator Parry has a few comments for all those different questions.

I want to personally thank all the Secretaries of the CPA Secretariat. You have done a good job and the rapporteur has done an excellent job and within the next four hours, we will have a report. That will be on the CPA website and everybody can check the comments. Senator Parry, do you have any word of advice?

**Senator Stephen Parry:** This is just a suggestion. What emerges from the discussion in this forum is that strengthening is required of the actual Parliament for it to master the destiny in relation to the establishment of Committees and that has been the common suggestion that has been coming from a number of speakers. If this Committee so wishes, we should request the CPA Executive Committee to design a programme to examine ways of assisting Parliaments to gain more strength.

**The Hon. Michael A. Peart:** I think our Parliaments are working progressively with regard to foreign affairs and such matters. The Committee system is in various stages of development across the Commonwealth. In some jurisdictions, the Committee system is functioning effectively but in some others, it is not so. I think the CPA could assist Parliaments, through the flow of information, on best practices because the more we understand what is happening around the world, the more we will be able to have the political will to change.

With regard to the question raised by my friend from Bangladesh, what we did in Jamaica was, we made public the record of attendance of the Parliamentarians at the Committees and the Sessions and it had a dramatic effect. The public reacted to the absentee Members and certainly attendance improved.

**The Hon. Lord George Foulkes:** What was stated earlier by my colleague from Jamaica about the Westminster System, I am not sure is the best system now. All what was said about the linking between the Legislature and the Executive, is something that we should question and those of us in Westminster are probably the best people to raise it. The American system or the French system or some other system, perhaps the German system, where the Executive and the Legislature are clearly separate and have separate roles, is something that we should look at and examine in more detail.

The second point is about the voting system. If a voting system results in one party clearly having a majority in the Legislature, then, when creating the Executive, it does create certain problems whereas different voting systems can have different results.

The third point seems to be really controversial. That is, the Second Chamber elected by a different method might be the way in which you can control and check the Executive. Although
we have been dealing with the aspect of control of foreign affairs, all the contributions, which have been excellent, have raised this question: Should we not question fundamentally the system that, we, in Westminster have spread around the Commonwealth because that might not be the best system.

Senator Raynell Andreychuk: One quick reply. We, in Canada which is right next to the United States, have from our inception, questioned the Westminster system, looked at the American system, the results, - my colleague pointed out the German system - the flaws and their Federation. We meet all the time and discuss and have observed that there are pluses and minuses in them. What we are interested is how it suits the people we serve. We can progress whether you change the system and throw the roll out, which some countries have done, or whether you improve and adapt.

In Canada, we cannot change our Constitution. So, we are constantly adapting; we are less confronted with problems and it suits us. But, if you ask honestly, they do not care about the system, be it Westminster or anything else. What they want to know is whether it works for them. So, I do not think there is a perfect model and I hope we do not go back to the roots.

The Hon. (Mrs.) Cornelia Carol September: The first question I would ask is whether we could have different models of oversight from different countries. When we seek permission from our Speaker to go to the United Nations Assembly, he says, “No, stay at home. Go to Swaziland rather than going there”. So, we would like to know what models are there and whether you do oversight physically leaving the country or do you just stay there?

Secondly, I would like to say that South Africa has elected Dr. Nkosazana Dlamini-Zumagiven as the first woman to head the African Union and she would really steer the African Union to new heights.

Finally, I would say that we do not wear wigs in South Africa anymore. We are in the process of changing our rules and we did ask one British gentleman to come and brief us a little bit on that. So, we are trying very hard to get away from the British rule. What I want to know is whether the Queen still has the power over that.

Senator Stephen Parry: I would like to make a very quick comment on the wig. In Canberra, there were so many fires and I had to bring back the wig.

The Hon. Dato’ Teng Chang Khim: I may suggest that the CPA holds a special workshop for all the member-countries of the Commonwealth to interact with each other, where they could find out how other Parliaments are functioning, what the role of the Parliamentarians is, especially of the Opposition Members and work out a system to improve the existing system. Thank you.

Senator Raynell Andreychuk: I believe we have had those workshops. There is history in the CPA from where you can get information. There is an excellent document that talks about the Role of the Judiciary, the Legislature and the Executive and it is a document not only used by the Commonwealth, but by other organizations as well. I do not know whether it is on the
website, I am not that computer literate, but I know they have all the information that you are asking for.

**The Moderator:** I may convey my special thanks to the panelists for the great job done and thank each and every member who shared their views with us. I think we have had a great Session. Thank you.

*(The Session Adjourned)*
PROCEEDINGS OF WORKSHOP

“E”

“THE ROLE OF PARLIAMENTARIANS IN CONFLICT RESOLUTION AND PEACE BUILDING”
WORKSHOP "E"

“THE ROLE OF PARLIAMENTARIANS IN CONFLICT RESOLUTION AND PEACE-BUILDING”

Moderator: Hon. Julianna O’Connor-Connolly, JP (Cayman Islands)

Discussion Leaders: Ms. Anna Lo, MBE, MLA (Northern Ireland)
Mr. Devinder Shory, MP (Canada)
Sir Allan Kemakez, MP (Solomon Islands)
Hon. Datuk Ronald Kiandee, MP (Malaysia)

External Expert: Mr. Mitch O’Brien (World Bank Institute)

Rapporteur: TBC

Session Secretary: Ms. Wezi Neyirenda

Branch Secretary: TBA

The Moderator: Good Afternoon, Ladies and Gentlemen! I am the Deputy Premier of Cayman Islands, the Moderator for this evening. I am a Member of the Cabinet. I have been in that position for 17 1/2 years. We have a number of speakers lined up this afternoon. We trust that you will be challenged by their deliberations and we invite you to have robust discussions as we meander through this very important topic.

The first Discussion Leader this afternoon will be Ms. Anna Lo MBE MLA (Northern Ireland). Anna was born in Hong Kong and worked in London for a year prior to coming to live in Northern Ireland in 1974. For several years, she made regular contributions to the BBC Chinese Service about the Chinese community and the Northern Ireland affairs. In 1978, she started the first-ever English evening class for Chinese people in the Northern Ireland in a further education college.

Following a career break to have her two sons, she joined the Chinese Welfare Association in 1987 as a community interpreter. Four years later, she returned to full-time education and qualified as a social worker from the University of Ulster in 1993 and worked in the Health and Social Services Trust and Barnardos. She took up the post of Director of the Chinese Welfare Association in 1997.

Anna was the first Vice-Chair of the Northern Ireland Council for Ethnic Minorities and a founding Commissioner for the Equality Commission of Northern Ireland. Anna was awarded an MBE in 1999 for Services to Ethnic Minorities. In March 2007, she was elected to serve as a MLA for South Belfast for the Alliance Party, and consequently the first ethnic Chinese person to be elected to a legislative Parliament in Europe. Anna is Chair of the Environment Committee, a Member of the Audit Committee and the party spokesperson for Culture, Arts and Leisure. It is now my distinct pleasure to call upon Anna to make her presentation.
The Hon. (Ms.) Anna Lo (Northern Ireland): Ladies and Gentlemen, Good Afternoon!
I am a Member of the Northern Ireland Assembly. For those of you who are not familiar with political arrangements in the United Kingdom, I would like to tell that the Northern Ireland Assembly along with the Scottish Parliament and Welsh Assembly is one of the devolved regional governments within the UK. These devolved legislatures have powers covering all relevant internal issues such as health, education, economy, job creation et cetera. But, the UK retains control over defence, foreign affairs and the bulk of fiscal policy. I suppose what makes Northern Ireland notable and the reason why I have been asked to speak is that, in the 1990s Northern Ireland emerged from a violent internal conflict between its two main communities.

On the surface of it, the conflict stemmed initially from peaceful protests around the denial of full civil rights to the minority community. However, this masked a much deeper cultural conflict between the two ethnic groups which spiralled into violence resulting in the suspension of the the Northern Ireland Parliament in 1972, and the imposition of direct rule from London.

This mirrors the ethnic conflict that escalated into violence here in Sri Lanka between the majority Sinhalese and the minority Tamils. Although Northern Ireland’s troubles - I would like to call it locally - date from the late 1960s, the conflict is much older. It goes back to centuries and centering on identity with a focus on religion and culture. One side is predominantly Roman Catholic with an Irish cultural identity with the desire to unite with the Irish Republic. We call them sometimes, “Down South”. The other side is predominantly Protestant with a British cultural identity with the desire to remain within the United Kingdom. For the past number of centuries, the Protestant British identity had the ascendancy as the majority.

I suppose I have an interesting perspective on the conflict in Northern Ireland as I have arrived there from Hong Kong over 30 years ago and the Party to which I belong - the Alliance Party - seeks to draw support from both sides in the conflict and advocates the end of division and segregation. In a way I am quite lucky, I have no axe to grind for one side or the other.

While Northern Ireland has put the worst of its conflict behind it, there are still violent elements within our society which would take us back to the troubles. As a Parliamentarian, it is my job to make sure that structures and principles are put in place to prevent that happening. The CPA has often involved itself in the role of bringing Parliamentarians to consider issues around conflict resolution and peace building, just as we are doing here today.

In October, 2010, under the auspices of the CPA and the World Bank Institute, 14 Parliamentarians representing eight Commonwealth Parliaments in countries recently or currently affected by conflict met in Vienna, Austria. They highlighted the key role that Parliamentarians can have in preventing conflict and in lasting peace building. They stressed the need for improving democratic governance particularly its oversight functions and systems for ensuring accountability by the Executive including the budget process and public sector financial arrangement. They identified a number of principal causes of conflict including poverty, abuses of the rule of law and the Constitution, effects of climate change, tribal, ethnic and class differences, inadequate distribution of benefits of resource development along tribal, personal and family lines and corruption. In the case of Northern Ireland, I could point two issues around the abuses of rule of law, the Constitution and tribal differences that precipitated the troubles.
For us, this period was characterized by armed resistance against the security forces of the State and by detecting of military, economic and civilian targets in Northern Ireland and in the mainland of the UK.

The Parliamentarians in Vienna realized that grievances have to be addressed before they erupt into conflict and likewise in reducing tensions in post-conflict situations before violence breaks out again. They highlighted the need to enact laws that are effective, fair, sufficient, appropriate and acceptable and which are implemented to sustain the nation rather than an individual government. Parliamentarians must leave the political bias at the door of the committee room, when they scrutinize the actions of the Executive. This is further strengthened by Parliamentarians doing what we do naturally. That is meeting together, as we are here today, to communicate and promote dialogue rather than conflict. Parliamentarians must cross borders to talk and always make their effort to avert violent bloodshed. A number of current conflicts have their basis in the scramble to control natural resources, often oil. These kinds of resource-based conflicts can be internal to a State or they can cross borders. In some cases, they can escalate to an international level, particularly, when the resources involved are in short supply. As the Vienna Group highlighted, Parliamentarians must ensure that the budget process, as they scrutinize, applies revenues in a fully transparent and equitable way to prevent and resolve grievances and conflicts. They also stressed the importance of something that is always more difficult to achieve that “The Executive must respect and listen to the views of the Opposition no matter how small their numbers”.

In the case of Northern Ireland, part of the conflict was based on the refusal to listen and acknowledge the voice and rights of the minority community. This repeated refusal creates tensions with the right triggers like firing on peaceful protests, and not engaging in power sharing can result in terrible long drawn-out conflicts such as those seen in Northern Ireland or here in Sri Lanka. Although the Northern Ireland Executive is a power-sharing mandatory coalition, comprising the five largest parties in the Assembly which encompass 104 of the 108 elected representatives, there is still a tendency for the two big parties to seek or have their way. Open debate on policy goals and the establishment of effective institutions such as ombudsman’s offices and human rights commissions can support the role of Parliament in providing an inclusive government. These offices and an effective Public Accounts Committee are invaluable to properly investigate grievances and disputes and to stop them ballooning into conflict situations. The discussion in Vienna identified that States heavily dependent on extractive industries such as petroleum products and diamonds have a higher likelihood of suffering from conflict. As the Vienna Group noted, there are Commonwealth States such as Malaysia and Botswana, which have managed these issues for the benefit of the national development. However, for some States, this natural resource wealth has been a curse and conflict has arisen through mismanagement and corruption. This, in turn, has led to conflict and on occasions, secessionist rebellions in the areas where the resources are located.

The workshop at Vienna also looked at the issue of security and endorsed full parliamentary oversight of all security agencies including private sector security forces, as good governance is vital in this sector. Security proved a huge issue in Northern Ireland. During the conflict, the State security forces were perceived to support the majority community and became targets of para-military activities. It has taken us years to reach a stage where the minority community has
felt sufficient faith in the police force to join it and not fear reprisals from their own people. Indeed, it was only in April 2010, more than ten years after the devolved government was returned to Northern Ireland, that policing and justice functions were devolved from London to the Assembly in Northern Ireland. I know that faith in policing is an issue for the minority community here in Sri Lanka and it is an issue that needs to be solved as violence can erupt if one community feels that justice and security are the preserves of the other side.

Another key message coming out of Vienna was that the integrity of Parliament and Parliamentarians must be above reproach. Transparency through open committee meetings and appropriate and timely decorations of interests is vital as is the existence on internal and external bodies to monitor and assess the conduct of Parliamentarians. In the Northern Ireland Assembly, we have sought to make the conduct of our business as open and transparent as possible. Often, there are huge political, economic and social challenges to be faced. The sectarian nature of the old Northern Ireland Parliament up to 1972 when it was dissolved and direct rule imposed meant that the minority community felt that every aspect of the State was against it. This is a recipe for violence and must be guarded against at all costs. It has been widely acknowledged that the most successful democratic and post-conflict transitions have been those where an attempt has been made to deal with the legacy of the past such as a Truth and Reconciliation in South Africa. The Vienna Group also considered truth commissions. The Group highlighted in its report that there should be a parliamentary debate on the desirability and feasibility of establishing a truth commission and if a decision is taken to proceed with legislation to this effect, it must clearly set out numerous criteria. I shall not name them. Thank you.

The Moderator: Thank you very much Anna for your presentation depicting Ireland’s experience. We have with us this afternoon, our Session Secretary, Ms. Wezi Neyirenda. I would ask her to stand so that you can know where she is located. We will be taking interventions at the conclusion of the presentation by our external expert Mr. Mitch O’ Brian. We would do so by asking you to either use your business card or put your name and the CPA branch in a slip of paper and pass it to our Session Secretary, so that we can try to incorporate each one at the conclusion. The next discussion leader is the MP from Canada, Hon. Devinder Shory. I am going to invite him to share with us a little bit of his background and then move right into his presentation.

The Hon. Devinder Shory (Canada): Thank you. I want to make sure that my time does not start until I begin my presentation. I am a Member of Parliament for Calgary North-East in Canada. In my opinion, it is the best City in the best province of Alberta and, of course, the best country, Canada. Before I first got elected in 2008 as a Member of Parliament, by profession I am trained as a lawyer. As a matter of fact, I became a lawyer twice in my life. Once I was graduated in India and I practised there for almost nine years. Then, I moved to Canada in 1989 and after a few years, I upgraded my education there and I was called to the Bar in 1998. So, in Parliament, I sit on two committees. One is on international trade and the second is on human resources and development. On our Bilateral Friendship Groups, I am the Vice-Chair of the Canadian Branch, Federal CPA. I coach the Canada-India Parliamentary Friendship Group. Besides that, I am a member or an executive member of more than 20 other Friendship Groups in Parliament.
The topic of this workshop was suggested by our Canadian CPA Federal Branch. I want to start by thanking the CPA for making it as a part of this Conference. It is my honour to be with you to share the Canadian perspective and my thoughts on the Role of Parliamentarians on Conflict Resolution and Peace Building. We know that with peace comes prosperity and, of course, Canada is a peaceful country. That may be one of the reasons why it is the most prosperous country in the world. We also know that if there is peace, it is practically easy to resolve conflicts amicably.

Let me start by reading some very old words which every bit of it is as interesting as they were first written over 2,000 years ago. There is always,

“A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted;
A time to kill, and a time to heal; a time to break down, and a time to build up;
A time to weep, and a time to laugh; a time to mourn, and a time to dance;
A time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing;
A time to get, and a time to lose; a time to keep, and a time to cast away;
A time to rend, and a time to sew; a time to keep silence, and a time to speak;
A time to love, and a time to hate; a time of war, and a time of peace.”

So, I think we always need to keep these wise and timeless words in mind when we discuss topics like peace-building. Friends, no two conflicts are identical and neither are the local reasons for war or for peace. I think we all can agree that the “good” in us, the best part of humanity, longs for peace.

Looking back on my life, before moving to Canada, I remember a very different time in my life as a young man in Northern India when everything around me, all of a sudden, swiftly exploded with religious-based atrocities, cold-blooded killings and violence. Even the conflict wound down, that worry that mistrust of your neighbour or of the intentions of that stranger walking towards you was not something that went away overnight and I have lived through it.

Here in this room, we, Parliamentarians, come from many different backgrounds, but we want to make a difference. I believe bridge-building is the backbone of peace-building. So, you will be hearing a lot about bridge-building in my presentation today. So, first of all, I want to focus specifically on the little bridges that can be built by individual parliamentarians, and I want to start by using my own constituency of Calgary Northeast.

Calgary Northeast is a large urban riding. It has a population of over 150,000 constituents in the city of over a million. Also, the Calgary International Airport in my riding, is the third busiest airport in Canada. Clearly, when you look at me or listen to me, I might not look or sound like an average Canadian politician. Although there are many Caucasian voters in Calgary Northeast, we also have a total of 48.5 per cent of constituents that identify themselves as visible minorities. Thirty seven per cent of them are new immigrants to Canada. Breaking this down a little further, in a recent census, 22.6 per cent has been identified themselves as South Asians; 11.1 per cent as Punjabis; 6 per cent as Chinese; 4.9 per cent as Filipinos; 3.3 per cent as South East Asians; 2.6
per cent as Latin Americans; 2.5 per cent as Africans and approximately 1.5 per cent as Sri Lankan descent. Altogether in Calgary, according to the information available, we have almost 5,000 Sri Lankans, out of which 2,000 are living in my riding. This diversity is part and parcel of Canada. So, why do I bring up these points, and what does this have to do with post-conflict peace building? That is the question here. Colleagues, I believe that one of the first steps in bridge building - whether post-conflict or otherwise - must be an honest and long-term effort by us to represent those with whom we would not normally connect. In my multicultural and multiethnic riding of Calgary Northeast, I represent anyone and everyone without looking at their colour or creed or religion. I do not look at their age or their ethnicity. Why do I do that? In my view, most basically, it is the right thing to do.

Secondly, when we have this attitude, we learn more about others. We educate ourselves and become better parliamentarians. I started off my talk today with a passage of Scripture shared by Jews, Muslims and Christians, but whether you are Hindu, Sikh or of any other religion, these are the words of truth from which we can all learn.

Finally, we also must remember that pluralism is not something new to our generation. Free institutions and tolerance are the hallmarks of parliamentary democracies, and part of our British Commonwealth heritage. In the Canadian context, Canada has, for centuries, been grappling with how to embrace diversity in an equitable and pragmatic way, be it between British and French settlers, or Europeans and First Nations people. Even though the pluralism of yesterday does not look exactly like the pluralism of today, the goal is the same to knit everyone into the fabric of society and to build bridges between all groups. It is also about finding the ties that bind us together versus the things that make us different.

I do not know how many of you have ever watched ice hockey, but it is understood to be Canada’s national sport. People go crazy about it in Canada. When Team Canada step onto that sheet of ice, and when the captain slaps the winning puck into the Team USA’s net in overtime beating those Americans again, everybody, no matter what the background or ethnicity is, jumps to the air, as if to scream in unison: “I am a Canadian!”

Friends, one of the goals that I want to see is the same sentiments in Sri Lanka in a very short period.

But, on the other hand, let us talk about the reality. The reality is that even when we share an incredible love for our country with people of all backgrounds, the roar of the crowd fades quickly and, at the end of the day, it can sometimes be extremely difficult for parliamentarians from different parties to work together for the good of their country, even if they all love it. I am very fortunate to be a Member of the governing party in Canada. But, in those difficult moments and showdowns when one side is ready to walk away from the table over words and clauses, ego and pride, it is always good for Members of the ruling party to remember four little words: Her Majesty’s loyal opposition.

The purpose of the opposition as part of our system of government is precisely to oppose. It is, in fact, part and parcel of the process to find the best solutions for all the people we represent. So, the questions are: Is it perfect? No. Does it always work? No. But, we must accept it,
embrace it and then work even harder to build and maintain bridges between our fellow parliamentarians from different parties for the good of our countries.

I know it would be unrealistic for any one of us to stand here today and claim we have a generic "one-size-fits-all" prescription for world peace. But, at the very least, I believe that when we, as Parliamentarians, build bridges between each other, and when we show mature leadership by reaching out to the marginalized groups in our own societies regardless of past conflicts, we are doing our part to ensure a brighter future where everyone can share fully in all of the risks and rewards, and all of the rights and responsibilities which our parliamentary democracies strive to afford to one and all. Therefore, there is a role for parliamentarians in conflict resolution and peace building as peace brings prosperity to all.

Thank you.

The Moderator: Thank you, Hon. Shory from Canada. The next presenter will be, Sir Allan Kemakeza from the beautiful Solomon Islands. He was elected to the national Parliament of Solomon Islands in 1989 and he has been elected over several times. He was eventually the Deputy Speaker of the National Parliament from 2006 to 2007 and the Speaker of the National Parliament from September, 2010 until the present time. He is serving in the Public Accounts Committee as well as the Parliamentary House Committee. He has held numerous ministerial appointments including Minister of Police and Justice, Minister of Housing and Government Services, Deputy Leader of the Opposition, Minister of Forests and Environmental Conservation, Deputy Leader of the Opposition from 1997 to 1999, Minister of the National Unity, Reconciliation and Peace, Deputy Prime Minister, Prime Minister, Minister of Forests and before entering Parliament he was serving in the police service in many distinguished areas. Whilst in the Police Service as the Assistant to the Commissioner of Police, he has attended many international and regional conferences abroad and at local level inter-government and NGOs on political issues. So, now, it is my distinct pleasure to invite Sir Allan Kemakeza to make his presentation.

Sir Alan Kemakeza (Solomon Islands): Thank you, Moderator. Dear Colleagues, Delegates from the European Continent, South America, Canada and the Pacific. I hope you would like to know where the Solomon Islands is. Solomon Islands is a three-hour ride from Australia. It is in the Southwest of the Pacific Ocean. It is comprised of six main islands and more than 200 islands. According to the 2011 census and statistics, its population is just 575,000. It is close to Fiji, Vanuatu, New Caledonia and it is in the border of Australia and Papua New Guinea. So, this is where Solomon Islands is. It mostly consists of Melanesians, Micronesians, Polynesians; and a few Chinese and Europeans also live there. Solomon Islands, as many of our jurisdictions, also experienced conflicts. We tried to bring resolutions to these conflicts and now we are in the peace process. The organizers invited me to share the experience that we have. Many jurisdictions, as I have said, have their own conflicts, either on autonomy or on unfair distribution of resources or there can be many other reasons. That might happen to any country. Solomon Islands is having an unfair distribution of wealth. Our revenue comes mainly from fish, oil palm, gold and nickel. The conflict brought the two warring parties to the table in 1997 and it went for 8 years. At that time, as the Prime Minister of my country I tried to bring about a resolution to this conflict. It is not like Northern Ireland where they fight for autonomy.
Canada was peaceful but there were minor disturbances. In Solomon Islands also, there was a conflict. More especially, the police force whom the country relied on peace has been highly compromised by the two ethnic groups that caused the conflict. So, that made finding a solution even more difficult. However, as Parliamentarians, whether you are in Government or in the Opposition, it is your responsibility to find the way to resolve conflicts in one way or the other.

So, what did Solomon Islands do in this 8 year conflict? We asked the two parties to have a dialogue and the Opposition and the Government to work together to find a solution, because the duty of the Parliamentarians, according to our Constitution is to ensure welfare and safety of our citizens. Therefore, it is the responsibility of every Parliamentarian to find ways and means to resolve those conflicts. We wanted to bring the conflicting parties to a negotiating table. We avoided using forces, because but it is very difficult. We wanted to bring the two parties together to negotiate, because they went as far as raiding the armouries of the country to get all the high-powered guns. That is why we had to negotiate with those parties. They agreed to have a ceasefire. We negotiated with them and they signed a peace agreement.

But, one problem that these two parties had was, they did not trust each other to surrender the guns. Even though Parliament passed an Amnesty Bill to give them amnesty in return of guns, that did not work out. Fortunately, in the South Pacific region, we have a Biketawa Declaration signed by the leaders to look into what the issue is. That is called the Regional Assistance Mission to help the member countries. That was the way out for Solomon Islands. We thank Australia and New Zealand who are members of the Mission. They led the Mission and the rival parties surrendered all arms on two conditions. First, they asked us to bring a Bill to Parliament to allow the Regional Assistance Mission to help any country in the Pacific Ocean. In the case of Solomon Islands, what we did was enabling legislation to allow this Mission to work. Other condition was to bring back law and order with capacity building on institutions to help the economy of the country. So, that was the peace process we had in Solomon Islands. We have to report that we are now getting better and better because of this Regional Assistance Mission that was formed years back by the founders who brought peace to my country again. Thank you.

**The Moderator:** Thank you very much, Sir Alan Kemakeza. The next presenter is the Hon. Datuk Ronald Kiandee from Malaysia. He was born in 1961 in East Malaysia. He completed his Masters Degree on Business Administration and he is currently pursuing a Ph.D in Political Science at the University of Science in Malaysia. He served in the Public sector from 1984 to 1990 and was a Member of Parliament, Beluran, Sabah since 1999 to the present day. He was also appointed the Deputy Speaker of the House of Representatives; Member of the CPA Malaysia Executive Committee since 2008; Member of CPA in the National Executive Committee; Member of the IPU. He was elected as the President of the Asian Regional Council of the Global Parliamentarians on Habitat since 2011 and was also appointed as a Committee Member of the Asian Forum of Parliamentarians of Population and Development, Malaysia Branch since 2008. It is now my pleasure to call upon Hon. Datuk Ronald Kiandee to make his presentation.

**The Hon. Datuk Ronald Kiandee (Malaysia):** Thank you, Moderator. The role of Parliamentarians in conflict resolution and peace building is the topic of today. My presentation
will be based on the role of Parliamentarians in general and will not be confined to Malaysia, in particular.

Ladies and Gentlemen, we, Parliamentarians know for certainty that conflict resolution and achievement of durable peace are closely linked to a viable political framework. I must agree with Sir Alan Kamakeza who spoke before me that Parliamentarians from both sides of the divide therefore play a vital role in the process of building and consolidating peace. It is Parliamentarians who provide a legitimate channel for identifying and meeting popular demands. It is we who hold the Government to account and mediate among conflicting interests in society through peaceful means.

The passion for inflicting harm, the cruel thirst for vengeance, an unspecific and relentless spirit, the fever of revolt, the lust for power, all these are the root causes of war and they need to be condemned. Say what we may, there is no such thing as a just war.

Looking at the challenges faced by countries emerging from conflicts, we must admit that the times of slogan-chanting are over. It is time for us, Commonwealth countries, to come forward and volunteer ungrudgingly in the assistance of conflict resolution. First and foremost, there is an urgent need to develop a culture of shared responsibilities among us, Parliamentarians.

Essentially, there need to be an essence of peaceful co-existence. From the vantage point of an MP, I am convinced that in the process of peace-building, we must not cast aside respect for each other's political sovereignty as territorial integrity is a pre-condition for peaceful living among nations. So long as there is mutual respect for each other's independence and sovereignty, I believe that the nations of the world of whatever ideological convictions can live together, not merely in passive co-existence but in active co-operation for the common pursuit of peace and economic and social well-being of the peoples of the world.

The Commonwealth group of nations and their MPs have always stood out as beacons of light guiding others as they have shared values and experiences. We, MPs, have now to work towards doubling our efforts and redirecting our resources in the field of peace-building in an effort to give people a fuller measure of happiness and prosperity. The frenzied increase and improvement in armaments, both nuclear and conventional, involve the whole world. In this regard, MPs have a right and a duty to call a halt to this insane competition among the powers which seem determined to increase their potential power of destroying themselves and the entire human race. The member countries of the Disarmament Committee have not been able to stem the aspirations of nations in their prestigious desire to enter what is known as the nuclear club.

One of the clear purposes of the United Nations is the suppression of acts of aggression as stipulated in the UN Charter, Article 1(1). The universality principle exists in order to furnish all States with the jurisdiction to try and punish certain crimes which are so serious that they pose a threat to the international order as a whole. A cardinal function of MPs has been to initiate peace. As they are seasoned in resolving problems in their home-ground and constituencies, they will be the best persons deployed to resolve conflicts at an international level. Members of Parliament can play an important role in dispute resolution for ensuring that relations among people do not degenerate into a state of general violence. In dispute resolution, what is required
is the establishment and maintenance of mechanism and institutions. Dispute resolution is an essential foundation for preserving a society and Parliamentarians can provide behind-the-scene negotiations.

The vast majority of disputes between States can be settled by means of negotiations, inquiry, good offices, mediation, conciliation and arbitration. We should, perhaps, move away from the complicated politics of "podium-pounding" and "bully-pulpiting".

Members of Parliament can also explore ways of strengthening the rule of law and democracy, like in the case of Electoral Commission of Namibia in a number of areas, including implementation of forthcoming reform of the Electoral Act; training of judicial officers in the application of the electoral law; training of Parliamentarians, political parties, media practitioners and members of civil society on the electoral cycle and elections; strengthening the capacity of the Electoral Commission to monitor media performance during elections; and exploring ways of developing a more efficient and effective election dispute resolution mechanism.

This could be done in countries which require assistance and monitoring of Elections. There is nothing to fear of implications of interfering. New projects to strengthen the Anti-Corruption Commissions and the Human Rights Commissions of Commonwealth countries can be explored by MPs. The Commonwealth family can also help strengthen Parliaments and the Judiciary once requests are done by the relevant countries. Once this is done the confidence of the public, in general, would be easily garnered as they will be ensured that there is social and economic equality in their midst.

Stubbornly change-resistant cases like in some countries in Africa are a stark reminder of the world to do much to alleviate the suffering. Persistent global problems like the violence-ridden neighbourhood of some countries and the disastrous war in Iraq could have roped in Parliamentarians to play a bigger role in conflict resolution. "Cowboy" unilateralism is not the way MPs work. Members of Parliament are able to engage, negotiate and use the art of old-fashioned traditional diplomacy effectively in this twitter age.

Ladies and gentlemen, a recent study indicates that food aid not only does not work, but it can prolong the violent conflict which it is meant to help resolve. Nancy Qian of Yale University and Nathan Nunn of Harvard University have found a direct correlation between food aid and civil conflicts. For every 10 per cent increase in the amount of food aid delivered, the likelihood of violent civil conflict rises by 1.4 per cent. Eighty per cent of the food aid shipments to Somalia in the 1990s were looted or stolen. Politicians are pragmatists. We keep our eye on those long-term dangers and are apt at dealing with them every day. As politicians, it is imperative that we watch the headlines and the trend lines.

There is an obligation on us, Commonwealth nations, to resolve disputes peacefully. Multilateral treaty obligations exist limiting a party’s right to war and imposing obligations to settle disputes peacefully. Whilst we seek to accord to the principle of non-intervention, there is a need to be realistic when countries do not abide by the United Nations Charter.
Ladies and Gentlemen, I, therefore, call for a more participatory role by MPs in conflict resolution and peace-building.

Thank you.

Mr. Mitchell O’Brien: Thank you. I have a Power Point presentation to make. The World Bank Institute is the capacity-building arm of the World Bank and one of the areas which the Bank has identified is that there is a need and interest in ensuring strong capacity in respect of parliaments. So, we work very closely with the CPA. We are trying to be able to identify and capture good practice and knowledge with respect to parliamentary performance and parliamentary practice and to develop institutional and individual capacity within Parliaments, in trying to achieve primary functions of Parliament.

I want to take you through the process in which the CPA and the World Bank Institute have been undertaking since 2004. That process is trying to identify knowledge, experience and good practice concerning the role of parliaments in conflict-affected States and it is a due process. The first process has been to try to better understand the notion of fragility and conflict. The second is looking at how particular stakeholders might be able to engage in an enabling environment in order to be able to work towards peace-building and I personally think that that is the important side of research. Now, if you are going to talk about how our Parliaments work and how our Parliaments can contribute to a particular objective, then the expertise actually resides within the Parliament itself. So, the research process which the CPA and the WBI has been undertaking since 2004 has really been anchored in a concept that the knowledge resides within Parliaments. We have to work with Parliaments to capture that in order to guard the practices of other parliaments. So, really what I have to say is that it is guarded by parliamentarians for parliamentarians.

Now, I just want to outline the structure of the presentation today. First of all, I want to go into more depth about the CPA-WBI process. Secondly, I would talk about the central message that I am trying to convey today and thirdly, I am going to highlight some of the trends in conflicts. We have heard some great anecdotes and experiences from particular countries. So, I would try to link those together with some of the trends we see. Having said that, I do take both comments of the Hon. Member from Canada who notes that no two conflicts are the same and no two enabling environments in which there is conflict are the same. So, we can look at these trends but, you also need to take them with a grain of salt, sometimes.

Then, I will look at some of the structural conditions that are conducive to conflict. Often, this is a good way to try to address the causes of conflict. Then, we will talk briefly about the conflict trap and the complexity of conflict and then, at the end, we come back to the core issue: "what can Parliament do?"

Then, I think it is appropriate for us to be discussing about this topic of knowledge development process that we have been undertaking here in Sri Lanka because this process of trying work with parliaments throughout the Commonwealth to identify good practice actually started right here in Colombo in 2004. A Study Group was jointly held by the CPA and the WBI hosted by the Sri Lankan Parliament. It brought together Members of Parliament from countries which
were suffering from conflict within the Commonwealth at that point and ought to be able to identify what good practices might be there and learn from the experience and capture them. The recommendations of the Study Group in 2004 were subsequently developed into a number of research papers at the Conference on Parliaments and Conflict held at Wilton Park in 2005 and there was a subsequent publication that looks at the way in which Parliaments might be able to contribute to conflict prevention and legalizing of primary functions of Parliament. An electronic copy of that book has been given to the CPA and it will be on the CPA website if you want to have a look at it. A number of activities have occurred after that including a lot of work in West Africa and also in Switzerland. I think the Hon. Delegate from Northern Ireland made reference to the work done at the Vienna Seminar in 2010. In addition to this, the World Development Report was released last year which really does look in depth into the notion of fragility and in 2012, later this year, once again WBI is working with the CPA in order to bring together parliamentarians.

Then, there is one particular issue in the activities of 2012, namely, Global Seminar on Parliament and Extractive Industries. In the next year, hopefully we will be able to go down a little bit more on the notion of public financial management and conflict prevention. So, the central message I am hoping to convey today is that strengthening of legitimate institutions and governance to provide citizen security, justice and jobs is crucial to break cycles of violence and then, restoring confidence and transforming security, justice and economic institutions is possible within a generation and we have seen that happening.

There are examples where countries that had experienced severe conflict have more stable environment that promotes economic prosperity. In order to do that, it requires a determined national leadership and an international system refitted to address 21st Century risks; that is, refocusing assistance on preventing criminal and political violence, reforming the procedures of international agencies, responding at a regional level - I believe, the Hon. Member from Malaysia just made a reference to that - and renewing cooperative efforts amongst all countries in order to be able to adjust this issue.

Then, I move on, in this presentation to national leadership. When we talk about "national leadership", we need to talk about Parliaments, which are central to local, national, regional and international efforts to curb conflicts.

Considering trends in conflict, conflict is constantly evolving. When we first started talking about this topic a couple of decades ago, we often would have been talking about the traditional forms of conflict where two nations get involved with each other. Not only is the type of conflict changing but the nature of the conflict is also unchanging. There is far less inter-State violence than used to be. So, traditional inter-State conflicts and ethno-national conflicts as we have seen in South Asia are becoming rarer and deaths from civil wars are still unexpectedly high, but are one-quarter of what they were in the 1980s. Non-traditional intra-State conflicts still continue to be waged with the potential for spillover into neighbouring countries and we see that in Afghanistan and Pakistan. I am sorry we cannot just spell this as a type of conflict. But, we are saying that there is a whole range of new conflicts that have arisen. As we better understood, tensions seem to come about in different enabling environments.
Then, recent trends show a diffusion and fragmentation of violence perpetuated by a number of actors. So, the definition of what used to constitute the security sectors changed enormously over the last 10 years and violence from conflicts seems to be targeting non-combating citizens also. For example, sub-national conflict and cross-border conflicts have been going on in West Africa, Kenya, Uganda for over half a decade. So, one in four people on the planet, that is more than 1.5 billion people, live in fragile and conflict-affected States or in countries with very high levels of criminal violence, which means that this is an incredibly important issue for constituencies not just across the Commonwealth, but across the globe.

Due to success in reducing inter-State war, the remaining forms of conflict and violence do not neatly fit either into war or peace, or into criminal violence or political violence. Also, there is explosion of social grievances, despite good economic indicators, which had made conflicts to rise in some countries. So, this makes it difficult for the International Community to intervene and place a greater emphasis on national institutions to act. Since I am running short of time, I am going to run through a couple of key points.

There are certain structural conditions conducive to conflict. Basically, there is a correlative relationship between poverty and conflict. New poverty data reveal that poverty is declining for much of the world but countries affected by violence are lagging behind. For every three years, a country is affected by major violence, poverty reduction lags behind by 2.7 per cent. No low-income, fragile or conflict-affected country has yet achieved a single MDG. So, we can generally assume that violence and conflict is something which we should be trying to get ourselves aware of. The problem is, countries that actually have been in a violent situation or under conflict-prone circumstances are far more likely to reverse to conflicts once they come out of the initial conflict phase. Latest researches indicate that 90 per cent of the last decade’s civil wars occurred in countries that had already been in a civil war in the last 30 years.

The message that I am trying to give today is that conflict has also got more complex. We are trying to categorize this, not so much in war or peace but rather in terms of political violence and criminal violence. We know the strengths between circumstances. If there is political violence between countries or within countries it precipitates criminal violence that comes afterwards in the form of organized crimes, drug trafficking, et cetera. It can add a new and a very complex dynamic enabling environment to this whole thing.

The Parliament is ultimately the cornerstone for a solution. We will fully address this in the discussion. I think the key tool that has been used by Parliaments, as came out in the discussions earlier, has been the role of Parliament in the budget process and the way in which Parliaments and Parliamentarians as leaders are able to use that process to build different communities together within their countries.

We will go into it further during the discussion. Thank you.

The Moderator: Thank you very much. There are another two interventions. If there are more and if you will catch my eyes, I would like to emphasize and then, you could just send it through the Session Secretary. We try to accommodate you likewise. Now, I am going to invite Prof. P.J. Kurien from India for your intervention.
Prof. P.J. Kurien (India): Thank you, Moderator. With your permission, I will make this small intervention. I am thankful to you for giving me this opportunity to share my views on the theme, “The Role of Parliamentarians in Conflict Resolution and Peace Building”.

Over the years, peace and stability, which are crucial for healthy development of the nations, have been affected by inter-States disputes, intra-State conflicts, terrorism, rising inequality, mis-governance, executive high-handedness, skewed distribution of resources and suppression of human rights in some parts of the world.

In the era of globalization, no nation or State can remain unaffected by conflicts or conflict-like situations in any part of the world. Peace, security, development and human rights being vital for conflict resolution, all these aspects need to be accorded high priority by nations.

Representative democracy with adequate space for inclusiveness is an effective tool to mitigate the various causes of conflicts and facilitate the process of peace building. The values, ideals and ethos enshrined in democratic principles serve to negate the very logic of conflict. Democracy stands for the rule of law and facilitates dialogue at various levels between the contesting stakeholders to work out amicable solutions without hampering the on-going developmental processes. We, in India, have in place a flourishing parliamentary democracy as a system of governance. We believe in building an inclusive, equitable and just society. Being part of the Commonwealth fraternity, we greatly value the aims and objectives of the Commonwealth Parliamentary Association in creating an atmosphere of peaceful co-existence free from any kind of conflict whether intra-State or inter-State.

There is no doubt that the challenges before Parliamentarians, irrespective of the countries they belong to, are huge, yet similar in character and consequences. We, the Parliamentarians are therefore collectively duty-bound to take multifarious initiatives for creating peace and stability in our societies. Let me proudly say that with more than six decades of democratic experience, the community of Parliamentarians in India has understood the demands of changing times. They understand the needs of our diverse society comprising different castes, creeds, groups and varied interests.

Parliamentarians in India have brought about several progressive socio-economic legislations which contain all major elements of peace-building in society. These legislations which work in a complementary manner aim at improving the representative character of our democratic institutions, enabling equitable distribution of our national resources, protecting human rights, improving essential services to the people, building improved socio-economic infrastructure, and above all, creating an accountable, responsible and transparent governance system in the country. This is how our Parliamentarians contribute towards creating an environment conducive to establishing peace and stability in our society.

Parliamentarians in India have never failed to extensively debate on the Floors of the Houses and elsewhere, all issues of public importance with a view to facilitating consensus-building. They often act as a crucial link between the Government and the people in resolving conflicts in society as and when the situation so warrants. In the discharge of their parliamentary duties, they strive to build a society inhabited by empowered and informed citizens.
Based on our past experiences, we can say that timely legislative interventions on the part of Parliamentarians in strengthening democratic institutions and protecting the interests of the people, can effectively lead to consolidation of the peace-building processes. Let us exchange our past experiences in a formal or informal manner so that we can come out with some innovative ideas for shaping and developing appropriate strategies to effectively counter the problems faced by fragile States and the societies engulfed in conflicts. I hope this platform will help us come out with solutions to establish lasting peace locally, regionally and globally. Thank you.

The Hon. Kenneth Marende (Kenya): Thank you, Moderator. My intervention will actually be an instantaneous one. So, I do not have a prepared text.

Before starting, of course, I would like to thank all the five presenters for very ably articulating their concepts towards conflict resolution. All of them put forward very explanatory and valuable ideas that account for conflict. Some of them were very interesting and some were striking me as they were very curious. Particularly, my good Friend from Canada made his presentation on the premise that conflict is perhaps inevitable. At any time we can enjoy peace and it is gracious because it starts by quitting attacks which is universal. People in many religions believe that there is a time to be born and a time to die; time for peace and time for conflict. So, if that is so, it means that conflict is inevitable and for me, it is a bit curious.

I come from Kenya and one of our biggest challenges is keeping our nation peaceful and united. I think Mr. O’Brien from the World Bank cited Kenya as one example where efforts are being made constantly to deal with conflicts and to sustain peace. But, I want to suggest that we need to be a little more radical, because as I understand, the bottom line seems to be good governance. There is conflict for resources; conflict for inequitable distribution of power and conflict for use of power. Maybe, then, we need to fully define how we govern ourselves. Instead of embracing the wholesome concept of democracy which entails that the majority shall rule, we should modify that and have governments that are all inclusive, because in Kenya, ultimately, the answer to the conflict in 2007 and 2008 was to come up with a coalition government. I want to say that even in Britain, after the last election, there was a possibility for conflict. So, they came out with a coalition government. In both cases, it seemed to work. You may have your differences and you have the Floor to express your views.

Look at America. With respect, I do not have a lot of understanding of the kind of governance there but if you go back to the history of America, what President Lincoln did to ensure good governance was to bring together a team of rivals. Look at President Barack Obama. He had to bring Hilary Clinton on board. Then, maybe, the answer is forming of all inclusive governments. So, my suggestion is that we embrace coalition governments and move away from the practice of absolute democracy. Thank you.

The Hon. Cornelia Carol September (South Africa): Thank you very much. The points that I would like to make from South Africa are the following. I think they will help at all levels. As Members of Parliaments, we should have a situation where we could facilitate establishment of standing mechanisms for conflict prevention and resolution in Parliaments at national level. This shows a way forward to gear action for achieving real peace. We also, as Members of Parliaments, should have the ability to work very hard to limit the effects of war on
civilians whom we are representing and particularly the vulnerable situations that women and children face including the consequences of rape.

We should emphasize the need for a better control of arms. We have a committee that has to answer to Parliament from time to time on how the country itself is engaged in conflict resolution activities and whether the country is violating them or having engagement that would lead to human rights effect. So, we think that would be a good one. It should encompass trading, trafficking and smuggling of all sorts of arms in order to reduce violent conflicts. As Parliamentarians, I think we should not be shy to unequivocally condemn all sorts of terrorist activities, criminal activities and so on. Also, I am noting that all of them endanger the territorial integrity of our countries including national and international security. All these things destroy innocent lives physically and economically, in particular, infrastructure. In many instances, they destabilize not only legitimately constituent governments but societies, as a whole. So, the CPA should work closer with very many other structures including the Inter-Parliamentary Union to which many of us belong and I think there would be nothing wrong at this level in inviting bodies like the IPU also to come and tell us what they have done so that we do not duplicate and we can start the process again. So, I would now stop my intervention.

The Hon. Request Mutanga (Zambia): I am a Member of Parliament. I agree with what all of you have submitted and congratulate you all. I think that Mr. Mitchell O’Brian of the World Bank Institute did not have enough time to explain about his research.

Speaking on the role of Parliamentarians in conflict resolution, I agree with what the delegate from Canada said that there is conflict. Even in the debates, we differ extensively and that can be a cause for conflict. Our recognition that Parliament must participate in a way to resolve these conflicts is important. My worry is that we do ignore the power of Parliament.

I agree with the Delegate from Kenya that when we ignore conflict situations, it expands and people start killing one another. We had serious problems with our neighbours in Zimbabwe. The conflict arose on the question of governance. It could not be stopped. When somebody won an election, even he was told that he did not win. But, when they decided to work together as a coalition government, peace was relatively achieved. The country was going through extreme difficulties and could not even cope up with the level of devaluation of currency. But, now they are picking up. But, there is another threat because the other group is not listening to it. My question is: at what level does the Commonwealth Parliamentary Association intervene in this matter and help?

There are various organizations which are willing to help. But, as the CPA what would be our role? Are we just going only to talk about it? After discussing, what do we do? I think as we participate in the 58th Commonwealth Parliamentary Conference of the CPA, we should be able to decide effectively because there is a definite threat of conflict every day. How do we help?

For example, if we work within the interests of various parties in Zambia and nobody helps us to settle our differences, then the conflict will expand. That is why we see civil wars in other countries.
I am speaking on what was mentioned by the delegate from Kenya. Coalition may have helped but I still find it difficult to understand why others are ignoring it. Even in a coalition, if one believes that the bigger majority should suppress others, then there can be a problem.

Although we have the Parliament to discuss issues, we have created the Zambia Centre for Inter-Party Dialogue. So, if we find any issue that cannot be solved in Parliament, we let all the Members of Parliament to go and discuss that issue there because we find some big guys of leading parties, are not in Parliament. They tell their Members, “Take this line”. They are the ones who direct. We found out that that is not enough and we should get those who are outside to discuss the issues. It sometimes helps. Thank you very much.

The Hon. George Foulkes (United Kingdom): Thank you very much Chair. Can I just explain to my friend from Kenya that I was a bit disturbed when he was making his speech? I do not, in fact, disagree with what he was saying. In fact, I agree with him but I just do not think that the coalition in the United Kingdom is a good example. In fact, not only do we have conflicts between the Coalition and the Government or the Opposition but we have very great conflicts within the Coalition.

One point that I want to pick up is the concept of a loyal Opposition. This morning, we were talking whether the Westminster model is the ideal model or where others might be better. For any country which is following the Westminster model or any kind of variations of it, it is very, very important to recognize the Opposition and give the Opposition its place; give those leaders help in terms of losing power, in terms of officers and staff, in terms of the place and the opportunity to ask questions and to participate because when you are out, you do not want to really be very, very isolated and forgotten. So, bringing them into it is a very important thing.

The other point that I want to make is this. One of the reasons for not having internal conflicts so much in our kind of democracy in Britain is because we can have a really lively debate in Parliament and get out our frustrations. We can get opportunities to argue and convince people.

Having conflicts with other countries is another matter that we need to look at and resolve. I think the lesson we can learn from the Northern Ireland is that we have been flexible in the structures that we have in the United Kingdom. So, we have recognized that the Westminster model, the model of two sides, the Government and Opposition, is not appropriate for Northern Ireland because of the history and the current society there. So, we have ended it up, as was rightly pointed out by Anna, with a different structure which is much more appropriate for the history and the current society in Northern Ireland.

The other is, we need to look more at how Parliaments can play an active role in conflict resolution and peace-building and the use of international organizations. One of the concerns I have is that most organizations, apart from the CPA and the IPU, are inter-governmental organizations and Parliaments do not play a big enough role and are not allowed to play a big enough role in the international organizations. There is no real equivalent. The IPU is not a sort organization such as United Nations. There is no equivalent of the UN in a Parliamentary sense and in the Commonwealth sense. The CPA and the IPU is not given the proper recognition. I think what we should see is that in inter-parliamentary and international organizations,
Parliament deserves a bigger role. Argue that case. If we do that, we are likely to make a little bit more contribution towards conflict resolution and peace building. Thank you.

The Moderator: Thank you. I believe the Hon. (Ms.) Anna Lo would like to respond.

The Hon. (Ms.) Anna Lo: When talking about an Opposition, out of the 108 MLAs, we have only four who are not in Government. We have five political parties in Government. At the moment, we are being consulted by the Secretary of State whether we want an Opposition and how we are going to do it. In my view, it is not really an ideal situation to be without an Opposition to scrutinize the work of the Government. Why we had a mandatory coalition is because we wanted to be inclusive and bring in all the parties together in a post-conflict society. But, it does not always work. Sometimes, a piece of legislation, a policy or a strategy is strewn about due to lack of consensus. So, it is not the most efficient way of governing.

The Hon. Devinder Shory: Thank you once again. I realize that excellent points are definitely being made by everyone here.

When we talk about conflict resolution and peace-building, I strongly believe that responsibility primarily lies within us, the Parliamentarians. Of course, we are from different parties and different positions with different opinions. We all want to serve our countries and our constituencies in the best possible manner that we believe. I believe, at the end of the day, in situations of conflicts, it is basically the governing party that has the leadership role to play. But at the same time, the Opposition also has a very, very responsible role to play. Before we take rigid positions, again in my view, I guess we have to ask a few questions from ourselves as to whether this is in the best interest of our country on a long term or are we looking at short term or are we playing the kind of politics which could be very harmful to our country? That is all what I want to add in my submission.

The Moderator: Is there anyone else who wishes to make any intervention or remarks before we bring this session to a conclusion?

The Hon. Hamdun Hameed (Maldives): Yes, I am a Member of Parliament from Maldives. Thank you very much for all the very good presentations. I am specially interested in following up on the last presentation which was based on a study of the World Bank Institute. When you look at what is on the overhead, the first question is, "Does Parliament in your country undertake activities aimed at preventing conflict?" For us, at the moment it is more relevant if the word, “Preventing” is removed from the sentence, because we are in a situation where there is a lot of political conflicts in our country. I would say, the Parliament is one place from where conflict is spread out to the whole country. So, I think the Members of Parliament have a very strong and crucial role, either in preventing conflict or actually creating it. In fact, we are a 100 per cent Muslim country. So, there is no religious diversity and ethnic diversity. We have not been colonized and technically there is no constitutional diversity at any time. We have had the same language. So, there is no different dialect. We have same language, same religion, same ethnicity and same origins. Physically, ours are very small islands. There are about 200 islands where our people live on.
We have had a lot of progress and peace after we got the multi-party system with the constitutional changes in 2008. The new Constitution allows for multi-party elections. I believe that the first problem actually spread out inside Parliament when the Members tended to go overboard. Earlier this year, we had a problem when the Parliament was technically prevented from going into Sessions and the whole country was in a mess and even economically paralyzed.

The second point is that, “Does Parliament in your country use the budget process as a mechanism to reduce conflict in the community?” Even if you remove the word, “reduce” it is still applied to Parliament. So, the issue here is not that Parliament is unable to do anything. I believe that the Members of Parliament have a major role to play and if they sincerely focus on it, they can either make or break the country. Thank you very much.

The Moderator: Thank you for your remarks. I am going to call Mr. Mitchell O’Brian to make the concluding remarks for this afternoon Session.

Mr. Mitchell O’Brian: Thank you, Moderator. I think that the Hon. Member from Maldives summed up very nicely stating that ultimately it is all about political leadership. That comes through from a research all along. It does not matter what mechanism you might have in place or what the political dynamic might be, unless you have got enough people to sit round the table and actually discuss how to address these issues, you will not be able to find a peaceful solution to them.

I just want to add to some of the comments that have been made. The Member from Zambia pointed out that there are various tensions and the whole point of Parliament is actually to express those tensions and that makes Parliament such an ideal mechanism for peace-building. By its very nature, Parliament brings divergent interests and divergent opinions to one place at one time for discussion. Hopefully, we have to try, if there is not a consensus, to at least build a resolution that satisfies the majority concerns of societies.

I think the Hon. Delegate put it very well that there is a risk for conflicts within Parliaments. I think we need to distinguish between conflict and violent conflict. There is always going to be tensions and there is always going to be conflicts just like the nature of competing interests within societies. The real question that we have to ask ourselves is, "how do we take those tensions or conflicts and address them without resorting to violence?". I mean, that is where a Parliament has a very important role to play and all institutions of Parliaments, not just the Parliament as a whole, but the Opposition parties also need to be given roles. I think that the example of the inter-party dialogue is an excellent upstream mechanism, but there are also downstream mechanisms. Africa is a great example where individual MPs from different Parliaments come together and try to make sure that they build bridges to promote peace.

You might be in a party that has very different opinions from other parties. If you have strong committees in your Parliaments that is also enshrined to be a good mechanism for you to build bridges, develop consensus and try to move forward in a way which is going to promote peace-building.
But, if anyone has any question, please free to ask. We have additional resources given to the Conference organizers and we look forward to continuing work with the CPA to try to build and capture knowledge and understanding of these issues.

**The Moderator:** Thank you very much. I would like to thank all of the presenters and I would invite you to give them a nice round of applause for contributions made this afternoon.

I would also like to thank the Session Secretary and all of those who took opportunity to help in various presentations. I trust that when you go back to your respective Parliaments, you would move into the *modus operandi* of conflict resolution in the pursuit of peace. Thank you once again.

*(The Session Adjourned)*
PROCEEDINGS OF WORKSHOP

“F”

"ENGAGING POLITICAL PARTIES TO IMPROVE GENDER-RESPONSIVE GOVERNANCE"
WORKSHOP "F"

"ENGAGING POLITICAL PARTIES TO IMPROVE GENDER-RESPONSIVE GOVERNANCE"

Moderator: Hon. (Dr.) (Mrs.) Perpetua Sudharshini Fernandopulle (Sri Lanka)
Discussion Leaders: Hon. Lindiwe Maseko (Gauteng)
Senator Helen Polley (Australia)
Hon. (Smt.) Meira Kumar (India)
External Expert: Ms. Kemi Ogunsanya (Commonwealth Secretariat)
Rapporteur: Mr. D.D.V.N. Dhammage (Sri Lanka)
Session Secretary: Ms. Meenakshi Dhar

The Moderator: Good afternoon Ladies and Gentlemen! We are going to talk on an important topic. Before that, may I welcome all of you to the Workshop. Today, we have got four eminent speakers who will talk on "Engaging Political Parties to Improve Gender-responsive Governance".

Before I proceed further, may I request the Discussion Leaders to introduce themselves.

The Hon. (Ms.) Kemi Ogunsanya (Commonwealth Secretariat): Good Afternoon Ladies and Gentlemen! I work in the Commonwealth Secretariat as an adviser for Gender and Political Development. I have been working in this field for almost 20 years. Thank you.

The Hon. (Ms.) Helen Polley (Australia): I am a Senator in the Australian Parliament. I reside in Tasmania. This is my first CPA Conference. My brother, Michael who is in the State Parliament has been coming to the CPA for decades. But this, in fact, is my first opportunity and I appreciate that.

The Hon. (Smt.) Meira Kumar (India): A very good afternoon to all of you. I am the Speaker of Lok Sabha, India.

The Hon. (Ms.) Lindiwe Maseko (Gauteng): Good Afternoon! I am the Speaker of the Gauteng Provincial Legislature and the Chairperson of the CPA Africa Region. I have attended all CPA Conferences, regional and international since 1996. I was the first CWP Chairperson and the first Treasurer of the Africa Region and the first woman chair of CPA. Thank you very much.

The Moderator: Thank you very much for the brief introductions. Now, the audience will know that we have four powerful ladies here to talk on the topic.
Before I invite the first Speaker, let me acknowledge the fact that this topic was suggested to the host branch by the Commonwealth Women Parliamentarians' Association and we know that our Madam Chairperson was behind it. Thank you very much.

I now call upon the first Discussion Leader, the Hon. (Ms.) Lindiwe Maseko to initiate the discussion. Each discussion leader will have 10 minutes and at the end of eight minutes a bell would be rung to inform you that you have two more minutes. I would appreciate if you could manage time. Thank you.

The Hon. (Ms.) Lindiwe Maseko: Madam Chairperson, Hon. Members, Ladies and Gentlemen! The preamble of the Constitution of the Republic of South Africa calls upon all organs of State to free the potential of each person, and the founding provisions of the Constitution stipulates that South Africa is founded on the values of inter-alia, non-sexism. Addressing the first conference of the Mozambique Women's Organization in 1973, the late President, Samora Machel said, “The liberation of women is not an act of charity - it is a fundamental necessity to the revolution, the guarantee of its continuity and the precondition for its victory”. This statement holds true today, as it did then.

Echoing these sentiments, the late President of the African National Congress, Oliver Reginald Tambo, encouraging the leadership of the Movement to pay attention to gender equality, also said, “If we are to engage our full potential in pursuit of revolutionary goals, then as revolutionaries, we should stop pretending that women have the same opportunities as men”.

I suppose that today, with the increasing disconnect between citizens and their elected representatives, a decline in political activism and a growing sophistication of undemocratic forces; democratic political parties are continually challenged to find creative and sustainable solutions to enhancing democracy and win back the confidence of citizens in their democratic institutions. Therefore, we can borrow from the two revolutionaries and stalwarts that I referred to earlier and confidently say that gender equality is a fundamental necessity for democracy, the guarantee of its continuity and the precondition for its sustenance and growth.

Democracy needs strong and sustainable political parties with the capacity to represent citizens and provide policy choices that demonstrate their ability to govern for the good of the public. Political parties will not be able to achieve this noble goal if they consciously or unconsciously deny the majority citizens, women, in decision-making structures.

Political parties are the primary and most direct vehicle through which women can access elected office and political leadership. Therefore, the structures, policies, practices and values of political parties have a profound impact on the level of women’s participation in political life in their respective countries.

As long as political parties remain highly unengendered institutions, women’s access to leadership positions will be not be achieved. As alluded earlier, the constitution of the Republic of South Africa seeks, among others to achieve a non-sexist society and political parties are critical to the attainment of that goal. We can confidently state that whilst a lot of progress has been made, today South Africa ranks among the top in the world on gender representativity.
However, we must also acknowledge that it has not been an easy process and that to a great extent, the progressive orientation policies, including the Constitution and decisions of the South Africa’s governing party, the African National Congress has contributed immensely to this achievement. We must also admit that the progressiveness in the ANC developed over time and was also as a result of women struggles in the broader liberation movement and within the ANC itself.

These struggles took many years and culminated in the decisions for 30 per cent representation of women in all structures and 50/50 gender parity in all decision-making structures of the ANC taken at the 2007 National Conference. Then, in 1991 women of the ANC brought the conference to a standstill and demanded 30 per cent representation. At the end of the conference, they did not attain the 30 per cent women representation but they made a mark. Subsequent conferences then agreed and women had 30 per cent women representation. Then, from 2007 to 2009 it was 50/50. That also went with a consequent decision of men because in the ANC, you do not have to remind men that the nomination has got more men than women, or more women than men because they have been conscientized about that. So, we have men as partners in this.

Historically, women were not allowed to make economic decisions and this limited their economic power. In South Africa, the extension of past laws to women prompted women to actively participate in the struggle against oppression in the 1950s. The significance of this political participation or activism is that it was non-racial in character, and as embodied in the Non-aligned Women’s Movement of 1954, was called the Federation of South African Women. One of the important milestones of this movement was the formulation of the Women’s Charter in 1954. That was before the Freedom Charter was adopted in 1955. The Charter called for statutory rights to be granted to men and women of all races, equality of opportunities in employment, equal pay for equal work, equal rights in relation to property, marriages and children and the removal of all laws and customs that denied women such equality. That was in 1954 and women fought for that.

The apartheid policies directly affected the South African women through the racial segregation and economic denial combined with patriarchy. This impacted immensely on women’s lives, and for many women it meant living in the fringes of society of economic, political and labour market fronts. However, women have risen to prominence in the struggle against apartheid and proved to the world that transformation is not possible without the involvement of women.

South African women have fought alongside men during the struggle; they asserted themselves during the negotiations on the Constitution for the new South Africa and have continued to take leading positions in the National Parliament and Provincial Legislatures.

In my prepared speech, there are quite a number of issues presented but I will skip quite a number and you can read for yourselves. The paper will be circulated.

Gender-responsive Governance is the equal participation of women and men in decision-making. It also involves equal opportunities influencing the management of economic, political and social affairs as well as equal access to benefits.
In Sub Saharan Africa, the average women’s representation in national Parliaments is 17.8 per cent, and six of the top 20 countries in the world are in Africa. Many women also participate in organizations at the local level.

Since the democratic breakthrough of 1994, South African women have risen to prominence in South African politics in greater numbers than they have in the history of the country. Since South Africa’s democratic elections in 1994, quite a number of laws have been passed to ensure women’s rights including the Termination of Pregnancy Act, the Domestic Violence Act, the Maintenance Act, the Recognition of Customary Marriages Act, the Criminal Law (Sexual Offences and Related Matters Act) to cite a few examples.

In conclusion, what we say is that the issue is not about numbers but to ensure that you redress the imbalances of the past and ensure that in the process there should be mechanisms to empower women.

Lastly, from the discussion on the challenges facing women’s political participation and the case of South Africa, it is clear that political parties are entrusted with the responsibility of supporters, perhaps the most strategic responsibility in democracy, namely, to prepare and select candidates for elections and helping them in positions of leadership and governance. As political parties are the gatekeepers to elected offices, since they choose lists of candidates, they hold the key to the political advancement of women. As long as political parties remain highly engendered institutions, women’s access to leadership position will be impeded.

South Africa’s ruling party, the ANC, through the Constitution and policies, has set an example for political parties worldwide.

The South African case proves that equal rights for women starts with the party. Since the advent of democracy, women legislators have proved themselves by establishing gender focal points in government institutions and enacting legislation to improve the quality of life of women.

One needs to state that in South Africa, it is the numbers. Thanks to the ruling party, there are not only policies in Constitution but also there is an offspring of the ANC that is also following suit with the 50/50 gender parity. But, if all political parties have all these reforms and policies in the Constitution, we would really have a better world. Thank you very much.

The Moderator: Thank you very much Hon. (Ms.) Lindiwe Maseko for initiating the discussion on this important topic. I now call upon Senator Helen Polley from Australia to do her presentation.

Senator (Ms.) Helen Polley: Thank you very much Madam Chair, Ladies and Gentlemen. It is quite an honour to address this gathering at the CWP Conference.

This workshop is on "Engaging Political Parties to Improve Gender-responsive Governance". What does "Gender-responsive Governance" mean? It is about women being active participants in the decision-making processes of a nation. It is also about ensuring that the rights and interests of women are advanced as part of national decision-making.
Political parties have an important role to play in ensuring women’s active participation in decision-making and in advancing women’s rights as part of the national agenda. Political parties recruit and select candidates for elections and determine the policy platforms that help to form the national agenda.

Statistics at the global level suggest that more can be done by political parties to engage women in the community, both as candidates for election and as contributors to the national policy agenda. Less than 20 per cent of parliamentary seats worldwide are occupied by women.

The reason why we need more women Parliamentary representatives is not simply to do with fairness. Empirical evidence shows that every one per cent increase in female parliamentary representation raises economic growth by 0.16 per cent.

The United Nations Development Programme indicates that globally 40 to 50 per cent of political parties' membership is made up of women but only ten per cent of leadership positions in political parties are held by women. If grass-roots participation by women in political parties is higher than parliamentary representation, we need to consider the impediments to women entering Parliament and how political parties can help remove those impediments.

One issue is the number of women who are selected by political parties to be candidates for what are considered to be "winnable" or "safe" seats, where historical voting trends overwhelmingly favour that particular political party. If women are only selected for marginal or even unwinnable seats, then there is a less chance that they will be elected to Parliament and a much lesser chance that the proportion of women in Parliament will change over time. Personally, I have experienced that.

I ran for the State Parliament unsuccessfully. My great political party, the Labour Party in Australia will encourage you to run from winnable seats to do the hard work but not necessarily put your hands up when there is a winnable seat. But, now we have made some changes in Australia - can I just reiterate that it is not a free pass into Parliament; that in all pre-selections it is a very exhaustive robust campaign to ensure that you do get the opportunity to serve your country.

In Australia, the Australian Labour Party decided to implement a policy of affirmative action to increase the number of women selected as candidates for winnable safe seats. The target set in 1994 was women candidates to be selected for 35 per cent of winnable seats in all elections by 2002.

I remember very vividly the campaign to get male counterparts in our political party to agree to this because what we were doing was, we were taking away some of their perceived power. While such policies or quota systems are a clear statement of intent, they also need to be backed up by support for female candidates, through training and mentoring. In Australia, an organization called “Emily’s List” was established, based on a US model, to assist Labour women candidates by providing them with a support network and to some extent some financial assistance.
But, there are differences of opinion on the merits of affirmative action with some people in the community arguing that it creates a second class of people, who are chosen by gender and not by full merit. In arguments of this nature, we need to consider the cultural and historical impediments that have hampered women’s progress in politics and whether affirmative action can help overcome some of the barriers that exist by giving women the opportunity to go into winnable seats.

But, I must say that when it comes to female candidates the word "merit" is widely used but it is very seldom used when we talk about our male counterparts. I think if you look at the historic position in my own country, we cannot always say that men were surely selected on merit.

It is also important to note that in a number of Commonwealth countries, for example, in the Pacific region, there is not a strong tradition of political parties within Parliament. As such, candidates rely on more traditional networks in the community to support their election to Parliament. In those countries where cultural norms favour the election of men, for example, in countries where chiefly systems still operate, the challenges for women seeking to enter Parliament are particularly significant.

Recognizing this, the Australian Government has recently announced a 10-year initiative to improve gender equality in the Pacific region with mentoring and training of women parliamentarians and women candidates, as an important focus of the initiative. Commonwealth Women Parliamentarians in Australia are looking forward to contribute to this initiative because there is an understanding that gender equality does not only require a national commitment but also a regional commitment.

Perhaps, the Commonwealth Parliamentary Association could direct more attention to the issue of mentoring of people and groups who continue to be under-represented in Parliaments of Commonwealth nations, highlighting good practices in Commonwealth countries so that we can learn from each other.

As well as the support that they provide for women candidates, political parties also can contribute to improved governance from a gender perspective by ensuring that all policies are gender-sensitive and that their policy platforms meet the aspirations and expectations of women in the community.

Representation of women on party policy formulation committees is one way of ensuring that party policies reflect women’s input. At the same time, political parties need to consider how well they engage with women in the community, including through civil society organizations that focus on the issues and interests of women.

A particular challenge of political parities is to mainstream gender issues. For example, party platforms on employment and workplace relations should address issues such as the continuing pay inequality between men and women and the role of children and encouraging increased women’s participation in the workforce. I am pleased to say that another area where the Australian Federal Government has invested more money and more recognition is on childcare and on those who work in industries.
In the economic field, political parties need to ensure that their economic agendas address women’s economic development. As women continue to be under-represented in leadership positions within big businesses, political parties also need to have strategies that encourage economic development at the grass-roots level, where women are often engage as sole traders in partnership or in family businesses.

As well as lifting the percentage of female representation in Parliament, perhaps we should also be making sure that at least 50 per cent of the national discussion is directed to those issues which are of particular concern and interest to women. Otherwise, true equality will not be advanced. Thank you very much.

**The Hon. (Smt.) Meira Kumar:** Madam Chair, Distinguished Delegates and my sisters in the CPA.

At the outset, I would like to convey our deep appreciation to the Parliament, the Government and the people of Sri Lanka for their warm and generous hospitality. We are particularly grateful to our esteemed host, the Hon. Chamal Rajapaksa, Speaker of the Parliament of Sri Lanka, for graciously organizing this Conference.

Engaging political parties in governance that are gender-sensitive and responsive, is an issue that deserves close attention. I believe that as Parliamentarians, we have to take the lead in championing it.

The 1948 Universal Declaration of Human Rights, unequivocally entitles everyone to civil, political, social, economic and cultural rights without any distinction on the ground of gender. Most of the member nations of CPA have already made sufficient constitutional or statutory provisions guaranteeing women their rights without any discrimination and making them equal before law. Numerous legislative and policy initiatives have been taken across the nations with a view to facilitating gender-responsive governance.

A closer look at reality reveals that women still face discrimination in the form of patriarchal attitudes, iniquitous and unfair religious and cultural practices. They lag behind men in capacities and development in almost all the fields, be it literacy, professional advancement, primary entrepreneurship and top-ranking employments, skills, training and access to financial and monetary resources. The “glass ceiling” at workplaces makes it difficult for them to occupy decision-making positions. Despite being major contributors in the household work, they have very little say in family decisions, land and property rights, as also their own lives such as fertility and reproductive rights, education and career. Violence against women remains one of the most pervasive forms of human rights abuse. Presence of women in positions of power does not commensurate with their numbers. Women constitute only around 20 per cent of the total strength of Parliaments across the world.

Gender equality and women’s empowerment are not only human rights issues but are also pre-requisites for achieving inclusive and sustainable growth.
The Commonwealth has consistently been striving to create the necessary enabling environment for women’s participation at all levels including the political life. The Commonwealth Plan of Action for Gender Equality 2005 - 2015 recognizes that the challenge now is to demonstrate the impact of women’s contribution to democracy and peace in member countries. It has set the target for Governments to increase women’s representation to a minimum of 30 per cent in decision-making positions. This can only be achieved by creating a conducive climate for women, including young women, to seek and advance political careers. Other measures such as encouraging political parties to adopt 30 per cent target for women candidates as part of their manifestos and to provide leadership training for women can also be explored. Governments who have already achieved 30 per cent must strive for higher proportions.

I have also observed that in several countries, political parties have been instrumental in augmenting representation of women candidates in the Parliament either through legislation or voluntary party quota. In India too, major national political parties such as the Indian National Congress and the Bharatiya Janata Party have provided in their Constitutions for 33 per cent reservation for women at various levels. The number of elected women representatives is 59 in the 15th Lok Sabha and 26 in Rajya Sabha. I am not very happy with that, we should increase it. The Chairperson of the ruling coalition in Parliament is a woman, Mrs. Sonia Gandhi, the Leader of Opposition in the Lower House, Lok Sabha is a woman and we have three Chief Ministers and many Governors.

There is a general agreement among the political parties for increased representation of women in the legislative bodies in India. Our Parliament amended the Constitution in 1992-93 to ensure that not less than one-third of the total members and of the Chairpersons are women in all elected offices in local bodies. These landmark enactments dramatically increased women’s participation in decision-making. Sharing powers and responsibilities of the Panchayati - that is the local bodies, Municipalities, Corporations, District and Village Councils with control over resources for development and social change has empowered women and proved to be an invaluable platform for grooming them for a larger role in the national arena. Today, more than one million women are elected representatives at three levels of Panchayats or local bodies. Two Constitutional Amendment Bills seeking to enhance reservation for women from one-third to one half of the total seats in the Panchayats and Municipalities were introduced in Lok Sabha in 2009.

Meanwhile, 14 states in India have already increased reservation for women in Panchayats, that are local bodies, to 50 per cent. Efforts are being made to ensure greater participation of women in the political process both at the National and State level. A Constitutional Amendment Bill seeking to reserve not less than one-third of the seats for women in Lok Sabha, that is the Lower House of the Parliament and the State Legislative Assemblies has been passed by the Upper House of Parliament and is pending consideration in the Lok Sabha. On the request of all major political parties made to me on the Floor of the House in the Lok Sabha, I have personally held several meetings to evolve a consensus on this issue. The process of building consensus amongst political parties is continuing. I firmly believe that no society can ever develop without equal participation of women. As political parties initiate and determine policy issues and governmental decisions right from attainment to exercise of power, they need to collectively work towards enhancing women's representation in governance to make it gender responsive.
As Parliamentarians, we can also explore the possibility of engaging political parties in this task through comprehensive legislations, regulating the conditions for the constitution of a political party and for its recognition, registration and de-registration. Any attempt to institutionalize political parties will be incomplete without this aspect of inclusiveness. Hence, it should be incumbent upon political parties to provide for at least 30 per cent representation for women in its organizational positions and at the time of distribution for tickets in elections from winnable seats and engaging political parties to improve gender responsive governance is an area where we can learn from one another's experiences.

I am sure this workshop will be instrumental in analyzing and addressing the concerns of about half the population of the world to make the governance truly gender-responsive. I believe that women are born for a purpose for doing great things. They need to be loved and they have to love. Thank you so much.

**The Hon. (Ms.) Kemi Ogunsanya:** Good Afternoon Ladies and Gentlemen! This afternoon our presentation is on political parties and I am trying to divide it into three aspects. They are: focusing on what political parties can do, the role of MPs and the role of the civil society. It is a tripartite relationship.

With regard to political parties, I am going to talk from the perspective of the Commonwealth. I am not going to zero in on countries. These are what we call good practices. There are some countries in the Commonwealth that do not have good practices. We do not know whether they are even present here so that we can learn from such practices. I am pleased that most of our papers would be published or written out so that they can be disseminated for further knowledge on these issues.

When you talk about political parties, they are the gatekeepers for women and men to enter power. So, you need them. They are what you call a "necessity". You cannot do it without political parties. But, then the structures have to be reformed. They have to reform to accommodate the participation of women effectively. To do this, you have to have financial support for women and that financial support should be either mandatory or they have to find their way to support the women to be able to campaign effectively. Some countries do not support women at all. They have to use their own money to campaign. In the end, if they lose at the election, they lose the wealth also that they have already contributed to the campaign.

The electoral model is also a challenge. I will give a positive example of Lesotho. In 1998, Lesotho had what you call a "simple majority" - the First-Past-the-Post - and if you do not know how to moderate this policy, this particular system causes conflict. So, Lesotho decided to change the electoral model and this came through the political parties. The political parties said, “We almost got into war because of elections. Please let us see what we can do”. They transformed it to the Mixed Member Proportional System. That mixture was a hybrid where you have proportional party list and a simple majority. It has brought some semblance of peace into the country. Not only that, they have over 40 per cent women representation right now in Lesotho. An alternative is, they have “Reserved Seats” like in the UK, Uganda and Rwanda, where women contest only in a particular constituency. Again, it is done by the political parties. It gives capacity. That is one option.
The other is training for women. Women need to be trained in political skills and prepared for elections. Even when they are in Parliament, they still need to continue in training. They must have the confidence that women can do it.

Earlier today, we talked about women voting for women. You need to sensitize the community. That is where the civil society comes in. We should not wait for an election to start training the civil society. You have the non-election period. It may be 4 - 5 years. It is at that time you should inject and prepare the society to support women. Women voters are 52 per cent. They are a big market, a big resource and if they are not prepared mentally and socially, they will not support women.

Next, you have to deal with the reform of political structures. You have to include women. There has to be a psychological mindshift that you cannot do it without women. I would like to introduce some measures that could be taken. Most political parties get funding from the Government. If they do not meet that mandate of 30 or 33 per cent women, then they do not give them the funding. Let there not be any funding for them. That is an option.

Another option is, you actually increase their funding when they meet that quota and beyond. So, they get subsidies based on the percentage of women in positions of leadership.

The women MPs who are now in power have to move ahead and create many caucus groups. Caucus groups are to share information and discuss issues that are pertinent to women. Bring men into these groups so that women can learn; they can share ideas. They learn new things and even a policy can come out of that. Then, you have to encourage women not only to women-related issues but they have to be diversified to include economic, social, health, political, aviation, and even environmental issues. To make matters interesting, I believe that the civil society has a great role to play and they have to be engaged in politics. In some Latin American countries and in the Caribbean countries, they have regular meetings with political parties. They do not wait for elections. Close to the elections you find many of the political parties spending money on repairing roads, repairing potholes or something like. But, the civil society must say that they want the political parties before elections. By that, the civil society can exchange their votes for the issues to be placed in the manifestoes of political parties. That is a soft power. That is where you have to have a high level of education and broad literacy. Then, when they are in Government, it is important to follow up with political parties to make sure that those policies are actually being implemented and whether they are being implemented for the benefit of not just women but also for men. So, these are some of the issues that have to be raised.

Another point is for women’s groups to influence youth leaders. Sometimes, we tend to forget the youth, but women do not forget the youth. We do not forget the aged. We remember them. The youth themselves are growing. Right now, there is a challenge that we are dealing within the Commonwealth. We find that most youth groups do not allow women to be in their groups. So, you find that males are still continuing that same tradition even in the youth groups. We are trying to break it. At any time when there is a Conference in London, we make sure there is a youth element present that brings up gender related issues. So, when they are eventually in the position of leadership, either nationally or provincially, they already have the psyche that they have to include women. This is one of the measures.
Also, MPs have what you call "political oversight". This is the strength you have in the political parties. You maintain that strength to look and zero in, and make sure everything is done properly and in order.

As I said before, there has to be a way whereby we involve men. We need to involve male participation. We need to look for what you call, “male champions”. We have to involve males who are sympathetic to women’s needs and not those who are just going to make fun of women. We have to have men who support and are willing to forge ahead on issues like policy formulation, making national legislation, changing and amending laws and making sure issues are actually placed on the table. It is so critical.

We talked about positions. Women are not put into leadership positions even in the party. Even at the CPA, it has been presented and the CPA has to confirm, so that it will become the mirror image of reality. In some political parties, the leader is a man and the women have to follow. What we are saying is, we should not beg to get what we deserve. It has to be a natural phenomena. In some environments, women have to fight.

There was a comment made by a colleague who said “advocacy of the highest order”. Sometimes you have to advocate. You have to ring bells. You have to find a way of doing it.

There are good examples of how women have done it in peace processes. They cannot replicate that. At peace processes - it is happening right now in Togo; women were withdrawn - they wanted conjugal rights from their husbands saying that they want peace in their land. They did it in Kenya. When they were having the referendum and the two leaders were not meeting, the women used their conjugal rights. I am not saying that MPs should do that. But, what I am saying is that there has to be alternative strategies to make it happen. We have to make effort. We could have specific themes related to gender issues. Some people talk of race; some people talk of pure administration; some people talk of capacities. But the issue is, how do women get recognized? How do women get equal treatment as men? These are issues that have to be brought up in Parliament and in women’s caucuses. We can link with a variety of other parties. Above all, there has to be a way you work across political parties. Women do not have to be silhouettes. The moment you have an issue and you realize it is a generic issue, then you come together. I must admit that is the advantage in South Africa. There was the issue of Amina Lawal in Nigeria. She was accused of adultery. But, the man was not accused. The issue went up to the Supreme Court. It was very embarrassing for the Nigerian Government. But, I remember the South African women supported Nigeria from far away. It is just an example. It became an issue for them. At the end it was quashed.

My last point is on affirmative action. Affirmative action, I believe is important. It is very important. It has to have its time limits. If the time limit is not there, it may be misused, misunderstood, misconceived and taken advantage of. The opportunity is to open political space. I believe in it. In Nigeria, the national gender policy has placed 35 per cent representation of women. The political parties are doing nothing about it because it is not binding. In Kenya, you have 30 per cent in the Constitution and it is binding. They have no choice. I spoke to a male MP from Kenya. I told him that I am proud to hear that Kenya has 30 per cent women
representation. He said, “We have no choice but to do it”. So, that is the difference. You make it a binding rule or you just leave it the way it is. These are some of the challenges.

The women of Uganda are now given political space. They are ready to forge ahead alongside with the men. That is what we want. It will take a long time if you just leave it the way it is. So, affirmative action is necessary. It can open the space for women to get into power. Power should be equitable. Thank you.

The Hon. (Ms.) Alix Boyd Knights (CWP Chairperson): Thank you, Madam Chair.

I received information and statistics from several international organizations showing very clearly that when more women leaders are there in a country, the greater the economic advancement. This is one thing we can put to the men. If you really want economic advancement, you will definitely do what you have to do.

The second thing is and I remember one of your panelists had said to us at another forum - it had to do with the Steering Committee of the South African region. The women had gone to the other countries and spoken to the different political parties asking them to consider putting up more women candidates. I think that is a very important strategy. It is all well and good to put in your Constitution, a percentage. But, it does not always work because we have countries that deal with the First-Past-the-Post System. So, when you have that type of 30 per cent, how can you fit into the First-Past-the-Post System?

One of the things I have encouraged in the regions and have spoken to the leaders about is, where there is a shortfall of women in the elected arena, why not select the women and put them in the Senate? Sometimes the political parties themselves feel that they put the men because they need people of a different intellectual calibre. Nowadays, the Senate is for persons who do not win at the poll. They are brought to make a contribution in the Senate so that they can shine and go back to the polls. That is, I think, a misuse of the Senate. That is how it is in the Caribbean.

Further, it has been pointed out that women are not supporting women as they should. I think there needs to be an education process relating to women electing women. Women have to be made to understand how electing women have a hand in their future.

Lastly, when I speak of gender-responsive governance, I am particularly thinking of the Caribbean and the situation with the boys. We have a big problem with young men dropping out. I think gender-responsive is just that, either male or female. There has to be governance that responds to the needs as they arise, be they male or female. Thank you.

The Hon. (Ms.) Farhat Khan Gohar (Pakistan): Thank you for giving me an opportunity to speak on the subject. The Hon. Members and speakers have spoken enough on the subject and we have got quite a good knowledge from the speakers.

Gender equality is one of the fundamental principles of the Commonwealth. The new Commonwealth Plan of Action for gender equality from 2005 - 2015 provides the framework within which the Commonwealth will contribute to advancing gender equality in the decades
Democracy is a fundamental value of the Commonwealth. Women’s full participation in democracy and in peace processes is crucial in the achievement of sustainable development. The essence of success of any political party lies in the fact on how effective it has been in politically educating and motivating its constituents. The Commonwealth can help the member countries with democracy and framing, inspiring and practical gender-specific electoral reforms. Being a developing democracy, my country Pakistan, truly believes that the goal towards attaining a peaceful democratic society would only be possible when the Government and all stakeholders in the political, economic and social system respect and ensure the importance of the role of gender in all walks of life. Pakistan has adhered to this goal from the very beginning as it is very much clear from the speech made by the founder of Pakistan, Muhammad Ali Jinnah at the Opening Ceremony of the State Bank of Pakistan in Karachi on 1st July, 1948. He said: "No nation can rise to the height of glory unless your women are side by side with you. We are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live".

The present Government under the leadership of our President, Asif Ali Zardari, has made many reforms empowering women through different programmes. The first programme we are conducting these days is empowering women financially. Women have been given representation in the Parliament in the reserved seats. They have been given a 5 per cent quota in different sectors and now women have started working in banks, IT sector, hospitals, even in the police and the air force.

Another organization has been set up by the Speaker. The Speaker is a lady. She has great respect for the reserved seats for women. So, we have to learn to fight for their rights. Thank you.

The Hon. (Ms.) Rosy Senanayake (Sri Lanka): First of all, let me congratulate all the ladies who are in this room. I think we have done much work to be here and we deserve to be here.

I have a suggestion and also a question to Madam Speaker from India. Madam Speaker, I think we need to congratulate you because you are the First Woman Speaker in the largest democracy in the world. Congratulations and for your invaluable statement that you made today with regard to women in the decision-making realm.

My question to you is, you have achieved remarkable achievements as far as the Panchayat is concerned. You said that more than one million women are engaged in the Panchayat system. I agree with you; affirmative action is the way forward and it is a must but it needs to have a time frame. I strongly believe that Sri Lanka needs to look seriously at affirmative action maybe at least for two terms. India is a role model to us. You, at the Lok Sabha, passed a Bill for 33 per cent women in the Rajya Sabha. Now, it is pending at the Lok Sabha. I would like to know the reason when you are giving your comments. From what I gathered and from what I have understood, unanimously the BJP and the Congress passed the Bill at the Rajya Sabha. What is the stumbling block at this time to get it actually going? Is it quota within quota or are there any other reservations with regard to that?
This morning we spoke much about whether we should have a women’s agenda in Parliament or whether we should not? Many of us spoke about basically women not voting for women. I am very happy about our next theme, “Engendering Democracy”. I think it is a must and it is a topic that we could elaborate on a wider spectrum. So, keeping with the theme, “Engendering Democracy” I need to basically give you an example of what I have gone through in Sri Lanka as far as getting the media to support women simply because I find that the media’s perception or the perception that people have on female politicians and women getting into politics is of paramount importance to get women into politics. We have just finished elections in three different provinces and every time I got onto a platform, some of the media personnel will come and ask me, "Would you speak against two or three of the female politicians?" They would even name the people and say, “Would you say something negative about that person?” I had to put down my foot and say even if you do not carry what I am saying, I would never speak against a woman politician. I can speak many words with regard to policies and encouraging the public to look in the right direction and make the right decisions but that will not be the headlines for the night. The headlines for the night would be if somebody would thrash somebody or if there is character-assassination. The media has a very wrong perception with regard to women politicians. This has happened over and over again at various political campaigns. I personally decided to write to all the heads of the different media institutions asking them to make sure that their institutions do not carry news items of instances where a male politician attacks a woman politician, and also to have a campaign to tell the public that if they see a male politician attacking a woman politician, not to vote for that male politician. I think we need to have a paradigm shift with regard to attitudes and mindset, like what you said. So, getting the media on our side and support us with regard to having more women in the decision-making realm is absolutely important. I think we need to look at that as well at our next session on "Engendering Democracy" engaging the media in good governance and gender-responsive governance is absolutely important.

The Hon. (Ms.) Dato’ Noraini Ahmad (Malaysia): The Indian and African regions are far advanced in promoting women in politics. Malaysia has been very successful in getting women to be involved in economics. Then, there has been some advancement in promoting women in private and public sectors with more than 30 per cent women in decision-making positions. They only lack in politics. We only have 10.4 per cent. We have been trying very hard to get more than that. We have been talking about 30 per cent women participation in politics for quite some time regardless of whether they are from the Government or from the Opposition. When we are still talking about 30 per cent, you have been talking about 50 per cent.

At the same time, I also agree with Ms. Kemi that we need training. When I was first elected in 2008, I did not know anything about being an MP. I was heading a young female organization in Malaysia. It was more like a CSR programme. We did a lot of charity work and at the same time we worked in political organizations. That is why I agree that we, especially women, need training on how to be the best MP. I am just wondering if the panelists can share with us, especially from the African and Indian regions, on how you can get women to be interested and involved in politics. It is not just being in politics but interested as well. That is the obstacle that I have. They shy away from politics. It is so scary to be in politics; everything is out, whether you are married, whether you are divorced and if you do not have your husband
beside you, they will come on the internet saying that you are divorced. How do you overcome those obstacles? Please share your views with us. Thank you.

The Rt. Hon. (Ms.) Baronnes Scott (United Kingdom): It is a huge embarrassment for me to say that in the UK, we are still only a 20 per cent female representation in the elected House of Commons. But, in the Upper House, despite the fact that it is appointed, we are still about 22 or 23 per cent. It is very odd because these figures exist despite the fact that there is no real evidence of significant discrimination against women such as we have heard still exists in many other countries. We have had a lot of discussion about why we have such a low figure, what we should do about it and whether we should have affirmative action. But, I have to say there is very little support from the public and very little support within the political parties. It is not just a question of men keeping the women down. In my own party when we had some proposals for affirmative action, the most vocal opposition was organized by young women who were absolutely determined that they were not going to achieve success in any way other than fighting it on their own terms. It is very interesting that many of us, as we get older, have moved from that position to one where we consider more affirmative action. But, there is a real problem. Some of it is practical. It is about women who really cannot see how they can combine childcare and other responsibilities while being in Parliament. Of course, many of them can do it in Local Government because they can get home at night. For those who go to Parliament, they often have a long way from home and it is practically impossible. I think the nature of politics is very, very off-putting for women. It is not that we cannot do it. It is that we do not want to. I think we look at the man in a particular way. Those of you who have seen the House of Commons’ Question Time, I mean, these are testosterone driven contests in which women just look on in horror and if you try to participate, you end up having to raise your voice so that you actually start to shriek. Then, you do not look dignified. It is a real problem. Many women in our country look at that and say we have nothing to do with it. In my party, we have tried to do a number of things. First of all, we are doing a lot more mentoring than we used to. A part of that is, having women to come to Parliament, spend a lot of time in Parliament, take a look at other aspects of power, look at select committee work and look at constituency work which is much more appealing and rewarding for women than looking at Question Time. We are also giving them practical help from experienced parliamentarians of both genders to try and get them through the process of getting selected to a winnable seat. I think the colleague from Tasmania was absolutely right. You have to get them into winnable seats. We are now offering extra help to get them from that position and try and get them elected. I am afraid to say that though it is not a good story from the UK, we are still trying.

The Hon. Makhoni M. Ntuli (South Africa): I would love to start with the ruling party because women of the ruling party have a chance to talk to the leadership. They are the ones who should be helping other women to get into power. Hon. Maseko alluded as to how we reached 50/50 in South Africa. I think it is high time that Parliaments should legislate on the accommodation of women. You should capacitate women. Women caucuses should be strengthened. The Opposition should be strengthened. That is the platform that enables women to be themselves, to talk about women issues across party politics. I think it is high time that women should also realize that supporting one another is very important. Those who had the opportunity to climb the ladder should not kick the ladder away after climbing it. Let more women climb the ladder up to join them. That is why we should talk about women advocating
and advancing gender equality. It should not be women only. The male counterparts should also join us in this battle. For instance, in the Republic of South Africa, the President saw the need to appoint a Ministry for Women, Children and People with disabilities. So, now there is focus on women issues because the President being a man saw that need. There is a Bill that is on the table right now. A Minister put his foot down not just for the bill to be passed but to have a voice on passing that Bill. Thank you very much.

The Hon. (Ms.) Moono Lubezhi (Zambia): Madam Chair, there is always the understanding that when you say "gender" it refers to women. The definition of "gender" is the existence of male and female. I am very disappointed that the person who drew the Discussion Leaders could not include a man Discussion Leader. In the morning, I attended another workshop. Among the Discussion Leaders were men and women. But, why is it that when it comes to anything to do with gender, they exclude men. If I am not mistaken even on the list of those people who are notified to talk, I do not think there is a man who has put his name down. This room in the morning was full with both men and women because the topic had nothing to do with gender. It was on Establishing a Commissioner for Democracy on the Rule of Law and Human Rights. Why is it that when it comes to gender, men sit back? It is not fair.

In engaging political parties to improve gender-responsive governance, it is true if we do not engage political parties, we would be failing in gender-responsive governance. As women, we always stand up when it comes to gender because we are the ones who are marginalized, and I thank all of you, women, who are here.

As long as we do not involve political parties, we must bow down to the constitution-making process in our countries. In the constitution-making process, if we involve political parties, then they will have their inputs. I can give you an example back home in Zambia. We have an inter-party dialogue for women. When we go to those meetings, we take off our political jackets because we go there with one voice: “Nothing about us without us”. So, in the democratic dispensation, I know it is very difficult when it comes to following political party decisions. But, as women, we must always know that we are women for a purpose because now gender is seen to be women only. We must always forget about our political background and our political parties. We take off our political jackets so that when we go there we go with one voice. The political parties must be involved from the word "go" in the constitution-making process and quotas.

In the morning at the CWP Meeting, we discussed what we should do as the CWP, to see to the countries which are not domesticating this instrument. They should be taken to task. As long as we do not do anything and as long as we remain quiet, nothing would move women. There have been so many instruments. I will give an example. As far back as 1979, there was the United Nations Convention on the Elimination of all forms of Discrimination against Women. If you are not involved in any decision-making, that is discrimination already but nothing has been done in the region. As far as I am concerned, the Constitution is the fundamental law of a country. As long as these things are not put somewhere as law, we can talk for the rest of our lives; it would just be rhetoric upon rhetoric. So, I think there is the need to walk the talk: “Nothing about us, without us”. Thank you.
The Hon. (Ms.) Abraham-Ntantiso (South Africa): Thank you very much, Hon. Chairperson.

I wish to align myself with some of the issues that have been raised by the speakers who spoke before me. I wish to say that for me, it is not only very imperative that women should organize themselves separately to affirm each other but also to make sure that issues of women are taken forward. I want to take the issue on gender as a concept. Sometimes, we need to have many topics. For instance, issues of sexuality, to find out why women sometimes choose to behave like men and why sometimes men choose to behave like women. I think we need to do scientific research on that and bring it to women’s discussions so that all of us can have an understanding as to why we have these challenges in terms of sexuality. I agree with those members who said that gender issues should legislate around political party representation. You know, political parties do not only have members in parliament but they also have members in the private sector and the strength of that kind of legislation will affect even the private sector. Sometimes, we confine our discussions to Parliament and decide what Parliament should do and yet Parliament is just a fraction of society. The larger part is in the private sector and for the private sector to draw the line, we need to legislate.

Hon. Moderator, the issue of empowerment of women should not be an impediment. It is painful to find that women have to prove themselves before they get deployed and yet society take risks when it comes to men and we all sit back and wonder at the faults that men commit. The issue of gender representation is not a woman-man issue. That is why when we recently had the Women’s Parliament in South Africa led by our Hon. Deputy Speaker, which largely included civil society. We all agreed that part of our discussions should include resolving problems faced by people with disabilities because nobody else will talk about people with disabilities and less women talk about them. I am saying that because when we talk of gender equality. We also need to talk about people with disabilities or people with special needs. As women, we need to ensure that we represent vulnerable groups. Thank you.

The Hon. Anne Semamba Makinda (Tanzania): I will be very brief. The subject which we are talking about is very important as far as governance is concerned. As alluded by my colleagues, when we talk about gender, we mainly look at Parliament which I do not think is correct. We should look across. We, members of political parties are the ones who determine what system of governance we need. In my own country, there are now 36 per cent of women in Parliament. We thank the President for appointing quite a lot of women judges and women district commissioners. He has done quite well since he took office in 2005. In our case, this 36 per cent is not only through direct elections. It is an affirmative action which has supported us. We are now engaged in changing our Constitution. The Constitution states that at any moment the Tanzanian Parliament should have at least 30 per cent women representation. Now, we are working to arrive at 50/50. But, you cannot have all 50 affirmative. So, we said that 30 per cent must be in the House. This is affirmative. But, then the 20 per cent women have to go a distance in the constituencies. So, those who are on affirmative action in our House, will stay only two terms. During those two terms, they are supposed to prepare themselves to stand for constituencies because after that, they will not be elected through affirmative action. Affirmative action should be like a training ground because you cannot expect a woman to just walk from anywhere and then contest for elections. It is difficult. This is my 38th year in Parliament but my
begunnings were in affirmative action. Now, I am a Constituent MP and I am spending my first term but affirmative action was a training ground. It should not be permanent. In affirmative action, we have young people. We have the disabled. We have also the workers’ class. But, as a training ground we want girls, we want women MPs in affirmative action to be role models so that when they are discussing in Parliament, the other people can see that these women are contributing positively. Also, when they go for duties in their constituencies, they have to be role models so that the young people can see that women MPs make a lot of difference. In 1975, we had only 5 per cent of women. Now, it is 36 per cent. Each Parliament when selected, has to make a goal to increase the number. So, even this Parliament which is 36 per cent will have to increase the number by 15 - 20 per cent because that is their obligation. They will have to help and also to agitate for other people to increase the number. This is how we are doing in our Parliament. Thank you.

The Hon. Sophia Swartz (Namibia): Thank you for this opportunity. I would like to thank the participants who share with us good ideas. I agree with the Speaker of South Africa that we have to involve our political parties so that our political parties can involve women. I am a member of the ruling party, nominated by the President. At any elections in our party, if we do not include women, the politburo sends it back because it is very important that women must be in the list but we are still struggling with most of the opposition parties in our country. Then, the budget in each and every country can be gender-sensitive. We could also opt to accommodate women even in the Ministry of Agriculture.

Last month, I was in South Africa to attend a women’s function. The Minister of Gender in South Africa introduced a bill and I hope in the future they will put it through. As the Hon. Member said, we have to also include the private sector. The private sector also must know to be gender-sensitive and put women in decision-making positions. Hon. Speaker of Gauteng, keep up the good work! Thank you.

The Hon. Sujeewa Senasinghe (Sri Lanka): Thank you. I think I am the first male who is speaking here. Congratulations to all the ladies who have been elected, and are here. It is a very difficult job. The political game as they say is a man’s game. I am disappointed that we have not moved forward in women representation in Parliament and other areas.

My question is, - I heard a few speakers speaking about it - why is that men are not included in this? Actually you must inculcate the rights of women in men as well. Most of the time we see women get into groups and talk about women’s rights. I cannot remember one incident where we were invited or at least were welcomed to speak about women’s rights. To be honest, we do not even know what women’s rights are. I see how my mother struggles. She is the one who takes all the brunt in the house. I know women are the ones who take the most difficult jobs, the hardships, the sorrows and everything. But, we do not know how to express and how to fight for their rights. We, as male members are not educated in women’s rights. You get about 5, 10 or 15 per cent in the country representing women but they also speak about 10 per cent of women’s rights. It is good if you can educate the rest of the 70 or 80 per cent of the male members on the rights of women which we can speak of. When there is racial discrimination, when there is
ethnic discrimination, when there is class discrimination you inculcate these rights in other people to fight for these rights, not only to those belonging to that deprived group but to all. I have never seen women inculcating men to fight for their rights. In forums I do not see them. I do not see the men coming and talking about women’s rights but I see men talking about racial discrimination, religious discrimination and ethnic discrimination. We see very few instances where the men are involved in these discussions. So, if you educate the male MPs also to fight for these rights, it will be more productive for the women and this discrimination would not be there in another 20 - 30 years. Automatically, there will be about 45 or 50 per cent and we might have to have laws to bring it down. Women might even overtake.

So, I ask the panel, what are the solutions for this? How would you educate us and how would you get us involved in this process?

**The Hon. Pamela Tshwete (South Africa):** Thank you very much Hon. Chair. After the last presenter, I thought I should share with this House the fact that I was one of the women who went to Nigeria to fight for Amina Lawal sent by the ANC Women’s League. I must agree with Hon. Lindwe that we need to engage countries in pre and post elections. The reason for that is because recently, I went to Lesotho on an observer mission. In the areas that we went, women did not seem to be in decision-making. They do not want to be candidates. You know when you are in an observer mission, you will whisper, "Why not women, why only men?" They will say, “No”. I think pre and post elections are very important. "Post" means, in my experience that we elect women in the decision-making process. Then, we do not give them the necessary support. It is we, women, who do not support women in positions. So, it is very important that we do support women who are in position.

Lastly, I do want to say that in their programmes to visit leaders, they should include visits especially to Africa. It is very important before elections that they run workshops in areas where gender is not a part of their programme, so that they see for themselves the decision-making process.

I also take this opportunity to speak about confidence. One of the things that make women not stand up is because they do not have confidence. When you do not have confidence, you do not want to be a part in the decision-making process. Therefore, in the CWP programme, make sure that confidence-building is one of the matters that we teach women. Thank you very much.

**The Hon. Bako Christine Abia (Uganda):** Madam Chair, we have fundamentally talked about many issues. But, my concern is about the management of the entire electoral process. If you look at the electoral bodies of most political parties, they are manned by men. Even when you come to the national Election Commissions or Boards, they are manned by men.

I will give you an example. At the last election in 2011, my constituency was bigger than those of men. But, when it came to counting the vote, it started with the smallest constituency. I say this is very, very unfair. Why? It is because they looked at the men’s constituencies as the wider constituencies. So, there must be a way of bringing women on the electoral boards, both at the party level and at the national level. That is very critical. The men sit there. Related to that is the need for legal aid for women. Sometimes you find that a woman has genuinely won the election
but she is declared the loser because legal aid is not forthcoming. She will just say, okay and sit back. It happens to a person who knows genuinely that she has won but has lost because there was corruption. I have spent all my personal resources campaigning. I do not have time to seek legal aid to make a case and probably even money. For example, the winner is declared the loser. Those are some of the critical challenges that women face. So I think political parties, the CWP and other parties could look at providing electoral legal aid for women.

As far as the media is concerned, there is negativity towards women about their hairstyle, lipstick and so forth. We, women need to be very proactive. I remember when I was elected the first time, I was slender, tall and wearing trouser suits and they said, “This sexy MP is always in trousers”. I called the Managing Editor of the newspaper and asked whether I can become an editor of the newspaper. I think we need to be proactive. I personally am a Columnist in one of the daily newspapers. I write and when I write on a woman, I will say, "Please, I need this article to be published". I also encourage women who are sitting in Parliament and in civil society to write in these newspapers because that is one of the ways you increase your visibility. You cannot wait for a journalist. Sometimes you need to get ahead before a journalist. When the journalists realize that you are more brilliant in your work in the media than the journalists, they respect you. Sometimes you have to carve the media image for yourself without waiting for them to sympathize with you.

Finally, I want to say that I am really very grateful for the discussions. At the next session, I want to look at the proposal for empowering women economically in order to sustain seats for them which they already have because in some countries we see them once and then at the next elections they are regressing. So, we need to understand what is happening in those dynamics and how we can empower women.

Secondly, now globally without money, without power and influence and if women are going to be kept baby-sitting and getting pregnant like how I am, and you are not a big talker, believe me, you are going to be run down. Thank you.

The Hon. Justice Dr. Patrick Matibini (Zambia): Thank you for giving me this opportunity to intervene. The problem seems to be that the legal framework is weak in political party organizations. I think that is the starting point. The topic “engaging” instead of “ensuring”, would be a very liberal approach to the problem. As I see it, the best solution was given by the Hon. Speaker of India. She gave examples of how effective legislative measures are in ensuring improved representation of women in Parliament. Currently, in Zambia we do have a constitutional review process underway. One of the issues that is being proposed in the context of the constitutional reform is a political party organization. I think the legislators, especially the women in Zambia, should seize this opportunity to ensure that we put in place, a legal framework that supports the kind of issue that we are canvassing for. It is important to also strengthen the caucuses within Parliament. I, as the Speaker of the National Assembly for Zambia have been very successful so far in persuading the women members of Parliament to unite and ensure championing some of these causes. Until and unless unity is forged, this could be a talk-shop. To that extent, at least the Members of Parliament, and women have a responsibility to ensure that they push this subject. As far as gender issues are concerned, I
agree with the notion that we need to look at it in a holistic fashion. We are literally and figuratively taking a back seat even in this discussion here. Thank you.

The Moderator: We have five more speakers to give their comments. But, before that, may I ask you to be very brief because the four lead speakers have to give their final comments. I would appreciate it if you are very short.

A Delegate from South Africa: Hon. Chairperson, I think the points I wanted to talk on have been covered. I will be very short. I appreciate the words from my brother from Sri Lanka in particular and the Speaker of Zambia. I think it is important. I agree that gender issues are not women issues. When we talk about gender equality, as my brother said, it should be on the same breath as racial equality that we talk about. It is not only the responsibility of a woman but it is the responsibility of everybody to ensure gender equality. Otherwise, it is going to be very difficult. I am saying this with understanding. Both society and political parties are responsible for that. For me, it starts from political parties because if there is a support from political parties, then gender equality becomes a priority and it becomes easy. I come from South Africa. We spend a lot of time fighting underground. Where are we going to be after this liberation? I think we started by saying that we will learn from countries where we knew they had women soldiers but immediately after our liberation, you will not see any women in decision-making. From the electoral commission we have been vocal from the beginning that we want to be part of the decision-making structure. I also want to say that the important area is at a society level. We have to empower the people at that level - I think a speaker raised it - because they are the people who are voting more than the political parties. So, if there is no support system, if there is no understanding and if there is no education, those women at that level do not understand what changes their lives if they appoint women and not men? But, it is more important, being in Parliament, to consider how we could change the lives of these women? Are we really looking at how it is going to impact on women when we pass legislation? Before that, we have to go out and consult women and say that these laws are going to affect women negatively, so that they see the value in having women in Parliament. Let us not just confine it to those women who are elected. Let us spread it to the women in the society. Thank you.

The Hon. Joseph Madonsela (Swaziland): Thank you so much for giving me this opportunity. I listened to the speakers sharing different experiences. During our elections in Swaziland, I was nominated by a woman. Then, I had to stand for elections. That is why I agree with the Hon. Member from Zambia that working together is vital. That is why we need one another.

One thing I have to say is that the areas that we have to look at are especially activities of interests in the entertainment sector. You find at all times that in a good percentage of the movies, women are being marginalized. As young girls grow, they know that they are going to be inferior even at old age against men.

South Africa has been the model for Swaziland. When Nelson Mandela was released from prison, there was a drama series that was put together in South Africa. Everybody thought that the starring role in that movie will be played by a man but it was played by Lelati Khumalo, a woman. I do not know how to explain her performance. It might have been one of the
inspirations for women in South Africa to be aggressive as what they are today. We really commend that. I suggest that women come up with some innovations especially in the entertainment sector. This is what I want to share with you all. Thank you.

**The Hon. (Ms.) Virgilia Bernard Matabeli (Mozambique):** Before my intervention, I want to congratulate you, Madam Chair, for the good organization of this Conference. Well done!

The Hon. Lindwe Maseko mentioned about our former President, Samora Moises Machel. Thank you for that. Our President, Samora Moises Machel, was a great leader, who worked for the empowerment of women. Since our liberation struggle against colonialism, our goal has been the emancipation of women and Mozambique continues to do so. We have women in decision-making bodies. We have women at all levels in politics. For example, we had a female Prime Minister. Now, the Speaker of our Parliament is the Hon. Veronica Macamo, a woman. In Parliament, we have 40 per cent women representatives. We also have Ministers, Ambassadors, Judges, Provincial Governors and so on. We have a ministry for women. We have women in our Cabinet. We also have a national political agenda. We have a movement that works to empower and improve gender equality. Thank you.

**The Hon. (Ms.) Jean Muonaowuza Sendeza (Malawi):** Hon. Chair and Presenters, I have a short intervention to make. I agree with what my fellow Members have said. We have talked about the electoral processes. We have talked about policies and constitutions. In Malawi, political parties have got very nice Constitutions - we call them "Manifestoes" - on paper but in reality, it is not happening because of our electoral processes. So, my question to the Commonwealth is, how is the Commonwealth Secretariat engaging political parties in the improvement of gender-responsive governance in our countries? I am asking this question because we have the legal framework, the policies and the Constitutions but they are not adhered to. So what is it that the Commonwealth is doing in order that political parties adhere to these issues? That is my submission because in Malawi, we are not doing much. South Africa is doing well. Rwanda is doing well. Mozambique is doing well. But, in Malawi we are not doing much. Botswana is not doing well. Lesotho is not doing well. So, what is it that the Commonwealth is doing? How are you engaging these political parties? That is my submission. Thank you so much.

**The Hon. Sajith Premadasa (Sri Lanka):** Madam Chairperson and distinguished Parliamentarians. Let me first congratulate all of you for making very valuable and constructive suggestions in terms of women’s empowerment and related issues. We, from 54 countries, are all gathered here at this Commonwealth Parliamentary Conference and this particular gathering like other gatherings are funded by the respective taxpayers of our individual countries. I would suggest that these gatherings ought not to take the form of mere talking-shops, mere discussion panels. The declarations, the proclamations and the suggestions must be transformed and translated into practical actions. Then, we will be doing justice for all the taxpayers in our respective countries, who funded this particular gathering and the gatherings before.

When we go through the various schemes that are in place, in terms of practical programmes, I see that the Commonwealth has implemented programmes for technical cooperation. There is a
particular fund for technical cooperation. There is also a Commonwealth programme for the youth. So, I would suggest that all of us resolve in our own capacities to establish a Commonwealth Women’s Empowerment Fund, which will be supported and funded by the respective Governments of the 54-member countries and ensure that when we meet next that, there is some sort of progress not only in terms of seminar papers, publications or documents but also in other areas. Let us resolve and make a determination to establish a Women’s Empowerment Fund, which will practically get involved in enhancing and upgrading the political, social and economic empowerment of the women in the Commonwealth countries. I think if we strive to achieve that end, we would be doing justice to the respective taxpayers of our own countries. We should go beyond discussions, although the discussions have resulted in very positive and constructive ideals, it is time to bridge the gap between declaratory policy and action policy. Thank you.

The Moderator: May I now invite the discussion leaders to make their concluding remarks, taking into consideration the issues and queries raised. May I now invite the Hon. Lindiwe Maseko to make her concluding remarks.

The Hon. (Ms.) Lindiwe Maseko (Gauteng): Thank you very much, Hon. Chairperson. I will respond to some of the queries, and I am sure my colleagues will deal with the rest.

With regard to funding for campaigning in the ANC, the party finds the money and funds the elections. I was the Treasurer thrice. They work out the budget and tell that they want 35 million. So, I have to go out and find 35 million to fund the elections. I think it is a positive way and makes it easy because even women do not have to spend from their pockets.

In South Africa, the Chairperson and CAO of the Independent Electoral Commission are women. They received an award a few months back from the UN for being the best Independent Electoral Commission and model.

Our brother from Sri Lanka said that they do not understand what their role is in helping women. We had a workshop in Tonga sometime ago, when I was the Chairperson. We involved both male and female Parliamentarians in it. The men said that they do not understand why women say that they are marginalized because when it is campaign time, when it is election time anybody who wants to contest is at liberty to go out and campaign. Sometimes there are certain barriers that prohibit women from participating; issues of resources, patriarchy, traditions and culture. In some instances, women are not allowed to stand and address men. That is a barrier. There were men who were ready to help overcome those barriers, to remove those barriers, to make it easy for women to participate as equal partners and not as subordinates. They gave an undertaking that they would help women but checking the statistics, nothing happened after we left. Those are some of the issues.

As women, we need to know what your problem is, why you cannot contest. Even at home, ask your mum, your wife, your sister, your children the problems they encounter as women. Ask them how you can help them. I think it is something that we need to do. There was the question on how the CPA is engaging itself in gender-responsive governance.
This morning we discussed about funding. I think the CPA should have more gender workshops and those gender workshops must not be just for women. Let us bring the civil society, men, women and parliamentarians so that we all strategize. And, if it is possible, have a programme in the African region to meet the Heads of States and raise these issues of women with them. We are now looking at when elections will be in different countries and then make appointments to go and meet with Heads of Government.

The Nigerian First Lady invited me to come and speak on how we did it in South Africa in advocating for 35 per cent women representation. I think it is also the responsibility of all women that as soon as somebody speaks ill of another woman to stop it just there. You should stop them right there and say that we will not say such things about women or even men. We sometimes agree with wrong things and it is reported to be right. So, we need to stop them right there.

Another important area is the Sittings of the House. Young women, not just young women, but every woman even if she is a Member of Parliament needs to be with her family. So, if Parliament Sittings start at 2.00 p.m. and goes on till very late, by the time she gets home the children are asleep. In some of our legislatures, Sittings start at 10 o’clock in the morning so that everybody has time to be with the family, to be able to go and fetch your children from school. It is something that needs to be done. The issue of starting the House at 1.00 or 2.00 p.m. was because of the men. They play golf in the morning and then decide to go to Parliament. We need to change that and be more sympathetic especially towards young men and women, who are now in Parliament. Also, to have childcare centres in Parliaments so that both men and women can do their work while the children are at the childcare.

Then, I heard that women need to be aggressive. I do not think we need to be aggressive. We must be assertive than being aggressive. That is how we get our point across. It does not help to be aggressive. If you are assertive, you can be sure that you get your point across.

Lastly, when we had the meeting of the African region yesterday, we had a roll call to see how many delegates from the African region brought women and made a note of that. So, it is more of naming and shaming. We will send letters to our regions saying that at the Conference in Sri Lanka this was the representation of women of your Branch. I am sure we will do that, Hon. Chairperson.

Then, I think there is a lot of potential in women. We need mentoring on issues of education. Also, those who are there should advocate more and talk to the respective political parties on these reforms: changes to the Constitutions, the policies and quotas for women.

When I was the Chairperson, one thing I realized was, women who came through the First-Past-the-Post system did not support the issue of quotas. They say, “I work hard to be where I am and I use my funds, so why must others get it on a silver platter?” I think we need to change that mindset and ensure that we help others. Definitely the playing field is not level. Thank you.
The Moderator: Since we are running short of time, may I ask the Discussion Leaders to be very brief and to confine yourselves to five minutes, if possible. May I invite Senator Helen Polley.

The Hon. (Ms.) Helen Polley: Thank you Madam Chair for the way you have conducted the Session this afternoon and I congratulate all those who attended.

I think it is a reflection of how strong the Women’s Movement can be by the women who are gathered here and it is encouraging to have so many male colleagues here this afternoon.

I first need to say that women need to support women and unless we do that, nothing will change.

Also, the Hon. Member asked, “how can he be educated?” In my country, Australia, men know very well and they are well-educated on gender issues. It is whether or not they want to accept change. The only way that a change is going to take place is if women really and truly support each other.

It was also mentioned this afternoon that the media is important to all of us as elected representatives. So, we do need to engage with them. We need to take lessons and write to newspapers and put up articles rather than wait for them to come to you. Fundamentally, we need to support each other, we need to educate, and we also need to show that women have financial independence to be able to run election campaigns. I ran a number of times unsuccessfully. In Australia, in the State system you have to fund. So, without the support of the family and the bank manager, you cannot do it.

I would like to congratulate everyone for their contribution and also encourage you to continue to educate and support each other.

The Hon. (Smt.) Meira Kumar: First of all let me express my very deep appreciation to you, Madam Chair for conducting this meeting so well. I also want to express my appreciation to all the Discussion Leaders who set the tone for it and to all the distinguished members, men and women, who have contributed to this discussion.

I am acutely aware of the fact and I think this is a historic occasion that in this Conference on gender issues, there are so many women Parliamentarians of the world sitting and exchanging their views and their experiences and it is taking place in Sri Lanka, which had the very first woman Prime Minister to the world. It is something we all are so proud of. It just cannot be taken as some kind of a coincidence, some kind of a turn of history because consistently, this country has produced very powerful women leaders.

There is something which came to my mind that I want to share with so many of my sisters sitting here. You see, when we had our freedom struggle, it was led by Mahatma Gandhi who actually came from South Africa having experimented with certain ideas of non-violence and truth. He applied the same in the Freedom Movement in India. He realized very early during
this movement that he would not succeed with these objectives unless he involves women in that movement. So, he involved women and at his call women, - somebody used the word "prisoners" within the four walls, somebody within a veil, with sort of a great contempt, who were sidelined as good for nothing, cannot do anything except the domestic chores, and raising children as if that is not important - came. They wanted to shoulder women in that freedom movement. They went to jail and they suffered. With this the story, the participation of women in politics began in India because they proved themselves. Yes, they can come out. They may not be highly educated. They may have no experience of the world outside but at the time when they are required they can come out of their homes and they can fight for their country and build a future for their children. They proved it.

I think it is a similar story in the Continent of Africa. In most of the Parliaments in Africa, I think the percentage of women is very high. I have always wondered how it was and there is a very clear answer to that. That is because in the freedom struggle, you have participated and proved yourself.

There is another thing that comes to my mind. Madam Rosy Senanayake is here. She raised this issue. I want to just say that women must realize that the power is with them. It is not outside. Why is it with them? It is with them because they prepare the future generation. As mothers, they prepare the mindset of the future generation. There were some questions about men not being educated, men being sensitive about the issues of women but I think if women decide and realize their own power, we do not have to have special classes or special programmes to tell our men how important it is to realize that women have the potential and if their potential is not used for the country or for the world, the country and the world will be at a loss. I always feel that the strength lies with us, as mothers, as sisters. In India and in this sub-continent, the mother and elder sister figure is very powerful. We always say that men are very powerful but, that, we say just to please them and keep them happy but actually it is the mother in the house - is it not true - who really commands and decides what is to be done.

Media of course is very important. Nowadays it has become very important and I think in every country, it is so. In India, media is very important. We always have this debate in our Parliament.

If there is an advertisement for a car, a woman has to be there. If there is an advertisement for a tractor, a woman has to be there. Nothing will sell unless a woman is there in a particular dress and some make-up. That is the mindset of the media. Media is market-driven.

I say it again, we must realize our own power, which is immense. We do not have to look for it outside. Thank you.

**The Hon. (Ms.) Kemi Ogunsanya**: Thank you for the opportunity to share our work from the Commonwealth. I will start with your call for a Commonwealth Women’s Fund. You need political will for that to happen. In the morning we were talking about budgets. That itself was a climax. It is a very good idea but you need Members and mostly Heads of Governments to actually support that. We have 54 Member States and there are only seven women who are leaders. So, you can imagine the consensus that is going on there. In recognition of that, I want
to share what the Commonwealth is doing. In recognition of that, the Commonwealth realizes that there is a very limited representation of women in leadership positions. The first woman chairperson of the Commonwealth since the first CHOGM in 1971 in Singapore, almost 40 years ago, was from Trinidad and Tobago. She used that year very well, more or less, to make a clarion call on the issues of gender inequality. She held a very important side event to the 66th United Nations General Assembly. It was the first side event ever where the focus was on women’s political participation and they signed a joint statement. That joint statement looked at political parties, financing, et cetera. Now, it is going to be negotiated this year as a Resolution at the 67th UNGA. This is some of the work we are doing.

Another one is linked to education. You are right in saying about the education of children, particularly boys. This is a challenge for the Caribbean region. It is not a challenge in other regions of the world. Interestingly, we have a programme at the Commonwealth where we look at the education of the boy-child and it is focused only for that region. The Commonwealth Fund for Technical Cooperation is open to all Members. We have been able to support Trinidad and Tobago. Trinidad and Tobago is among the few countries in the region that has an independent Gender Ministry and I think about three countries in the Caribbean have it. Sometimes, you have them as boroughs with the Ministry of Sports. Some of them are put in the President’s Office. Trinidad and Tobago requested for financial support to support the Gender Ministry. This is an example. I was among those who went there in the mission. We realized that there is a challenge with respect to men and boys not taking advantage of it. We want to look at the situation. We found out that both men and women, girls and boys, have the same rights but the women take advantage of it. It is not that they gave something special to women. No. It is in the law: free education and everything is the same. But, now they are targeting the boys because the boys are drawing back and the women are going far ahead. Even though women are going far ahead, the man still controls the high apex of leadership in the Caribbean. So, even though you have boy delinquency, the men are still there. In Trinidad and Tobago, the Prime Minister is a woman. Sometimes the timings of Parliament are horrible. They negotiate an issue for 24 hours and leave Parliament at 5.00 a.m. Women are there. To make it even worse, they do not have maternity leave for women Parliamentarians but they have made the law for as many of the women outside but the Parliamentarians do not benefit from it. These are some of the challenges.

When it comes to the education of men, it is a reality. I do not believe it is only men, it is men and women. Some women need to be sensitized on the issues of gender. Why we are focusing on gender is because we want the equilibrium to be at par. The reality is that we have always had our men there. The women are just coming in slowly. When you speak of gender, you think it is only women because there is a clarion call. There are men and women and we have to find a way to bring a balance. We need to change the mindset whether it is about men or women. We need to bring the men on board. We need to sensitize men. I remember very well, in the late 90s, I was trained by the Gender Commission of South Africa. They used to have what you call "community based groups" and each of these groups had at least one training every three days on gender issues. It was a training on gender issues on a regular basis. They were free. So, it is possible for most of our countries to still do that in partnership with your Ministries.

Then, we have a leadership programme looking at corporate as well political leadership. I remember the Minister of South Africa of Gender Affairs came to one of our events in Ghana for
women leaders. When the Minister came in, she was very, very impressed with our work on women leadership in the corporate sector. It was a part of the programme. There, she realized and said, "You are right". There is nothing wrong in setting up a national gender policy to ensure women are across the board equally and especially at the apex of leadership. When it comes to political parties, we have to work with political parties and what we wanted to do is start again with sensitization. The first step is to change the mindset. When the mindset is changed, it is the beginning of your transformation. Then, you are able to implement. So, we are going to have workshops. We are going to try to work closely with the Commonwealth Parliamentary Association and with the CWP as well to find ways to develop a variety of strategies in which we can target political parties, especially women in political parties. I want to say thank you again.

The Moderator: Now, we have come to the end of a long session where we discussed about "Engaging Political Parties to Improve Gender-Responsive Governance".

Before I conclude, may I thank the Discussion Leaders, Hon. (Ms.) Lindiwe Maseko, Senator (Ms.) Helen Polley, Hon. (Ms.) Meira Kumar and external expert (Ms.) Kemi Ogunsanya for the excellent presentations which set the stage for the discussions that followed.

I also thank all the participants for their valuable contributions which made this workshop very lively.

I also thank the session secretary, Ms. Meenakshi Dhar and also the two rapporteurs, Mr. Dhammage from Sri Lanka and Ms. Bridget from Australia for the excellent support given to make this workshop successful.

Thank you very much.
PROCEEDINGS OF WORKSHOP

“G”

"TERRORISM - THE THREAT TO DEMOCRACY, PEACE AND SECURITY"
WORKSHOP "G"

"TERRORISM - THE THREAT TO DEMOCRACY, PEACE AND SECURITY"

Moderator  - Hon. Elijah Okupa, MP (Uganda)
Discussion Leaders  - Hon. Jim Muhwezi Katugugu, MP (Uganda)
- Senator Syed Muzaffar Hussain Shah (Pakistan)
- Ms. Irene Ng, MP (Singapore)
Rapporteur   - Mrs. Lily Broomes (Trinidad and Tobago)
Session Secretary - Ms. Arlene Bussette

The Moderator: Today, we are going discuss Terrorism - a topic in which you all have an interest, because one way or the other, we have been affected by this in our own countries and around the world. First, we have to set the rules for this Workshop. The rules are: the three Discussion Leaders will have 10 minutes each. The bell will ring after eight minutes to give a warning and on the tenth minute, the microphone would automatically turn off. The clarifications or questions that would follow will be limited to five minutes. In the third minute, the bell will ring and in the fifth minute, the microphone would automatically turn off. We expect only questions and clarifications, not presentations or country reports from you when your turn comes. We are passing a piece of paper on which you have to write down your name, branch and the region, if you feel you must make an intervention or have a question that you need to put forward. Thereafter, we will ask the Discussion Leaders to reply.

On my right we have the Hon. Major-General Jim Muhwezi Katugugu, who will lead our discussion. He is a lawyer and a practising advocate at the High Court of Uganda. He is a retired Major-General. He was one of the guerilla fighters in Uganda, fighting for peace in our country from 1981 to 1986. Later on, after coming to power, he became the Director-General of the Internal Security Organization. He was the Minister of State in charge of Primary Education. After that, he became the Minister of Health and at the moment he is a Member of Parliament. He has been a Member of Parliament since 1986. He is one of our longest serving Members of Parliament in Uganda. We have our Rapporteur, Ms. Arlene Bussette with us here. I will introduce the other Discussion Leaders when I call their names to make their presentations. Now, I invite the Hon. Major-General Jim Muhwezi Katugugu to make his presentation.

The Hon. Jim Muhwezi Katugugu (Uganda): Thank you very much Mr. Moderator. Good afternoon Delegates! I had prepared a long speech but now that you have set out the rules, I am not going to read it because it is too long. But, my paper has already been given and I am sure they will circulate it, if you need it.

The world has been faced with the scourge of terrorism and terrorist threats for quite some time. The Memorial Institute for the Prevention of Terrorism tracked the number of international terrorist incidents from 1986 to 2006. There were 97 incidents of international terrorism in 1968, rising to 220 in 1978, and peaking to 433 incidents in 1985. In 2000, the number was just over 100 incidents, before sharply increasing in 2004 peaking to 395 incidents.
The terrorist attacks on the World Trade Centre and Pentagon in September 2001 led to a significant upsurge in terrorist threats all over the world. The groups have carried out attacks on several countries including Egypt, Kenya, India, Indonesia, Morocco, Tanzania, Nigeria, my own country Uganda, Saudi Arabia, the UK, the USA, Spain and many other countries.

There have been serious challenges to peace, democracy and political stability and therefore, to economic growth. Over time, governments have realized the need for cooperation and collective security in combating the present threats posed by terrorism and terrorist attacks. Terrorism is understood in very many different ways depending on where one comes from and the kind of threat one has experienced with.

However, the United Nations define terrorism as, “any action that is intended to cause death or serious harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or compel a government or an international organization to do or to abstain from doing any act”. If you are not dealing with the combatants, but you create fear and terror, then you are a terrorist. The United States of America’s Code, which is widely used in the US Government circles and incorporated into law defines terrorism as, “premeditated, politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience”. That is to create a situation so that you can be hurt.

"Democracy" is also a wide term and I am not going into the definitions of democracy, but for the purpose of what we are discussing, I think "democracy" means and intends the system of government in which people freely choose those who should govern them. "Peace" is also another wide term. Again for this purpose, I think "peace" means the situation or period or time or an atmosphere where there is no disturbance or disruption such as war or violence. "Security" on the other hand, refers to safety of persons and their property or wealth. It is the feeling of protection from any danger or threat. Therefore, you can see democracy is the situation where people are supposed to be in an atmosphere where they can freely choose their own government, but there is a group which wants to influence using force or threat, force them to choose in one way or the other. Therefore, terrorism is a hindrance to democracy.

There are so many forms of terrorism. There is conventional terrorism which involves political and religious extremism. There is cyber-terrorism with risks of proliferation and use of arms including weapons of mass destruction and so on including chemical, biological and nuclear weapons. There are so many trends of terrorism. That is domestic terrorism, contained within one country and typically propagated by residents of that country. There is also international terrorism, which involves individuals or territory from more than one country. There are credible threats posed by international terrorism; that is, by foreign, non-State actors to carry out violent and destructive acts against residents of a particular country.

There are so many ways of countering terrorism. In my own Region, East Africa, where Uganda, Kenya and Tanzania have suffered, they have formed a mechanism for countering terrorism. This has been useful. Some countries have adopted extreme measures under the pretext of fighting terrorism including the repression of political opponents and so on.
I seem to be running out of time before I come to the main point. The main point is that once people are denied of their rights, sometimes this alone causes them to use extraordinary means in order to be heard. That is the other point I wish to make. There are those who use terrorism because of extremisms, as I said, religion and so on. But, those who are oppressed also use terrorism in order to be heard. The President of this country told us how they have handled terrorism and I think this is a good experience to negotiate. Sometimes, you can negotiate with these groups. There are serious challenges because terrorism has chances of blossoming in some countries, specially in our own countries because limited space is given to all the people. It is a big challenge. It needs the concerted effort of everybody; it needs democracy. We were talking about democracy this morning in another committee and whether we should establish a Commission for Human Rights, the Rule of Law, Democracy and so on. There should be a mechanism of creating avenues including a commission, where governments and those who feel oppressed, want to discuss so that we can avoid terrorism. Otherwise, terrorism must be condemned because it affects the innocent people who are not involved in any way - the non-combatants whether military or political. Therefore, I think terrorism should be condemned. Thank you very much.

The Moderator: Thank you. Our next presentation is by Senator Syed Muzaffar Hussain Shah from Pakistan. He is an eminent lawyer. He has held various public offices. He has been the Minister of Law and Parliamentary Affairs, Minister of Agriculture, Co-ordination and Unitization. He has also been the Speaker for a period of 10 years, broken down to two phases. He has also been a Chief Minister from 1992 to 1993 and at the moment, he is a Senator in the Upper House in Pakistan. I welcome Senator Syed Muzaffar Hussain Shah.

Senator Syed Muzaffar Hussain Shah (Pakistan): Thank you, Moderator. Today’s subject of this Workshop is, “Terrorism - The Threat to Democracy, Peace and Security”. My distinguished Colleague has already given you the definition of “Terrorism”. I would approach this phenomenon of terrorism by saying that terrorism today, in contemporary times, is no longer a local phenomenon or a regional phenomenon. After 9/11, the world has undergone a radical change. It is today an international phenomenon. No country in the world, no continent, is safe from it. It encompasses a broad section of our societies throughout the world.

Groups and international organizations like the Taliban and the Al-Qaeda are drawn in the name of extremism, separatism, nationalism and religion. Basically, when you look at terrorism from that point of view, it is in total contradiction to the system of democracy. Democracy means, a system whereby the citizens of that country are given the inalienable right to choose what system of government they want, what laws they need, what laws they want to promulgate and implement and the liberty, the security of life and property and an equal and just society in which they can live. Terrorism, on the other hand, basically propagates an idea of threat and intimidation which changes that mindset. Terrorism indicates or propagates a viewpoint whereby they want to bring about social changes through force, through violence and through terrorism. Whereas democracy believes in change through the ballot, terrorism indicates a change through the bullet. We have seen this phenomenon throughout the world today. In the aftermath of 9/11, we saw that it was not only the developing States, but also the developed world itself which basically had been encompassed by the threat of terrorism.
In order to understand the different forms of terrorism, after 9/11 political parties, thinkers, sociologists and politicians started to analyse the causes of terrorism. Many of our contemporary scientists and thinkers came to the conclusion that alienation in our societies, undernourishment, sections of society that were deprived and communities that were deprived were major causes. Within nations and states, there were sections which had not been given the socioeconomic rights - deprivation. Terrorists basically exploited scenarios of that nature. They developed it either in the name of nationalism, separatism, statehood or religion - in the name of God, and what we are witnessing today is a global phenomenon.

Therefore, when we sit down in a Workshop of this nature today in Colombo, we must think what has basically changed the world. The terrorists have access to modern technology, to the information age, to new arms and weapons inconceivable three or four decades ago. So, we are confronting an enemy that has access to the contemporary era’s modern weaponry, both in terms of ideas as well as in terms of weapons and otherwise. In order to address that issue, long-term and short-term, in a workshop, it would be inconclusive unless you give concrete recommendations on how to address an issue like terrorism, so that it should not be a threat to international peace and security and to democratic systems throughout the world.

I think the recommendations that I would like to place before this Workshop is that first of all, it is a global phenomenon. It is a global phenomena which needs a global response. It is not confined to South Asia or South-East Asia or Africa or Latin America. It needs a global response at the international level, if we need to resolve this. Let me give you the example of my own country, Pakistan. We are a frontline State against terror. We have lost 35,000 civilians in the war against terror and 5,000 personnel of the security forces. Our economy has suffered US Dollars 58 billion in the last couple of years. Yet, we have reiterated and reaffirmed our commitment that Pakistan will continue to fight terrorism, irrespective of the costs, either in human resources or in terms of its own manpower. We have set up 1,000 border posts on the border with Afghanistan today. Our mosques have been bombed; our schools have been bombed; our bazaars have been bombed. Such is the nature of terrorism.

Therefore, what national leaders need to do is to come up with the political will, both nationally and internationally. They must reaffirm and reiterate; they must identify the sources from which terrorists get their funds. They must be isolated. They must be banished. They must be banned, both in terms of municipal law as well as in terms of international law. Political leaders need to address those issues in our societies. Those segments of our societies which are most vulnerable to terrorist ideals is a just society, a democratic society, where everybody has the right to be able to express their thoughts, their process, so that they can participate in a democratic dispensation. The biggest weapon against terrorism is a domestic front, which is a just front where people feel that they would not be subscribed to an idea of change through the bullet. If democracy is to prevail throughout the world, I think world leaders, civic leaders, civic society, the media and all have a role to play in this great war against terror. I would like to point out that it is of utmost importance to highlight at Conferences of the CPA, the Inter-Parliamentary Union, the United Nations, the Organization of African Unity, the ASEAN and the countries of South-East Asia, that we need to build a just society, so that the terrorist is not able to go across and say that, "you have been deprived; you will not get your rights; we will get it for you and we will not get it for you through the ballot, but through the bullet". The mindset of the terrorists is different from a
democratic mindset. This is the difference between democracy and the totalitarian regime and an authoritarian regime. We need to be in a position to propagate and enunciate the democratic mindset today.

Therefore, Sir, what I am trying to say is that terrorist organizations, groups and individuals need to be isolated; their sources of funding needs to be blocked; access to arms and ammunition should be stopped and the world at large - civic leaders, civic society and the media - should be mobilized so that the common man in these countries can be told that his problems will not be resolved through terrorism but through democracy, through peace and through security.

We have witnessed in the 21st Century, the end of imperialism and colonialism. A large number of countries today is represented in the CPA. They have emerged as independent, sovereign States in the aftermath of the Second World War. We have seen the light of freedom and democracy. Therefore, today, terrorism is the big challenge, I would say, the biggest challenge to freedom and democracy.

How can we combat terrorism? I would say, that is through democracy and development, because the common man asks, "What has democracy given us?". Unless you give him the fruits of freedom, democracy is meaningless. Therefore, the slogan should be: “Democracy through Development”. Development and democracy can counter terrorism more than any other idea. If you want to maintain the democratic mindset, this is the message that you and I should take to our countries, to our people and to our communities.

Thank you very much.

The Moderator: The last Discussion Leader, the Hon. Ms. Irene Ng from Singapore will speak next. She has been a Member of Parliament in Singapore since 2001. She is also a leading Writer-in-Residence at the Institute of Southeast Asian Studies, Singapore. Among other portfolios, she holds oversight responsibility of the Parliamentary Committees for the Foreign Ministry, the Defence Ministry, the Education Ministry and the Ministry of Culture, Community and Youth. She is an active Member in a number of regional and international forums. She currently serves as a Faculty Member of the Salzburg Global Seminar, 2012. She has also been awarded a visiting Senior Fellowship at East-West Centre, United States. She holds a M.Sc. in International Relations from the London School of Economics and Political Science. In 2006, the Hon. Ms. Irene Ng was awarded an Honorary Professorial Fellowship at Edinburgh University. Now, join me in welcoming, the Hon. Irene Ng.

The Hon. (Ms.) Irene Ng (Singapore): Thank you, Mr. Chairman and Fellow Parliamentarians. Yesterday, September 11th, marked the 11th anniversary of the 9/11 terrorist attack against US by Al-Qaeda and since then, despite the many battles that we fought against terrorism and the many battles we won, the terrorist threat remains as alive as ever, as persistent as ever and as resilient as ever.

I would like to divide my speech into three parts. First, I will talk about the evolving threat of terrorism. Second, I will share briefly the experience of Singapore in countering terrorism and third, I will conclude with some thoughts about the ideological threats that terrorism pose and
how the battle is won by the mind - of winning hearts and minds - and not just a problem of law and order.

On the persistent threat of terrorism, as you know, terrorists have been innovating and they have been adopting their strategies in the face of the changing security landscape. Operationally, they have also been adopting their modus operandi to circumvent security measures that have been put in place. So, they have been very creative in coming up with all sorts of bombs. You may have heard of printer cartridge bombs and underwear bombs that are being reported. In fact, they have improved the designs of the bombs. In May 2012, this year, it was reported that the Al-Qaeda of the Arabian Peninsular has improved their version of the underwear bomb that they have tried to use in 2009 to bring down a Detroit Airliner but failed, and this time they have improved it further. So, the next time, you are patted down very closely at airport security checks, I think you know why. So, the underwear bomb is another new innovation that they have been improving on, besides others.

Besides evolving their attack hardware, their terrorist networks have also been improving and expanding their outreach through new channels and one of the channels that is most disturbing is using the internet. They are using the internet to recruit new members, new supporters to pursue their global agenda and even to share terrorist terror craft. They are broadening their efforts to reach out to an international audience. Previously, most of their websites were in the Arabian language. But, increasingly through the years, they have been putting out many more English language websites. Just to give a rough indication, in 2002, there were about 30 Jihadist websites supportive of Al-Qaeda in the English language. Today, there are more than 300. From 30 in 2002 to more than 300 today, gives us just a rough indication of how active they are online and how they are reaching out with their radical ideology, especially to our youth, who are very much connected through the internet. Such online activities have heightened the threat of radicalization. Disturbingly, this trend has also contributed to the rise of self radicalization of individuals - individuals who may not be connected to any terrorist groups but maybe linked up because they are seduced by the rhetoric that they read online and seduced by the charismatic features that they hear online and they become converts without being recruited actively by members around them. As the communities worldwide become more connected via the internet, this threat is likely to rise.

Now, I will deal with the security issues in Singapore, especially, how we are countering terrorist threats. Singapore is a small island and it is a multi-racial society. We take seriously the rise of terrorism because the region in South-East Asia has been a hot spot, especially with a very active regional terrorist group called “Jemaah Islamiyah”. Their aim is to create an Islamic kind of fate as well as to punish what it regards as enemies of Islam, which includes Western allies and countries which are pursuing the battle against terrorism like the US. The JI network in Singapore has been disrupted and the security agencies have been bringing up sustained security operations against Jemaah Islamiyah in Singapore. There have been many arrests over the years. But, we know that the JI network has not given up on Singapore and Singapore remains a potential target. We know this because of the intelligence shared by our neighbours like Indonesia, Malaysia and other countries. In May 2010, two years ago, there was a police raid against a terrorist in Indonesia, who was a known JI affiliate and during the police raid, they found in his possession a map of the Singaporean network including a marked-out Orchard Road
Station. If you have been to Singapore, it is a major shopping area with a very high population density. The police also found with the terrorists who were shot dead by the Indonesian police, another map of the Orchard area. So, such information keeps us vigilant and it also reinforces the importance of close working relationships with our security agencies in the region and also intelligence-sharing.

But, given the complexity and persistence of the terrorist threat, the counter terrorist measures have to be dynamic because the terrorism threat and the groups themselves are evolving. The measures that have been put in place must also evolve and be dynamic. It is important especially to step up efforts to counter the spread of radical ideology, both in the real world as well as in the virtual world, because it is this radical ideology which is fueling their Jihadist Movement. As it is not possible to block out the internet, the next best step is to educate our people so that they can identify terrorist ideology and be on guard against radical ideas. They can also be our eyes and ears on the ground reporting any suspicious and radical activities or views that have been expressed that we should keep an eye on.

It is important to treat extremist behaviour, not only as a law and order problem, but also as an ideological problem. In the Singaporean context, the Muslim community leaders themselves play a very important role and they have undertaken efforts on several fronts to counter such radical ideologies that have been exported by radical extremist features in other parts of the world, especially from the Middle East. So, they have on their own initiative drawn up a register of approved religious teachers, what they call "Asatizahs", to make sure that only the approved ones, the recognized ones are hired or used by the mosques and families to teach their children. This is to ensure that the extremist ideologies that are preached in the mosques in other parts of the world will not find its way to Singapore and strike roots. Several respected moderate Islamic teachers in Singapore have also taken the initiative to reach out to a wider Muslim community. They include the religious rehabilitation group, a group of Muslim teachers who go around to counsel JI detainees and some radicalized youth to give them a proper picture of Islam.

Equally important, if not more, is to deepen the trust and confidence between the different races and religions in peace time, so that when it comes to situations where we are rocked by incidents of terrorism around us and we have to mount security operations against terrorists in our midst, it will not become an issue of one race or one religion against another; it is to do with all citizens rising up against terrorism. This is particularly tricky in a multi-racial society. If I may give an example in Singapore, I am the Member of Parliament for Tampines. Twenty five per cent of my population is Muslims, which is higher than the national average, which is 15 per cent. So, during the security operations in 2001 and 2002 to detain Muslim extremists linked to JI, I had to very quickly call on our Muslim leaders to please calm their flock; to make sure they understand it is not a case of the State moving against Muslims, but it is a case of anti-terrorists, not anti-Muslim or anti-Islam, and because of the bonds built over the years, the Muslim leaders were able to support such a view and helped me to explain to their own flock.

At the same time, because of the system that we set up through various groups such as the inter-religious councils, I have also managed to have formed links with the religious teachers from various faiths, besides Muslims, Catholics, Christians, Buddhists and Taoists. It is important to spread the message of co-operation and calm to their own flock, to tell their flock not to see this
as a Muslim issue and not to take it on the Muslims, not to foster hatred, suspicion and fear against the fellow Muslim brothers and sisters. This is crucial because one of the main aims of the terrorists is to build two hostile worlds: a Muslim world vs. a non-Muslim world, separated by a chasm that can never be bridged. That is the main aim or the key aim of the Jihadist terrorists. You must not allow them to create that divide and as Members of Parliament with our own constituencies, we can play a major role to shape society in a way that we stand up against terrorists as one united people.

Thank you.

The Moderator: Thank you so much. Dear Colleagues, “Terrorism” has been defined in many ways. Some of you have gone further to elaborate the threat faced by the respective countries where you come from and how you have been able to handle terrorism in your own country. It is now time for discussion. I want to remind the rules that were explained earlier. We are going to entertain clarifications, questions, but not presentations. The time limit also applies to you as it applied to the Discussion Leaders. We are giving you five minutes to make any clarification or raise a question. If you have not completed it within five minutes, the bell will ring and at the fifth minute, we shall inform you that your time is over. We sent round a piece of paper for you to put down your name, your branch and the region you come from. We will give you the opportunity accordingly. So far, we have received about five names and I am going to start with those. I will start from the Hon. Dato’ Devamany S. Krishnasamy from Malaysia. He will be followed by the Hon. (Smt.) Sumitra Mahajan from India, Senator Dr. Muhammad Farogh Naseem, from Pakistan, the Hon. P. Moongo from Namibia and Major-General Moeng Rabasimane Pheto from Botswana.

The Hon. Dato’ Devamany S. Krishnasamy (Malaysia): Thank you very much. I think much has been said about terrorism. I think every nation around the globe is involved in these counter-terrorism efforts. Basically, looking at the Commonwealth itself, I would like to ask the Panel Members here and also the Chairman, as to what level that counter work has played a role in this fight against terrorism, because we have always been having discussions and meetings. We have been attending a number of meetings annually. But, I think we have not come to a level where we can learn from our experiences. From the Discussion Leader of Singapore, I think we could learn quite a bit of the work that has been done there. Every nation has got all these preventive, interventive and curative measures and also the technical know-how. The examples she cited - win the minds and heart, education, poverty eradication and good policies, democratic practices within the Parliament - all these we are having. Probably we are not sharing, we are not putting the right human capital to do these works. These works need human capital - the right people who know exactly what to do and how to do it - and that collaboration and co-operation needs to be enhanced. To what level are we going to move from here? Are we just going to discuss again and come back every year and share notes? We do not even have notes sometimes. How are we going to move forward to look at more sophisticated methods? As she said, it is going to be very dynamic and it is going to change very fast. They are going to be faster because they are moved by a powerful belief within themselves. Do we believe, do we have the same belief and passion the way they have, to stop terrorism?

Thank you.
The Hon. (Smt.) Sumitra Mahajan (India): Thank you, Sir. I will not speak much. I will lay my speech on the table if you permit me. I liked the speeches made by all the Discussion Leaders. Terrorism is much talked about globally. I think all of us are suffering from terrorism of one kind or the other. So, many different treaties with regard to drug trafficking, money laundering, extradition and so on have also been signed by us because all those are aspects of terrorism; all those have something related to terrorism. There are so many countries which are named for terrorism, but now they are also speaking of anti-terrorism. That is also good because really it is a threat to democracy, peace and it is becoming a global phenomenon. I would like to ask a single question. There is a Convention pending in the UN. That is a comprehensive Convention on international terrorism. It was drafted by India. We want that adopted. So, comprehensive steps should be taken by all of us against terrorism. Global efforts are necessary for that. We must proceed to zero tolerance against terrorism. So, for that, it is good if we agree that terrorism is bad and we must fight against it. But, I would like to know from you, how we can proceed and what steps we take can with regard to the comprehensive Convention Against Terrorism which is pending before the UN from 1996 onwards and what global efforts we can take If you permit, Sir, I will table my speech. Thank you.

The Moderator: We welcome that. We shall receive that presentation and I will ask the Session Secretary to pick it from you. Thank you so much. I think if any one of you have a presentation or any paper, please feel free to pass it over. Then, it can be put on our website so that all of us will be able to access that. The Hon. Senator Dr. Farogh Naseem from Pakistan may speak next.

The Hon. Senator (Dr.) Muhammad Farogh Naseem (Pakistan): Thank you, Sir. Unless and until we address the causes of terrorism, I think nothing great could be achieved. Indeed, inequitable systems of conferring political, social and economic rights are to be addressed. But, at the same time, in future, if at all, there is an international experimentation towards war, there must be a proper exit strategy. Unless and until we have a proper exit strategy, the people who are there may feel betrayed and they will do whatever they want.

Secondly and most importantly, Pakistan, as a frontline State, is asked to do more. I think this is the time that the international community should do more for Pakistan. It has already suffered a great deal in terms of economic loss and it is just a simple mathematical exercise that the economic loss we have suffered, if you compare with the aid that we have been given, is hardly anything.

Last, but not least, we must at municipal levels or at national levels, have new laws to counter new forms of terrorism. At the same time, those who indulge in terrorism and also the international community should realize that Islam is a religion of peace. Prophet Muhammad Sallallahu Allaihi Wasallam was the highest ambassador of peace. Therefore, unless and until we recognize this, I do not think much can be achieved. Thank you.

The Hon. Phillemon Moongo (Namibia): Thank you very much, Moderator. Well, some of us have been called terrorists when we were fighting for liberation in Namibia. But, I do not want to continue with that. Neighbours are the motivators of terrorism against another country, especially in some parts of the world like in Africa. What do we need? I think one of
the Discussion Leaders here talked about "Democracy with Development". I want to add to that and say, democracy with social justice, distributive justice and active justice should first be required, because if we fail on those, we might not have excuses. We participate in this Workshop on Terrorism to share our views. So, we must address, as my Colleague said, as to how we can distribute social justice, active justice and distributive justice equally. If we really do not address those issues, we will face problems. But, at least, what I request you to do is, not just talk but to take action; every year you talk. We need practical action to be taken for this serious matter. We need to establish a Commission which can go from country to country and formulate a proper system because some countries have no laws on terrorism but some have. Even if you have, how do you implement them? Do they address social justice or distributive justice? How do you distribute economic rights equally? Colleagues, I hope I raised my case. Thank you very much.

The Hon. Maj. Gen. Moeng Rabasimane Pheto (Botswana) : Thank you, Moderator. First of all, let me congratulate the presenters for their deep insights shown in their presentations on this topic. I agree with them that as far as international security is concerned, terrorism is a serious threat to democracy. There are impacts and effects on democracy, which are known to all of us and I would like, perhaps if possible, ask the presenters to share that information with us. We heard the Singaporean efforts in dealing with the matter, but I just want to know as to how they feel the world should address this matter because it is escalating.

Then, Mr. Moderator, I hope that you would allow me, perhaps spend about two or three minutes, to share my personal experience and my country's experience on this matter with you.

The Moderator: But, you have only five minutes.

The Hon. Maj. Gen. Moeng Rabasimane Pheto: Okay. I am saying that our sub-regional efforts in Southern Africa is perhaps something that I thought we might share with you. The Southern African Defence and Security Management Network, for instance, has played an important role in promoting peace and security in Southern Africa and also in developing a basis for a common security in the region. It has done so by developing the capacity of the Southern African Governments in the region to manage their defence forces and other security organs such as intelligence service, for instance, to democratize their operations and also to share their information with other States in the region. I thank you.

The Moderator: You have two more minutes.

The Hon. Maj. Gen. Moeng Rabasimane Pheto: Okay. I am happy to share our thoughts on this matter with the Delegates. Maybe I could now touch a little on terrorism in Africa. I know my Colleague from Uganda did so. But generally, terrorism in Africa does not depend on any one leader as elsewhere in the world; neither do they depend on financing for any coherent demand because they are such that they can operate either as individuals or small groups. So, basically, the majority of these groups such as Al-Shabaab in Somalia, Boko Haram in Nigeria and our Al-Qaeda in Somalia are formed and driven by domestic realities and dynamics.

Thank you.
The Moderator: Now, I will give the opportunity to the Discussion Leaders to respond.

The Hon. Jim Muhwezi Katugugu: Thank you very much. I agree with the submissions made by the Members that definitely terrorism is a threat to everybody, to the human race. I also do agree that there is a problem which has been raised by one Member - confusing religion and the fight against terrorism. I think the two must be separated completely because terrorists have no religion and they have no race. They are terrorists. That distinction must be made in every forum that deals with terrorism. I also agree with the argument that there are causes for terrorism such as impoverishment, social injustice, social hatred. We must not undermine these grounds for terrorism because these grounds can excite people and they get recruited into terrorist organizations.

There are many examples of co-operation. I have included them in my paper which will be distributed. For example, in East Africa there is high level co-operation including the establishment of counter-terrorism mandate, inter-governmental counter-terrorism committees, establishment of robust governance mechanisms, counter-terrorism programmes and co-operation of the defence and the police. There are so many people arrested in Uganda and Kenya. We share that information. It is due to the enforcement of law across borders that they are arrested and terrorism is fought. We really need to identify terrorism beyond ideological differences.

Even in West Africa, ECOWAS has democracy and it has election arrangements to monitor elections. They have a protocol on democracy and good governance. They have an intergovernmental action group against money-laundering and many others. The IGAD is another arrangement. That is, the Intergovernmental Authority on Development in East Africa. They have an arrangement against terrorism. Then, you have the African Union Normative Framework to Combat Terrorism, and so on. They have many organizations in Africa. Many resolutions have been passed. So, there are many areas of co-operation which should be encouraged by all countries in order to fight this global problem. Thank you.

The Hon. Ms. Irene Ng: Thank you Mr. Moderator. Of course I agree with most of you and especially with our Colleague, who stressed that Islam is a religion for peace. It is definitely so. In particular, I emphasized the role of the Muslim community leaders in Singapore, who, on their own initiative, debunked extremist ideology and made clear that Islam is a religion of peace and terrorists have no place in the Islamic religion. This is a very important role played by the Muslim leaders themselves. Especially in a multi-racial country, it is important for the Muslim leaders to take the initiative to step forward. At the same time, it sent a clear message to the flock, not be swayed by extremist ideology that promotes violence and that poses a security threat to the State.

It is a sensitive topic. I have listened to various speeches online from Yemen preaching in the English language. It is very powerful and very charismatic and it portrays that Muslims have been oppressed and how the US and allies are enemies of the Islam and so on. We are not immune to it in Singapore. Despite the fact that we have development, we have a very low unemployment rate and youths are highly educated. But, we have radicalized youth. In fact,
over the last few years, we have detained some youth who have been influenced by what they heard online to the extent that they were willing to wage Jihad and go to Afghanistan to fight alongside this militant Jihadists. So, that is the danger of the internet and of the views that are espoused. We are very clear: Islam is a religion of peace, but we have to have a firewall that protect our youth, our people, from such extremist ideologies and the problem is that the trajectory is unpredictable. A young man with good prospects in life sitting in front of the internet, where does he progress from a man who is addicted to listening to preaching to become a terrorist? It is unpredictable, and because it is unpredictable, it poses unique security challenges, especially to a country like Singapore. But, our strength really is our Muslim community. Our moderate teachers and our strong bonds between the different races. Many of you spoke about what the world is going to do about it and what the Commonwealth is going to do about it. These are very good questions and I will leave it to the Moderator. But, I think it is within our powers. Within our countries we can play quite an important role in engaging the different faith-building trusts and confidence and also in establishing that link. So, whenever we step out to condemn terrorism, it is understood. You do not have to say it again. It is understood. It is not against Islam. It is not against any particular religion. It is against terrorism.

The Moderator: I would like to ask the Senator Syed Muzaffar Hussain Shah to throw some light on how we can move forward using, the Parliamentary Caucus within the Commonwealth?

Senator Syed Muzaffar Hussain Shah: I will first address some of the concerns expressed through the questions. The distinguished gentleman from Malaysia asked a question. I said in my presentation, that today terrorists have access to a lot of new evolutions including the internet. What national leaders like us have done in Pakistan is, we have promulgated laws which ban internet websites, which basically evolve and promulgate very strict anti-terrorist laws and anti-laundering laws, both in the developing States as well as in the developed States.

Our distinguished Colleague from Namibia raised a very pertinent question. That is regarding distributive justice. I said earlier that the terrorists address those parts of our communities which are most vulnerable. Let me say that it is not only Namibia, but also the so-called branded terrorists of yesterday are today called freedom-fighters. They are today leaders of national governments. This is the post-colonial and post-imperial period. But, what I am saying is that in a cumulative effort, terrorism needs to be addressed in a multi-dimensional manner. Multi-dimensional means, the response must be global. The national leaders who formulate policies for their countries must lay down policies, which are justifiable. That means, the fruits of development and social justice must permeate down to the grass roots level, so that there will be no section which feels a sense of deprivation. Terrorism thrives on deprivation. I mean, it thrives on the denial of self-determination. Still, there are many countries which say that they have the right to self-determination. But, it is the terrorists who are saying that, “You will not get it, join forces with us and it is the bullet which will get it for you”. So, what I am saying is, it is for individual nation states to evolve national policies and co-ordinate them at the international level as global policies, so that you are able to evolve a multi-dimensional programme, both at the national and international level conventions. Our sister from India said that there is a convention which is being formulated in the United Nations. But, still, there are conventions on terrorism
which most of the Commonwealth countries are signatories to. So, what I am saying is that basically, you need to evolve national policies which do not give terrorists a chance to probe and exploit areas of alienation or deprivation. That is the first matter.

Secondly, cut off terrorist organizations’ access to technology, to the internet, to funds, to arms and ammunitions. Thirdly, the most pivotal part is to mobilize the people - the middle class, the media, lawyers, political parties et cetera. They have a tremendous role to play in such an endeavour. It is we - you and I - who are basically leaders of civic society who must mobilize people. Let me give you an example from Pakistan. There is not a day in which we do not suffer 15 to 20 casualties in some part of the country. Yet, we will find a solution across the broad spectrum of our political leadership. That is the commitment and reaffirmation that we will fight, irrespective of what the consequences are. We have lost about 40,000 people in the last few years on terrorism. We have lost about 10,000 people from the army. We have suffered a loss to the tune of US Dollars 60 billion in the war. But, such is the price you have to pay.

So, in a nutshell, it is a reiteration at the national level that you will fight it at all fronts. There has to be a reaffirmation also at the international level. It has to be a global phenomenon. It has to be a global answer. We, the leaders of the world, have to do that. A lot of people come and ask, “How will you do it?” It has to be done through civic leaders; through community leadership; through political parties and through the media. You have to mobilize people. You have to confront it.

As I said earlier in my presentation, that 9/11 phenomenon changed the whole spectrum of the world. You could not conceivably think that a terrorist could reach the World Trade Centre in New York. He did it. He had access to new technology and he had access to lots of other things. So, the experiences have paid off. I think after the 9/11 phenomenon, there has not been a major incident, but, there have been incidents all over the world, like I said.

So, in conclusion, you need a global response and you need a national response. The national leaders need to address the issues of deprived sections of society. You need a socio-economic distributive system of justice so that the terrorists are not able to confront the deprived sections of society and create terrorists. Like I said earlier, this recruitment that goes on either on the internet or otherwise, what does it mean? It is a mindset. The terrorists work on the mindset and they mostly work on the mindset of the deprived people, who in some way or the other, feel that they have been deprived. So, I think it needs a cumulative effort, a global, a national effort at grassroots level to mobilize, cut off assistance, grants, access to technology, internet and arms and ammunitions. That is what the response has to be. Thank you.

The Moderator: Thank you, Senator. The representative from Malaysia asked as to what level the Commonwealth has addressed the issue of terrorism. I would like to say that we are a Board of Legislators. The Commonwealth Parliamentary Association, specifically I would say, conduct workshops, seminars in different Parliaments to push for legislation for Members of Parliament regarding money-laundering, terrorism et cetera. So, those are some of the attempts the Commonwealth Parliamentary Association has made. Our meeting here today is part of it. The purpose is to share ideas, to pick from different countries, to know how far they have gone and how we can use those strategies to implement or domesticate their policies and laws in our
countries. We have had many views expressed on democracy in this discussion here. The lack of democracy in some countries is one of the causes that lead to terrorism. So, what the CPA has been doing is, preaching democracy and good governance in order to address this issue.

The sharing of ideas, like what we have been doing here, is very important. We heard from the Delegate from Singapore about the key issues like education, mindset of the people, registering of priests et cetera. She said that only registered priests are allowed to teach religion in Singapore. Religious leaders in some countries have studied only in churches and they have not gone to any school. So, they just learn from going to church day after day. So, I think that was a good suggestion we learnt from Singapore. I think these teachers must be registered and we should know what type of teaching they put forward. But, the most important thing is the sharing of ideas. This is what the Commonwealth is encouraging and I think we need to have a check list, so that in future, we are able to see how far we have gone in addressing these issues. It is a contingent process. Let us help one another to see how we can address these issues so that other countries will be able to learn from us. As national leaders, we should be in the forefront in passing legislation - the laws - that address this threat of terrorism.

The second round of questions we are going to start from the Hon. Obuebite Robinson Jonathan from Nigeria - Bayelsa State, followed by the Hon. Eran Wickramaratne from Sri Lanka, the Hon. George Tasou from Cyprus and finally we will have the Hon. Mussa Azzan Zungu from Tanzania. We can go in that order.

The Hon. Obuebite Robinson Jonathan (Nigeria) : Thank you, Mr. Moderator. I want to thank the Discussion Leaders and all of you for giving us ideas on terrorism which is the main threat to democracy, peace and security. Of course, we all are aware how terrorism affects democracy. In my country, indeed, we have a democratic government, but it cannot work because there is a fight against the Government through terrorism. Political leaders are fingered to be behind that entire process of trying to cripple the government. My question is this. There is this increasing divide of opinion, where some schools of thought believe that governments cannot negotiate with terrorists. But, I believe it is a divide that is also weakening and destroying the collective unity in fighting terrorism. Some states are saying that they cannot negotiate with terrorists whereas some are saying that they can do so. I am aware that after my President died, there was this Niger Delta issue where a carrot and stick approach was used. They were asked to leave the system and they were also empowered. But, the international community is confused whether they can negotiate with terrorists or not. What do we do as the Commonwealth to come up with a clear position on how to fight terrorism?

My second question is on the issue of the United States of America. We are all aware that the United States of America is in the forefront of fighting terrorism. But, there is increasing condemnation among member nations and other nations on the attitude and approach of the United States in fighting terrorism. That is, even strengthening the terrorists, who feel they have support or sympathizers in condemning America. So, what can the Commonwealth do in strengthening the position of the United States of America and also making counter terrorism an agenda of the United Nations? Let terrorism also become one of the key issues that the United Nations will fight, so that, especially the Third World countries can be saved from this threat of terrorism.
Then, there must be a Resolution of the UN. In the UN, the process of arriving at every resolution is where Member States in the Security Council vote. I believe that as the Commonwealth of Nations, we have a strong strength in voting. The Commonwealth can come together and put up a Resolution, like the Delegate from India said. We can begin a process that will be followed in the United Nations. So, there would be a policy, that all the member countries should get together and fight terrorism, rather than to leave it for the particular country that experiences terrorism to fight because most of the countries do not even have the due resources, the sophistication and the level of technological development to fight terrorism. Terrorists are talking about building nuclear warheads. Most of the countries in the Commonwealth cannot build nuclear warheads. So, I want that collective approach. Thank you.

The Hon. Eran Wickramaratne (Sri Lanka) : I am a Member of Parliament from Sri Lanka. I just want to make two very quick points. I think Sri Lanka’s success militarily dealing with terrorism is now well-known. What I would like to lay on the table is that when you are dealing with a terrorism situation, you need to be mindful of your final outcome. You could be a post-war country, but you may not necessarily end up as a post-conflict country, because when you are fighting terrorism, you would resort to extreme measures that you would not otherwise resort to. For example, individual freedoms and things like that would have to be suspended or may have to be suspended at particular points of time. So, the question is actually, how quickly could you normalize? It is three years since the military conflict has ended in this country, but we have not normalized as yet. So, I think the lesson in it is that to have an eye on actually how do you become post-conflict.

The second point I would like to make is that there are causes often that have led to one particular group taking the extreme position of using arms to achieve their objectives and they succeed to some extent because they have some support among a section of the population, either directly or indirectly. To that extent, they can sustain their campaign. The question is, once you have dealt with the military situation, how do you actually deal with those causes of terrorism quickly? Some of the speakers alluded to that. In this country, there is no structured discussion between the Government and the leading Tamil Party as yet. I will not say that there is no discussion; I would say, there is no structured discussion. There is another point that I would like to make. If you do not want the cycle of terrorism to repeat itself, you need to actually move quickly to the political, social and economic causes and try to resolve them through discussions. If there are other experiences around the world, we would like to hear about them. Thank you.

The Hon. Mussa Azzan Zungu (Tanzania): Mr. Moderator, the Colleague from Malaysia asked what the Commonwealth is doing in this regard and you tried to explain it to us. But, I would like to elaborate on the matter he has raised. We have been discussing these issues in a number of workshops, but there is no response coming from the Secretariat as to what steps have been taken. So, we do not know what is happening. Mr. Moderator, I do not think it is proper for us to be attending such workshops only on matters of choice. This Committee should meet annually, to know what is happening after twelve months and know where we stand. I always come to this Committee because I have an interest in this. In Tanzania, I am a Member of the Foreign Security Committee. Coming here should not be a matter of choice. After
meeting here, do we have a follow up? It does not come from the Secretariat nor does not come from us. So, we get stuck. We do not know what is happening.

Mr. Moderator, I do agree with the Delegate from Nigeria regarding the Resolution. The security organs know that there are countries harbouring these terrorists and accepting investments from the terrorists. There are countries who allow terrorism to go to this extent, because of the investments they have. I would not mention a country. But, within the East African Region, there is a country which is known to have investments coming from Parisian terrorists and this is where the funding comes from. So, what would the Commonwealth do about this situation?

Another matter, Mr. Moderator, is we should see the causes of terrorism. For instance, there is illegal fishing in the Indian Ocean by the trawlers from Europe. They catch all the fish. So, it makes people depressed. So, these are areas that we have to be mindful. Intelligence-sharing is also very important. For instance, in Tanzania we have very good connections with East Africa as the General said. But, we should go further. We should know what is happening in Tindouf Camp in Nigeria and Morocco. This is where the terrorists are strewing. We have reports of people in Morocco in the Tindouf Camp being seen in these camps reading newspapers in Swahili and listening to Swahili on radio. This is where the threat really is. So, we should engage with these people to know that once they are trained, they should not be coming back or they should not be trained at all in these camps. Thank you.

The Hon. George Tasou (Cyprus): Of course, everybody raised a lot of issues. My question is, what shall we do to solve this problem? Even we know the reasons for terrorism. Terrorists have no colour and they have no place. In all the countries around the world, we hear every week or every month something about terrorism. I think the big question for us to answer is, how to get people to learn about democracy et cetera. I believe that it is not good enough only to have a workshop here in this room or a seminar. There are a lot of books written about terrorism. The best thing is, you must invest in educating the people. For hundreds and thousands of years we have had terrorism. It is not a new phenomenon. So we have to educate the people in this regard.

The Hon. Jerry Ouellette (Canada): My question is, in a proactive and preventive manner, when does it cross the line and become unacceptable with the gathering of personal and civilian information for the purpose of determining possible terrorist actions? And, in the same fashion, when does this become acceptable with sharing of that information within the jurisdiction of countries? Not only that, I would like to know and understand and get your views regarding the utilization of new technological material that is used to make weapons undetectable - the basic machines such as metal detectors.

The Hon. George Nnensa (Malawi): Thank you, Moderator. We all agree that terrorism is a threat to democracy, peace and security. The inability to impress democracy can lead to terrorism, which is a threat to peace and security. I will comment mostly on domestic terrorism because it has arisen as a result of the views of minorities not being heard and terrorism comes up as a way of expressing their views.
In my country, we have experiences whereby the State has actually been sponsoring terrorism. That is, the State or the ruling party is unable to accept or to listen to the views of the people. The Government has been actually sponsoring people to petrol-bomb the houses of activists. Last year, people organized demonstrations and before the demonstrations, young people were going through the city, threatening people. The police were there, but nothing was done. The activists who were virtually organizing the demonstrations, a few of them, had their houses petrol-bombed. So, I think apart from extremism, domestic terrorism can be managed or handled by the Governments because they are in a position to handle that. In Africa, if we do not completely embrace democracy and try to use underhand means, then you have terrorism coming up. So, I think it is an appeal to the leadership and the governments to ensure that we actually uphold democracy to avoid these kinds of things. Thank you.

The Hon. Ali Mohamed Saga (India) : Thank you, Moderator. As rightly stated by the three Lead Speakers here, terrorism has different forms. It is not only at State level or national level, but at international level as well. Terrorism has to do nothing with any religion or any sect. Sir, dealing with terrorism as a challenge to democracy is undoubtedly very complex. Given the nature of issues involved, there is an urgent need to work out an internationally acceptable comprehensive legal framework to fight terrorism, which is a threat to peace, security, development, national unity and human rights across the world. The national Parliaments have a crucial role to play in strengthening the inter-government cooperations to reach a global consensus on an early conclusion of a comprehensive convention on international terrorism, that could encompass within its ambit the entire range of terrorist acts, devices and subsistence.

The fight against terrorism, especially organized terrorism, has deeper implications than what is apparent. In the background of its entire network character, States are only one element and overlapping layers of law, national, regional or international interact and harmonize with one another in which the contradiction of the present global system, including the lack of enforcement and policy implementation are obvious. The effectiveness of strategies such as India’s proposal for a Comprehensive Convention on International Terrorism suggests the need for a global set of institutions, policies, development and implementation. In this context, there is a need to comprehensively tackle, not just the perpetrators of terrorist acts, but also those who sponsor funds and provide safe avenues to terrorists. That being so, the role of Parliamentarians, policy-makers and opinion leaders is of crucial importance in facilitating an effective global approach through coherent and integrated efforts. Sir, as rightly stated by the Representative from Malaysia, we are deliberating, discussing and debating issues in this forum and in different international fora but what is the conclusion? What happened to the conclusions? What happened to the recommendations and ideas? Sir, this has to be looked into.

The Hon. Dato' Teng Chang Khim (Malaysia) : Mr. Moderator and Discussion Leaders, first of all, I must congratulate all the Discussion Leaders for their very incisive views on terrorism. I fully agree that the method we adopt should be multi-dimensional in approaching issues of fighting terrorism. However, I confirm what you said: a terrorist has no religion and they have no ideology. Of course, I also agree, in principle, that we have to fight terrorism. There should be no compromise on that. But, probably we should also adopt a change of our mindset. We have to differentiate between terrorism and the terrorist.
Terrorism may be beyond rehabilitations, but should we not believe that a terrorist can be rehabilitated? While fighting against terrorism, we should perhaps adopt methods to engage the terrorists. I do not know because this is something that we have not done before. Rather than fighting with terrorists we have to fight against terrorism. What we are doing now is, fighting with the terrorists. So, we have mixed-up between terrorism and the terrorists. But, do not forget that the terrorists are also human beings. Thank you.

The Moderator: Thank you. I think we can respond to those questions now. We will start with the Hon. Ms. Irene Ng, Discussion Leader from Singapore.

The Hon. (Ms.) Irene Ng: Thank you for the very important views that you have raised. In fact, many of the things you said are very pertinent. I will just pick a few points. Some of you, like from Nigeria, Sri Lanka and Malawi pointed out that domestic terrorism is quite different. You are right; it is absolutely right. That is why in my speech, I dealt more with transnational terrorism, because domestic terrorism could and should be addressed by national governments. They have to address the grievances of the minority groups who might have felt that they have no voice in a political system. So, the threat posed by the Sri Lankan Tamil Tigers, for instance, is of a different order to what Al-Qaeda poses. We heard the President of Sri Lanka saying as to how they have managed to overcome that by a democratic process, and it was possible within the framework of the country.

Where transnational terrorism is concerned, we need a global solution as many of you are dealing with that. But, we also have to be cognizant of the fact that democracy is not always the answer. For instance, if all Muslim countries or all the countries become democracies, it does not mean that Al-Qaeda will lay down their arms and say, “All right, the fight is over”. It does not mean that by having democracy in all countries, the threats from terrorism will abate. We have to recognize that it is a very complex threat. It is multi-dimensional and we have to address each dimension quite specifically. If you look at the trends and data on terrorist attacks, they happen a lot in democracies. It is not because they do not have a democratic process. For example, a country like India, would support the fact that it has been a victim of terrorism, but it has a very robust democracy. I am just pointing it out so that we are aware that democracy is not the panacea to the evils of terrorism, although it would help to give voice to those who are enfranchised in domestic terrorism.

Another point that I thought I will just touch upon is Malaysia’s point. That is, whether they can be rehabilitated. It is something that Singapore is pursuing very actively. We have detained about 45 terrorists who are linked to the JI Movement and over the last 10 years, we have released about 30 of them, because they have been rehabilitated by our Muslim religious teachers. We have formed a group called “Religious Rehabilitation Group”. It is a volunteer group made of moderate and very respected religious teachers. They go and counsel the JI detainees, their families. They ensure that their families are well taken care of and their children do not feel that they are victims of society. Through argument, they try to show that their views are not Islam; that the views they hold about violence, about using arms to bring down societies, to kill civilians, is not Islam.
So it is true; an engagement of ideology can rehabilitate them. The Malaysian point is pertinent as we try and win the hearts and minds. It is not only using jails or money-laundering bills or the security forces but it is through really winning the hearts and minds.

**The Hon. Jim Muhwezi Katugugu:** I thank the Members for your wonderful contributions and ideas. I will start with the comment made by the Member from Nigeria who proposed that Commonwealth or the CPA could be used to intervene in certain situations. I think that is a good suggestion. Another Member also asked about the outcome and the resolutions. We could make recommendations and probably see whether we can create mechanisms within our own organization and later on even in other forum. The Member from Nigeria also talked about highlighting the issue of terrorism like HIV, AIDS, TB and Malaria. They could create a body. Maybe that body could also be used by anyone who has got a legitimate complaint, which could be suppressed by the national Government, so that the international community could intervene, like they intervene in other matters. They can listen to the arguments and declare that there is a problem in that country. They could even impose sanctions or intervene and so on, so that the problem is nipped in the bud, as they say, before resorting to terrorism. I think these are very interesting ideas.

The Member from Malawi was talking about terrorism by the sitting Government. That is also possible. Governments are using terrorism in order to actually suppress an Opposition. It has happened in some countries. They say, “Because of terrorism, we are going to impose laws to listen to your telephone conversations and monitor; we must be aware of where you are going” and so on. They actually squeeze your political space under the guise of fighting terrorism.

**Senator Syed Muzaffar Hussain Shah:** Thank you, Mr. Moderator. The distinguished Colleague from Sri Lanka is not here. He asked as to what should be the attitude in the post-conflict period. I think the Sri Lankan example is a classic example on how to deal with terrorism. But, Sri Lanka has again successfully adopted the South African example, that in the post-conflict period, they started a process of national reconciliation - what South Africa set into motion as an example for many countries in the world. After a long period of apartheid, they set an example to everybody in the world through the Commission of Truth and National Reconciliation. This is what Sri Lanka has done successfully. The other matter which I would point out is that in a post-conflict period, the attitude should be to bring the community that has been most affected into the mainstream as quickly as possible and share power, the fruits of development, socioeconomic development with them and give them the legitimate rights and bring them into the mainstream of national life.

Our distinguished Colleague from Malaysia talked about terrorists and asked whether one should engage with them. I think the experience that Pakistan has had, perhaps, is the best experience in this part of the world. We have said to them that those who renounce the use of force, give up arms and agree to live within the system of democracy and social justice, could be engaged in. But, if a group or an organization says that they will not give up arms, they will resort to violence and force to change the mindset of people or they will not negotiate or accept the national sovereignty of a State, there is no basis upon which you can start the process of engagement. Engagement must be on terms which are acceptable and fair. I think anybody who has gone off the track needs to be brought on to the track, into the mainstream. The mainstream
means, if I agree that I must become a part of a social order where change must be brought about through a democratic process, I must renounce the use of force and I must give up arms and agree to accept national sovereignty. I mean, anybody who is harmful and does not accept national sovereignty, national integrity or territorial integrity of a State, which political party would negotiate with such a group or organization? It is not possible. So, there must be some parameters which one must lay down as being the rules of engagement.

There have been many organizations and groups in Pakistan which have laid down arms, which have renounced the use of force and which have become a part of the mainstream. There are very many of them and the efforts of establishment continue that other groups also would join. In fact, in Afghanistan, that has been the strategy of the allied forces, that they must renounce the use of force, they must give up arms and they must agree to accept the sovereignty of that nation State of which they are actual citizens. Thank you.

**The Moderator:** Thank you, Discussion Leaders. I think Nigeria did pose a question as to what the CPA can do or what the CPA has done regarding this issue of terrorism. I think the Hon. Lady from India brought to our attention that there is a comprehensive proposed convention that has been lying in the UN. I think, as the Commonwealth, we will be able to push for that at the international level. I think it is something that we need to agree on. That is one way we can be able to push at the UN level because that is a body consisting of all countries. Also, as the CPA, we would be able to lobby at the international Parliamentary bodies in order to push for our voice to be heard regarding this matter.

The Hon. Member from Tanzania asked as to how consistent we should be in discussing this matter of terrorism and whether it should be an annual event that we meet. I would think so because then we could get updates and keep helping one another. It is something that I think we shall take forward from this report to the Executive Committee to look into, so that we can have updates and help one another because, year in and year out, terrorism is evolving from one cause to another, taking different shapes. So I think it is something that is welcome.

Since, we have less than one hour to end our submissions, I propose that we do not break for tea. We have seven members remaining here. We can get them to ask their questions and then the Discussion Leaders can respond. Can we have the Hon. G. Karthikeyan from India?

**The Hon. G. Karthikeyan:** Thank you, Mr. Moderator. I will not take much time. I will lay my speech before you.

I have a few points. Of course terrorism poses a direct and indirect threat to democracy, no doubt. The phenomenon of terrorism remains subjective. One person’s terrorist is another person’s revolutionary crusader. That is the main theme. It is also dangerous that terror is often committed in the name of God and religion, but basically it is a way to fight for political goals in a criminal manner. The large amount of coverage that terrorism receives in the media is also a point worth considering. Not only that, social media also plays a big role now. Many people said that.
Another matter that I want to state is that agents of terror seek to pick one community against another. There is a systematic effort to spread communal disharmony and conflict. This is a method they adopt in their madness. Still the fight against terror should not result in the brutalization of our society. We must also ensure that no group or section of society gets targeted in our commitment to fight terrorism. Sir, I have so many points, but I will not take much time. I will leave this paper for your consideration.

**The Hon. Mohammed Akbar Lone (India):** Hon. Moderator, after listening to the speech made by the Hon. (Ms.) Irene Ng from Singapore, I thought I should reply. There were some allegations levelled against the Muslim community and Islam, that Islam is preaching terrorism and so on. This is not a fact. At the same time, every Muslim is not a terrorist. The Muslim community always plays a role in democracy and they believe in a democratic setup. But, later on I heard her saying, “No, it is not Islam; terrorism is there but all Muslims are not terrorists; it maybe a group”.

In our country, in my own state of Jammu-Kashmir, we have terrorists from different communities; we have terrorists who belong to Sikh, Hindu and also Muslim communities. So, to label a particular community for involvement in terrorism is not correct. I am not of that opinion. I suppose in future, all such respectable persons, who are pleading the case at a global level must be very cautious, because this sort of allegation may push someone to the wall. This should not be their approach. So, my meek and humble submission and suggestion to her and to all others is that we, the Muslims, believe in peace, love peace and we want to live and let live others. Thank you very much.

**The Hon. Shri Pinaki Misra (India):** I am grateful to you, Mr. Moderator for giving me the opportunity right after my Colleague from India. I am a Member of the Lower House of Parliament in India. I wish to begin by thanking the Hon. distinguished Discussion Leader from Singapore. I think she made an exceptional point when she said that India, despite having been ravished by terrorism, has stood as a robust rock for democracy and as a bulwark of democracy to the world. In fact, I wish this fact was more significantly highlighted both in the Commonwealth and at the UN level. Unfortunately, it has not happened. I am grateful to her for having highlighted that point. There is no question on what has been unexceptionally said by everybody here - let not that be misunderstood - that terrorism has no religion. Any attempt at vilification of Islam, therefore, has to be condemned in the strongest possible words.

I again wish to reiterate what had been stated earlier by the Hon. Member from Singapore about the way in which the Muslim community has been a pillar in Singapore. Indeed, India has the second largest Muslim community in the world after Indonesia. Today, we are in excess of 210 million, 215 million or maybe 220 million, Muslims in India. They stand side by side, shoulder to shoulder, with every other community as a major pillar of India’s democracy, of India’s future and of India’s succession and we are very proud of that. I wish the Commonwealth and the world community would take a greater note of that. Despite being ravaged by terrorism, we have found to our gratification that it has never been home-grown. I wish to put that on record, that it has never been home-grown. Thank you very much.
The Moderator: Thank you. Can we have the Hon. Nisar Ahmed Khuhro, the Speaker, Provincial Assembly of Sindh from Pakistan?

An Hon. Member: He has left.

The Moderator: Okay. Then, we can have the Hon. Hamad Rashid Mohammed from Tanzania.

The Hon. Hamad Rashid Mohammed (Tanzania): Thank you, Moderator. First of all, I also would like to thank the presenters for their deep and very fugitive contributions. I want to ask three questions: one is about the distribution of weapons, which we have witnessed due to this wave of political change in feudalists. Are we sure that the weapons distributed in those regions are not falling into the hands of the terrorists? Are we sure of that? We have seen that it is done by the so-called very democratic countries. I am very much worried about it. Are not those weapons falling into wrong hands or the terrorists? That is one question.

The second question is, there is a problem of distribution of wealth and power. Today, we have been talking to the WTO and other organizations to see how Third World countries and other countries can benefit from the cake of global wealth. So, it is a question of distribution of wealth and power and not caused by these terrorist groups.

We have experienced in Tanzania that political and religious tolerance is the key to the fight against any crime, including terrorism. In Zanzibar, we have 99 per cent Muslims. But, our former Chief Justice was an Anglican and our former Attorney-General was a Catholic in a State where 99 per cent of the people were Muslims. So, I want to tell my Colleagues, that religious and political tolerance is the key to fight against any crime including terrorism. But, how many of those people who are advocating peace, stability and democracy are ready to be tolerant - religions and political tolerance? This question also needs to be asked. Somebody from the US asked me, “In the event you have 99 per cent Muslims in Zanzibar, are you sure that terrorism cannot take place there?” That is why I take this example where we had an Attorney-General who was an Anglican and the Chief Justice who was a Christian. It can happen in the United States. So, religions and political tolerance are the key factors which you have to observe.

Finally, I think sharing of information is also important. We use this forum to share information as to what is happening in our countries. Like for example, what you have done in Tanzania, and what you have done in Namibia, so that you may re-adjust your programmes through others experiences. Thank you, Mr. Moderator.

The Hon. Lt. (Rtd.) Amodoi Cyrus Imalingat (Uganda): Thank you very much, Mr. Moderator. I am just going to give some suggestions and highlights. Terrorism is as old as mankind. Before BC, before the birth of Christ, terrorism was in existence and before AD 49, terrorism was in existence. So, it is not a new phenomenon. It is very old. In order to see serious democracy, peace and security in the world, I would suggest the following:

Various governments in the world must sort out issues of unemployment because when there is a high level of unemployment, it will become a grave problem and rise up as a cause for terrorism
that would disrupt government policies. I am a student of counter-terrorism from Uganda. The other causes are: unscrupulous policies by the government, lack of employment, intrigue, bureaucracy, sectarianism, nepotism, denial of fundamental human rights - that is not observing the fundamental freedoms of every person - and unbalanced development, gender issues and, of course, world armament.

I do not know when the peace-makers of this world will come up with world disarmament, because the agenda behind terrorism is so many arms littered around the whole world. So, I would like to ask a question, Mr. Moderator: "When will world disarmament start?" As I conclude, I would like to say that terrorism is never static. It never changes with the changes in society. With new technologies, they change their terrorist tactics and terrorists acts. Now, what can the CPA do to stop that? I thank you.

The Hon. Manoharan Malayalam (Malaysia): Thank you, Mr. Moderator. I have just simple and straightforward questions. I would like to ask whether the non-terrorists are to be blamed for the birth of terrorism because we have human rights activists, freedom fighters, non-recognized religious movements, independence seekers, non-recognized political movements and we also even have arms raisers - countries raising various kinds of arms and competing to have nuclear arms? So, are the non-terrorism believers to be blamed for the birth and mushrooming of terrorists and terrorism?

I must also thank the Discussion Leader from Singapore, who mentioned that democracy is not always the answer. If democracy is not always the answer, what do we have? Are the non-terrorists to be blamed for these terrorist movements? The speaker from Pakistan mentioned about rehabilitation work and to seek discussions with terrorists. According to Pakistan’s present condition, of course, they must comply with certain conditions. But, do we need those conditions before we seek to follow another human being? So, are those our shortcomings - people who do not believe in terrorism - in dealing with terrorists and terrorism? Thank you.

The Hon. Jim Muhwezi Katugugu: Thank you very much. I thank the Members for their responses and interventions, because no one has said that there is no terrorism. We all agree that there is terrorism. I think before I give my concluding remarks, it is appropriate to respond to some of the issues raised. I will leave the rest of the issues to my Colleagues. But, I want to talk about the issue of Islam. I repeat, that no one believes that Islam promotes terrorism. No! We know that because we have read the Al-Quran. We know it talks about peace and love. So, I agree that in dealing with these types of issues, we should be careful. But, on the other hand, I would like to encourage our Colleagues, the Muslims, also to help us and show that they do not support terrorism by condemning it. You should also come out and condemn it. That will be very good. That is what I want to suggest. You should come out and join us in condemning terrorism.

Then, the question raised by the Delegate from Tanzania about arms going into wrong hands. We also must know that there are manufacturers of weapons who are interested in making money. I
think they do not condemn terrorism much because they supply them with the guns. That is why we should also attack them and challenge them, because we capture those arms when we fight terrorism and then you know that these guns were made in a particular country. No country sells weapons without what is called "End-users' Certificate". So, you can tell which country gave the terrorists the arms by looking at the "End-users’ Certificate". All those things can be found.

The Hon. Mussa Azzan Zungu: What I have seen in Syria is that weapons are being distributed. The Syrian Government call them rebels, and other people say they are liberators and so on and so forth.

The Hon. Jim Muhwezi Katugugu: You have made the point and that takes us back to the question of the chicken and egg situation - what comes first? I also have fought as a guerilla and the government I was fighting with used to call us "terrorists". I was a terrorist but when I came into the government, I was also fighting terrorists. But, we have intervened and we have given amnesty and so on. It is very tricky. I think at the end of the day, I would give my conclusion and my suggestions on this issue.

My brother from Uganda talked about so many things that you need to address. You can never address all of them at the same time - the issue of unemployment, good health services and so on. Any government in power cannot give all that. But, the fundamental question is, if you have any issue, should you take the route of terrorism because governments must be voted out of power. Once there is democracy, you can campaign against the government. That is why democracy is very fundamental. So, if you have democracy and a legitimate government, in the event you have any issue you can mobilize the population to vote that government out of power. But, it should not be done by taking arms, forcing and terrorizing the minds because terrorism causes scare in the mind. In fact, some countries cannot fight terrorism because they are scared; they have already been terrorized. In other words, they have terrorized their people and these people maintain neutrality in fighting against terrorism. So, in conclusion, I request: let us be united to ban terrorism; speak with one voice, vote similarly in every forum to condemn terrorism. Thank you very much.

The Hon. (Ms.) Irene Ng: I must thank the Indian Colleague over there for highlighting the point that the Muslim community is a pillar in Singapore as well as India. In regard to the fight against terrorism where the Al-Qaeda and its affiliates are concerned, we call them the “Jihadist Militants”. I wish there was another term for it, but this is the term that is often used in literature. It is not meant to be an anti-Islam issue and I thought I had made it clear in my speech. If I have not, I apologize to my fellow Colleagues. Perhaps, I was not clear enough, because sometimes, I do take it for granted that we understand when we talk about terrorism. It is taken as a fact that it is not against Islam; it is not about Islam, but it is about a terrorist organization that uses a perversion of Islam to pursue their cause of global Jihad.

I talked about Al-Qaeda and I talked more about the Jemaah Islamiyah Network in Southeast Asia because that is an area, which I am more familiar with. In South-East Asia, the Jemaah Islamiyah Network is still strong and active and that is why I tried to highlight the kind of measures we have taken in Singapore. In Singapore, we have gone through racial riots before, between the Chinese and the Malays in the 1960s, some clashes to do with misunderstandings.
So, we have gone through conflicts and we know how it can tear the society apart. We are a very small society: only five million people; very tied and compact. I am sure you have been to Singapore. So, we are very concerned to keep our society cohesive. Therefore, we are very persistent and sustain in ensuring that the ties between the races and religions are strong. So, they can take the stresses and strains of external factors like terrorism.

I tried to bring forth the extremists we have in Singapore and to give credit to our Muslim leaders and the Muslim community for taking the offensive measure in standing up against terrorists. If that is not clear, I would like to reinforce that message again. If I did not understand our Muslims, I would not get voted in because 25 per cent out of my voters are Muslims and frankly, they are one of my strongest constituents. I speak their language and I speak Malay fluently. I attend Iftar and also breakfast with them during Ramadan. I wear veil when I attend their functions. I am going to send them on Haj soon. I know the Ustaz very well and the Muslims are very good friends. These are the bonds that are built during peace time. So, when I need to call on their help, they understand me. I am not anti-Islam. They understand me, and my role is to keep the society cohesive and I need their help to step forward and condemn terrorism, as you said, and to keep the flock calm and cohesive.

Furthermore, I work on with the other religious leaders - the Catholics, the Christians, the Taoists, the Buddhists - so that they understand that this has nothing to do with Islam. It is to do with terrorism. Do not have any suspicion or fear of our fellow Muslims because we have seen what happens in other countries. Recently, there was an attack on the Sikhs in the US. So, we can see the kind of image they have created which we do not want in Singapore. In the UK also, you can see the backlash against the Islamic minorities because there was not enough trust and confidence built up between the people to talk about it openly. But, in Singapore, I am heightened to say that we can have a very frank dialogue. What I do is, I bring together all the religious leaders of the different faiths and they talk openly over prata, chicken rice - of course halal - and they have a safe political space to ask questions without being accused of being anti-Islam. It is very important to have that trust and understanding as a basis of discussion. Then, we can meet the challenges head-on as a united people. I say this in case my Muslim brothers think that I am anti-Islam. If I have that mindset, I will not be able to rally my residents together, to stand up together to stand united against terrorism. Thank you.

Senator Syed Muzafar Hussain Shah: Half of the chairs are empty, so I think we should wind up as quickly as possible. Well, on this last note of the distinguished speaker from Singapore, I do not think that Islam alone is the religion to bring into this question of terrorism. This is an international phenomenon. The IRA was not Muslim; the Basques separatists in Spain were not Muslim. Many terrorist movements around the world are not necessarily of any particular religion. They espouse causes which do not warrant any justification. Therefore, to only talk about Jihad, I do not think would be relevant or warranted.

The Moderator: In Uganda, we had the Lord’s Resistance Army, a terrorist group fighting for the interests of the Acholi people.
Senator Syed Muzafar Hussain Shah: Now, you all are national leaders. So, your nomenclature has changed. Congratulations for that! You are now on the accepted path to the establishment.

The Delegate from Malaysia stated to what extent the non-terrorist forces are responsible for creating circumstances and conditions. They are responsible to the extent that national leaders and those who represent influential groups have not been able to cater to the needs of all and to evolve a just society - like our distinguished Colleague from Namibia said, “distributive justice” - which creates the causes on which terrorism can be bred; the right to self-determination, the causes of deprivation, unemployment, the lack of social justice, lack of education, lack of employment. Basically, these are all areas on which terrorism breeds.

Then, our distinguished Colleague from Tanzania talked about the distribution of wealth and the exercise of authority and power. We, who are in politics, know very well what the struggle for power raises. Politics and power basically is the main thing. So, once you are in authority and in power and you have the mandate, then, it is your responsibility to see that wealth is equitably distributed. If it is not, it will give rise to tension and to a sense of deprivation. I may add here that we have seen countries go through 100 years of colonialism and imperialism. A lot of people say, “You must have patience”. But, men and women today do not have the patience. When they watch television, and they see cars and refrigerators and the style of life in the West, they say, “We will not wait. Give it to us”. Therefore, information technology has brought about a change in the mindset. People who vote for you want basic social services immediately. This is the challenge of politicians and political leaders. Can they deliver this through democracy? I have been the Chief Minister and I was the Speaker for 10 1/2 years and I keep on telling the people, that if democracy works, it must deliver. If you cannot deliver, people would say: "it does not fill my stomach; it does not bring electricity to my house; it does not give a job to my son and daughter. So, what is the good of democracy?" This will clash with the rule of law, the due process.

So, what I am saying is, these are challenges that we, basically as political and civic leaders, must face. Like you said, “tolerance”, I personally believe that democracy cannot work without tolerance. Descent is an essential part of democracy. That is what differentiates a democracy and an autocracy or a dictatorship.

Tolerance is a state of mind. You must accept it. Tolerance is an element which is not available in great quantities. But, we have to develop it because the two most distinguishable links with each other is tolerance and democracy. The capacity to defer, which is a right of every section of society, must be recognized. If you do not recognize it, then the inalienable right of freedom of speech and freedom of association will not be there. The last question was by our distinguished Colleague who talked about human rights, unemployment and unbalanced development. These are actual causes of the unbalances and the social order.

I represent a constituency where people say: "In the 21st Century we do not have electricity and sweet drinking water. Are we children of a lesser God? Our God is the same as yours". This is the question that public leaders have to answer. You see, for 200 years these people have been denied all this and within two or three years they want the basic services. So, these are
challenges of democracy. If we can come up to the expectations of our people, democracy will succeed. Otherwise, there will be hiccups, the ups and downs. So, basically that is all I have to say. Thank you very much.

The Moderator: Thank you so much. I know how our brothers of the Muslim community feel when some people in the society say, “Terrorism is Islam” or “Islam is Terrorism”. I think it is totally wrong. I think those are people who do not want terrorism to end. I think they are the people who are taking that line.

I can give an example of the Ugandan case because when the colonials came to Uganda, they made sure that all the people who joined the forces came from the region that I come from. In the end, the people who came from that region in the Northern part of Uganda were taken as killers. It has taken years for us to work and change that mindset of Ugandans who do not come from the Northern part of the country. We felt so bad because wherever we go - because we could be easily identified by our names as it starts with a vowel - they said, “These are the killers” because we are coming from Northern Uganda. So, we were facing that discrimination.

I can see what you are going through and I think we must keep our voices up to tell the world that terrorism is not Arabic or terrorism is not Islam and we must all join in that effort that our distinguished Professor from Singapore is leading. If you could do that and give this message to the world, the world will understand this. Let it not be a collective condemnation against Islam or against the Arabs. My Colleague here just stated about a terrorist group that we had in Uganda, which was also operating in the region that I come from. It was called the Lord’s Resistance Army. It was led by a former seminarian, a person who was in a seminary and he is now wanted by the ICC.

So, terrorism is not limited to one race, to one tribe or to one religion; it cuts across. That is why we need a collective effort to assure that we eliminate terrorism from the world. An Hon. Colleague here raised an issue about arms. I think we must put that question to the countries concerned - grouping arms in Libya, Egypt and now in Syria. Are they not fostering international terrorism? How sure are we that these guns do not end in the hands of terrorists? They must also be held accountable. I think that is the message that we need to pass.

Finally, I want to thank the Colleagues who joined me and all of you for participating in this workshop. Your views will definitely be taken and presented to the ExCo. These papers will be put on the website to enable Members to access it. If it is possible, we could have a debate in the General Assembly on this topic. That will also help us and more time can be allotted to discuss this topic.

Thank you for being very a good audience. Ayubowan!

(The Session Adjourned)
PROCEEDINGS OF WORKSHOP

“H”

"TACKLING YOUTH UNEMPLOYMENT"
WORKSHOP "H"
"TACKLING YOUTH UNEMPLOYMENT"

Moderator - Hon. (Dr.) Nafisa Shah, MNA (Pakistan)
Discussion Leaders - Hon. David Amess, MP (United Kingdom)
- Hon. Wade Mark, MP (Trinidad and Tobago)
External Expert - Mr. Gregory de Paepe, Policy Analyst, Europe, Middle East & Africa Unit, OECD
- Mr. Donglin Li, Country Director, International Labour Organization
Rapporteur - Mr. I.L.A. Jabbar (Sri Lanka)
Session Secretary - Ms. Anna Schuesteral (Commonwealth Parliamentary Association Secretariat)
Branch Secretary - TBA

The Moderator: I am Nafisa Shah. I am a Member of Parliament of Pakistan and I am going to be the Moderator for today’s Session on "Tackling Youth Unemployment". I am going to be assisted by Rapporteur, Mr. I.L.A. Jabbar from Sri Lanka and Session Secretary, Ms. Anna Schuesterl.

Today, we have four speakers with us, two of them are Honourable Parliamentarians from the UK and Trinidad and Tobago. Then, we have two experts with us from the OECD and the ILO. So, the ground rules are that each speaker has exactly 10 minutes and after they have spoken, we will invite comments, suggestions and questions from the participants here. When we have had a feedback from the participants, I would ask all the panelists to comment depending on how much time we have left and then, in the end, I will summarize.

So, I will begin with the Hon. Wade Mark who is an MP from Trinidad and Tobago. He is the Speaker of the House of Representatives, Parliament of the Republic of Trinidad and Tobago. The Hon. Mark has a long career in trade union movement. He has been a Parliamentarian for over 22 years and has served as a Minister in the Government between the period 1995 and 2000.

The Hon. Wade Mark: Madam Chair, Colleagues at the Head Table and in the room. In this brief presentation, I would look at the state of play of the young people and assess their role in the labour market both in the Caribbean region where I am from and in Trinidad and Tobago which is my homeland. I will also look at some of the initiatives that have been attempted to address youth unemployment and make some crucial remarks in this regard.
The world was stunned on 11th of August, 2012 by the outstanding and extraordinary performance of a 19-year old javelin thrower who made history by becoming the youngest-ever Olympic champion in javelin throw and being the first person from the Western hemisphere to win this competition in 60 years. His name is Keshorn Walcott. His country is Trinidad and Tobago. Such sterling demonstration of excellence, determination and discipline in one sphere of life is only a reminder of the valuable contribution of youth towards progress, growth and development.

The world is currently experiencing a global youth unemployment crisis. According to the ILO, over 75 million young men and women worldwide, between the ages of 15 and 24 years are unemployed in 2012, which is four million more than 2007. The issue of decent work for youth has been placed on the agenda at the international, regional and national levels.

In Trinidad and Tobago, (T&T), the youth unemployment rate has shown recovery in 2011. However, the youth labour force participation rate has fallen. There is need for more intense and expeditious action to be taken to create and maintain decent work for youth, safeguard social, economic and political stability, accelerate a job-rich recovery from the global economic and financial crisis as well as to prevent recurrence of such a crisis.

Colleagues, youth unemployment remains a chronic problem and it is a source of considerable concern in many countries which comprise almost half of the world’s population. The potential of the youth towards economic and social development cannot be underestimated. The number of persons between 15 and 24 years is currently 1.2 billion.

The youth are noted for their hope, ambition, commitment, creativity and capacity for innovation. They are described as the future and tomorrow’s leaders. There is an increasing recognition that young people are not only the future, but an integral part of the present. Youth unemployment has been regarded as an important concern. According to researches, a youth could be as old as 35 years or as young as 12 years, but for our purpose today we are defining the youth as being between the ages of 15 and 24 years.

Steps have been taken in the Caribbean region to deepen regional integration through the establishment of the CARICOM Single Market and Economy on 1st of January, 2006. The youth is identified as one of the major categories of beneficiaries from this movement. It allows free movement within the region for work, establishment of businesses and also investment. Certain categories of persons including the university graduates and artisans benefit from the movement of such skills.

In Trinidad and Tobago, the population is about 1.23 million with a projection of 1.31 million by 2015. However, the total labour force in T&T has been relatively stable since 2004. The youth force in Trinidad and Tobago comprises approximately one-fifth of the total labour force. In 2011, the youth labour force represented almost 14 per cent of the total labour force.

Now, what are the initiatives that have been taken by global, hemispheric and regional leaders targeting youth unemployment? The ILO, the Commonwealth Heads of Government and the United Nations have come up with recommendations aimed at combating this scourge affecting...
young people. They recognized the importance of promoting pro-employment macroeconomic policies and fiscal incentives that would support stronger aggregate demand in the economy and suggested creation of a development agenda which puts jobs and decent work at the Centre. They focused on education and training for young people and lifelong learning which will improve their employability, promote higher productivity and bring about a better quality of employment. They looked at the need for a greater number of internships and apprenticeship systems in a broad range of disciplines. They advanced the importance of strategies to improve social protection for young people and to tailor labour market reforms to their specific needs and also they advanced the critical role of youth entrepreneurship in addressing youth unemployment.

The ILO, in May this year, convened its first Global Youth Employment Forum which brought 100 young people together and in that Forum they advanced the following areas for urgent attention:

1. Employment and economic policies for youth employment.
2. Employability which means education, training and skills and school-to-work transition.
3. Labour market policies.
4. Youth entrepreneurship and self-employment
5. Rights of young people.

Now, how have we addressed youth unemployment in the Republic of Trinidad and Tobago? Although youth unemployment rates in T&T in particular have been declining and maybe among the lowest in the Caribbean region, the Government has placed job creation and decent work as one of its major priorities. With regard to youth unemployment, some of the issues of concern for Trinidad and Tobago include:

1. High youth unemployment rates compared to the national unemployment rate and adult unemployment rate.
2. Declining youth labour force.
3. Higher female youth unemployment rate.
4. Youth underemployment.
5. Relatively low youth labour force participation rates.
6. Youth who neither study nor work

The negative impact of the crisis on youth employment may have been worse in T&T, had it not been for a number of measures which were in place before the crisis. Some of the major initiatives pertaining to youth employment are promotion of employment, employability, entrepreneurship and promotion of equal opportunities for young people.
As I said, there is a Government’s Policy Framework for sustainable development. This Policy Framework seeks to strengthen the secondary school system to ensure that students move on to further education or to productive roles in the economy and to ensure that young people are literate, numerate and possess critical thinking skills.

Within the Policy Framework you have the Medium Term Policy Framework. In terms of employability for youth, this Framework focuses on improving the success rate of the secondary schools and diversifying the curriculum by incorporating new ways of learning and promoting technology adaption among young people.

There is a National Youth Policy which is a broad framework that identifies the key issues affecting young people and creates specific courses of action to address these issues.

Then, there is the National Business Incubation Policy which harnesses domestic talent and promotes training of individuals in entrepreneurial skills in a structured fashion. Then, there is National Policy on Tertiary Education, Technical Vocational Education and Training and Lifelong Learning. The Government of Trinidad and Tobago has recognized that tertiary education, technical and vocational education and training and lifelong learning play a pivotal role in the development of all countries. Some of the major initiatives taken towards youth employment - I cannot deal with these things in detail but I have a paper which I will circulate - are the operation of the National Employment Service, strengthening of the On-the-Job-Training programme and hosting of the first National Youth Employment Forum.

According to the ILO, “A solid formal education, as well as effective and relevant vocational training, labour market information and services and work experience are recognized as key factors in raising employability for successful insertion in the labour market”. The programmes and services offered in T&T to enhance youth employment are:

1. Introduction of reforms in the educational curricula.
2. Introduction of Workforce Assessment Centres.
3. Launching of wide array of Skills Development Programmes.

The Skills Development Programmes designed for youth in our country are: Youth Training and Employment Partnership Programme, Multi-Sector Skills Training Programme and Youth Apprenticeship Programme in Agriculture.

Then, there is this question about youth entrepreneurship. The Government has established the National Entrepreneurship Development Company, the National Integrated Business Incubator System and the Youth Business Trust of Trinidad and Tobago to address this issue.

Ladies and Gentlemen, I cannot go on as far as I would like because time is upon us. So, let us deal with the conclusion and this paper will be given to you later. Investment in our youth is investment in our future. It is mandatory that youth employment be accorded the highest priority on the agenda of the Commonwealth Parliamentarians and those in public life play a critical role in keeping youth issues central to discussions on development. It is important that the youth
become actively involved in discussions and the development, implementation and monitoring and evaluation of policies, programmes and projects. Special attention is required for those youth who may be considered at risk or disadvantage.

Ladies and Gentlemen, there is a need to utilize the technology available via a range of social media, which attract many young persons, to keep them engaged and involved in the decision-making process at the highest level. This 58th Commonwealth Parliamentary Conference is called upon to commit to take an urgent action to address youth employment crisis in order to protect a generation of young people who are willing, capable and interested in contributing to national and international development.

Thank you.

The Moderator: Thank you very much, Hon. Wade Mark. The next speaker is the Hon. David Amess. He is a Conservative MP in the UK and has been there since 1983. I was going through his introduction and it shows a range of entrances of the Hon. Members of Parliament. Besides being the Secretary of Conservative Friends of Israel, he is active on many all-party groups, including those concerned with funerals, zoos, fire safety, thrombosis, multiple sclerosis, hepatology and cardiac risk in the young, in the Holy See and a number of other foreign countries, several of which he has visited. He has also received the "Dods Award" for his charity work. We look forward to your presentation, Hon. David.

The Hon. David Amess (United Kingdom): Madam Chairperson, fellow Parliamentarians. Which you have just heard, I am sure, is a flattering statement because certainly, I am not an expert in any of those fields. At the outset, I should say that even after being a Member for three decades, I am really struggling to find solutions to the problems. So, if anyone has turned up this afternoon to listen to David Amess providing solutions to youth unemployment, then, he need to leave now. I hope when it comes to the General Discussion perhaps, some of you might come up with the solutions.

Employment is not only a problem for young people, it is a problem for everyone. I do not think any of us realize in our lifetime that as technology advances, through that in itself, jobs are destroyed. But, what do we do? Do we put our hands up and say, "No more advances in technology" because now we need one person to do a job, whether it be manual or on computers, which a hundred people used to do. So, that is a big problem. We are gathering from very different countries. As I look around the room at the moment, I can see a colleague from the Labour Party, a colleague from the Liberal Party and a colleague from the House of Lords. We all pretend to be good on our cause, but when it comes to the nitty-gritty of solutions in terms of employment, I suspect we would rather approach the challenge in a different way. Now, do I have any expertise? Well, I am a father of five children and those five children are aged 21 to 28. So, you could regard them as being young or in the young age. As a father, I have the challenge of seeing my children educated and trying to get jobs. That is the first marker in terms of expertise. Then, before becoming a Member of Parliament - if you are in the UK, you are criticized for not having a real job, just being professional permanent politicians - I used to be in recruitment. So, I have lately found jobs for thousands of people. I am very used to looking at
someone and summarizing their personalities and their expertise within a very short space of
time.

Those are the two areas that I would regard as having some expertise. In the UK, we face the
double dilemma of trying to find jobs for young people and giving them that first opportunity. I
would be very critical of my own country for not helping young people how to present what they
see and how to present themselves at interviews. When you are desperately battling to get a job,
these simple things we completely forget and they are obvious. So, we do have an army of,
perhaps, disappointed young people. Between January and March this year, we had just over a
million young people who were not in employment, education or in training. And overall, as a
propagandist for the Conservative Party, I would say that I am delighted that unemployment fell
between April and June, but there was still over a million young people disappointed. Now, if a
parent is coping up with his child's disappointment, getting into the bad habit of not getting out
of bed in the morning because he has got no job to go to and messing about, how do you tell
him, "Do not have a gap of 'No Employment' on your CV, do something. Why not volunteer?" I
salute the volunteers. So, as a starting point, if a young person in the UK cannot get a job, I
would say, "Volunteer, do something. Get something on your CV. Do voluntary work abroad or
in the UK. Do something and do not sit at home doing nothing".

In 2012, we expect youth unemployment in the UK to cost the exchequer 4.8 billion pounds and
cost the economy 10.7 billion pounds. I am not just viewing this as a national problem; I think
there is a danger of not focusing on the real impact. The impact upon the individuals concerned
can be very hard, indeed, emotionally and economically and the United Kingdom recognizes that
there is a real problem and we are genuinely doing all we possibly can to reduce it. However, this
has to be done within the context of national European and international turmoil. The whole of
the world is in an economic crisis and if any country is doing really well, the UK would love to
hear about it.

Ladies and Gentlemen, how do you create jobs? Well, you can get the State to provide the jobs or
you can provide goods and services at a competitive price and deliver them on time. If there
is any other way of creating employment, when it comes to the General Discussion I would like
to know what that is. In the UK, we feel that education and training are absolutely the key to
tackling youth unemployment. We believe in high quality training, whether academic or
practical, and that provides young people with the essential skills that are needed for the
workplace and puts them in the best possible positions to get jobs.

Ladies and Gentlemen, in the UK, I am fed up of listening to the British people saying, "Oh!
Those foreigners are taking our jobs". Well, let us look at the jobs the foreigners are taking:
serving a table, building, doing so-called menial jobs in our hospitals and in our care-homes. It is
frankly the British people themselves who we have to blame for bringing up a generation of
young people, including my own children, who feel that they are too grand to get their hands
dirty. If I am there, I would do anything: messenger work, work in a kitchen, run errands, but
ladies and gentlemen, we have brought up a generation of young people who think, “We can all
become celebrities. We can all become stars".
I am in Parliament for 30 years and I see a generation of MPs, but none on our delegation, who, as soon as they reach Parliament, want to be the Prime Minister because they are not content with being constituency Members of Parliament. How on earth have we bred a generation of people who do not believe that there is a journey, particularly a journey in a workplace? So, if British people are angry about foreigners taking their jobs, they have to earn themselves the blame. I think the education does constitute the first step towards employment and in the UK, our focus is on two main channels of education: the first is high quality GCSE (A/L) and the university education, the second is high quality vocational education and apprenticeship at leading firms. Our education system, I am proud of, is still regarded as one of the best in the world. From the junior school right through to the university, I believe, Britain does provide a wonderful system for recognizing academic potential. Indeed, our current education Secretary is undertaking reforms to further improve the competitiveness of our GCSE (A/L). Our education system, I believe, provides young people with the best possible opportunity to enter the working world, but ladies and gentlemen, the greatest gift that anyone can have in my judgment is not six A’s task or the rest of it, it is the common sense which you cannot easily put on the old heads or on young shoulders and it is a question of trying to persuade potential employers to give that young person the first opportunity to break into the job market. Education must be focused, I believe, on more vocational tasks of training. I think this is something that has been neglected terribly over the past and at last, we are beginning to recognize that it is crucial. Getting more young people into job-specific training is of vital importance. It is not just for increasing the employability of young people, but for filling the specialists’ role within the economy. For example, as regards our commitment in the UK to vocational staff training, we have launched a billion-pound youth contract scheme this year led by the Liberal Deputy Prime Minister. This scheme will help young people to find a job and equip them with basic skills in the job market. We are now offering large companies and corporations to take on more work experience and apprenticeship. This scheme is focused on giving employers the support that they need to take on young adults and also give young adults the proper industrial skill.

In conclusion, I believe these schemes are crucial for building successful industry in the country. They will give more young people the chance they deserve. I accept that more needs to be done to tackle the huge problem of youth unemployment in our country and in the world. But, I say that we can learn from Australia where 40 per cent of young people go to industries and specific training after school and from Germany which offers dual education between school and industry. But, ladies and gentlemen, it is entirely our responsibility as older people to make sure that these young people are given good advice. They may not listen to it but it is our duty to guide them in the right direction.

In this regard, I am very proud that the British Parliamentarians have adopted a very popular internship scheme where we have 16 or 17 young persons who work willingly every month in our Parliamentary offices and it is a wonderful experience. At the end of it, I have come to the conclusion that some of those young people have more in their heads than some of my Parliamentary Colleagues.

The Moderator: Thank you very much. I am now happy to introduce Mr. Gregory de Paepe. He is on the External Experts’ Panel. Mr. Gregory de Paepe is a policy analyst for Europe, Middle East and Africa Unit of the OECD. He has co-authored a study on youth employability in
Africa. During his work, he has developed expertise on Mozambique, Egypt, Morocco and Guinea-Bissau. He also has expertise on macroeconomics and public finance management.

Mr. Gregory de Paepe: Madam Chair, thank you for the kind introduction and also I would like to thank the CPA for inviting my Institution to be present at this Session.

Briefly, to set the context why I am here, the OECD is an organization based in Paris. We have a Parliamentary network that aims at improving the dialogue between Parliamentarians and our research work. So, basically what we try to do is, on one hand we inform the public policy to Parliaments and on the other, we receive feedback from Parliamentarians on our research, our statistics and our work. So, if any of you is interested in becoming a member or becoming a national focal point for your Parliament at the OECD, I would invite you to give me your card after the Session so that I can forward the information to my Colleagues.

The African Unit publishes the "African Economic Outlook" annually and that contains microeconomic forecast for each African country and there is also a thematic study on a specific issue that is at the heart of every African country. So, this year, a couple of months ago, we published a study on how we can promote youth employment in Africa and this study can be downloaded freely from the internet. If you go to Google and type “African Economic Outlook”, you will find the website and you can find every type of information and statistics that I will present this afternoon.

The structure of my presentation will be as follows. As the first step, I will try to set the scene and explain why it is important that we tackle youth unemployment right now. My Colleague, the Hon. Wade Mark already made a vigorous speech on the importance of tackling youth unemployment and I will try to put some numbers on that. The second part will be mainly of taking stock, statistics and the situation today and then I will conclude with some policy recommendations and some best practices that we have identified in Africa and in other parts of the world.

So, to start with the first part, the growth performance of Africa in the past decade has been very strong. I think it is the continent that has had the strongest growth performance for the past ten years with over 5 per cent economic growth annually. But, the comment that we receive every time we present those figures is that the quality of that growth is very poor. So, in concrete terms, this has resulted in very little employment creation. So, on one hand we have a strong complaint that there is low employment creation and on the other, we have a population growth. In Africa that has been very strong, in particular, the growth of young population. So, right now, in Africa we have 200 million young people between the ages of 15 and 24 years, the definition which the Hon. Wade Mark quoted from the ILO, and we project that this young population will double by 2045. So, in 2045, in Africa, there will be 400 million young people looking for jobs. That will be the continent with the largest young population of the world, larger than India and larger than China. So, there is a pressing need in finding work for this increasing young population.

The second point about the young population is that they are increasingly better educated. So, this in itself is a very positive finding. We find that by 2020, over 60 per cent of Africa’s young
population would have finished their secondary education. But, this advantage contains a risk because if you educate the young people and if you promise them that they will have decent jobs and a salary, and at the end if it turns out that they do not find that job or they end up in informal and unstable jobs, that could become a risk for social tension. A year ago, in North Africa, there was a high rate of highly skilled young people who were unemployed. We have seen in Indonesia, Egypt and Morocco, social unrest and it can topple governments and regimes. So, it can be positive as well as negative and we have to come up with structural solutions for the medium and long-term to avoid negative impact on increasing youth population.

The second part of my presentation is basically setting the scene. If you look at those 200 million young people, you will find that about 40 million people are employed in unstable jobs, the jobs that are not paid very well, we call them “working poor”; people are working hard but they cannot improve their social conditions. I am sure that is an issue of quality of employment. Then, we find that 40 million people of those 200 million, that is one-fifth, are looking for jobs but if you look into the details of those 40 million people, you will find that basically it is only 18 million registered as unemployed. So, that means there are 22 million young people who are not working but they are not registered as unemployed because they became discouraged. That is something that national statistics have not covered and basically it shows that we are underestimating the problem of youth unemployment. So, if we find 10 per cent of unemployed young people in the national statistics, there might be an additional 10 per cent of unemployed people who are basically not looking for jobs anymore. The reasons may be that they think that they are not skilled enough or they need the right connections to find a job. So, they think that they have no chance in finding jobs and they stop looking and this is of particular concern for youth unemployment.

If you look at the low-income countries and middle-income countries in Africa, you will find some striking differences between them. Basically, the unemployment levels are higher in middle-income countries and they are lower in low-income countries. So, one explanation of that is, basically in poor countries people cannot afford to be unemployed. So, they have to find a way to survive and bring money on the table. They accept low-paid and informal jobs, so they are not registered in the unemployment statistics. This means that there are enough jobs but they are of very poor quality. In the middle-income countries, in contrast, there are highly skilled young people and they are not accepting bad jobs because they think, “If I wait long enough in a queue and get some connections, I can eventually have a good job, even if it might take a year or two”. So, they have the means to basically be unemployed and wait for that good job if it eventually comes. That is a big difference and if we look at the statistics of middle-income countries, we find that on average, the discouraged people that are unemployed are larger than the people employed in decent jobs. So, that is something that is also striking. So, there is a huge population in the middle-income countries who are prepared to work but have become discouraged.

In terms of gender, we do not have specific details about that but there is a small point that I want to raise. That is, in terms of education, women tend to leave the education system earlier than men which can result in lower employment prospects in the medium-term, and specifically in statistics, women tend to be unrepresented in terms of unemployment because they stay at family businesses and do unpaid work. So, there is a gender aspect to the problem and we need
to strengthen the skills of women so that they can find work; they represent half of the country’s population, and we can see that half of the human capital is basically underexploited.

Another element is the quality of jobs. If you look at the share of people working in Africa, we find that on average barely 10 per cent are working in decent jobs, in wage employment. So, there is only 10 per cent who are registered in formal companies that have access to insurance and employment benefits. So, this is a very important element in tackling the problem because we see that the informal sector is much larger. We cannot just focus on the formal sector because then, we would only tackle a minority of working people and miss out a majority of young people in the labour market.

The final point is on statistics of expectations. We ran a survey asking what young people aspire to. We find that young people often aspire to work in the public sector, in government jobs because they seem safe, better paid and having more interesting remuneration packages. Now, the problem is that there is no scope for expanding government jobs. So, we should manage expectations of those young people and try to rouse up their entrepreneur skills, try to help young people develop their own economic activities rather than studying and then applying for a government job. That is a problem that is very severe in North Africa. That is also one of the underlying causes of the Arab Spring in the end. We had a huge number of highly-skilled young people trying to enter the public sector. The public sector was full, there was no space. So, these people were basically frustrated and they could not find other jobs because they were not skilled for that and they did not want that either. So, they felt that they were left aside.

The third part of my presentation is - I hope it is the most interesting one - to come up with some recommendations to guide the Discussion and see what can be done about raising youth employment. Basically, before starting, I would like to ask a question. That is, what are the main bottlenecks towards employment-creation in a country and in Africa in particular? We asked that question in a survey through the experts in the countries and found two main causes for low job creation and low youth employment in the countries. The first main cause that was cited by over 80 per cent of the respondents of the countries was that there was a lack of demand for youth labour. So, one can say, “Okay, if there is lack of demand, we should strengthen job creation”. This sounds obvious and straightforward but it is not that easy because we have to think who should create these jobs. I just mentioned that the public sector will not be able to create new jobs. We will just have some statistics. If we look at the current percentage of people working in the public sector, we come up to about 10 per cent of the employed population and if we want to keep that share stable in the next 20 years, that means the public sector in Africa would have to come up with 29 million new public sector jobs, that is, 1.9 million jobs per year. So, it is impossible. That means the private sector would have to come up with the majority of the jobs. So, the Government has an important role in helping the private sector creating those jobs.

In the private sector we have the informal, smaller economies and we have the large firms. I spoke before of the importance of creating decent jobs and wage employment. Now, that is typically something linked to the large firms. But, large firms make only 5 per cent of the employment in the entire labour market. So, if you only focus on those large firms, we will miss
out the majority of the population. So, one of the recommendations is that we have to start looking at informal entrepreneurs and small and medium enterprises.

What is hampering their growth and what can be done? We find that there is a middle segment in the society. Those entrepreneurs are typically working in large-manufacturing and in small retail. One woman entrepreneur is able to make a lot of return on their capital, 60 - 70 per cent return on investment but, they do not have access to banking, finance or to other means, to increase their economic activities. So, basically what I want to say is, the Government needs to make sure that those entrepreneurs have access to banking and loans. They have to make sure that they do not have to save their earnings but they have health insurance and employment insurance where they can invest their savings into the company and hence create employment. They should also make sure that there is no government harassment and corruption because informal economic activities often face this difficulty.

Just to wrap up, there is another issue which I will enter into in detail in the Discussion because it is a part of this problem and that is the skills mismatch and the education system. That is the second big bottleneck towards promoting youth unemployment. As the time is up, I would conclude.

The Moderator: Thank you. Before introducing the next speaker, I just want to inform the participants that the Session Secretary will give you a chit and if you have questions, comments or statements, on the note itself put your name, branch and the country and pass it to me and then I will take them up according to the order I receive them. In that also, we give three minutes per submission or statement. So, I would ask the participants to keep to time. I have one more speaker and thereafter we will open the Discussion.

The next speaker is also an expert on the subject, Mr. Donglin Li. He is the Country Director of ILO for Sri Lanka and the Maldives. He was the ILO Country Director for Pakistan from 2004 - 2010. He was a Senior Adviser for ILO, a Regional Director for Asia from 2002 - 2004. Mr. Li was also a Director-General of the International Cooperation Department, Ministry of Labour and Social Security in China from 1998 - 2002.

Mr. Donglin Li (ILO): Thank you very much, Madam Chairperson. It is a great honour and privilege to be invited to address such an august gathering of over 50 high-level country representatives from the Commonwealth nations, and commend the efforts of the Sri Lanka Government for organizing and hosting this important event.

As a specialized agency of the United Nations, the International Labour Organization has sought the promotion of social justice and fundamental principles and rights since its inception in 1919. The primary goal of the ILO today is to promote opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

Ladies and Gentlemen, the global employment situation has been in a dire state since the onset of the global financial crisis in 2007, and is unlikely to get better due to the continuing sovereign debt concerns in Europe and the overall slowdown we are witnessing in emerging economies. According to ILO’s figures, more than 200 million people are unemployed worldwide, including
over 74 million young people between 15 and 24. That represents an increase of around 4 million additional unemployed young people around the world since 2007. As a result, the global youth unemployment rate has increased to 12.7 per cent in 2011 from 11.78 per cent in 2007. In addition, there are 228 million young persons who live on less than two dollars per day; we call it work in poor.

Governments around the world are highly concerned about the high levels of youth unemployment and underemployment because of not only direct economic costs, but also due to the social impact of joblessness as manifested by increased crime, mental health problems, violence, drug taking and social exclusion. The crises during 2011 such as the "Arab Spring" are reflections of a disillusioned and disenfranchised youth, many of whom are unemployed or in jobs that do not fully utilize their skills and potentials.

Ladies and Gentleman, the urgency of dealing with youth unemployment and underemployment is clear. It is an economic, social and political imperative for promoting an inclusive society today and for the coming generations.

Turning to the situation here, Sri Lanka is at a very important stage in its history whilst the world outside is going through strain. There has been a significant improvement in the economy with fast growth and development. Progress in Sri Lanka is also reflected in the unemployment rate, which fell to 4.9 per cent in 2010 and to a further 3.9 per cent in the third quarter of 2011. However, unemployment among young Sri Lankans aged 15 to 24 continues to be much higher, at 17 per cent, most notably for young women it is at 27.1 per cent. As you all know, one of the biggest challenges in Sri Lanka is ensuring that young people can make the transition from education to the workforce through skills match, but because of skills mismatch in this country, they struggle to find a job. Indeed, the highest unemployment rate is found among individuals with A/L education or higher.

It is because unemployment and underemployment are such critical issues that the ILO has been providing technical support to the Sri Lanka Government in the formulation of the National Human Resources and Employment Policy. The scope of this policy is wide and multidisciplinary. I believe this policy will play a critical role in promoting and improving productivity, employability and competitiveness. The most valuable resource that Sri Lanka has is its workforce and the country needs to realize the full potential of its valuable human resource, particularly those of the emerging workforce, the youth.

Ladies and Gentlemen, the ILO is at the forefront of addressing youth unemployment issues, in close collaboration with our constituents and the UN family. ILO has worked on the issue of decent work for youth in Sri Lanka for many years. We collaborated with the World Bank in supporting Sri Lanka to develop a National Action Plan on Youth Employment in 2007. We supported Sri Lanka to be one of the world’s leading 19 countries under the UN Secretary General’s Youth Employment Network (YEN) Programme. More recently, ILO assisted the Sri Lanka Government, in developing a roadmap for operationalizing the National Action Plan on Youth Employment. The Youth Resolution from Sri Lanka, after an inclusive process of consultation with young women and men from all 25 districts of the country, was tabled at the
International Labour Conference this year. The Youth Resolution urges an inclusive approach that echoes, “No solution for us without us”.

The ILO has initiated programmes globally, also in Sri Lanka, to support youth employment premised upon the four "E"s, namely, through promoting Equality in access to decent work; strengthening the Employability of young persons to make the transition from school-to-work; building Entrepreneurship skills for young people as a means to economic empowerment and self-employment whilst working closely with employers towards Employment creation for young persons by promotion of investment in sectors that generate jobs for youth.

Today is an opportunity for all of us gathered here as policy-makers, legislators and opinion leaders, to voice our individual and collective opinions on issues of youth unemployment; to share our experiences and let each other know what works, what could work and what does not, so that we can reflect upon the past; listen to one another, and formulate doable, practical and impactful programmes for ensuring a better future for all young people whose fate could well be in our hands.

Member States of the ILO during the annual International Labour Conference in June this year, adopted a Resolution calling for immediate, targeted and renewed action to tackle the young employment crisis. The Resolution provides a 5-pronged strategy: macro-economic policies; employability; labour market policies; youth entrepreneurship and rights. Thus, the ILO reiterates the need for a balanced, coherent, and complementary policies to ensure a robust response to the crisis.

Ladies and Gentlemen, our common future depends on the next generation. It is obvious that young women and men without jobs or livelihoods do not care too much about GDP growth if such growth leaves them behind and without any protection. As the Middle-East crises have demonstrated, job creation is a very crucial issue for every government. If youth fail, we fail. Ladies and Gentlemen, let us work together to address the youth unemployment problem and promote decent work for our young people all over the world.

Thank you very much for your attention.

**The Moderator:** Thank you very much. Now, we are looking forward to a very good Discussion. I am happy to inform all of you that there is a lot of interest in this regard. I have got about 17 requests for interventions - the 18th one is going to come up. So, I would request all of you to be as brief as possible so that everybody has a chance. We can go on for half an hour and I would like to give at least five minutes to each of our panelists for rounding up the Discussion and maybe a minute for myself to put it all together. So, the first submission is going to be from the Hon. C.P. Singh, Speaker of Jharkhand Legislative Assembly, India.

**The Hon. Chandreshwar Prasad Singh (India):** Respected Madam Chairperson, Discussion Leaders, and Friends. First of all, I want to say that I come from the Jharkhand State in India. It is a Hindi-speaking State but I am trying to speak in English.

206
It is a privilege to participate and address the 58th Commonwealth Parliamentary Conference here in Colombo, Sri Lanka, today. Being a simple Graduate in Commerce and Law, it is a challenge for me to speak on a burning subject like “Tackling Youth Unemployment” before a galaxy of learned Parliamentarians across the length and breadth of the globe.

At the very outset, I must confess that I am neither a sociologist nor an economist. I am the Speaker of the Legislative Assembly of Jharkhand, India. I represented Ranchi Assembly Constituency for four consecutive terms since 1996. You must pardon me if I sound a bit simplistic to you. The fact cannot be disputed, I may be allowed to make a general statement, that not only Ranchi or Jharkhand, but the entire world is undergoing a demographic change. Look at the developed countries like Japan, Europe and the US. All these countries have a population that is growing older. This is happening at a time when India and China, both developing countries, are racing ahead in youth population. Officially, there are 355 million youth aged 10 - 25 years in India representing 30 per cent of the country’s population.

The Hon. Robert Magongo (Swaziland): Madam Chair, in all fairness to you, in all fairness to this audience –

The Moderator: We will give him three minutes.

The Hon. Robert Magongo: Three minutes’ time is still too much. Presentations have been made. This is the time for clarifications.

The Moderator: Okay, I will handle this. Let me moderate this, please. I will tell him to summarize.

The Hon. Robert Magongo: Are you going to allow him to read whatever he has in front of him?

The Moderator: It is okay to read a short -

The Hon. Robert Magongo: No, we have to ask questions.

The Moderator: Let me tell you all that it is okay to make short statements.

The Hon. Robert Magongo: We came from far away, we are not from India.

The Moderator: Hon. Member, you can make a very short statement on your country or you can ask questions. It is perfectly all right. But, as a respect to the sentiments of this gathering, can you summarize your statement in one minute?

The Hon. Chandreshwar Prasad Singh: I have no objection. I have already submitted it.

The Moderator: You can hand it in and in just one minute tell us what the issue is about.
The Hon. Chandreshwar Prasad Singh: I have already submitted it. So, please include that in the proceedings.

The Moderator: Okay, thank you. Hon. Singh, do you want to add anything, finally? If you want to raise any issue or any question at this Conference, please do that.

The Hon. Chandreshwar Prasad Singh: No.

The Moderator: Thank you. I would tell the audience that it is okay to make short statements. Anyway, I really request all the Members to respect everybody’s views and try to be as brief as possible. It is perfectly okay to make short statements.

The next speaker is the Rt. Hon. Henry Chimunthu Banda, Speaker, Malawi Parliament.

The Rt. Hon. Henry Chimunthu Banda (Malawi): Thank you, Madam Chair. I wish to congratulate the presenters for their wonderful presentations. I have three points to make. At the outset, I would like to tell the audience that three weeks ago, in our Parliament, we launched the Youth Parliament of Malawi and a Resolution was passed by them stating that there should be nothing for them without them. This is an idea that the ILO Representative has also pronounced. So, the first point I want to present to this gathering is that since Parliaments make and scrutinize the policies and legislations, we ought to make deliberate attempts to include young people in our Parliaments in discussions concerning them, such as unemployment, so that they speak for themselves.

The second point is about underemployment. Yes, we are talking about youth unemployment but let us also be mindful of the effects of underemployment such as abuse by the employers of the young people.

The third point is, I feel quite comfortable with the assertion made by the OECD Representative that unemployment is lower in low-income African countries than the middle-income countries. It begs the question, "What do we mean by 'unemployed youth'?” Do we look at it in terms of education? I come from a low-income African country. When we look at the youth in the urban areas, they go to schools and are expected to be employed somewhere. But, the youth in the rural areas do not go to schools. When you look at the unemployment rate in the rural areas, there is a high level of unemployment and that is probably because they have not been to a school and we do not expect them to be employed anywhere.

The Moderator: Thank you. The next speaker is the Hon. Nansubuga Rosemary Seninde from Uganda.

The Hon. Nansubuga Rosemary Seninde (Uganda): Thank you, Madam Chair. I want to make an observation and probably want to come up with an immediate solution. You will all agree with me that environments are different in the Caribbean, European and the African regions and when we are talking about unemployment, are we talking about the blue-collar jobs or the white-collar jobs? So, when we are talking about unemployment, we need to observe what we exactly are talking about. When we consider the African perspective, we do not have only
unemployment, we have underemployment as well. And, of course, the illiteracy rate in Africa is still high when compared with the other continents due to quite a number of challenges, which I may not go into right now. I do not agree with Mr. Gregory who said that one of the causes for low job creation is lack of demand for youth labour. However, we must not forget that in the African perspective, we have a problem of attitude. Our youth underrate certain jobs which would probably give them an income. I want to give you an example. Some of the rich men in my country, Uganda, are somewhat illiterate but they are millionaires and when you look at their history, you would see that they have started as groundnut sellers or market vendors. So, we need to go a mile ahead by trying to change the attitude of our youth, ask them not to underrate the blue-collar jobs.

The other issue is skills-development through training, not necessarily through career training because career training may be expensive. So, we need to help the young people mobilize and improve their talents and change their attitude on small jobs. Then, we can provide market opportunities for their products. Some of them do small, small things but when there is provision for market opportunities, they do a good job and even they can employ the others.

Finally, introduction of wage policies and other favorable policies and programmes may attract the youth and is also a very important issue which we can take up in our Parliaments.

The Hon. Robert Phillip Braidwood (Isle of Man): I am a Member of the Legislative Council of the Isle of Man and I thank the Panel for their presentations.

I come from an area generally of very low unemployment, which has risen in the last five years from 0.7 per cent to just over 2 per cent and just a half of those youth are unemployed. We call them NEETs, I think the Hon. David Amess put it quite right: "Not in Employment, Education or Training". So, the NEETs in the Isle of Man range from 16 to 24 years.

A Ministerial Committee was set up about four years ago and I would like to share the strategies of this Committee with all of you. It was divided into four areas. The first one was prevention and raising aspirations; the second one was identification, engagement and personalized visions; the third one was encouraging participation and creating opportunities and the fourth one was providing support and reducing barriers.

Committees were set up to work with parties such as Employers’ Federations and Chamber of Commerce in trying to offer vocational jobs. This is what is happening now. Really, NEETs can be divided into a couple of sections. One section is hard core, who do not want to basically work and actually come from families, generations of unemployment. We have also got NEETs who are actually well-qualified but cannot find jobs and who, just at the moment, defer going to employment. So, we have to introduce some sort of thing, particularly for the hard core, with attached benefits and give advice especially for those who are well-qualified but cannot find an employment. So, what we are trying to do is to work with the youth. We are trying to encourage people into work, those who have never worked. What happens is, once they start working, it gives them some feeling like, “We are not worthless anymore. We can get a job”. This is the atmosphere that we are trying to create in trying to get people to work.
The Hon. David Amess also mentioned one small point that unemployment is increasing because of technology. The problem in the UK as well as in the Isle of Man is that the retirement age is going to be increased, it is going to be 65, 66, 67, 68 years. So, there is going to be fewer jobs for those people who are coming out of education and also now because of human rights, people do not have to pack up working when they come to retirement age and that again impacts on the youth unemployment. Thank you.

The Hon. Amirudin Shari (Malaysia): Madam Chair, I, being a person who is still considered to be a youth, it is an honour for me to discuss the issue of youth unemployment here.

Before starting to discuss about unemployment, I think we have to consider some other issues related to that. The first thing is about the salary. Is the salary enough to fulfil the basic needs of youth? In Malaysia, during the past three to four years, we had debates and there were suggestions made to introduce a minimum wage and our Federal Government has already announced a minimum wage. Is the minimum wage the best solution to tackle youth unemployment? The second point is about the suitable ambience or environment. Are the policymakers or our MPs concerned about creating a suitable environment or ambience for youth to work? For example, two years ago, our Federal Government extended the retirement age to 60 years and this reduced the opportunity for young people to find a job in the Government sector or in Government agencies. So, we need the government to create an ambience, a good environment, for the youth where they can get involved with the Government in tackling youth unemployment.

The third one is about the brain drain which has become an issue in Malaysia. A lot of educated young people prefer to go abroad because they are offered a good salary, a good environment and an ambience is created for them to work. So, I think all these issues have to be tackled by the Government, the policymakers, and MPs and they should ensure that they prepare the youth for the future. Thank you.

The Hon. Wynter Boipusu Mmolotsi (Botswana): Thank you very much. Let me at the outset thank profusely the presenters for a good job done.

Coming on to the subject, this is an issue which is important for young people in the world. The problem right now is that a lot of young people are not entrepreneurs but the governments expect them to go into businesses. A lot of educated young people find jobs either in the private sector or in the government sector but they are expected to have 5 - 10 years experience which they do not have. Therefore, they end up being unemployed.

The other issue is, in many African countries the retirement age is too high. Therefore, older people are occupying positions which would otherwise have been occupied by the young people. So, we should probably look at reducing the retirement age and then there will be more opportunities for the young people. On the other hand, we should also make retirement attractive by offering certain packages. For example, a person who retires early can be financially assisted to run a business. We cannot expect the young people who have just graduated to start their own businesses because, in the first place, they do not know how to manage a business, but the older
people who have been employed for some time, who ran government departments, know how to do that; they are better placed to run businesses than the young people. So, let us think about the possibility of encouraging people to retire early by offering them attractive packages that will help them go into businesses and, which would in turn, create opportunities for the young people.

The Hon. Pono Pearson Patson Moatlhodi (Botswana): I thank the presenters profusely, otherwise I will become tautological or repetitive. There are just two very brief questions. The 40 per cent scheme that Australia is involved with and the 4.8 billion pounds expenditure that the Exchequer in Great Britain is involved with. So, please shed more light on us. Are they done through grants or social benefits? That is all, Madam Chair. Thank you.

The Hon. Obius Chisala (Zambia): Thank you Madam. During my six-year stay in the Zambian Parliament, I have come to realize that one of the contributing factors to youth unemployment is inadequate resource allocation to youth economic activities. In the presentations that were just made, we have learnt that their countries are doing better than some of our countries. In this connection, I would like to learn from the two presenters as to what percentage their Governments allocate in their annual budgets to reduce unemployment in those two countries. Thank you.

The Hon. Robert Magongo (Swaziland): Madam Chair, I am little bit disappointed to hear what the presenters told us. What they have told us is what we know about our country. But, I was expecting them to come out with measures that politicians or governments should take to tackle this problem. One of the speakers told that the government should make sure that young people are provided with loans. What will happen if the governments cannot give loans? That is my question. Thank you.

The Hon. Lee Ying Ha (Malaysia): My view is that governments should generate more job opportunities. When we talk about employment, the subject of exploitation and a decent salary come up because when there is a demand, there will be supply in abundance. So, it creates employment opportunities but at the end, people are exploited with a very lower wage. We give micro-credits to young people to run small businesses. I think it would be more effective rather than asking them to go and get a job. In Malaysia, as my colleague said, we have so many young people working overseas and they will not come back to Malaysia because they are paid high salaries there. At the same time, in Malaysia we have a great number of foreign workers in the whole of Asia but still, we have a lot of employment opportunities for young people. Our Government gives them funds to start a business and they give a training also. During the training, the young people receive some allowance every month. But, I think in that way we exploit them more than helping them. They get lazy because they know that everything will be taken care by the Government. The Government comes up with solutions when they make noises saying, “We are not going to work for you”. So, they get more and more lazy and they do not want to really work hard.

Then, as the Ugandan comrade said, it is an attitudinal problem that we have to tackle when we talk about youth unemployment. I do not think that there is a big problem for young people to
get a job; it is just a question whether you are picky or not picky and also their attitude towards a job. Thank you.

**The Hon. Stephen Charles Rodan (Isle of Man):** I see two main problems when we talk about tackling youth unemployment. One is, over qualification and the other is no qualification. Both of these result from misguided public policy devised by us, as politicians. Over qualification and graduate unemployment are often caused by a mistaken belief that everyone should be forced or divested into an academic mode of qualification. Such things as having a target of 50 per cent of school leavers to go into higher education - I do not know if it still the policy of the UK - leads to young people taking to so-called “Mickey Mouse Qualifications” which is of no interest to employers and the result is the disillusion and disappointment. So, we do now promote the idea that the university degree is the only root to do a good job and lead a worthwhile life. So, we do need a change in attitude - another speaker referred to this - the way we value blue collar jobs and white collar jobs.

Then, there is a problem about so-called NEETS and the reason for that is they often leave school at 16 with nothing to offer to employers by way of qualification and they have no intention of going into further education. Again, this is to do with the policy that we devise by way of the school syllabus and the curriculum for 14 - 16 year-olds, where we are forcing those who are not interested in studying subjects which are really going to be of no value to them. We should be concentrating in stating in the curriculum the two core subjects, in my case, English Language and Mathematics because unless you are literate and numerate, you are of no interest to an employer. But how do we do that? It is easy. You have got to look at new strategies to make mathematics interesting to a 15 or 16 year-old boy or girl in the classroom. We, in the Isle of Man, send 15 year-old lads to technical colleges to look at car mechanics or manual work that involves measuring and calculating. In this way, you make mathematics interesting to them and give them a chance of finding a job at the age of 16.

**The Hon. Hellen Sambili (Kenya):** Thank you, Madam Chair. I want to thank the people who made presentations and I would just like to share our experience with you. We have a very young population in Kenya and we have the problem of unemployment. Youth unemployment is a time-bomb. In Kenya, we started five years ago, the Youth Enterprise Development Fund to provide loans to groups of young people to start businesses. But, they have not really changed and they began to complain that they want to do it alone. They do not work together. I think the problem is, they need mentorship; they need someone to guide them to identify the things that work in the market. There is also the issue of skills that may not be relevant to what is demanded by our market. I think Madam Chairperson, we really need to put together these ideas and see what works.

Secondly, the Hon. David Amess said that the youth should volunteer but that can only work in countries where there is economic support for unemployed people. For example, in Africa and Kenya, if you volunteer, what do you eat in the evening? People look up to the young who have gone to school to bring money to their family. So, I think, we, as the Commonwealth seriously need to look at the issue of youth unemployment. Thank you.
The Hon. Rebecca Mary Evans (Wales): Thank you Chair. I am a Member of the National Assembly for Wales. I just want to state that youth unemployment is a global epidemic which is faced by all our countries, the only difference being the challenges we face. David Amess asked for some solutions and I do not have all the answers. But, we are doing some innovative things in Wales which I would like to share with the Conference. We have introduced a scheme called “Jobs Growth Wales” on which we are investing millions of pounds, creating thousands of jobs for long-term unemployed young people. This scheme really helps them gain experience. We do not believe that in Wales, the young unemployed people are themselves to be blamed. They certainly did not create the global economic crisis, but they are paying for it very heavily indeed. We also recognize that certain groups of young people such as the disabled find it even harder to find employment. One initiative that we have developed to address this issue is, we have introduced a position called, “Autism Ambassador for Employment” and part of his role is to encourage businesses and so on. Actually, they realize that there are great benefits for employing people with autism and hopefully we will start to address that particular problem as well. I just wanted to share those initiatives that we are doing in Wales. We would like to know about what is happening in other countries and are keen to continue the discussion after the end of the Conference as well.

The Hon. Shri Kapitan Singh Solanki (India): Madam Chair, you belong to Pakistan and I belong to India and before 1947, we were in one country.

There were many suggestions made by two Hon. Members including a Speaker, the two experts and other delegates on how to tackle the problem of youth unemployment. But, I visualize another problem, that is, how to implement these suggestions? The problem of implementation is bigger than the problem of youth unemployment. Therefore, I would like to come up with some suggestions for a proper and effective implementation.

We attach much importance to women’s rights. It is essential to do that and I say that much attention should be paid to women’s employment which also comes under women’s rights. Madam Chair, every nation, as suggested by one of the speakers, should have a national youth policy. But, a national youth policy alone is not sufficient; we should devise a system to implement it. Every country should have a separate ministry in this regard and should be allocated a fair amount of money in the Budget which should be proportionate with youth unemployment. So, the Budget allocation is also important. In order to monitor the activities related to tackling youth unemployment, as to whether we have completed what was started and, if not, what are the reasons, there should be a committee of a Group of Ministers - GoM - in every country. If this is done, it will create an environment where we can eradicate terrorism, violence and other problems from this world. Thank you.

The Hon. Zitto Zuberi Kabwe (Tanzania): I have only two points to make. One is, we cannot have one formula to address the problem of unemployment globally. Different regions will have different approaches to address it, and as far as Africa is concerned, it is very true that we have been recording a higher growth rate but it has to be borne in mind that our growth has been of very low base and the sectors contributing to a higher growth rate are extractive sectors, enclave sectors, which do not have strong linkages with the other sectors of the economy. But, still, as former President Clinton said, "It is the economy, stupid". So, the only way to address or
tackle unemployment, especially in Africa, is through increasing economic activities. If the country does not increase its economic activities, if the growth is not equitable, then there will not be jobs and unemployment will continue. I think this is true of most countries, especially countries in the developing world. So, I think the Commonwealth and the Parliamentarians should really focus on ensuring that governments create an enabling environment to increase economic activities and the policies designed are job-friendly and pro-poor. In our continent, we have a very young population. For example, as I said in the morning, in Tanzania more than 70 per cent of the population is below the age of 30. Today, we have 12 million students from primary schools to secondary schools out of a population of 44 million. So, you can see that this is a big challenge. Most of these young people do not reach university level. So, they need vocational training, skills to do small things that would make them live and I think this should be focused as well.

Lastly, in response to my colleague from the UK, it is true that the young MPs in the UK should know that there is a journey in politics. But, the elders also should know that old methods cannot solve current problems. So, the young generation of leaders must take up the challenge and they have to show us the way. Then, we will be able to solve these problems. Thank you.

The Moderator: Thank you. We have four interventions left and after that I will ask the Panelists to make their summary statements and conclude. I have some good news that we may finish this workshop before time. So, we can have a cup of tea and further discussion. So, we are coming steadily close to the end.

A Delegate from Africa: Hon. Chairperson, thank you very much and let me also take this opportunity to thank all the presenters.

I do not have much questions but I want to tell you that when we discuss the issue of tackling youth unemployment, we should take into consideration the co-operative movement. We all cannot work in the Government sector, we all cannot work in the NGOs, but we can encourage our youth throughout the world to take to some other sectors. I am saying this through my experience. Look at the Absa Bank. I am just giving an example. It was started by a few people and now it has grown. I think young people are not able to do certain things because the leaders do not give them a chance or encourage them to work in a cooperative movement, which is one of the best practices. The Representative of the ILO, you must consider this. I think, your programme is very good, which we also can follow.

Lastly, I would ask for your presentations and my e-mail is there for you all. Thank you very much.

The Hon. Baroness Gardner (UK): I think we had some very interesting contributions but I agree with none more than those two from the Isle of Man, which expressed exactly the UK problem. That is, we have to make our educational decisions very early. They mentioned that it is done at 14 - 16 years but I think children make their decisions at 10. Then, we do have a skills mismatch as mentioned by some other speakers and we do also have the attitude problem as mentioned by a delegate from Uganda. These are the problems. But, I think his point that you ought to be overqualified is a disaster. If you are overqualified, it is the most unfortunate thing that you are possessed of. They will tell you, “Not only are you overqualified, but you have no
work experience”. And, you cannot get work experience because no one wants to take you because you are overqualified. So, the whole thing goes round and round in a circle. I think parental interest is also very important and fortunately in the UK - now they are appreciating that not everyone has to get academic qualifications - we are bringing back apprenticeships. We allowed the Germans to do all the manufacturing because they kept the apprenticeship going. We threw them out of the UK because we believed that you can just keep going on with a degree only. So, I think it is very important for young people from the very early stage to encourage their interests in whatever they are good at, to determine their abilities and their talents and be sure that they are directed in the right direction.

A delegate from Kenya said that volunteering is not much good. Well, volunteering is better than nothing. There is nothing worse than sitting at home doing nothing and feeling sorry for yourself. It is better to be occupied in some way than to be totally unoccupied. So, I think there is a place for all these things. But, I do believe that we have got to look into matching the needs and skills and develop an enthusiasm for the youth. We see that the Commonwealth Parliamentary Youth Organization is helping youth Parliaments and even I, got to know from someone else, that they have a very junior Parliament in one primary school. I think this is excellent and we have to keep that morale going on so that we will find the answers. But, it does need a lot of thought. Thank you.

The Hon. Yee Jenn Jong (Singapore): Thank you, Madam Moderator. I have just two thoughts to share with you.

The first is, as countries progress economically, more and more students study for a longer period and seek employment later. So, you have less youth unemployment. But, they end up with a problem of skills mismatch and get disappointed because they will not be able to find the jobs that they want. This is one of the challenges that Singapore is facing. If you want to get attractive and quality jobs, you have to work constantly with educational and vocational institutions and universities to ensure a better match. You can never get a perfect match but you can get a better match.

I feel that attitudes and skills should be adapted to keep pace with the rapid development of the world, especially technology. So, people will be able to learn quickly rather than depend on universities and schools. You really can give them the skills they want.

The second point is, being an entrepreneur myself, I always get very excited when I hear that different organizations, especially the NGOs, are trying to encourage more entrepreneurial activities. This is also a challenge that we are facing because in Singapore, many people want stable jobs. They do not really want to start businesses. So, we have been trying to encourage the youth entrepreneurship by inspiring them through technology in order to make them successors. Even we are trying to inspire them to become entrepreneurs when they are at school. We grant loans to youth and support them through various other means in order to encourage them to start businesses when they are graduated. I will not say that the results are good but we are still trying and having a little bit of success. Thank you very much.
The Hon. Pradip Kumar Amat (India): Madam Moderator, the subject before us is tackling youth unemployment. There are different categories of unemployed youths: skilled, semi-skilled, unskilled, educated and highly-educated. The Indian Government recently brought in the "Mahatma Gandhi National Rural Employment Guarantee Act" which introduces the largest employment guarantee programme in the world. It ensures that the country, with a population of one billion, moves one step ahead towards generating more employment. Furthermore, it aims at enhancing the livelihood security of people in the rural areas by guaranteeing hundred days of work in a financial year to an adult of rural household, who volunteer to do unskilled manual labour. So, unskilled people are guaranteed employment in India by an Act. Besides, there are other programmes where semi-skilled youths are also given employment opportunities, but still, we face unemployment problem and it needs to be addressed through debate, discussions and government programmes. We have to do a survey on skilled, unskilled, semi-skills, educated and highly educated unemployed youths and address the problem accordingly. Thank you.

The Hon. Senator Doris Sophia Brodi (Malaysia): Madam Chair, obviously, Malaysia is not an exception as far as youth unemployment issue is concerned. As speakers said, apparently it is a global issue which is affecting even the advanced countries in Europe and the United States of America, but I would say that as a responsible government Malaysia has taken a few initiatives in this regard. I would let you know a few initiatives out of the major initiatives taken by Malaysia. Firstly, we are implementing the Second Chance Programme, which is targeted more at young school leavers, and that allows youth to be placed in two-skill training centres. Secondly, we are implementing job placement programmes for student graduates from skills training centres. Thirdly, we encourage smart partnership between skills training centres and industries. Industrial training will enable the trainees to gather real working experience and get absorbed to the places where they are trained at. We also encourage industries and companies to do reskilling and upskilling programmes. Further, we award a skills certificate recognized locally and internationally to increase the employability of the graduates. We are not completely at the problem yet but we are taking every step through various government transformation programmes to curb and address youth unemployment issues. Thank you.

The Moderator: Thank you very much. This closes the interventions from the Floor. I must say that I was extremely impressed with the range of ideas and country examples that came forward and I would actually recommend to the secretariat to see that if they can document these case studies that have come up from both sides so that there is some kind of exchange of these excellent examples.

I would now come back to the panel and go in the reverse order. I would like to ask the external experts - because I sense there are a lot of questions for them - to summarize and respond to the questions within maximum of five minutes, of course, you can make it shorter than that. So, I would ask first Mr. Gregory de Paepe to make his statement and then will go to ILO representative and thereafter to the two Hon. Parliamentarians.

Mr. Gregory de Paepe: Hon. Delegates, thank you for your comments. I will try to group them and target the reply. On the first comment from Mr. Banda on the statistics, I was
actually trying to say that the official unemployment statistics do not reflect the reality on the ground. The unemployed, as defined, is somebody that is looking for a job, ready to work; basically, who is actively looking for a job but not employed. That does not mean that all the other people are employed or working in decent jobs. So, in low income countries, the category of unemployed people is smaller because there is a huge walk of population working in a situation of underemployment. So, there are bad jobs, dangerous jobs and stable jobs and they cannot afford to be unemployed waiting home looking for jobs. So that is why the category looks moral. In reality, we can say that there is a problem of quality of jobs in low income countries whereas in the middle income countries it is a problem of quantity of jobs. So, in terms of the point of the lady Delegate from Uganda, I think that is really an attitudinal problem. It is one of the constraints which raises youth unemployment and what is important for policy makers there is to understand that the education system is basically not providing the right competences to be an entrepreneur. To be an entrepreneur, it requires different sets of skills. For example, IT skills, language skills, management skills et cetera. So, different types of skills, which one does not learn in secondary schools or at universities. So, there needs to be some thinking about the curriculum of the national education to make sure that young people develop their critical thinking. In some countries, this critical thinking is absolutely not developed through the national system because their governments are not interested in having critical thinkers. So, it is not easy to change the attitude but there are some elements to be set about.

We cover every African country and try to state what is being done in each country in our Report. So, if you have questions for specific countries, I would recommend you to look into the Report to see what has been done.

Just to summarize, in a broad set of policy initiatives, these two initiatives are the ones that a country can put forward. The first one is trying to raise the economic activities in a country and involve the private sector into having young people. For example, that could be done through fiscal incentives, that is, by lowering social contributions from a company if they have young people. Policy makers should also tackle and target those young people who have no skills or no experience at all; they are the weakest group of the young population. So, try to give them opportunities. There are also different economic sectors with different potential for employment creation. As was said before, like in natural extractive industries, there will be no high employment creation. But, if you tackle every culture, every business, low-skill manufacturing, retail activities and focuses on these activities then, there will be a much higher impact in terms of labour creation.

The second initiative deals with government measures which tackle the education and the skills side because right now, we find that there is a skills-mismatch between what employers look for in the market and what the young population has acquired through the national education system. For example, the TVET, Technical, Vocational Education and Training is very important. We find that there is only about 2 per cent of graduates that have been trained in TVET in Africa. So, this means that there is a huge possibility to increase technical and vocational training in the continent to provide those young people with skills they need to work in production lines and supervising manufacturing processes. So, as a solution to finance this vocational training - because typically it is very expensive and in this period of crisis budget space is limited - we can try to get the private sector involved. Like as being done in Germany, you can have dual
programmes where private companies take care of part of the time and the formation of young people so that once they finish secondary education, they have technical skills, they have experience in private sector companies and the cost is borne partly by the government and partly by the private sector. So, there is a whole range of creative solutions that can be found in our Report.

Just to finalize the importance of whatever type of solutions you put forward, it is good to have theoretical frameworks and national programmes but its implementation phase is crucial and once it is implemented you need to evaluate it and change it and adapt it if it does not work. Often, governments have huge theoretical frameworks but when we look at what is working and what is implemented, we find that there is only a little part of that programme really implemented and from that little part only a smaller part is effective. Therefore, one needs to be daring and continue what works and stop what is not working. So, there are some choices to be made. These are my comments. Thank you.

**Mr. Donglin Li (TBA):** Hon. Delegates, I am very much impressed by your comments. You seem not only Parliamentarians but also experts in terms of employment generation. We always say we do not have a method to tackle the unemployment issue but if you listened very carefully to our speakers, you could have collected so many good and practical measures to tackle the unemployment problem. Let me just sum up.

Firstly, job creation should be built into social and economic policy. Hon. Delegates, as policy makers, do not only set targets for economic growth or for investment, but also set a target for job creation.

Secondly, we have to put more investments into education and training sector to address the mismatch between the supply and the demand. I see that many training institutes use old syllabus which have not been changed in the past ten or even 50 years. The employers ask the young people as to what kind of training they have got, how many qualifications they have got and how many certificates they have got. That is why the ILO introduced a new methodology where the success of training is not assessed on qualifications, but how many people get employment opportunities. So, we provide the package. First, you have to do a marketing survey to see the needs of various kinds of trades. And then, you have to provide them with a suitable training and lastly you have to provide post-training service. One of the lady Delegates spoke of cooperative movement. When you apply for a loan from a bank, they ask for a guarantee and when we have this kind of cooperatives you can put that as a guarantee and get a loan. This movement is very effective and as far as provision of employment is concerned, its success is 99 per cent. If you have this kind of a methodology, I am sure a lot of young men and, women particularly, can get an employment opportunity in the early age.

Thirdly, we should adopt an active labour market policy where we will be able to teach our youth how to write a CV, how to change their mindset, how to find job opportunities in the labour market and provide subsidies to enterprises. They would like to hire these youths and provide subsidies for training and retraining and a lot of measures to help youth find more job opportunities.

Lastly, I would say that it is very important to have partnerships. We need the Governments, Parliamentarians, NGOs, employer organizations, trade unions and also we need the UN
organization and other international organizations to work together in order to address the youth unemployment issue. Thank you very much.

The Moderator: Thank you very much. I now ask the Hon. David Amess, MP from the UK to make his concluding remarks.

The Hon. David Amess (UK): Well, Madam Chairman, I am delighted that the experts spoke before the two politicians. I think it has been an excellent afternoon, wonderful contributions have been made and two contributions struck me immediately. Our friend from Swaziland is not in the room at this moment. He implied that he was disappointed because we had not come up with solutions but I said at the beginning that I did not have solutions and as we have discussed things between ourselves, we came to know that what is good in one country does not fit another country.

I was also struck by the comments made by the lovely lady in yellow from Malaysia who said that her own good people were lazy. Or, did I misunderstand that? Well, I could not possibly endorse your comments. That would be an internal thing for you to sort out and I would rather stop with that.

As far as the other comments are concerned, from Uganda, we heard about the Youth Parliament. We already have a Youth Parliament and we have Youth Councils in the UK. We are certainly listening to what the young people have got to say.

So, our friend from Tanzania looked at me and said that we should be listening to young politicians. I can show you my friend, the UK Parliament is full of young politicians, whether it be the Prime Minister or the Chancellor of the Exchequer, the age of Parliamentarians is coming down. So, we are listening to younger Parliamentarians. But, I think it is good to have a few older people there talking about their experiences as well.

Our friend from Kenya quite rightly chided me about volunteering. Yes, it does not work in every country, but I do say again strongly that if you can volunteer in your own country, it is appropriate, it is far better than having a gap on your CV.

In conclusion, in this morning Session I began to think, “Yes, Britain is to blame for everything”. Well, thank you for not blaming us for everything this afternoon but, as you know it is tough in the UK because we used to make things and export things and it is a different world completely. Even our banking sector had a few problems. So, we are desperately trying to reposition ourselves.

I would congratulate the two friends from the Isle of Man. I know that you are very tough but I do not think that there was anything that I could disagree with.

The Hon. Tricksy was absolutely spot-on, but Madam Chair, if we meet in 10 years’ time, we will be talking about youth unemployment, and if we meet in 20 years' time, we will talking about the same subject. I represent most centenarians in the UK. There are 29 people who are 100 years old. Our friends were talking about reducing the age of retirement but we are increasing it in the UK. Absolutely, these are very tough problems. But, as you know, we, politicians are to blame for everything.
The Hon. Wade Mark (Trinidad and Tobago): Thank you very much. I would warmly congratulate all of my colleagues for your rich interventions during this Session.

I just want to respond to my colleague who asked whether we can identify some percentage in our budgetary allocation. I do not have a percentage figure for you at this moment but we can certainly gather that. However, I can say that when we are talking about tackling youth unemployment, we have to recognize a multi-pronged strategy across the border involving many ministries and government agencies that would be coming together in order to address this growing problem.

I would agree with my colleagues who have said that there is no “one size fits all” kind of an arrangement or approach. Every country, given its environmental, cultural and economical conditions and political background will have to come up with its own approaches to deal with this question.

I just want to indicate as well that the question of youth entrepreneurship is very critical. We have to move our graduates from “job seekers” to “job creators” and my brother from the ILO mentioned about the cooperative movement. That is a movement that we also are encouraging in our country.

Micro enterprise is another area that we are encouraging our young persons to get into.

Then, the programme of internship and apprenticeship is very important because our young people are confronted with many a problem due to lack of training. When the young people get into the labour market they are being called upon to provide experience along with the qualifications. We have to adapt internship and apprenticeship programmes so that the young people can get into the labour market long before they get into the job market in seeking a job.

We also recognize that there is a growing mismatch in terms of skills. There is a gap between what is being produced in the educational system and the jobs that are available in the labour market and that is an area, as I have indicated, that we are addressing through an educational reform programme in Trinidad and Tobago.

There was a writer in the 19th Century by the name Henry George. He wrote his famous piece called, “Progress and Poverty” and I recall him making the point that for humanity to progress and eliminate poverty and promote prosperity, governments need to examine the possibility of providing a guaranteed annual income to every citizen in the country one way or the other. Because, once we are purchasers or consumers there is a basis to address a lot of challenges that we have in our society, be it poverty, crime or family issues. As you know, these are the challenges and he came up with this theory and pointed out the need for an annual guaranteed income. That is what Henry George proposed way back in the 19th Century. That has not been implemented anywhere as far as I am aware. One of the ways that he suggested is that we should have a mechanism to tackle this whole issue of poverty and unemployment.

Finally, I would like to thank all of you for your participation and I would like to thank the Chairperson, who is about to wrap up, for an excellent job done this evening. Thank you very much.
The Moderator: Thank you very much. Let me begin by thanking the Panelists, the two external experts and the MPs, for their excellent contributions. I want to equally thank the contributions from the Floor, which have been extremely rich and I certainly have learnt a lot today and I would really like if they are made available.

Of course, with these diverse examples from the panel, we had excellent country examples from Trinidad and Tobago, Africa and Sri Lanka on the issue of youth unemployment and how it is being tackled. Then, we had some examples also from the Indian State of Jharkhand, Uganda and the Isle of Man and there were so many other interventions. All I want to say is that certainly unemployment has to be contextualized and it is perhaps an outcome equally of social and economic policies of a government. While it is generally an issue for the entire world, it is a local phenomena and has to be contextualized and addressed in a particular local economy. Certainly, from the kind of examples we have got, it seems that every area, region, country has a different story to tell about unemployment and a lot to do. We heard as to how the "youth" have been defined in various countries. So, what is defined to be a youth in Pakistan would perhaps be very, very different from what is defined to be a youth in the UK where the retirement age is moving up.

I was very, very fascinated by the issue of over-qualifications. The issue of employability, perhaps is a big issue. When we talk of unemployment, the issue of employability gets more relevant and sometimes even employment does not tackle the problem of quality of employment such as youth working poor. Of course, there are no global solutions. You cannot really unify and say that this is a global problem or generalize it.

There have been multiple, excellent solutions that have been presented and I think, they can be cross-matched by different countries. I mean, the Indian example for me was very interesting. The asset creation at the local level and the compulsory employment that you are giving as a right is also very interesting.

In wrapping up this Session, all I want to say is that as the Commonwealth we are contemplating strengthening the voices of the young people at the global level who would be representatives, agents of the youth of their countries. So, they would come up and talk about their own experiences in their own countries and take up leadership positions and perhaps these agencies may help us in both understanding and expanding our own vision of the problem and looking for solutions.

So, with that, I would ask for a very big hand of applause for our four speakers and I also want to thank the workshop Rapporteur, Mr. I.L.A. Jabbar from Sri Lanka and the Session Secretary Ms. Anna Schuesterl for her excellent support.

We have finished exactly 12 minutes earlier. So, I would like to welcome you all to tea outside and further discussion. Thank you very much again.

(The Session Adjourned)