

TheParliamentarian



Journal of the Parliaments of the Commonwealth

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Climate Change and the Commonwealth

What will be the impact of COP21
for the Commonwealth?

PLUS ►

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STATEMENT OF PURPOSE

The Commonwealth Parliamentary Association (CPA) exists to connect, develop, promote and support Parliamentarians and their staff to identify benchmarks of good governance, and implement the enduring values of the Commonwealth.

Calendar of Forthcoming Events

Confirmed at 14 March 2016

2016

March

- | | |
|---------------------|--|
| 14 March | Commonwealth Day 2016 – All CPA Branches and CPA Secretariat |
| 30 March to 1 April | Post-Election Seminar - Georgetown, Guyana |

April

- | | |
|----------------|---|
| 27 to 30 April | Mid-year CPA Executive Committee Meeting - London, UK |
|----------------|---|

May

- | | |
|------------------|--|
| 16 to 18 May | 45 th CPA British Islands and Mediterranean Regional Conference – Jersey |
| 16 to 20 May | Professional Development Programme for Parliamentary Staff with McGill University - Montreal, Canada |
| 29 May to 3 June | 13 th CPA Canada Parliamentary Seminar – Ottawa, Canada |

June

- | | |
|--------------|---|
| 5 to 11 June | 27 th CPA Commonwealth Parliamentary Seminar – Brisbane, Queensland, Australia |
|--------------|---|

July

- | | |
|---------------|---|
| 22 to 30 July | 41 st CPA Caribbean, Americas and the Atlantic Regional Conference - Nassau, The Bahamas |
|---------------|---|

September

- | | |
|-------------------|--|
| 1 to 10 September | 62 nd Commonwealth Parliamentary Conference - Dhaka, Bangladesh |
|-------------------|--|

November

- | | |
|------------------|--|
| 6 to 10 November | 8 th Commonwealth Youth Parliament - British Columbia, Canada |
|------------------|--|

The publication of a Calendar of Commonwealth Parliamentary Association (CPA) events is a service intended to foster the exchange of events and activities between Regions and Branches and the encouragement of new ideas and participation. Further information may be obtained from the Branches concerned or the CPA Secretariat. Branch Secretaries are requested to send notice of events and conferences to hq.sec@cpahq.org in advance of the publication deadline to ensure the Calendar is accurate.

Further information can also be found at www.cpahq.org or by emailing hq.sec@cpahq.org.



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CLIMATE CHANGE AND CHOGM OUTCOMES

The Editor's Note

The impact of climate change on the Commonwealth is hard to ignore. As the *Commonwealth Leaders' Statement on Climate Action* issued at the Commonwealth Heads of Government Meeting (CHOGM) in Malta in November 2015 stated, the Commonwealth is "deeply concerned about the threat posed by climate change, which continues to grow and to put at risk the economic, social, environmental, and cultural well-being of our member states and citizens. Many of our most vulnerable states and communities are already facing the adverse impacts of climate change, which can roll back decades of development gains; for some it represents an existential threat. Some are already suffering significant loss and damage associated with the adverse effects of climate change. The consequences of climate change can be a national catastrophe, requiring urgent responses and adequate support."

This issue of *The Parliamentarian* examines the impact of climate change on the Commonwealth and the role that Parliamentarians can play in this highly complex issue.

Hon. Cedric Thomas Frolick MP (South Africa) outlines the role of Legislators in climate change using the case of South Africa and his experience as President of GLOBE International.

Shri Kirti Yardhan Singh (India) gives a perspective from one of the largest members of the Commonwealth, India, on the impact of climate change.

The effect of climate change on Small Branches of the CPA is examined by **Hon. Dr Patrick Herminie** (Seychelles).

The newly elected Speaker of the Provincial Assembly, **Ms. Rahila Hameed Khan Durrani MPA** (Balochistan, Pakistan) profiles her region of the country that has been severely impacted by climate change and looks at the impact of initiatives to help local people.

Following the COP21 Climate Conference in Paris, **Robert Ondhowe** (UNEP) looks at its outcomes and the role of Parliamentarians in climate change and the Chairperson of the Commonwealth Women Parliamentarians, **Rt Hon. Rebecca**



Jeffrey Hyland, Editor
The Parliamentarian,
Commonwealth
Parliamentary Association

Kadaga MP (Uganda) looks at the impact of climate change on women.

The establishment of the Commonwealth Small States Centre of Excellence was a key outcome of the Commonwealth Heads of Government Meeting (CHOGM) in Malta, which preceded the COP21 conference, and complements the work of the Commonwealth Parliamentary Association in representing Small Branches. **Dr George Vella**, Minister for Foreign Affairs (Malta) examines the role that the new Centre will play.

The Commonwealth Heads of Government Meeting (CHOGM) in Malta was unique in that there were, for the first time, four different Commonwealth Forums alongside the main CHOGM events.

For the first time, the Commonwealth Women's Forum brought together a wide range of stakeholders to discuss gender and equality in the Commonwealth. One of the speakers at the newly established Women's Forum, **Professor Margaret Wilson** (New Zealand) is a former Speaker of Parliament and her article sees the event as a significant landmark on the path to women's equality. A fellow speaker at the event, **Hon. Fiona Mactaggart MP** (UK) outlines the role of political parties in promoting women's representation.

The Commonwealth Business Forum saw business leaders come together with Commonwealth Leaders to look at the role that business can play in securing a better future for the world's citizens. **Lord Jonathan Marland** (UK) is the Chairman of the Commonwealth Enterprise and Investment Council and reports on the outcomes of the Commonwealth Business Forum.

Engaging with civil society in the Commonwealth and ensuring that youth voices are heard were also key emphases for the CHOGM events. **Vijay Krishnarayan** (Commonwealth Foundation) reports on the Commonwealth People's Forum and **Katherine Ellis** (Commonwealth Secretariat) reports on the Commonwealth Youth Forum which both had positive outcomes for participants.

Youth engagement is a vital focus of the Commonwealth Parliamentary Association (CPA) and the Commonwealth Youth



Her Majesty The Queen, Head of the Commonwealth and Patron of the Commonwealth Parliamentary Association (CPA) arrives for the opening ceremony of the Commonwealth Heads of Government Meeting (CHOGM) in Malta accompanied by the Prime Minister of Malta, Dr. Joseph Muscat, November 2015.

Parliament is one of our most successful programmes. **Hon. Kezia Purick MLA** (Northern Territory, Australia) shares the experience of hosting the 7th Commonwealth Youth Parliament: *Northern Territory Style* at the Legislative Assembly in Darwin.

Following the successful CPA Small Branches Committee Workshop held in Douglas, Isle of Man last year, **Hon. Clare Christian MLC** (Isle of Man) looks at the co-operation between small jurisdictions and the experience of the Isle of Man, as one of the smaller members of the CPA.

The fight against corruption and the role for Parliament is of paramount importance and occupies the attention of Commonwealth Parliamentarians across our membership. **Paul Foster-Bell MP** (New Zealand) looks at the New Zealand experience and the challenges that the New Zealand Parliament has faced.

The maintaining of 'free and fair elections' is linked to keeping politics 'corruption-free' and former Parliamentarian, **Hon. Alexander Downer, AC** (Australia) writes about Australia's leading role in the training of election officials through the Commonwealth Electoral Network (CEN).

Baroness Elizabeth Berridge (UK) writes about the new Commonwealth Initiative for Freedom of Religion or Belief and its work in promoting a dialogue across the Commonwealth.

In a new feature for this issue of *The Parliamentarian*, we publish

an interview with **Mr. Sidiki Kaba, President of the Assembly of States Parties of the International Criminal Court** and the Minister of Justice from Senegal who kindly gave us an interview during his visit to the CPA Secretariat in London.

The Chairperson of the CPA Executive Committee, **Hon. Dr Shirin Sharmin Chaudhury MP** (Bangladesh) shares her speech at the South Asian Speakers' Summit on 'Achieving Sustainable Development Goals (SDGs)' which demonstrates the co-operation taking place between Commonwealth and non-Commonwealth countries in addressing global issues.

The Parliamentarian welcomes the new Secretary-General of the Commonwealth Parliamentary Association (CPA), **Mr Akbar Khan**, who shares his first article for this publication.

The Parliamentary Report in this issue includes parliamentary and legislative news from Canada (Federal, British Columbia and Québec), India, New Zealand and Australia.

Please do let us know how you are marking Commonwealth Day 2016 on 14 March and we look forward to hearing your feedback and comments on this issue of *The Parliamentarian*.

Jeffrey Hyland
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HOW TO ACHIEVE THE SDGs

View from the Chairperson of the CPA Executive Committee

Speech at South Asian Speakers' Summit on Achieving Sustainable Development Goals (SDGs)

The South Asian Speakers' Summit convened in Dhaka, Bangladesh¹, and ended with the adoption of the *Dhaka Declaration on Achieving SDGs in South Asia*,² ushering in a great deal of optimism. The South Asian Speakers' Summit was a high level event demonstrating a staunch commitment of Speakers' to ensure their role as leaders of South Asian Parliaments in achieving the Sustainable Development Goals (SDGs). It resonates the commitment made by the world leaders at the SDG Summit, UNGA70, UN Summit in September 2015 in New York, USA. 193 Member-States of the UN General Assembly made a pronouncement to implement the Sustainable Development Goals in their own countries, as well as at the regional and global level.

It is against this backdrop that the South Asian Speakers from Afghanistan, Bangladesh, Bhutan, India, Maldives and Sri Lanka met in Dhaka, Bangladesh with their delegations to discuss their roles in taking forward the global agenda of implementing the SDGs. This Summit also focused on the impact of tobacco on health and non-communicable disease. Parliaments are the premier representative institutions in democracy. Speakers are steering the work of Parliaments. It was therefore felt essential to identify the role of Parliamentarians in materializing this vision.

- What is it that Parliamentarians tend to do?
- What new or innovative approach can they adopt?
- What is different that Parliaments want to offer?

These are some of the basic questions that I posed for myself as Speaker of Bangladesh and also for my colleagues, the Speakers of South Asia. I very humbly shared some thoughts which would be relevant for this Summit and could also be discussed as we go along in defining our roles in achieving the SDGs.

First of all it is important to have a thorough understanding of what we mean by sustainable development. SDGs are a set of goals and targets constituting a framework of transformative global development pathway. It contains 17 goals with 169 targets. SDGs address the economic, social and environmental dimensions of sustainable development in an integrated way.

It is therefore necessary to analyse the different aspects of the concept of sustainable development including the political aspect in the South Asian context. Inequalities in global resources is a crucial factor that needs to be taken into account.

It is essential to consider the role of governments vis-a-vis parliaments, both at national and sub-national level in making the SDGs meaningful and beneficial for people and to effectuate significant positive differences in their lives in a fundamental way, which is at the core of parliamentary democracy.

Parliamentarians need to think what would be the most effective mode. *Will it be top down approach in terms of policy adoption and*



Hon. Dr Shirin Sharmin Chaudhury, MP, Chairperson of the CPA Executive Committee and Speaker of the Bangladesh Parliament.

implementation or bottom-up perspective? Can there be any single blue print or should it be on a contextual basis? It must be borne in mind that neither governments nor Parliaments operate in a vacuum. They reflect the exigencies of their time and place, conflicting interests and power bases.³ They uphold the core values inherent in the interdependence of economic and social systems. Even within South Asia, while we are to work with collective and shared commitment, socio-economic and political situations vary and ecological challenges differ. It is important for us to find the commonalities that exist and also find ways to work through the differences. Each nation has to work out its own policies, plans and measures and their implications for itself. They need to ascertain what their priorities are and at the same time come together to work for the common good of the people of South Asia. This is a task that

Parliamentarians and government can join hands in dispensing.

Parliamentarians have to be vigilant and play a proactive role in monitoring and ensuring that governments properly dispense their key strategic and managerial functions. *What would be the level or degree of state intervention in regulating and correcting market failures? How best are policies being formulated to address this function is something that can be examined by Parliaments? How can we overcome the systematic barriers to achieving sustainable development?* This is where I feel goal 16 of democratic governance comes into play. Further resource constraints, breeding inequalities etc. also become relevant.

Parliamentarians can engage in the process of developing a range of instruments to rectify market failures by working on imposition of appropriate laws and regulations, levies and subsidies, use of economic and fiscal instruments, setting environmental benchmarks for achieving SDGs. Setting the stage is imperative. Successful implementation of laws, policies and strategies aimed at a shift to the path of sustainable development requires institutional innovation and reform, resource mobilization and priority setting. Coordination and parliaments can be a stimulus and catalyst in this arena.

Let me now turn to some fundamental tenets to provide food for thought. Sustainable Development is understood as a social and political construct embracing environmental and ecological sustainability. We accept the proposition that a call for zero growth strategies and the limits to growth argument has been displaced. Instead environmental protection and continuing economic growth must be seen as mutually compatible and not mutually exclusive or conflicting.

This poses a major challenge for us. While ecological sustainability is inbuilt within sustainable development, it covers a wider range of components like health, education, social welfare, as it aims to bring about social change. Parliamentarians therefore need to find innovative ways to identify the necessary changes in democratic governance to strike a balance between economic growth and ecological degradation.

Can we find a solution to bridge the gap and unbridgeable divide between the two approaches of anthropocentric and bio centric of politics? Can we resolve this 'political fudge' that critics often say is



posed by sustainable development? Let's ask ourselves, can we do it?

The Dhaka Declaration created a South Asian Speakers Forum, a unique platform to set a roadmap for the region to take the agenda of the SDGs forward. It is therefore an opportune time to shed light on the critical challenges that need to be addressed in achieving the goals. It gives an opportunity to reflect on all the agendas that Parliamentarians want to set for themselves.

Parliaments comprising of peoples' representatives have a major role to play in materializing the pledges set out in the Dhaka Declaration: *"Parliaments should advocate for national sustainable development plans and strategies that reflect national needs and inspire action at the local level where it matters most. Through their core functions of law making, representation, appropriation of resources through budgets and oversight, parliaments have a crucial role to play in turning the SDGs into reality. Parliaments should ensure that legislation and policy supports the implementation of national sustainable development strategies. Each parliament may devise a methodology as appropriate to make it compatible with sustainable development. Legislation should also reflect the fact that the SDGs are interlinked and not independent of each other."*

It is a time of transition. Initiatives are underway to effectuate a paradigm shift in the global development agenda. We believe in ensuring development that meets the needs of the present without compromising the ability of future generations to meet their own needs. We all stand resolute to commit ourselves in continuing to build *"The Future We Want."*¹⁵

Speakers' strongly feel that in upholding this commitment the Parliaments of the South Asian Regions need to come together, pool their resources, draw upon their strengths and cooperate among themselves to meet the common challenges of poverty eradication, adverse effects of climate change, attaining gender equality, removing disparities and inequalities, ensuring food security, nutrition, health and education opportunities for all.

In order to reach the goals it is necessary to focus on the inner theme of the SDGs. *"The SDGs aim to create universal action oriented goals that articulate the need and opportunity for the global community and actors to come together to create a sustainable future in an interconnected world."*¹⁶

At the heart of this South Asian Regional Cooperation, the driving force is the staunch conviction to improve the lives of the people and bring about significant positive changes in a fundamental way, to ensure every individual has a life with dignity.

The concerns relating to resource constraints were pertinent. How Parliamentarians can find innovative solutions in mobilizing required resources was emphasized. How systematic barriers to achieving SDGs can be overcome was also a key issue. It was emphasized that Parliamentarians need to identify the modes to bring about the necessary changes in democratic government and also what would be the best way to strike a balance between economic growth and ecological conservation. Evaluating the successes and lacking of Millennium Development Goals was identified as an important component.

I congratulate the adoption of the *Dhaka Declaration on Achieving SDGs in South Asia* and believe that this Declaration will pave the way forward for the South Asian Parliaments to effectively engage and work together to meet the targets of the SDGs in the South Asian Region. The Dhaka Declaration marks the beginning of fruitful regional cooperation and partnership between the South Asian Parliaments.

"We pledge to promote and advocate for strong regional inter-parliamentary cooperation on the SDGs, as well as for the promotion and development of joint initiatives between parliaments. We recognize that



Above: Speakers attending the South Asian Speakers' Summit on Achieving Sustainable Development Goals held in Dhaka, Bangladesh (from left to right) HE Mr Abdul Raouf Ibrahim (Speaker of National Assembly of Afghanistan); HE Sumathipala Udu Watuwege Janath Priya Thilanga (Deputy Speaker of Parliament of Sri Lanka); Hon. Dr Shirin Sharmin Chaudhury MP (Speaker of Bangladesh Parliament and Chairperson of the CPA); HE Smt. Sumitra Mahajan (Speaker of Lok Sabha, India); HE Mr Abdullah Maseeh Mohammad MP (Speaker of the People's Majlis of Maldives); HE Mr Jigme Zangpo (Speaker of National Assembly of Bhutan).

regional cooperation can play an important supportive role in the achievement of the SDGs in South Asia, through the sharing of best practices, building productive capacities through regional value chains supported by regional connectivity, pipelines and energy grids, and the pooling of resources."

We need to be mindful that this Dhaka Declaration is not mere 'political rhetoric' but a substantive instrument not only chartering the way forward but also to translate our commitments into action.

I would like to conclude by emphasizing that in all our endeavors to achieve the SDGs by 2030, critical is the 'political will'. Parliaments of South Asia demonstrating and pledging a strong political will to bring about desired change will succeed in achieving the vision of the SDGs.

Let me end with a quote from Eleanor Roosevelt- *"The future belongs to those who believe in the beauty of their dreams"*

References

- ¹ The South Asian Speakers' Summit took place in Dhaka, Bangladesh on 30-31 January 2016 organized by the Inter Parliamentary Union (IPU), Bangladesh Parliament and Campaign for Tobacco Free Kids.
- ² The Dhaka Declaration on Achieving Sustainable Development Goals, adopted on 31 January 2016 in Dhaka, Bangladesh in South Asian Speakers' Summit.
- ³ Governance for Sustainable Development, The Challenge of Adapting Form to Function: Ed. by William M. Lafferty, Edward Elgar, Cheltenham, UK. Northampton, MA, USA. 2004 - Introduction: form and function in governance for sustainable development: William M. Lafferty.
- ⁴ The Politics of Sustainable Development, Dick Richardson in the Politics of Sustainable Development: Theory, Policy and Practice within the European Union, Edited by Susan Baker, Marin Kousis, Dick Richardson and Stephen Young, Routledge, London and New York, 2005.
- ⁵ The Rio + 20 Outcome Document.
- ⁶ Sen 1996, Koehler et al 2012; Bern Stein et al 2014.



PARLIAMENTARIANS VIS-À-VIS THE CHALLENGE OF CLIMATE CHANGE

View from the Commonwealth Women Parliamentarians (CWP) Chairperson

Dear readers of *The Parliamentarian*,

I warmly welcome you to the first issue of our journal for 2016. Indeed it is a massive opportunity and pleasure for us to continue to share experiences and the way forward in collectively solving the global challenges in our midst through this publication.

I bring you greetings from Uganda, from the people of Uganda, from my Parliament but most of all, I bring you warm greetings from the fraternity of the **Commonwealth Women Parliamentarians**. One of the main themes of this issue is climate change and it surely raised my attention given its increasing impact and prominence in contemporary times.

Situation analysis

Currently climate change is a controversial topic, with a lot of debate on whether it is truly happening. Climate change is one of the harshest realities and challenges we face today and from the perspective of women, it is even worse given that women suffer most from the adverse impact of climate change; this I will elucidate later in my article.

For those who still have any of the slightest doubt about the reality of climate change and its impact, I want to share with you the experience of farmers from my country, Uganda. While farmers in Uganda cannot provide sufficient evidence to decide the matter, they agree that the weather patterns have changed tremendously. The rainy seasons and the planting seasons have become unpredictable. This has resulted in a substantial reduction in the productivity of Uganda's agriculture, which is 97% rain-fed. Other evidence for the change in weather patterns is the loss of crop bio-diversity. Some sweet potato varieties that have been grown for decades in various regions are now lost, due to the extreme weather.

The other example that I gathered was through my experience in Bangladesh during the 10th Women's Affairs Ministers Meeting in Dhaka in June 2013. I noticed that the Heat Index has remarkably increased in Bangladesh because of climate change. Heat Index describes the combined effect of temperature and humidity on the human body. This combined effect is causing a serious threat to the health of the people because of the changing climate.

With climate change and climate variability, the result is that the occurrence of heat waves is likely to increase. Evidence is emerging



**Rt Hon. Rebecca Kadaga, MP
Chairperson of the
Commonwealth Women
Parliamentarians and Speaker
of the Parliament of Uganda**

from the analysis of long-term climate records of an increase in the frequency and duration of extreme temperature events all over Bangladesh, particularly during the summer. The summer season has been prolonged while the winters have become short in Bangladesh.

There is growing evidence indicating that climate change is threatening the world's environmental, social and economic development. Climate change is already beginning to transform life on Earth. Around the globe, seasons are shifting, temperatures are climbing and sea levels are rising. And meanwhile, our planet must still supply us – and all living things – with air, water, food and safe places to live.

One of the most serious impacts of climate change is how it will affect water resources around the world. Water is intimately tied to other resources and social issues such as food supply, health,

industry, transportation and ecosystem integrity. Climate change also threatens the health of our children and grandchildren through increased disease, freshwater shortages, worsened smog and many other issues. These impacts also pose incalculable future economic risks that far outweigh the economic risk of taking action today. Of course, the consequences of climate change are many and vary in different ecosystems and these include the threats of imminent increased risk of drought, fire and floods, more heat-related illnesses and disease, economic losses, stronger storms and increased storm damage, rising seas and changing landscapes. If we don't act now, climate change will rapidly alter the lands and waters we all depend upon for survival, leaving our children and grandchildren with a very different world.

The impact of climate change on women

I feel it is important to touch on the plight of women in regard to the impacts of climate change because of their peculiar vulnerability to these impacts. Many women around the world must adapt their lives to a changing climate. Increases in extreme weather conditions - droughts, storms and floods for example - are already altering economies, economic development and patterns of human migration, and are likely to be among the biggest global health threats this century. Everyone will be affected by these changes, but not equally. Studies have shown that women disproportionately suffer the impacts of disasters, severe weather events, and climate change



Above: Sudanese refugee women prepare to fill their containers with precious water at a camp in eastern Chad.
Source: UNHCR image

because of cultural norms and the inequitable distribution of roles, resources and power, especially in developing countries.

Women make up the majority of the world's poor and are more dependent than men on natural resources for their livelihoods and survival. Women tend to have lower incomes and are more likely to be economically dependent than men. When drought or unseasonable rain, for example, threatens agricultural production, men can use their savings and economic independence to invest in alternative income sources or otherwise adapt. In times of food scarcity and drought, women will often give priority to their husbands - his nutritional needs will be met before hers, and possibly those of their children.

Women are also more vulnerable because they have less access to education and information that would allow them to manage climate-related risks to agriculture and livestock. In India, many women have considerably less access than men to critical information on weather alerts and cropping patterns, affecting their capacity to respond effectively to climate variability. It is the women who have to walk long distances to fetch water in situations where climate change has affected the ecosystem.

The Role of Parliament in tackling Climate Change

This brings me to what we need to do as Parliamentarians to combat climate change. Parliaments can engage in the climate change agenda at national, regional and global levels. Members of Parliament can help break the international stalemate on climate change action by 'domesticating' global decisions using national legislation. But to do that they often need long-term capacity-building programmes to catalyze the process: programmes that have support within the Government and across Parliaments.

As Parliamentarians, we are uniquely placed to respond to some of the global challenges by influencing our own national climate change agenda. These can shape national climate policy and fill the important gaps between the global, national and local levels. Such legislation,

though not supplanting the UNFCCC (United Nations Framework Convention on Climate Change) process, lets countries forge ahead with distinctive national actions that run alongside the international collective action.

In tackling the challenge of climate change, we as Parliamentarians must collectively resolve to:

- Strengthen our roles as Parliamentarians and build our capacity around climate change challenges in order to improve legislative oversight.
- Improve oversight of the Executive, strengthening national implementation and ensuring a more transparent and cohesive decision making process at the national level.
- Strengthen stakeholder engagement across Parliament and bridge the gap between in-country experts and national decision makers.
- Develop sustainable capacity-building programmes that span parliamentary cycles and make climate change a mainstream parliamentary issue.
- Parliament should also design action plans for the implementation of international conventions.

I would like to conclude by emphasizing that climate change is a unique issue since reform requires public acceptance and behavior change to succeed. Ultimately the power to mitigate and adapt to climate change lies with the public, but Parliamentarians play an essential role in representing short and long-term interests, leading the public in change, promoting green policies and holding the Executive accountable.

I wish our readers a Happy New Year 2016!



EFFECTING CHANGE

View from the 7th CPA Secretary-General

The start of 2016 marked the start of my tenure as the 7th Secretary-General of the Commonwealth Parliamentary Association (CPA), a proud and distinguished organization now in its 105th year. I am humbled by this honour conferred by the 61st General Assembly and commit myself to working tirelessly across all nine regions of the organization in an inclusive manner for the benefit of all our membership.

I echo and endorse the highly pertinent comments of the Hon. Chairperson, Dr Shirin Sharmin Chaudhury MP, in stating that the 'CPA is a unique platform of Parliaments of Commonwealth countries with great potential to effectuate innovative changes in addressing the common concerns for ensuring the welfare of its people.'

My first article for *The Parliamentarian* coincides with the outcomes of two major conferences affecting both the Commonwealth and the wider global community.

The Commonwealth Heads of Government Meeting (CHOGM) 2015, held in Malta in November 2015, brought together world leaders from the Commonwealth and beyond in a shared purpose under the theme, 'The Commonwealth: Adding Global Value'. The Commonwealth Heads of Government reaffirmed their shared and enduring commitment on behalf of the people of the Commonwealth to the values and principles of the Commonwealth Charter.

During a time of extraordinary global challenges and opportunities, the Heads of Government addressed issues as diverse as climate change, sustainable development, trade and investment, migration, and countering violent extremism and radicalisation. They also deliberated on safeguarding the interests of Commonwealth small states and emphasised that the unique nature of the Commonwealth adds value in responding to contemporary global challenges. The role of diverse groups across the Commonwealth was recognized by the different forums held alongside CHOGM 2015 – the People's Forum, the Business Forum, the Youth Forum and for the first time, the Women's Forum.

Immediately following the CHOGM 2015 meeting was the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, more commonly known as COP21, which was held in Paris. The parties to the U.N. Framework Convention on Climate Change (UNFCCC) reached a landmark agreement on 12 December, charting a fundamentally new course in the global climate effort.

It is worth noting that COP21 brought to an end the strict differentiation between developed and developing countries replacing it with a common framework that applies to all countries and commits them to make their best efforts and to strengthen them in the years ahead. Although the full impact of COP21 will not be seen for several years, Parliamentarians have fundamental role in



Mr Akbar Khan
Secretary-General of
the Commonwealth
Parliamentary Association

translating the outcomes into a national framework for action.

Climate change is one of the leading issues facing Commonwealth jurisdictions and the cooperation between the Parliaments of the Commonwealth will be a key factor in tackling this global problem. For many climate change risks turning the clock back on years of progress; for others it poses an existential threat. The irony of climate change is that the least responsible for pollution often ends up being the first casualty of climate change as we have seen in The Maldives in the Indian Ocean, amongst other small states in the Commonwealth.

The Commonwealth Leaders' Statement on Climate Action stated that the Commonwealth's 53

member states "represent in our diverse national circumstances and common purpose one third of the world's population spread across all continents and oceans. Our countries include some of the largest, smallest, wealthiest, poorest and most vulnerable on the planet. We represent more than one quarter of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC). Over half of us are least-developed countries, Small Island Developing States or both."

The threat posed by climate change, which continues to grow and to put at risk the economic, social, environmental, and cultural well-being of Commonwealth member states and citizens, puts our most vulnerable states and communities at risk. The consequences of climate change can be a national catastrophe, requiring urgent responses and adequate support.

Parliamentarians have a key role to play in all of these areas and the principles of the Commonwealth Charter are more relevant than ever. There will be the opportunity for Commonwealth Parliamentarians to gather at the 62nd Commonwealth Parliamentary Conference in Dhaka, Bangladesh in September 2016 where many of these issues will be discussed.

By working together and sharing good practice, Parliamentarians can upskill themselves to affect real change that will have a long term impact for generations to come. Linked to this is the importance of the 'Commonwealth Family' working together at a much higher level of collaboration to ensure comprehensive outcomes both within and across the Commonwealth. In this regard, I cannot but recall the view of one former British Foreign Secretary, the Rt Hon. William Hague MP, when he stated in 2011: "In a world dominated by networks and not by power blocs of old, the Commonwealth is the ultimate network."

Thank you.

Akbar Khan
7th Secretary-General
Commonwealth Parliamentary Association (CPA)

The Commonwealth Parliamentary Association (CPA) Photo Gallery



Above and right: During his first overseas visit as the new CPA Secretary-General, Mr Akbar Khan met with Speakers and Presiding Officers at the 23rd Commonwealth Speakers and Presiding Officers Conference (CSPOC) 2016 hosted in Sabah, Malaysia. The Secretary-General met with a number of Commonwealth Speakers and Parliamentarians including: Pandikar Amin bin Haji Mulia, Speaker of the Dewan Rakyat in the Parliament of Malaysia; Hon. Geoff Regan MP, Speaker of the House of Commons in the Canadian Parliament; Murtaza Javed Abbasi, Deputy Speaker of the National Assembly of Pakistan; Rt Hon. Rebecca Kadaga MP, Speaker of the Parliament of Uganda and Chairperson of the Commonwealth Women Parliamentarians CWP.



Left: The Secretary-General of the CPA, Mr Akbar Khan met with the Speaker of the House of Commons of the UK Parliament, Rt. Hon John Bercow MP.



Above: The new Secretary-General of the CPA, Mr Akbar Khan met with the Chairperson of the CPA and Speaker of the Parliament of Bangladesh, Hon. Dr Shirin Sharmin Chaudhury MP on his first official visit to Bangladesh. The Secretary-General also met with Parliamentary officials from the Parliament of Bangladesh during his visit.

Below left: The CPA Secretary-General, Mr Akbar Khan welcomed Hon. Joe Ghartey, Second Deputy Speaker, Parliament of Ghana, to the CPA Secretariat Headquarters and was accompanied by his Head of Secretariat, Ms. Jane Frimpong.

Below right: CPA Regional Secretaries representing Australia; Caribbean, Americas and Atlantic; Canada; Pacific and New Zealand; British Isles & Mediterranean; Asia and South-East Asia attended a Regional Secretaries Meeting with the new CPA Secretary-General Mr Akbar Khan and the CPA Secretariat in London, UK.



The Commonwealth Parliamentary Association (CPA) Photo Gallery



Left and below left: The CPA Roadshows have launched as an exciting new initiative that will visit schools and universities across the Commonwealth to help to increase young people's awareness of parliament and democracy. The CPA Roadshows were launched by the Chairperson of the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury MP, Speaker of the Parliament of Bangladesh, who hosted a group of



over 150 young people from five different schools and colleges on a visit to the Parliament of Bangladesh in Dhaka. The CPA Roadshows will embark on visits to schools, colleges and universities across the nine regions of the CPA and any CPA Branches interested in hosting a CPA Roadshow should contact the CPA Secretariat for more information email hq.sec@cpahq.org.



Left The CPA Secretary-General Mr Akbar Khan met with Mr Carl Wright, Secretary-General of the Commonwealth Local Government Forum at the CPA Secretariat.

Right: The CPA Secretary-General Mr Akbar Khan introduced himself and his vision for the CPA to the key stakeholders from the Commonwealth Family during an informal breakfast meeting held at the United Kingdom Parliament.



Left: The CPA Secretary-General met with Parliamentarians for Global Action Chair Baroness Vivien Stern CBE and Assistant Secretary-General Jennifer McCarthy to discuss potential collaboration and partnership between the two organisations.

Right: The Secretary-General of the CPA, Mr Akbar Khan attended meetings and bilaterals at the OECD Global Parliamentary Network in Paris attended by 120 MPs from 35 countries. The CPA Secretary-General met Mr Angel Gurría, Secretary-General of the OECD (centre) who spoke about building trust in Parliaments and Financing Democracy.



Below left: The CPA Sri Lanka Branch hosted a Commonwealth Regional Seminar on the Role of Parliamentarians in the Promotion and Protection of Human Rights. The Seminar, organised in partnership with the Commonwealth Secretariat, took place in Colombo, Sri Lanka. Members of Parliament, Ministers and Human Rights experts attended from Sri Lanka and other Commonwealth Asia countries such as Bangladesh, India, Pakistan and The Maldives. Hon. Ranil Wickremesinghe MP, Prime Minister of Sri Lanka opened the Human Rights Seminar and the Hon. Speaker of the Parliament of Sri Lanka and CPA Executive Committee Member, Karu Jayasuriya MP also gave an address.





Above left: The CPA-World Bank Extractive Industry Seminar provided a valuable and unique opportunity for Parliamentarians to come together to discuss and share up-to-date experience of an important global issue of current concern for parliamentary development. The Seminar was opened by the CPA Director of Programmes, Ms Meenakshi Dhar and World Bank representative, Mr Mitchell O'Brien. The CPA Branches represented included: Cameroon; Kenya; Uganda; Western Australia; Zambia; Nigeria; Northern Territory, Australia; Quebec, Canada; British Columbia, Canada; Pakistan; Malawi; Balochistan, Pakistan; Malaysia; United Kingdom.



Above right: The CPA Benchmarks for Democratic Legislatures Workshop took place in Perak, Malaysia for the CPA Asia, India and South East Asia Regions. The Workshop was opened by Hon. Deputy Speaker of the Perak State Legislative Assembly, Dato Nasaruddin Bin Hashim in the presence of CPA Members and the Director of Programmes from the CPA Secretariat, Ms Meenakshi Dhar.

Right: The Chairman of the Senate of Pakistan, Mr. Mian Raza Rabbani met with CPA staff on his first visit to the CPA Secretariat and was accompanied by staff from the High Commission for Pakistan.



Below right: Newly elected MPs attended the CPA Post-Election Seminar at the Mauritius National Assembly which was opened by the Speaker of the National Assembly, Hon. Mrs Santi Bai Hanoomanjee.

The three-day seminar was open to all Members of the National Assembly and was also attended by Members from the Parliament of South Africa; Lok Sabha, India; Parliament of Tanzania; UK House of Commons; and the African Centre of Parliamentary Affairs.



Below right and below left: The CPA Workshop on Information and Communication Technologies (ICTs) for the Africa Region took place in Abuja, Nigeria hosted by the CPA Nigeria Branch and the National Assembly of Nigeria. The Workshops, in partnership with the Commonwealth Telecommunications Organisation (CTO) were opened by the Hon. Yusuf Lasun, Deputy Speaker of the House of Representatives who spoke of the need for legislative action to maximise potential of ICTs. Minister of Communications, Hon. Adebayo Shitu MP gave the keynote speech.





THE PARLIAMENTARIAN **INTERVIEW**

Mr. Sidiki Kaba, President of the Assembly of States Parties of the International Criminal Court

The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan welcomed Mr. Sidiki Kaba, President of the Assembly of States Parties of the International Criminal Court and the Minister of Justice from Senegal to the CPA Secretariat in London. The President and the Secretary-General discussed the role of Commonwealth Parliaments in combatting impunity, in the protection of human rights and the rule of law and a number of issues relating to the International Criminal Court and the Commonwealth.

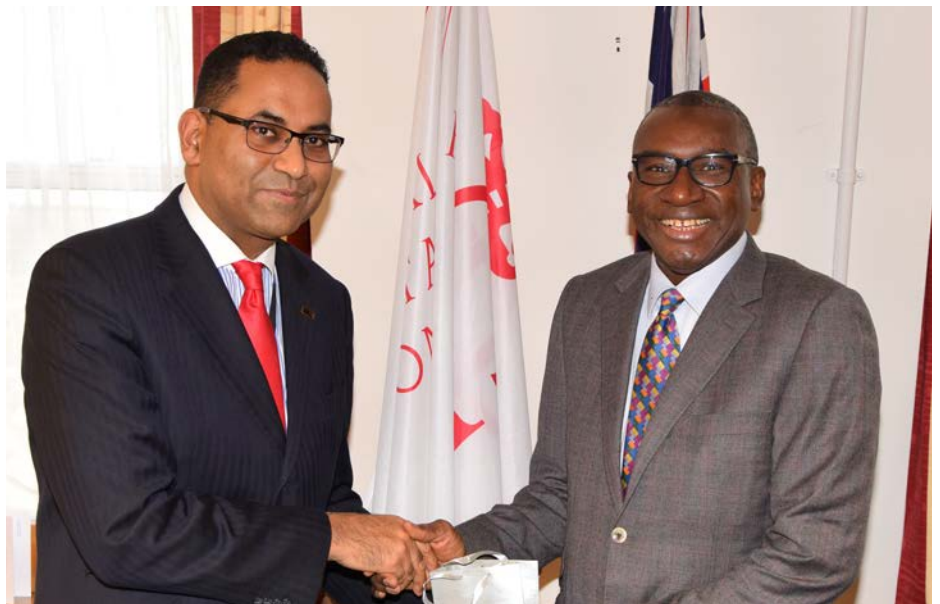
The President was able to meet some of the staff at the CPA Secretariat and view the portraits of previous Secretaries-General in the CPA's long 105 year history. During his visit to the CPA Secretariat, Mr Sidiki Kaba graciously gave an interview to *The Parliamentarian*.

The Parliamentarian: What do you believe is the role of Parliamentarians in protecting human rights?

Sidiki Kaba: *It is a very important role. I think that all Parliamentarians in the world must work together to ensure that human rights are respected and upheld. It is fundamental for each country and for the stabilisation of each region to respect and uphold human rights. The more that we, across the world respect human rights, the more chance that society has to prosper.*

Parliamentarians have a key role to play in ensuring the freedom of the press, the freedoms of association and the freedoms that society should provide where everyone can live harmoniously together in an environment where everyone is respected.

The work of Parliaments and the laws that they introduce must ensure that everyone, without discrimination, is protected and everyone is equal. It is also the place where international conventions can be ratified. Parliament is the place that can guarantee that rights can be executed for each citizen equally without discrimination or exclusion.



The Parliamentarian: What role can the Commonwealth play in the protection of human rights?

Sidiki Kaba: *The Commonwealth is a huge organisation bringing together many Anglophone countries and notably lots of African countries. The values that the Commonwealth promotes and especially the protection of human rights and the respect for each other has helped to progress democracy in many countries, notably in many African countries and the regions of the global south.*

These values can be shared amongst other countries in order that freedom for everyone can be recognised. When equality of all people in society is recognised, a country can then take vital steps towards progress, where there is common engagement and common values that all citizens can work towards and that all citizens can defend together. Every voice counts – those of women, those of minorities, those of everyone – and for society, this participation is essential and helps towards the good functioning of democracy.

The Parliamentarian: What can Commonwealth Parliaments do to ensure that

Above: The CPA Secretary-General Mr Akbar Khan with Mr. Sidiki Kaba, President of the Assembly of States Parties of the International Criminal Court.

they are upholding the fundamental principles of the rule of law?

Sidiki Kaba: *The rule of law guarantees peace in our society. It supposes that a country has a functioning legal system; a huge part of this is seeking justice through independent and impartial courts that are empowered to dispense justice freely and without fear of retribution. We must be able to guarantee the protection for magistrates; we must be able to guarantee the protection of their careers and their independence from the Executive, from the influence of money and pressure groups, and also from oppression. In order to be effective, the rule of law must be applied in an equitable way for all citizens; it must never be applied in a discriminatory way.*

The Parliamentarian: Does the Separation of Powers (Commonwealth Latimer House Principles) ensure that the legislative, the executive and the judiciary can act



independently of each other and how can this benefit society?

Sidiki Kaba: *In the separation of powers, it must be that one power regulates the other. There shouldn't be a dominant power in a democratic society. Executive power, legislative power, judicial power – each should be able to do its work without one dominating the other. I am not saying that there should be a total and absolute separation – there should be a level of fluidity and co-operation between each power.*

The executive should be able to govern – by winning a majority in an election and having the confidence of the population, it will help policies to be executed. The judiciary – the judges and lawyers – should act in a way that justice can function effectively and credibly because if citizens have a negative perception of justice and a feeling of inequality and partiality, then this creates frustrations and this can lead to people having a negative perception of justice. This can result in people, in certain countries, taking up arms and a situation where justice is undertaken outside of the courts. Justice can only play its role when it is independent and impartial.

Parliament's role is in voting in the laws and it can create a general negative feeling when the law protects those who have a particular interest so it is important that all powers can participate for the well-being of the population and when checks and balances are in place.

The Parliamentarian: Are there particular challenges in protecting human rights in a global society?

Sidiki Kaba: *It is not easy to protect human rights in a global society. Globalisation has given us a huge economic opportunity.*



However the world has changed especially since we adopted the Universal Declaration of Human Rights in 1948. Lots of progress has been made. There were few independent countries at that time – today many countries have attained their independence and colonisation has ended. There has been progress towards democracy – there had been many military states and authoritarian countries using violence – but this has been replaced more and more with democratic systems.

But there is still progress to be made particularly with the rights of women and the violence that is perpetrated against women. Progress needs to be made in protecting the rights of women in conflict, where women are often targets in war and are the victims of rape as a weapon of war. Children are also targeted in these situations as are minorities – this must stop.

Even in a globalised world, even when poverty is reduced in many places in the world – many rights are not extended to women. There are still countries where people live at the lowest levels of poverty and where the hopes of life are very low. Access to medicine is a problem, access to rights and the law is a problem, access to suitable shelter – all of these things are not necessarily available to all and so the challenge of globalisation today is allow all to live and have access to food equally.

The Parliamentarian: How can Commonwealth Parliaments ensure that national jurisdictions can be in a position to prosecute egregious crimes?

Sidiki Kaba: *I think that Parliamentarians have a very important role in that they can help to change society and help to improve the quality of life and you have to work to ensure that these conditions are realised.*

The International Criminal Court in its statute – adopted in Rome in 1998 – states that to prevent crime, to prevent injustice and to prevent us from entering into war, will prevent us failing in our duty to protect human rights. It is why I say that in all countries you must enforce the judicial system.

Where there is a sentiment of frustration and a feeling of injustice – this is the roots of the destabilisation of a country. A feeling of injustice is one of the elements, along with poverty, corruption and the absence of democracy, that are very important to maintaining peace in society.

This is why as President of the Assembly of States Parties of the International Criminal

Court, I have developed several actions and enhanced cooperation – especially amongst African countries to reconcile them with the ICC. 34 African countries have ratified the Rome Statute – but today Africa is dubious of the ICC and it thinks that the ICC is often against it.

We must listen to African countries and their concerns; their concerns are legitimate. For example Kenya has said that in order to have a solution, we must find a dynamic solution so that Africa doesn't become distanced from the ICC; it is an important group of 34 countries.

However the ICC is not the police – it is individual countries that must execute their decisions. It is essential that countries engage in executing the decisions of the courts – if not then the decisions of the ICC run the risk of being left dead.

We must reinforce the work of national judicial systems. If every country does this – then the ICC will have a lesser role to play, supporting the idea that all countries will enforce their domestic law to protect human rights. There must be real and effective justice in each country, only then will it be respected by the wider population.

We need to accelerate universality. This supposes that all countries participate in, and ratify the Rome Statute.

Total democracy is not yet far-reaching. There are regions where there are huge problems of crime – against children, against women, against the vulnerable – and many victims have no hope of proper access to justice. We must remedy this. If there are judicial systems nationally that don't respond to these crimes – then we can say that yes, the ICC continues to have a critical role to play in protecting humanity.

We have to encourage the Parliaments of the Commonwealth – a large organisation with economic, cultural and political shared values – to embed their values in all countries and notably in the countries of the south.

There is a role to be played by the Commonwealth in convincing all Parliaments to ratify the Statute of Rome. This will help towards a country's development – each country has its own sovereign interests – but together Commonwealth countries also want international solidarity.

The Commonwealth has a great role to play and Parliaments are at the heart of democracy.

Interview by Lucy Pickles and Jeffrey Hyland at the CPA Secretariat.



ROLE OF LEGISLATORS IN CLIMATE CHANGE: THE CASE OF SOUTH AFRICA



Hon. Cedric Thomas Frolick MP was elected as a Member of Parliament of the Republic of South Africa in 1999 for the ANC. A School Principal before being elected to Parliament, he studied at the University of Port Elizabeth. He is the House Chairperson on Committees, Oversight and ICT; Parliamentary Co-Chairperson for COP 17 and the Millennium Development Goals; ANC Regional Executive Committee Member in the Nelson Mandela Metropolitan Municipality; President of GLOBE International.

Background

South Africa, like other emerging developing countries of the world elsewhere, has not been spared from the potentially severe impacts of climate change. For example, in the last two decades or so, South Africa has experienced a number of adverse climatic hazards. The most serious ones have been dry spells, seasonal droughts, intense rainfall and floods to the extent that droughts and floods have increased in frequency, intensity and magnitude over the past two or three decades in the southern African region. They have adversely impacted on food and water security, water quality, energy and sustainable livelihoods of the most rural communities.

Currently, the majority of rural communities are experiencing chronic food deficits in many parts of the region on a year-round basis owing to the effects of floods and droughts.¹ This increasing prevalence of recurrent floods and droughts has had far-reaching consequences for poor people in terms of food, water, health and energy in South Africa both in rural and urban areas. The plight of the poor who dwell in informal settlements on the Cape Flats in the vicinity of the Parliament of the Republic of South Africa is indeed a stark reminder of

the fact that the world's poorest people are the most vulnerable to the increasingly frequent climate change-induced natural disasters such as floods and droughts. The ongoing drought that has severely affected certain parts of our country, is a case in point.

Shortage of water for domestic use and for agriculture is a major concern in the drought-stricken parts of our country. Increasing numbers of livestock and wildlife in protected areas are dying daily, imposing serious economic constraints on farmers and private game ranchers, thereby threatening jobs and livelihoods of many dependent families. Climate change is the major, overriding challenge of this time, facing decision makers, planners and regulators. It is a growing crisis with economic, health and safety, food production and other dimensions of sustainable development.²

The Roles of Legislators

As we face many of the challenges of climate change and the uncertainties that it has brought upon humanity, especially the most vulnerable of our people whom we represent as public representatives in our different legislatures, it is important to remind ourselves of the saying that *"History is kinder*

to those who prepare themselves for an uncertain future, than to those who react to a crisis they should have seen coming."

History will inevitably show over time that the societies that are prepared for climate change-induced disasters, rather than just responding to them would be held in the highest regard. There is therefore further wisdom in the maxim that *"there are costs and risks to action, but greater long-term costs to inaction."* In the words of British historian, Ronald Wright, *"each time history repeats itself, the price goes up."*³

It is in this respect that an immediate action is needed on climate change in the light of the IPCC's recent findings in the *Fifth Assessment Report* that many observed impacts are happening more quickly than previously predicted; and that climate change is creating more frequent and more intense extreme weather events, among other things.⁴ What is needed is bold action by the world's leaders, including South Africa to ensure a relatively safe and stable climate. Nations must enact new policies that drive economic investment into low-carbon technologies, reduce global emissions, and enhance the resilience of their respective communities and critical infrastructure. We, as legislators,



“History will inevitably show over time that the societies that are prepared for climate change-induced disasters, rather than just responding to them would be held in the highest regard. There is therefore further wisdom in the maxim that ‘there are costs and risks to action, but greater long-term costs to inaction’.”

on several fronts to ensure that this international instrument is effectively implemented in a myriad of legislative approaches, including:

- **Ratification:** we have to ensure that the Paris/ COP21 Agreement is ratified by enacting a flagship (framework) domestic climate change law to implement its applicable provisions. In South Africa, Parliament spearheading the introduction of a framework Climate Change Bill, which will incorporate all relevant and applicable provisions of the Paris Climate Agreement.
- **Reviewing and amending of existing legislation:** Parliamentarians can take legislative action on climate change by reviewing existing laws and proposing amendments to them where

have a critical role to ensure that these interventions are put in place, financed, implemented, monitored and reviewed. In a *developmental State* like South Africa, we are saying that legislators should not only scrutinise executive action, but should go further to complement

the work of the Executive Branch of Government by offering alternative best practice solutions to problems in the spirit of *An Activist Parliament*.

We were of course in Paris (COP21), as legislators, to support the process of the delivering of a Climate

Agreement under the Convention that is ambitious, durable, fair and effective that balances environmental and development imperatives, inter alia. It is important for us to note that the conclusion of the Paris Agreement meant that our work, as legislators, has just begun



possible to incorporate aspects that would ratify the new international climate treaty. Reviewing and amending of existing legislation is particularly useful for legislators in many national legislatures who rarely have the necessary legal support staff to develop large-scale bills or proposals for climate change. Moreover, amending existing legislation is a much more feasible undertaking, with a comparatively high success rate, although this option has run out for South Africa, as the National Environmental Management: Air Quality Act No 39 of 2004 can no longer be amended to incorporate further regulation of climate change, as done in previous years.

- **Costing and financing of domestic Climate Law:** Legislative Acts and policy

initiatives most often produce costs and benefits for society as a whole, and hence there is a need to have a sound analysis of new Legislative Acts and measures to determine whether benefits typically coincide with the reason why they were formulated. It is imperative that legislators ensure that the cost of a climate change law is estimated and budgeted for, to ensure effective implementation. We must ensure that targets contained in the law are worked into deliverable programmes for government departments with precise targets to ensure effective oversight of government departments and entities in terms of budget for those programmes, timeframes and obvious results on the ground. Parliamentary committees need to be

scientific in their thinking and work, precise and deliberate in deepening the culture of accountability and transparency in their nations, more so, for us as South Africans.

- **Exercising leadership in mobilising private climate finance:** we do understand that legislators play an indirect role in mobilising international climate finance (whether via the Financial Mechanism, which is under the Convention or outside the Convention through the Climate Investment Funds, which is under the World Bank). However, legislators have a critical role to play in mobilising private climate finance by passing innovative laws that entail favourable risk-return ratio and/or risk mitigation measures to spur private investment in climate change mitigation and

adaptation.

- **Building of reporting provisions in climate legislation and parliamentary oversight models:** legislators can facilitate climate change oversight procedures by the introduction of regular reporting provisions into climate change law to enable focused attention to climate change, considering that effective oversight can be hampered by the lack of relevant data and reports for Parliamentarians to work with. Without the necessary information coming through from relevant government departments, other organs of state or agencies, appropriate oversight is practically unfeasible. By legally enshrining a department's obligation to report on a regular basis, legislators are more likely



to receive the information they need in time to carry out their oversight functions in an effective and focused manner. This provides additional grounds for summoning ministers, departmental heads and other relevant competent authorities to account when reports fail to come through.

▪ Climate change

awareness: Legislators have a crucial role to play in shaping people's perception of climate change and in building the political will needed to tackle it. They can help inform people by supporting public information campaigns and by reporting on the issue through personal statements and

“It goes without saying that legislators have the legal authority and responsibility to hold governments to account. It is time for Parliamentarians to exert their power and engage in the climate debate in a manner not seen before, as this also provides new openings for more effective democratic parliamentary and public action on climate change.”

communications. Legislators can also encourage their respective parliaments and relevant committees to share findings and reports with the public, and push for greater openness and direct consultation with citizens and key stakeholders. Strong and consistent communication on climate change is indeed crucial for citizens to see and accept the need for urgent action. For unless a critical number of our constituents are reached and awakened to the need for climate action, climate change would remain a government problem, rather than every citizen's.

▪ Need for a coordinated approach to climate

change oversight: the crosscutting impact of climate change requires mainstreaming of climate change across a range of sectors and departments, which in turn requires considerable coordination to ensure effective oversight of climate change implementation. The responsible parliamentary committee needs to monitor the government department responsible for climate change, but also the relevant budget lines and activities housed in other departments. It is in this respect that the Portfolio Committee on Environmental Affairs in our Parliament oversees the work of the lead Department of Environmental Affairs, but also interacts with other government departments, such as the Department of Energy; Department of Agriculture, Forestry and Fisheries; Department of Science and Technology; Department of Rural Development and Land Reform; Department of Water and Sanitation;

and the Department of Minerals in monitoring the implementation of the South African White Paper on Climate Change.

▪ Parliamentary Steering Committee on Climate

Change: a Parliamentary Steering Committee on Climate Change will shortly be reactivated in the South African Parliament to ensure a coordinated oversight approach to climate change to ensure that climate change response measures and actions are comprehensive and purposefully integrated. We need to ensure that all relevant gaps are closed and nothing is left to chance.

Conclusion

It goes without saying that legislators have the legal authority and responsibility to hold governments to account. It is time for Parliamentarians to exert their power and engage in the climate debate in a manner not seen before, as this also provides new openings for more effective democratic parliamentary and public action on climate change.

It is precisely in the spirit of exerting their power and engage in the climate debate in a manner not seen before that South African legislators held public hearings in Parliament on the nation's Intended Nationally Determined Contribution (INDC). Holding parliamentary hearings on the INDCs could be unprecedented for many national legislatures, although for South Africa holding public hearings on climate change has been highly institutionalised in Parliament, considering the crosscutting nature of the climate change challenge.

Finally, climate change is already making the bad situation of poverty worse for many of us in developing

countries worldwide. It is in this respect that that we appeal to our colleagues in developed countries to impress upon their governments to provide predictable financial and technological support that allows the citizens of the developing world to respond more effectively to pressing socio-economic challenges and acute vulnerability to climate change. On our part, as legislators from developing countries, we should ensure that the finances mobilised both from international and domestic sources are wholly spent on climate change implementation activities. I appeal to all legislators worldwide as well as my fellow developing country legislators to legislate in a manner that boosts our abilities to adapt and hence withstand climate change, bearing in mind the unequivocal reality that unless enough of a multilateral climate treaty such as the Paris COP21 Climate Agreement is legislated domestically, effective implementation would be difficult to achieve.

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CLIMATE CHANGE: A PERSPECTIVE FROM INDIA



Shri Kirti Yardhan Singh is a Member of the Sixteenth Lok Sabha of the India Parliament representing Gonda, Uttar Pradesh for the Bharatiya Janata Party (BJP). Shri Singh was educated at Lucknow University receiving a M.Sc. in Geology and becoming an Agriculturist. In 1998, he was elected to the 12th Lok Sabha and has held positions on several Committees including Industry, Defence, Science & Technology and Environment & Forests. He has special interest in the conservation of the environment.

Two weeks of intense negotiations between the representatives of the 196 member countries at COP 21, held at Paris, in December 2015, finally led to the much awaited Paris Agreement on Climate Change. Hailed by many as a diplomatic triumph, it demonstrated the seriousness of the governments to tackle the threat of irreversible and catastrophic climate change confronting the world today. The Agreement itself has elicited varying responses from different sections. Emerging from the dissipating euphoria, are doubts regarding the effectiveness of the accord in achieving its goals. Nevertheless, it is seen as a historic accomplishment which will encourage countries to reduce their Greenhouse gas (GHG) emissions and pursue a low carbon path towards achieving their development goals.

Greenhouse gases, in particular carbon dioxide, methane and nitrous oxide, produced mainly by the burning of fossil fuels to meet the demands of the power and transport sector, are the key cause of global warming. Rapid industrialization, our impetuous rush towards the ostensible goal of development, as well as our wasteful consumption patterns are causing the ever increasing

emission of these gases.

The findings of the Intergovernmental Panel on Climate Change, show that GHG emissions have grown by 70% between 1970 and 2004. The Energy sector, with an increase of 145%, is the largest contributor to this growth, followed by Transport with an increase of 120%, Industry 65%, Intensive farming and Land use change, a further 40%. These increasing emissions have led to a rise in global temperatures by 0.7°C over the past century and are projected to further increase by a minimum of 1.8°C to a maximum of 4°C before the end of this century.

Scientists predict that this temperature increase will have a dramatic and devastating effect upon the world around us, leading to extreme and unpredictable weather events. These changes would severely impact our global food production, create havoc on people and infrastructure, and lead to widespread extinction of many animal and plant species.

The alarming effects of global warming are already manifest with the increasing frequency and severity of cyclones and snow storms, droughts and floods, the rise in sea levels, rising average temperatures and the increasing incidences of vector borne diseases.

Ironically, it will be the world's poor, those least benefitting from the development process, who would bear the brunt of its repercussions. Lacking the required resources, low income families have the least capacity to adapt to the disruptive effects of global warming. Increasingly unpredictable weather and unreliable rainfall patterns are already affecting the marginalized, subsistence level farmers, leaving them exposed to the risks of droughts, floods, disease of both crops and animals and subsequent market irregularities. Increasing incidences of vector borne diseases are afflicting people, especially children in the underdeveloped and developing countries. The declining rural economy is forcing the migration of young people to cities, creating additional pressures on the urban infrastructure with its related sanitation and health problems.

This is especially true of countries such as those under the Commonwealth jurisdiction. Most of these nations and small states, which account for over a third of the world's population living in a fifth of the global land area, are classified as developing or underdeveloped. The disruptive effect of global warming is undermining their efforts towards achieving



Millennium Development Goals of poverty reduction, health and environmental sustainability. This also results in a negative impact on the goals of attaining food security, providing education and achieving gender equality.

It is quite evident that climate change has the potential to undermine human development across the world, and may even lead to a reversal of current developmental progress. Given the current rate of GHG emissions, the world needs to take the required urgent steps now, or these changes could become irreversible.

In this emerging scenario, it is crucial for us to change our myopic view of progress, which till now, was in complete disregard of our natural environment. Climate change has introduced the additional element of nature and its role in achieving economic development. It is imperative to understand the true meaning of economic growth and the

factors that determine it, so that the focus can now be towards sustainable and long term development.

Any initiative to contain and combat the cumulative effects of global warming requires a combination of preventive and adaptive measures. The core strategies involve actions leading to mitigation of GHG emissions and adaptive measures to deal with the disruptive effects of climate change.

The development of clean and alternative energy sources as an alternative to fossil fuels, attaining optimum levels of energy efficiency in the industrial and domestic sectors with the help of newer technologies, promoting sustainable agriculture practices and the conservation of forests and natural resources are some of the main elements in facing the challenge of climate change.

The United Nations Framework Convention on

Climate Change adopted at the Earth Summit in Rio in June 1992, marks the dawn of serious global efforts in this direction. It is a comprehensive framework for inter-governmental efforts to tackle the challenges posed by climate change, with the objective 'to achieve a stabilization of the green house gases concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.'

Subsequently, Conference of Parties held every year have attempted to define the role of nations in the fight against climate change. Over the past two decades, International negotiators have painstakingly endeavored to reach a broad agreement between the member countries on the procedural aspects of achieving the goals defined in the Convention. The focus has been on collective action in the key areas of mitigation and adaptation. These

“The disruptive effect of global warming is undermining their efforts towards achieving Millennium Development Goals of poverty reduction, health and environmental sustainability. This also results in a negative impact on the goals of attaining food security, providing education and achieving gender equality.”



initiatives are to be facilitated by cooperation between developed and developing countries in the fields of technology transfer and financial support.

As the dust settles on the Paris accord, the latest in the series of sustained efforts in building a global consensus for tackling climate change, it is time to reflect on the hard realities of the agreement.

The key elements are, firstly, to keep the increase in global temp to well below 2°C, with an aspirational target of not above 1.5°C.

Secondly, the countries submitted their voluntary pledges to reduce emissions with further reductions in 2020. The agreement also incorporates a regular five year review of these targets from 2023 onwards.

Thirdly, the developed countries are supposed to

provide the developing countries with \$100 billion per year till 2025 which will be subsequently increased.

For the first time, the deal also recognizes the role of non-party stakeholders, such as civil society, the private sector, financial institutions and also sub-national authorities to support efforts towards mitigation and adaptation to climate change.

However, the agreement also faces criticism for its inherent weaknesses. The contentious issues, namely, questions regarding the responsibility of bearing the burden of emission reduction, the required quantum of emission reductions, and the absence of a legal framework for enforcement of the reduction targets continue to persist even after years of negotiations.

For instance, there are

wide spread apprehensions that the intended target to limit temperature increase to 1.5°C would be hard to achieve given the gap in the mitigation ambition contained in the Intended Nationally Determined Contributions of the member countries. Further, with a formal stock-taking mandated only in 2023, our current emission rate could take us way beyond the agreed aspirational warming limits.

Also, there are questions regarding the transparent monitoring system for the implementation of the INDCs. The agreement not only allows the individual countries to voluntarily provide the five yearly reports, but also does not impose any penalties for failing to do so.

The compensation mechanisms for loss and irreparable damage have

not been factored in the agreement. There is also a lack of any credible and effective mechanism to facilitate technology transfer and financial support to be provided to the developing countries for meeting requisite mitigation and adaptation measures. The matter is left entirely to the voluntary discretion of the developed countries.

In recognition of the fact that historically, the responsibility for global warming lies with rich, industrialized countries, the UNFCCC had included the principle of Common but Differentiated Responsibilities in its text document. This was to help the developing countries to fulfill their development commitments while at the same time restricting the emissions of the developed countries.

However, the Paris Accord



requires for the first time, the developing countries as well to pledge mitigation actions which are to be closely monitored while on the other hand, the developed countries have not been bound by any legally binding emission cuts as were provisioned in the Kyoto Protocol of 1997. The dilution of this fundamental guiding principle of all previous accords has disturbing implications for the developing nations as it reduces their carbon space required for development.

Although the Paris agreement has achieved a consensus on a range of issues, the voluntary nature of the pledges and non binding targets would require a strong will at national levels to achieve any meaningful result.

Given this backdrop, the fight against climate change

underscores the importance of the role of not only policy makers but also of various other stakeholders such as the civil society, technology experts, industry captains and media managers.

Mobilizing public support is an important pre-requisite in the underdeveloped and developing countries, in their fight against climate change. The diversion of capital from the immediate developmental needs of the people would create additional pressures on scarce resources and governments could face objections from the opposition parties as well as the tax payers. Parliamentarians can play as a bridge between the people and the government in shaping their country's policies. They can help to create awareness amongst people by ensuring effective, local level dissemination of information on climate change impacts and of the available adaptation and mitigation options. This would facilitate the formation of a positive environment for governments to effectively enact meaningful policy changes.

Parliamentarians can also elicit the help of civil society to educate people on sustainable development and also to promote sustainable practices in agriculture, forestry and allied activities.

Parliamentarians can encourage the participation of people in supporting government programs of conservation of natural resources and environment protection. They can initiate community effort especially those involving children, in activities such as tree plantation which would help to heighten their sensitivity towards their environment for future security.

To promote renewable energy options as a more sustainable and cleaner option, Parliamentarians can interact

with local businesses and the industrial sector to support measures for energy efficiency and to adopt and promote renewable technologies.

Parliamentarians can assist in obtaining government funds to support community resilience-building to the potential threats of climate change.

Within the Parliament, the elected representatives can play a critical role in ensuring that climate change issues are placed high up on the political agenda, by raising questions, seeking information and bringing attention to issues of climate change. They can review government budgets and spending on climate change issues. Parliamentarians can examine the adaptation and mitigation measures being carried out at state and national levels, and also advocate for greater budget allocation to combat the impact of climate change at these levels. They can take the initiative to join existing parliamentary forums that aim to mainstream climate change issues across Ministries and social development sectors.

The destructive effects of climate change are more pronounced in regions of high population, low incomes and an economy which is dependent on nature. Thus, it has special significance for India which has 20% of the world's population living on just 2% of the world land area, and 70% of the people seeking their livelihood from farming.

Realizing this vulnerability, the Indian government has taken strong steps to control and combat the likely effects of Climate Change. India released its National Action Plan on Climate Change (NAPCC) on 30 June, 2008, which consists of a series of mitigation and adaptive actions to be taken both at the national and state levels. These include policies for

alternate energy development, enhancement of energy efficiency, establishment of sustainable habitats and smart cities, and conservation of water and natural resources. A budgetary support of Rs. 2,54,731 crores has been earmarked for the 11th and 12th 5 Year Plans.

The negotiations in Paris have demonstrated that even though the objective is to find a globally acceptable path towards reducing GHG emissions which are threatening the entire human race, countries are not yet willing to rise above their narrow and competing interests to tackle the real issues at hand.

Nations have to ultimately realize that climate change is a global, non-discriminatory, boundary-less phenomenon and requires a strong global response. It cannot be dealt with an approach which is weighed down by self-serving purposes, hidden agendas and commercially oriented attitudes that bind us into groups. The approval of the climate accord by 196 nations gives rise to the hope that the global community has acknowledged the gravity of the situation and is beginning to demonstrate a unified proactive approach in combating the scourge of climate change.

On our journey of 27 years, from the first Earth Summit to the conference at Paris, we have passed many milestones, but the tide of events, spawned by global warming, continues to swell.

The conclusion of COP 21 has given us an environmental agreement with a clear road map for a secure future. It will now be the test of our vision, leadership, wisdom and the cohesiveness of mankind as a whole to successfully navigate to a cleaner, greener and a safer world.

“Within the Parliament, the elected representatives can play a critical role in ensuring that climate change issues are placed high up on the political agenda, by raising questions, seeking information and bringing attention to issues of climate change. They can review government budgets and spending on climate change issues.”



CLIMATE CHANGE IN SMALL BRANCHES: SEYCHELLES TAKING THE LEAD IN THE FIGHT AGAINST CLIMATE CHANGE



Hon. Dr Patrick Herminie is the Speaker of the National Assembly of Seychelles. Dr. Herminie was elected to Parliament as the directly elected representative of the People's Party for the District of English River from 1993 to 1998. He became the Leader of the House in 1998 and was elected in the post of Speaker in 2007. The Speaker holds a Master's Degree in Public Health and a Doctorate in General Medicine.

It's today generally accepted that human activities may be the cause of global warming, leading to climate change. It is indisputable however, that in recent years, the world has witnessed increasing ocean acidification, natural disasters and extreme weather events of catastrophic proportions which continue to expose the vulnerability of the planet to climate change. The Intergovernmental Panel on Climate Change (IPCC), which is the world's authority on climate change, in 2007 concluded that the measured global warming, causing ice caps to melt and oceans to warm are entirely linked to human actions. It is predicted that Small Island Developing States (SIDS) will especially be vulnerable due to global sea level rise which will increase coastal inundation, erosion and magnify the impact of storm surges and affect coastal agriculture.

The Seychelles, a group of Islands in the Indian Ocean is in the forefront of efforts to fight for the plight of Small Island Developing States in the face of Climate Change. Seychelles is economically, culturally and environmentally vulnerable to the potential effects of climate

change and associated extreme events. With a population of less than a hundred thousand people, its development is concentrated on its narrow coastal zones. Tourism and fisheries are its main industries and according to the Seychelles Environmental Protection Act of 1994, nearly 50% of its land area is under natural conservation and holds rare plants and animal species.

More than 40 of its islands are granitic and the rest are coral, spreading over a total area of 455.3km². The four main inhabited granitic islands in order of size are Mahe, Praslin, Silhouette and La Digue. They all vary in age from 650 to 750 million years old. Seychelles is located within 4 degrees and 9 degrees south of the equator and all its islands put together result in a coastline of about 491 Km. The majority of islands are surrounded by coral reefs with an area of about 1,690 km².

The Intergovernmental Panel on Climate Change (IPCC), reported on the alarming rise in sea levels at a rate of 1.8 mm per year from 1961 to 1993 and an increased to 3.1 mm per year from 1994 to 2003. It is assumed that in the case of sea level rise, Seychelles may lose about 70% of its land mass. An

increase of an average 0.74°C over the last 100 years (1906-2005) was also recorded for global temperatures. A 5th Assessment report to the world by this Panel in 2014 with the latest scientific evidence and findings in reference to the status of climate change shows that the proof of climate change risks has never been stronger and greater.

Small Island Developing States (SIDS) spreading

"It is predicted that Small Island Developing States (SIDS) will especially be vulnerable due to global sea level rise which will increase coastal inundation, erosion and magnify the impact of storm surges and affect coastal agriculture."



across the Atlantic, Caribbean, Mediterranean, Pacific and Indian Oceans form a distinctive group, with each one of them having its own unique characteristics but nevertheless sharing many common features. They are recognized by the virtue of their small size, small population, and lack of substantial natural resources, remoteness, high cost of transportation and communication inaccessibility to economies of scale and disproportionately higher costs of conducting business. The IPCC and the international community generally agree that SIDS have legitimate concerns over their future.

The IPCC Fourth Assessment Report concludes with a very high level of confidence that SIDS will be affected by global sea level rise, which would increase coastal erosion and magnify the impact of storm

surges and affect coastal agriculture. The impact on coral reefs and fisheries, through warming of the ocean and ocean acidification are threats that would undermine food security and livelihood in SIDS.

Already, those climate change risks are being experienced by Seychelles, for example, the occurrence of abnormally high water temperatures in 1998 that caused coral bleaching. The impact on tourism and fishing at the time was hugely devastating for such a small country.

Historical climatic observations in Seychelles indicate significant changes in climatic variations in the Indian Ocean. Local fishermen and farmers comment on the fact that traditional knowledge that they used to rely on is no longer trustworthy. The rainy season traditionally begins from November/December but

lately it's beginning in October. Gradually, the dry season which normally begins in April until October, has been extending for months beyond that. There has been an increase in natural disasters such as extreme rainfall during rainy season as a result of increased tropical depressions in the cyclonic regions of the Indian Ocean. This has had an adverse effect on Seychelles although it lies outside this region.

Although it is classified as an upper middle-income country, the Seychelles has a number of inherent vulnerabilities related to its insularity; lack of substantial natural resources; vulnerability to natural disasters; excessive dependence upon imports and limited economic base; high costs of transportation and communication; and inaccessibility to economies of scale and technology. As a result key weaknesses in the human,

scientific, financial, technical, technological and institutional capacity are observed. It needs more professionals in climate change, oceanography, meteorology and other related fields.

Other vulnerabilities of Seychelles with respect to climate change include the following:

- **Critical infrastructure** (roads, ports, government buildings, electricity, water and sewerage management systems)
- **Tourism** (in proximity to the coast or in areas vulnerable to flooding and landslides)
- **Food security** (currently reliant on food imports and the need for support for local sustainable and climate-smart agriculture and fisheries efforts)
- **Coastal and Marine Resources** (considering



“In February 2016, US\$1 million was donated by the actor Leonardo DiCaprio, to Seychelles Climate Change Adaption Fund.”

Faced with these challenges, Seychelles' approach at the local level regarding climate change is guided by a collective understanding of the need to ensure that all actions taken must conserve the integrity of the Seychelles natural environment and heritage for present and future generations. The long term vision is to minimize the impact of climate change through concerted and proactive actions at all levels of the society. In this light, Seychelles aspires for sustainable development, but one that is achieved through strategies that are innovative, knowledge-led and gender sensitive.

In its quest to build its national capacity in climate change and meteorological research and observation, Seychelles will build its very own Earth Observatory on Ile Soleil. This initiative is aligned to the regional initiative to establish a regional climate observatory in the West Indian Ocean region.

Adaptation programmes and projects are being explored as Seychelles pledges to reduce its gas emission by 25% in 2015 and 29% in 2050. Alternative energy sources with emphasis on renewable energy such as solar and wind power are already being experimented with on the islands.

The Seychelles Energy Policy for 2010-2030 is guiding this Indian Ocean archipelago

the aims of the 'Blue Economy' and Seychelles Strategic Plan 2015)

- **Water Security** (particularly considering issues of storage and distribution)
- **Energy Security** (particularly considering

the reliance on fossil fuel)

- **Health** (particularly addressing the burden placed on high density populations in the coastal areas and general vulnerability to climate-sensitive diseases)
- **Waste** (particularly for

landfill sites in high risk, coastal locations); and

- **Disaster preparedness** (particularly addressing the need for more research to understand climate change impacts and resources to predict prevent and respond to disasters).



of 115 islands in reducing its dependency on fossil fuel consumptions. Already wind turbines have been installed off the coast of the capital, Victoria to be another source of electricity. In the same vein, the President, Mr James Alix Michel announced in his National Day Address of 2015 that there is an elimination of taxes on electric cars and reduction of taxes on hybrid cars which have ecological and economical advantages. The government has introduced a renewable energy rebate scheme to encourage inhabitants to invest in photovoltaic (PV) solar panels for both residential homes and

businesses. The PV units harvest solar energy, which is then sold back into the national power grid managed by the Public Utilities Corporation (PUC). The prohibitive cost of buying and installing of the PV system has caused the government to subsidize the purchase of PV systems for under-privileged homes. In the future, all newly built residential homes and businesses will be required by the government to install PV panels.

However, funding remains a major problem for the implementation of all these projects. As of November 2015, the Green Climate Fund has

raised US\$10.2 billion equivalent in pledges from 38 States to be used by Developing Countries. Seychelles is not relying solely on the Green Climate Fund for financing but has also agreed to an innovation US\$30 million debt-for-adaptation swap with the Paris Club in February 2015. In February 2016, US\$1 million was donated by the actor Leonardo DiCaprio, to Seychelles Climate Change Adaption Fund.

At the international level, Seychelles remains one of the leading countries in negotiations as part of the Alliance of Small Island State (AOSIS) group. It has taken the lead in advancing

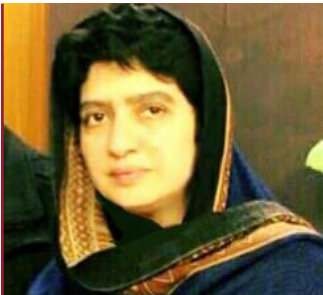
the Blue Economy Concept which is the judicious use of marine resources for economic sustainability of marine states. As part of the AOSIS it relied on a strong commitment at the Paris Climate Change Conference (COP 21) in 2015 to keep global warming below 2 degrees Celsius.

Seychelles is very concerned with the impact of climate change because it does not only threaten its livelihood but threatens its very existence as a Small Island Nation.





CLIMATE CHANGE IMPLICATIONS: A VIEW FROM BALOCHISTAN



Ms. Rahila Hameed Khan Durrani MPA is the newly elected Speaker of the Balochistan Provincial Assembly in Pakistan. She won a reserved seat from PML (Nawaz) ticket at the 2013 general elections for her third period as a MPA. She was also a member of the Pakistan Women's Hockey team and captain of Balochistan's first Women's cricket team. She studied Political Science and Sociology then a Masters in Mass Communication as well as a LL.M degree from SM Law College, Karachi. She entered her professional life as a teacher, remained a practising lawyer and also was the first woman Pashtun journalist in Balochistan.

Climate change is recognized as one of the greatest challenges facing the world in the 21st century; however, its implications and impacts are not evenly distributed. Pakistan with its largely arid geographical placement and resource scarcity is particularly vulnerable. Climate change related phenomena such as high glacial melt, prolonged droughts, flash floods, cyclones and changes in weather patterns are affecting Pakistan's water resources and therefore many other sectors of the economy. Impacts are already visible on the country's natural resources, social systems and economy. Balochistan is expected to be even more vulnerable than other areas of Pakistan.

Sustainable Program and Strategies are needed for Balochistan to cope with this drastic climate change. The sectors specifically needing to be included are water, agriculture and horticulture, livestock and rangelands, forestry, fisheries and the social sector. Primary and secondary data is needed to assess the observed current and likely future impacts of climate change.

The vulnerability of both ecosystems and socio-economic activities towards changes are already very high, and thus all these sectors are likely to be adversely affected by increasing temperatures, changes in precipitations and also climate change induced extreme events, as the main relevant parameters

of climate change. Climate change poses multi-dimensional impacts and the risks to various sectors including water, agriculture, horticulture, forestry, rangelands and livestock, marine fisheries and associated biological resources.

Balochistan contributes to carbon emissions and thereby climate change. These include our industries, intensive ship-wreck industry in Gadani, the port operations related to Gwadar port and finally deforestation. Water availability for domestic, agricultural, livestock and industrial uses will be significantly reduced. Yet, as most underground and above-ground storages are already depleted, this scarcity directly affects livelihoods and the productivity of ecosystems that support them.

As agriculture is directly dependent on the availability of water, we find that the sector will be one of the first to suffer from climate change. It is predicted that any further decline in water availability would prove catastrophic for local people's food security and incomes. The local rangelands currently present the typical landscape yet vegetation types and their distribution are likely to be altered resulting in the scarcity of fodder which is a huge challenge for livestock herders.

The scarce forests and the mangrove forests provide a variety of ecosystems. These forests will continue to

experience huge pressures, including demand for fuel wood, and degradation unless immediate measures for their resilience are taken. It should also be noted that forests play a large role in sequestering carbon, therefore mitigating climate change. Climate change induced disasters in the form of flooding and drought and Balochistan is prone to drought. In near past this province has received an episode of longest drought from 1999 to 2005 affecting the human, agriculture, livestock and wild life as well. Adaptation to climate change is therefore of foremost importance for the Balochistan province.

Balochistan is located at the eastern edge of the Iranian plateau. It is geographically the largest of the four provinces at 347,190 km² and composes 42% of the total land area of Pakistan. The population density is very low. The capital city is Quetta, located in the most densely populated district in the northeast of the province.

It has mountainous terrain and scarcity of water. The southern region is known as Makran. A region in the centre of the province is known as Kalat. The Sulaiman Mountains dominate the northeast corner and the Bolan Pass. Much of the province south of the Quetta region is sparse desert terrain with pockets of inhabitable towns mostly near rivers and streams. At Gwadar on the coast



Above: An aerial view of flood affected areas in Pakistan.

the Pakistani government is currently undertaking a large project with Chinese help to build a large port.

Quetta Valley is located at an altitude of 5,500 feet (1,675m) above sea level and stretching over an area of 2,653 km – has witnessed a considerable rise in peak summer temperatures in recent years. The climate of the upper highlands is characterized by very cold winters and warm summers. Winters of the lower highlands vary from extremely cold in the northern districts to mild conditions closer to the Makran coast. Summers are hot and dry. The arid zones of Chaghi and Kharan districts are extremely hot in summer. The plain areas are also very hot in summer with temperatures rising as high as 50 degrees Celsius. Winters are mild on the plains with the temperature, never falling below the freezing point. The desert climate is characterized by hot and very arid conditions. Occasionally

strong windstorms make these areas very inhospitable.

Balochistan has lowest Human Development Index (HDI) of all provinces. It has poor natural resource management coupled with high population growth. The province is experiencing socio economic, ecosystem and climate changes the effects of which may even amplify each other and create significant risks to development prospects.

The coastal areas of Balochistan encompass a very unique and complex array of geographical settings including a large area of mangroves forest.

Climate change related phenomena of glacial melt, prolonged droughts, flash floods, cyclones and changes in weather patterns, affecting water resources and the economy. The impacts are already visible on the country's natural resources, social systems and economy.

Balochistan's coastal districts are expected to be even more vulnerable. Change in temperatures, precipitations and climate change induced extreme events. Climate change poses multi-dimensional impacts and risks on water resources, agriculture, horticulture, forestry, rangelands and livestock, marine fisheries and associated biological resources.

Climate Change

Pakistan is located in a South Asian region that has recently been categorized as world's most climate vulnerable region. The projections for future increases in temperature are predicted to be higher for Pakistan. The Indus basin which is the major source of water supply depends heavily on glaciers in Western Himalayas and Karakoram and these glaciers are melting more rapidly. According to the International Commission on Snow and Ice, the Himalayan

glaciers are expected to disappear by 2035 whereas the World Bank predicts that these glaciers could retreat within 50 years' time. This melting of Himalayas can increase flooding in next two to three decades. Apart from flooding, drought is also predicted. The most vulnerability to climate change is magnified for those with low per capita income and low average health status.

The occurrence of climate change is due to depletion of Earth's ozone layer through toxic emission caused by human activities. Secondly the rapid increase in global temperature. The Intergovernmental Panel on Climate Change (IPCC) indicates that the average surface temperature has risen by around 0.6°C since the industrial revolution of mid-19th century and is predicted to rise further by 1.1°C to



6.4°C over the 21st century. The period from 1995 to 2006 has been the warmest years in the history of earth's surface. Climate change is predicted to have dire consequences on water, agriculture, livestock, food production, energy, human health and the economy itself that suffers badly.

Climate change is a relatively new area of focus for the prominent organizations like Global Change Impact Studies Centre (GCISC); Pakistan Agricultural Research Council (PARC); Pakistan Council of Research in Water Resources (PCRWR); Pakistan Forest Institute; and Pakistan Meteorology Department etc. Apart from these organizations in the public sector, there are a few international development agencies and non-governmental organizations (NGOs) that are involved in environment and climate change research. The most prominent amongst these are International Union for the Conservation of Nature (IUCN); LEAD Pakistan; Oxfam; Sustainable Development Policy Institute (SDPI) and United Nations Environmental Program (UNEP). These all are working in the area of climate change and can assist the government in formulation and adaptation strategies.

The Global Climate Change Impact Study Centre (GCISC) has analysed past trends in temperature and precipitation between 1951 and 2000 in Pakistan by agro-climatic zones and has concluded that some regions such as the Balochistan plateau as well as Central and South Punjab have experienced a warming trend.

The country had experienced devastating drought in 2000, an earthquake in 2005 and a severe flood in 2010. This has resulted in a greater awareness for the policy makers on climate change concerns. Besides these concerns over climate change, we are still lacking in-depth knowledge and the implementation of such policies on ground.

Extreme Weather Events

Perhaps the most obvious and devastating consequences of climate change on human health can be observed in the aftermath of extreme weather events such as flooding and droughts. Flooding has a direct impact on human health as it increases the risk of drowning and physical injury in addition to exacerbating water-borne infectious diseases such as Diarrhoea; Malaria; Dengue; Cholera; and Gastroenteritis. The indirect impact of flooding on health

includes a reduction in food intake and health care use due to loss in livelihoods, property and employment etc. Similarly, droughts increase food insecurity, malnutrition and lack of safe water thereby giving rise to various infectious diseases.

The vulnerability to climate change in general depends upon three factors:

1. Exposure:

Exposure depends upon the ecological and geographical characteristics of the region.

2. **Sensitivity:** Sensitivity depends upon the extent of the reliance of region's population on natural resource base as sources of their livelihood; the demographic structure; and the current health status of the population.

3. **Coping Capacity of the Population:** Coping capacity on the other hand depends upon the socio-economic conditions of the population to climate change.

Balochistan is the most vulnerable region with high sensitivity and low adaptive capacity. The major threats posed by climate change in Balochistan include droughts and increase in mean average temperature. Pakistan is an agricultural country and without increasing agricultural production, it would not be able to meet future projected requirement for food for a growing population. The impact of climate change on agriculture, would be negative if climate change is seen in terms of increased temperature and

decreased precipitation rates. A 6% reduction in rainfall leads to 29 % increase in irrigation requirements.

Worsening Influence

The poor planning and mismanagement trends in transport in the country have led to the highest levels of vehicular emissions and pollution in the world. The concentration of air pollutant sensitive to climate change are extremely high in Pakistan and even worst in Balochistan.

After the episode of drought ended in the year 2004-05 with the start of heavy rains, abnormal weather conditions have been observed in Balochistan such as out of season rainfall and a rise in temperatures over the past five to six years. Although there are no major industrial or metropolitan regions in Balochistan, still the impact of climate change is visible in the province.

In the summer, the temperature in Quetta rose to 44 degrees Celsius. This was unheard in past decades. The International Union for Conservation of Nature (IUCN) reported that sudden violent rainfall is being observed in the province which is not useful and more likely harmful. There used to be three or four spells of showers during the monsoon season. For the past several years, there has been no snow at all in the Quetta city, though the mountains surrounding it do receive light snow each winter. The city used to get a good share of white winters in the past decades.

The month of September has never been so hot. Similarly, the weather remains cold until May, which used to be a hot month. These are definitely abnormalities. The temperature of October is now 31 degrees Celsius in Quetta. This has never happened before. Climate



“The Global Climate Change Study panels have predicted a warming trend in the previous century in the region where Pakistan is located. The International Panel on Climate Change (IPCC) has observed an increasing trend in temperature in the Asia ranges from 1-3 degree Celsius.”

change has affected production and quality of fruit. Winters have become shorter. There used to be snowfall in the middle of November, but now it doesn't come until the end of January. Trees in the region have been dying off on a vast scale. Apple trees in Quetta, Mastung and the northern areas of Balochistan, and date palms in Makran have succumbed to diseases.

The province witnessed prolonged drought from 1999 to 2005 and the government has done enough to cope the crisis but there exists no future programme. The Balochistan government has no idea how severely climate change can and will impact the province's population and economy. It is highly regrettable that our heads of government, ministers and governors have never paid attention to protecting the environment. They do not realize how important it is. The

government allocates less than one percent of its budget to environmental affairs.

The Karez system (the Turpan water system or Turfan water system is locally called the Karez water system) has been vanishing slowly. Over a hundred Karez of Quetta and almost 250 of Mastung, have been dried up. Most of the areas in Balochistan were dependent on Karezes but now they are dry. People are installing tube wells, which are against the law and devastating the environment. The groundwater level has receded alarmingly. In the past, water was available at 100 or 200 feet but now it has dropped to beyond 800 feet. According to Wasa, there are now more than 5,000 illegal tube wells. If this situation keeps going for few more years, the capital will completely dry up.

Expression of Climate Change

Pakistan is highly diverse physiographic and climate territory. Koppen Geigger classified our land in to 11 climate zones. Temperature can fall as low as -26 degree Celsius in North and can be as high as 52 degrees Celsius in Central arid plains. The mountainous regions of Balochistan receive merely 30mm of annual precipitation.

The Global Climate Change Study panels have predicted a warming trend in the previous century in the region where Pakistan is located. The International Panel on Climate Change (IPCC) has observed an increasing trend in temperature in the Asia ranges from 1-3 degree Celsius. In Pakistan, there is an increasing trend in temperature ranges from 0.6-1 degree Celsius. There is also great variation in rainfall trend and at coastal areas, a decreasing trend in annual rainfall by approximately 10-15% annually since 1900. Extreme weather has also been

indicated which can be the cases of frequent floods and drought. Due to extreme in temperature and high water stress the agriculture production of certain crops can decrease.

El Nino phenomenon

El Niño is Spanish for '*the boy child*' because it comes about the time of the celebration of the birth of the Christ Child. The cold counterpart to El Niño is known as La Niña, Spanish for '*the girl child*', and it also brings with it weather extremes.

The El Nino phenomenon in Pacific Ocean is likely to trigger severe weather conditions. This phenomenon occurs every 3-6 years, dramatically affecting weather conditions worldwide. Increasing frequency of El Nino has affected the rain patterns in Khyber Pakhtunkhwa and Northern Balochistan, resulting in a temperature drop. The El Nino effects can sometimes be very dry or even very wet. There is no true prediction of future drought or floods. In 1997-98 El Nino resulted abnormal snowfall followed by country worst and longest drought in Balochistan from 1998-2005. Balochistan has experienced an increased in mean temperature over the period of 1950-2000. In particular, the Balochistan Plateau has experienced a pronounced increase in temperature up to 1.17 degrees Celsius and has predicted that this may mean an increase up to 2.17 degree Celsius during the months of April and May. A careful observation of data in Dalbandin and Quetta shows much increase in temperature in the month of December, January and February.

IPCC predicted that Asia as a whole would increase by 2 to 4 degrees Celsius by 2099. IPCC also prophesied if Himalayan Glaciers continue to melt at the present rate, they are likely to diminish by

2035. Water and agriculture production are highly vulnerable to climate change. In Pakistan, per capital water availability is about 1800 cubic meters per year which will be reduced to 1000 cubic meters annually by 2035. Ground water is depleting rapidly which puts more stress on water availability for drinking as well as for agriculture growth. Floods and drought devastate the soil and cause a reduction in crop production. IPCC predicts a decline in agriculture crops by 30% in south Asia by 2050. Rapid increases in population and a decrease in crop production mean that there is a prediction of a shortage of 7,000 tons of wheat in the country by 2050. It is also predicted that there will be an increase in population of 49 million people by 2020, 132 million by 2050 and 266 million by 2080. Hunger would increase due to shortage of food and increase in population. In the flood of 2010, Balochistan incurred financial losses of Rs. 41988 million whereas indirect financial loss due to less revenue is Rs. 10689 million. 902,639 people were affected during this flood with 48 deaths and 98 injured.

Drought

Due to climate change, there has been an increase in the frequency of droughts. Droughts have a catastrophic impact on agricultural production and food security. The International Food Policy Research Institute (IFPRI) reported that climate change will have an impact on three main staple foods: rice, wheat and maize. Pakistan has been experiencing drought in past and the most severely hit province was Balochistan; also the most deprived province in terms of socio-economic indicators. According to the Water Resource Research Institute (WRI), Balochistan is the drought province of the country



and would have the highest rate of malnutrition. The districts which are categorized as high or medium high in terms of drought risk all lie in Balochistan.

National Policies with Reference to Climate Change

After receiving number of shocks as a result of climate disasters, the government has taken measures for disaster preparedness and mitigation.

1. National Disaster Ordinance was promulgated in 2006.
2. National Disaster Management (NDMA) was set up primarily in response to devastation caused by the 2005 earthquake.
3. In 2008 a special task force on Climate Change was established by Planning Commission to deal with the issues rapid climate changes in country.
4. National Environment and Climate Change Policy to address the issues of climate change in the country like rapid melting of glaciers increased variability of rainfall patterns, increased number of earthquakes.

National Environment Policy, 2005

The policy was devised to address the environmental issues, like air pollution, fresh water availability, coastal water, loss of biodiversity, deforestation, waste management and natural disasters. It has the mandate to provide guidelines to all relevant sectors to address the issues more efficiently. The sector includes water, forest & wildlife, agriculture and livestock. The policy also aims to promote ozone-friendly technologies and phase out the use of ozone damaging substances. Pakistan is however more a victim than a contributor to climate change and the policy also talks about the extreme events like floods, droughts etc. and suggests controls to air pollution and noise in the country under the National Clean Air Act. The policy initiates a reduction in harmful emissions particularly in vehicle emissions. However, besides such responsibilities and sectoral reforms, there is lack of implementation plans and strategies to achieve such high environmental benefits.

National Disaster Risk Management Framework, 2007

The National Disaster Management Authority (NDMA) was established in 2006 after the earthquake of 2005 in Azad Jammu and Kashmir and Khyber Pakhtunkhwa. NDMA sketched a framework entitled the National Disaster Risk Management Framework 2007 which is a five-year plan. NDMA concedes that the country is highly vulnerable to natural disasters such as floods, earthquakes, drought etc. The key feature highlighted in the report are poor construction, poor communication and infrastructure facilities, scattered settlement patterns and diversity of climatic conditions etc. This framework pointed out priority areas, like institutional arrangements for planning disaster risk management; planning for disaster risk management, spreading awareness, capacity development for post disaster recovery and the placement of disaster warning system. It also includes a short section on climate change and it focuses on climatic change patterns due to a rise in the country's temperature by 1.4 degree Celsius, which is one of the reason for glacier

melting. It also addresses the change in pattern of rainfalls that leads to episodes of droughts.

The framework also describe the roles and responsibilities of the stakeholders more clearly and identifies the Natural Hazards and Vulnerability Assessment, the impact of climate change on glaciers and ice cap melt and an Early Warning System Surveillance. However, the floods of 2010 are proof that it does not specify a concrete strategy to deal with emergencies and natural disasters.

Task Force on Climate Change

The Task Force on Climate Change was established in October 2008 to deal with climate change issues including the melting of Himalayan glaciers, the variability of the monsoon and the water quantity of dams. The Task Force has a mandate to analyse the situation in terms of climate change and to assist the policy makers to formulate climate change policies. The report of the Task Force places emphasis on three major concerns: Water Insecurity, Food Insecurity and Energy Insecurity. It suggests numerous mitigation measures to combat



climate change in the country. It also points to the Energy Security Action Plan 2005-2030 which highlights the role of hydropower, nuclear power, the import of gas, the Bhasha dam agreement, Iranian gas pipelines, increased use of CNG vehicles, coal technologies and tackling energy-led climate change issues. In terms of climate change, the agriculture and livestock sectors are required to use the new patterns of cultivation for reduction in methane emission. Genetic improvement for productive dairy animals and reforestation measures by the forest sector have increased forest coverage from 2.6% to 6% by the end of 2015.

National Drinking Water Policy

The National Drinking Water Policy (NDWP) formulated for safe drinking water availability

“The country is diverse in respect of its geographical and climatic features and also in terms of socio-economic conditions. The Balochistan province is the most vulnerable region to climate change and it stands at vulnerability rank 1 with a major threat of drought and an increase in mean temperature.”

to all inhabitants at provincial and district level, especially to poor and vulnerable populations and to flood and drought areas, with the aim of reducing water borne diseases. Under this policy Water Filtration Plants were implanted at district and tehsil level. The policy also takes into account the protection and preservation of ground water resources. However, this policy does not address the potential consequences of climate change, as climate change affects the depletion of water supply in future therefore cannot deal with a specific water crisis.

National Sanitation Policy

The National Sanitation Policy formed in 2006 by the Ministry of Environment with primary focus on collection and environmentally safe disposal of liquid, solid, municipal, industrial and agricultural waste and to ensure promotion of health and hygiene as a fundamental human right. However, this policy does not seem to be conscious of the potential consequences of climate change.

Climate Change Projects

A number of projects that support the combatting of climate change have been prepared, mostly funded by the international development agencies. The main aim of the Ministry of Environment is to conserve the forests, wetlands, mountain areas, biodiversity, energy and conservation of environment. Other climate change related projects have been developed with the support of IFAD (International Fund for Agricultural Development) and SCCF (Special Climate Change Fund). International Union for Conservation of Nature (IUCN) was also involved in the implementation of a few projects related to sustainable development and the conservation of biodiversity.

LEAD, Pakistan, another private NGO is working on climate change and it conducts seminars and workshops to contribute to the spread of knowledge and awareness regarding climate change and related issues.

Vulnerability of Climate Change

Climate change manifests itself in rising temperature, increased variability of monsoon, the melting of Himalayan glaciers and an increase in the frequency and intensity of extreme weather events and natural disasters. Pakistan is dependent upon agriculture, for many the only source of revenue, employment and food security. Due to low technological and scientific base, there is low capacity to adapt to the changes related to climate change. Pakistan does not have an adequate monitoring system that will predict the occurrence of extreme weathers thereby leading to a lack of emergency preparedness and disaster management. Lack of adequate health care infrastructure and the social safety net further adds to the vulnerability of the population. 40% of the country's population are highly vulnerable to disasters.

Climate change is not tantamount and proper planning and adaptation strategies can minimize the damage from climate change. In order to plan and implement adaptation strategies, the first crucial step is to identify geographical areas on the basis of their vulnerability to climate change.

The country is diverse in respect of its geographical and climatic features and also in terms of socio-economic conditions. The Balochistan province is the most vulnerable region to climate change and it stands at vulnerability rank 1 with a major threat of drought and an increase in mean temperature.

In the 18th Constitutional

Amendment, which abolishes the concurrent list of functions and responsibilities of the federal and provincial governments, disaster risk management and preparedness, which is centralized at present, may also need to be developed at a provincial level with advancement and a more effective way. Proper planning and adaptation strategies can minimize the damage from climate change. It is the urgent need today to take steps to ensure food and water security in the future. Research should be carried out to cope up with the mechanism to combat climate change.

Most important of all is to grow more and more trees and protect the forest environment. People must not be allowed to cut trees and use as fuel. The government should overcome the crisis of energy and gas so that the maximum trees can be grow and the carbon dioxide emissions that they create in the air can be at the optimum level. Policies against deforestation are not so effective in the implementation stage.

The government needs to utilize IT, technology and software to further monitor the climate change mechanisms. The modern world is utilizing this technology for the benefit of human beings in many fields and we should invest funds and develop software in this regard. We can fight environmental degradation through our young people, both male and female, who should take part actively and learn about environmental issues and try to tackle the problems of climate change. One of the best solutions to the environment is to change our bad habits of wastage of water, electricity and the dispersal of garbage. Let's think global but act local.



CLIMATE CHANGE AND PARLIAMENTARIANS



Robert Ondhowe

has worked with the United Nations, beginning with the Climate Change Secretariat in 1996. He specializes in climate change concerns, primarily law and policy as relates to various mitigation options such as renewable energy, energy efficiency, patents and climate related technologies. A Kenyan national, and currently with the UN Environment Programme, he spent much of the year preceding the Paris Agreement working with governments to build capacity for climate change negotiators.

COP21 Paris ended with the sight of world leaders applauding the conclusion of a long and protracted negotiation process which was beamed live to televisions in almost every country in the world on the evening of 13 December 2015. Reactions to the content of the Paris Agreement have been varied, with many experts decrying the absence of specific targets in respect to emission reductions, as well as of financial commitments to support developing countries and those most in need.

The argument can be made though that the intention of the Paris Agreement was to harness and focus political will towards a common solution to the challenge of climate change. This reflects lessons learned over the preceding decades, starting from the collapse of the Kyoto Protocol through to the debacle of Copenhagen. In large part, Kyoto floundered due to the insistence of the then largest emitter, the United States, on the inclusion of large emitters from the developing countries. Copenhagen attempted to deal with the challenge of getting consensus between 195 countries by limiting key negotiations to a few 'important' countries, and presenting the rest with a ready made agreement.

The road to COP21 Paris took especial care to ensure a '*legally binding treaty applicable to all Parties*', and that an agreement was arrived at in an all inclusive manner. This of necessity leads to what is commonly referred to as lowest common denominator in terms of level of ambition, or effectiveness of outcomes, but perhaps that is to miss the point on the primary 'political' objective of the Paris Agreement. Most major summits of this kind conclude with the political component, after the technical aspects have been agreed upon. COP21 Paris began with the Leaders Summit where Heads of State and Government from 150 countries made impassioned pleas for action, before negotiations proper began.

The Paris Agreement is pivotal for creating a platform for global co-operation on climate. It provides a road map from where we are to where we want to go to. All parties have a legal obligation to report on efforts undertaken to mitigate and adapt, and, importantly, to progressively scale up on those commitments. These include on issues such as finance, technology transfer and transparency of actions. It is important to bear in mind that even countries opposed to the Kyoto Protocol and other international initiatives on

climate change were forging ahead with climate related policies on the domestic front. The United States, for example has what is arguably the most robust carbon trading scheme globally. The renewable energy sector has been growing at a phenomenal rate. The Paris Agreement can only add impetus to these efforts.

The absence of specific reduction targets has been repeated as a shortcoming of the Paris Agreement. This ignores the lessons learned from Kyoto, and also fails to take into account the option of flexible and market mechanisms in reducing emissions. The contribution of market based mechanisms to the reduction targets is significant, and Article 6 of the Paris Agreement allows for Cooperative Mechanisms to meet their self-determined commitments. However, it is vague on how this is to be done, but again, lessons have been learned from Kyoto. From Kyoto, the international community went to Marrakesh (via Buenos Aires) and concluded the Marrakesh Accords. These provided the following;

- Operational rules for international emissions trading among parties to the Protocol and for the CDM and joint implementation;



- A compliance regime that outlined consequences for failure to meet emissions targets but deferred to the parties to the Protocol, once it came into force, the decision on whether those consequences would be legally binding;
- Accounting procedures for the flexibility mechanisms;

From Paris governments will again be heading to Marrakesh for COP22. Many of the issues as yet undefined or ambiguous in the Agreement should be clarified at Marrakesh, including Article 6, from where a majority of emission reductions are expected to emanate. Together with these operational modalities should be a compliance and enforcement mechanism to enhance accountability and facilitate meeting of the treaty objectives.

It therefore becomes clear that COP21 Paris was just a beginning, rather than an end, and looked at from that perspective it is possible to view the process with at least a degree of equanimity, if not cautious optimism. The political momentum generated is immense. Outside of the climate change negotiations, other global summits concluded in 2015, supplement the objectives of the Paris Agreement. The Sustainable Development Goals, Financing for Development as well as the Sendai Agreement on Disasters all augment the climate change process. At the G7 Summit in Germany in June 2015, the association of major oil companies made mention of possible global de-carbonisation by 2100. This is a position statement previously unimaginable coming from the industry. All these suggest that it is likely to become a self-reinforcing cycle of increasingly ambitious



policy initiatives and efforts from governments, private sector and other stakeholders.

COP21 saw key events held at the French Parliament involving Parliamentarians from around the world. These marked the beginning of different legislative measures to bolster policy measures developed to combat climate change, and new resolutions by the different parliamentary associations. Of particular significance here was a new initiative looking to establish linkages between Parliamentarians and judiciaries. This should strengthen the legal continuum by sensitizing these practitioners on the challenges each face in either developing legislation or interpretation of legislation in respect of climate change, and hopefully engender a seamless flow from law making to the adjudication process.

UNEP continues to work with legislators in respect both of the Paris Agreement and other global initiatives. We will be looking to extend this to other partners within the legal milieu, and to identify areas where quick wins can be had, as well as implement jointly where possible. Beyond the global initiatives, there are large areas of commonality between

the climate change treaty and other multilateral environmental agreements, especially with respect to stated targets. In performing their legislative and oversight functions Parliamentarians will harness efficiencies by addressing these in a holistic and cost effective manner. Together with ongoing work with other legal practitioners, including law enforcement agencies, and hopefully bar associations, 2016 should be the year of developing a long term, all encompassing and sustainable programme of activities that involves Parliamentarians from all over the world and covers all aspects of environmental protection and sustainability. Within such an arrangement, we will look to bring on board various other stakeholders, including financing entities, to ensure coherence and coordinated engagement.

Of equal importance in the short term would be an in depth analysis and disaggregation of the Paris Agreement in light of the Decisions accompanying the Agreement which related to the first Conference of the Meeting of Parties (CMP). Many decisions request Parties to undertake several specific measures at its first CMP in

Above: The huge press centre at the 21st session of the UN Conference on Climate Change COP21 in Paris.

Marrakesh. These include the elaboration of a compliance mechanism and other matters with financial implications. The Reduction of Deforestation and Degradation has been comprehensively addressed and throws up several challenges, and opportunities of a legal nature both at national and regional level with which Parliamentarians may need to familiarize and engage accordingly. This will ensure a seamless shift from signature and/or ratification, and the first Meeting of the Parties of the Paris Agreement.

Again we at UNEP would like to reiterate our commitment to working with legislators and look forward to continuing this partnership.

This article is written by the contributor in a personal capacity and any views expressed in this article are the views of the contributor and are not the official views of the UNEP or any associated agencies.



THE ESTABLISHMENT OF THE COMMONWEALTH SMALL STATES CENTRE OF EXCELLENCE

Report from Commonwealth
Heads of Government Meeting
(CHOGM) 2015 in Malta



Dr George Vella is the Minister for Foreign Affairs in Malta. He started his parliamentary career within the Labour Party in 1978 and was elected as an MP in 1981. He has held various positions including Leader of the Malta Delegation to the Conference of Local and Regional Authorities of the Council of Europe; Malta's Permanent Representative at the Council of Europe; Deputy Leader for Parliamentary Affairs; and Vice Chairman of the Malta/EU Joint Parliamentary Committee.

From 27 to 29 November 2015, Malta was the host for the second time in ten years, of the Commonwealth Heads of Government Meeting (CHOGM). This Commonwealth Summit brought together the Leaders of 53 Commonwealth nations representing 2.2 billion people or almost one third of the world's population.

The Commonwealth Summit provided the Leaders of the Commonwealth with the opportunity to share experiences and exchange views on a series of regional and international issues. More importantly they explored measures on how to strengthen their resolve and to reaffirm their commitments towards practical and cooperative contributions to the political values of the Commonwealth.

Convened under the theme, *'The Commonwealth: Adding Global Value'*, the Commonwealth Heads of Government discussed and agreed on steps to advance their national, regional and international cooperation. In their Leaders' Statement, the Commonwealth Heads of Government addressed a number of areas covering peace and security; sustainable development; oceans, seas and marine resources; migration; small States; young people;

responses to corruption; the fight against poliomyelitis; and the renewal of the Commonwealth.

On Small States specifically, the Heads of Government, in their Statement, declared that they *"are conscious that 31 of our members are small states, which have their own particular strengths and opportunities as well as vulnerabilities in addressing today's global challenges, especially climate change."*

In this context the Commonwealth Leaders welcomed and encouraged the continuing support of the Commonwealth, including advocacy and technical assistance, to support small states in building their resilience, advancing growth and prosperity, and creating a better future for their citizens.

In addition to their Statement, the Commonwealth Heads of Government adopted a final Communiqué which recorded *"the full breadth of matters"* addressed during the Malta CHOGM. In their Communiqué, the Commonwealth Leaders *"reaffirmed their shared commitment on behalf of the people of the Commonwealth to the values and principles of the Commonwealth Charter."*

With special reference in the Communiqué to Small States,

the Commonwealth Heads of Government *"recognised that while some small states enjoy medium to high GDP per capita, giving the impression of strength, they continue to suffer disproportionately from diseconomies of size, frequent external shocks such as the 2008 economic recession which gravely impacted their economies and societies, and adverse events including natural disasters and environmental change which can affect the entire population and substantially hamper sustainable development or even threaten their very existence."*

Heads of Government also *"recognised that the Commonwealth has always been a strong advocate for the cause of small states by raising international awareness of their vulnerability."*

Heads of Government further *"recognised in particular the need to address the debt and financing needs of small states and called for innovation and new partnerships, and for the international community to continue actively to explore innovative measures to alleviate their vulnerabilities and challenges."*

Accordingly, the Commonwealth Heads of Government *"welcomed the work of the Commonwealth*



“On Small States specifically, the Heads of Government, in their Statement, declared that they ‘are conscious that 31 of our members are small states, which have their own particular strengths and opportunities as well as vulnerabilities in addressing today’s global challenges, especially climate change’.”

Open-Ended Ministerial Working Group on Small States, the development of a Commonwealth Resilience Framework, and the establishment of the Small States Centre of Excellence in Malta.”

Coming on the eve of COP21 in Paris, the Malta CHOGM adopted a strong political message in support of the Paris Conference by agreeing on an ambitious stand-alone Commonwealth Leaders’ Statement on Climate Action. Small States also featured in this Statement considering that over half of the Commonwealth countries are Least-Developed, Small Island Developing Countries or both. The Statement also makes it equally clear that these countries are bearing a “disproportionate burden from the impacts of climate change.”

It is therefore evident that the challenges and vulnerabilities which Commonwealth Small States face in their

sustainable development were among the priority issues deliberated throughout the Commonwealth Summit and featured prominently in the three documents mentioned above adopted by the Heads of Government. Indeed, the Commonwealth Leaders adopted a series of decisions which would continue to safeguard the interests and aspirations of the Commonwealth Small States.

The agreement reached by the Malta 2015 CHOGM to launch and establish the Commonwealth Small States Centre of Excellence and to accept the offer by Malta to host the Centre can be hailed as an important milestone.

Together with the establishment in Malta of the Commonwealth Trade Finance Facility, also on the initiative by the Government of Malta, as well as the Commonwealth Climate Finance Access Hub to be based in Mauritius, the Small States Centre of Excellence

in Malta will add value that enhances the Commonwealth’s relevance and give a strong and practical impact in favour of Small States, a dimension which the Commonwealth has for a considerable number of years now been addressing. The Heads of Government encouraged Member States to support the mobilization of resources for the Centre.

With a strong focus on knowledge and experience sharing, and specific reference to small states, the Centre will enable easier access to relevant information and capacity building resources across the Commonwealth. It will seek to serve as a one-stop-resource on issues affecting small states. It will develop initiative and projects to serve the constituency of small states, working for whose welfare is a priority for the Commonwealth.

The Centre will add value to the governance and developmental goals of Commonwealth small states,



“The agreement reached by the Malta 2015 CHOGM to launch and establish the Commonwealth Small States Centre of Excellence and to accept the offer by Malta to host the Centre can be hailed as an important milestone.”

and help these countries to address the special challenges faced by them. Based on a gap analysis, it has been established that there is currently no institution that is undertaking this crucial work for small states. The Centre will engage in advocacy, analysis and thought leadership on issues of particular concern and interest to small states.

Funded and supported by the Government and the Commonwealth Secretariat, the Centre's objectives are to facilitate and impart targeted and predominantly internet-based capacity building programmes, including the provision of a referral service where direct assistance cannot be provided; serve as a focal point for the sharing of best practices; maintain links with development agencies and others; and provide an information and referral service regarding academic and research work, in partnership with the University of Malta.

Initial priority areas identified to be undertaken include: public debt management; natural disaster management, adaptation, mitigation and recovery assistance; broadband internet connectivity; diplomatic training; women and enterprise; ocean governance; collaboration and synergies with the Commonwealth Trade Financing Facility; synergies with the Malta-Commonwealth Third Country Programme. Other areas are to be progressively evaluated for inclusion.

The SS-COE is envisaged to operate on the basis of a clear Value for Money model; employing remote, online-centred and video-based capacity building solutions that rest on identified best practices and which are tailored to the specific needs of Small States; engaging local and/or international experts who are recognised leaders in providing in situ capacity building solutions sought by Small States; involve

strategic partnerships, with other countries and/or regional organisations in the appropriate specialist fields aligned to the Centre's priorities (e.g. the Caribbean Disaster Emergency Management Agency (CDEMA), the University of South Pacific, and other relevant academic institutions within Commonwealth countries; the University of Malta and Malta-based institutions including the International Maritime Law Institute (IMLI), the International Oceans Institute (IOI), the DiploFoundation (DIPLO), and the Mediterranean Academy of Diplomatic Studies (MEDAC) among others). This will include linkages to other existing and emerging small states entities such as the Mauritius-based Commonwealth Climate Finance Access Hub and the Malta-based Islands and Small States Institute.

The operation of the Small States Centre of



Excellence, as on other similar initiatives, necessitates all the support and backing not only of Commonwealth Governments but also of other institutions including, in particular, the Commonwealth Intergovernmental Institutions, the accredited Commonwealth Civil Society, and especially of Commonwealth Associated Organisations.

The opportunity given to the said Organisations to share their possible contributions and experiences as a Commonwealth family to the benefit of the wider Commonwealth was amply taken up and showed in no small

“The operation of the Small States Centre of Excellence, as on other similar initiatives, necessitates all the support and backing not only of Commonwealth Governments but also of other institutions including, in particular, the Commonwealth Intergovernmental Institutions, the accredited Commonwealth Civil Society, and especially of Commonwealth Associated Organisations.”

manner the potential which exists in supporting initiatives in favour of Commonwealth Small States. Indeed, on 28 November 2015, the Commonwealth Foreign Ministers Roundtable held during the Malta CHOGM, the Commonwealth Intergovernmental Organisations and Accredited Organisations succeeded to deliver insightful presentations and comments. Moreover, these Organisations, together with the representatives of Civil Society Organisations, were able to raise their profile by highlighting their current priorities for the Commonwealth with the aim of promoting dialogue among Commonwealth citizens.

Therefore, the critical role which these Organisations

can play, including the Commonwealth Parliamentary Association as one of the nine Associated Organisations, cannot but be emphasised. The CPA's support towards making the Centre a flagship of the Commonwealth, would continue and strengthen the resolve and tradition of the Commonwealth's people to people approach by contributing in efforts by Small States to overcome their vulnerabilities and challenges which these countries are facing.

In this context, it is appropriate to recall the submission made by the Commonwealth Associated Organisations to the 2015 Malta CHOGM. In their submission, these Organisations “look forward to more strategic

engagement, particularly with the Commonwealth Secretariat, over the coming years to improve the global impact of the Commonwealth in achieving better democratic and development outcomes for its 2.2 million citizens.”

In line with the Associated Organisations' framework of competencies and networks, the Commonwealth Small States Centre of Excellence in Malta could be yet another defining medium which would in turn have a beneficial and significant impact on the critical challenges facing Small States in the implementation of the United Nations 2030 Agenda for Sustainable Development.





A SIGNIFICANT LANDMARK ON THE PATH TO WOMEN'S EQUALITY

Report from the Commonwealth Women's Forum



Professor Margaret Wilson is a former Member of the New Zealand Parliament (1999–2008) and a former Speaker (2005–2008). She held several Ministerial appointments including Attorney-General, Minister of Labour and Minister Responsible for Treaty of Waitangi Negotiations. Today, she is a Professor of Law and Public Policy at the University of Waikato. Positions held include: Director of the Reserve Bank; Law Commissioner; Foundation Dean, Waikato Law School; President of the New Zealand Labour Party.

At the 2015 Commonwealth Heads of Government Meeting (CHOGM) hosted by Malta, the first Commonwealth Women's Forum was held along with other forums related to young people, business, NGOs and civil society. Many of the over 500 women attending wondered why it had taken so long for women to have their own forum at which to discuss issues relevant to them and countries from which they had come. Malta is to be congratulated on hosting the Forum. As the President of Malta Her Excellency Marie-Louise Coleiro Preca said her welcome: *"The time is ripe to move from rhetoric to action. May the Women's Forum move beyond discussions to entice the Heads of Government present to act to ensure the wellbeing of women and mark an end to the atrocities women and girls are experiencing today. The Commonwealth can effectively be an inspiration to the world in bringing about change in the lives of women and girls."*

The Forum followed the 20th Commonwealth Women Affairs Ministerial Meeting (10WAMM) that took place in Dhaka, Bangladesh in 2013 and among other matters observed the under-representation of women leaders and decision-makers in politics, public sector, and corporate boards and in

communities with the result of a negative impact on democracy and development. Following 10WAMM, the members of the Commonwealth Gender Plan of Action Monitoring Group agreed that in order to affirm high-level support and direct top-level politics equality and human rights, there was an urgent need for women to be given the opportunity to interact with the heads of government and for the Commonwealth's gender equality commitments to be higher on the agenda for Heads of Government.

As a participant to various national and international conferences and workshops over the past 40 years, one could only agree that the time was overdue to move the equality agenda for women forward to directly engage with those decision-makers who have the authority and capacity to include women and their interests in their decision-making. The Commonwealth Women's Forum provided that opportunity and with the support of the Maltese Government, the Forum was formally included within the CHOGM agenda and in the future will become a permanent feature of the CHOGM programmes.

The theme of the Forum: Women Ahead: *Be All That We Can Be* captured the reality

that the empowerment of women benefits not only women themselves but the social and economic development of their communities. The theme of the empowerment of women reflected and supported United Nations Sustainable Development Goal 5 that includes the target to *ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life*.

The link with the United Nations Sustainable Development Goals was reinforced in the main address of the Forum delivered by Dr Lakshmi Puri, Assistant Secretary-General of the United Nations and Deputy Executive Director of UN Women who set out the Global context for the advancement of women.

The participation of UN Women, the Commonwealth Secretariat, the Commonwealth Parliamentary Association-UK, and the Commonwealth Local Government Forum enhanced the breath and quality of the presentations as well as the smooth running of the various sessions. The relationship between the global and the local was a consistent theme of the Forum with the various presentations in the



panel and workshop sessions providing an invaluable insight into development within international and national and

“The Forum focused on three main areas: women in leadership and entrepreneurship; women, media and technological development (including media and ICT); and women in social development covering education and health.”

local institutions. In many ways the Forum provided a ‘master’ class in recent global and local developments in the movement for the equality of women.

The Forum focused on three main areas: women in leadership and entrepreneurship; women, media and technological development (including media and ICT); and women in social development covering education and health.

These themes were addressed through presentations from lead speakers and moderated panels of speakers who were experienced within their areas of expertise. While time is always constrained in such sessions in the workshop sessions on the following day there was an opportunity for all participants to share their experiences. I moderated the workshop on Women's

Political Empowerment and was impressed with the range of experience and expertise expressed by the participants who included Members of Parliaments, local government representatives, international agencies, NGOs and academics. The discussion was distinguished by the generous sharing of experience and offers of assistance. It was apparent from the three hours discussion that similar issues arose in different contexts. The need for responses to common barriers and constraints to women to be culturally appropriate was apparent from the various contributions. What works in one country may not be successful in another. In all societies however women experience discrimination and there continues to be a reluctance to redress the inequality of women in a way to results in real change.

Although my focus at the Forum was on political empowerment, I attended on the first day all the sessions on the other two themes of women, the media and technological development and women in social development. These sessions reinforced the reality that for women to have political decision-making it was essential to ensure the media understand and contributed to the goal. The influence of technology on the media was an emphasis that reflected the changing nature of how ideas are formed and communicated. It is essential to participate in the digital revolution that is slowly but surely changing the nature of how we communicate within our communities. Although education and health have always been recognised as the pre-conditions for women's equality, the changing nature



A SIGNIFICANT LANDMARK ON THE PATH TO WOMEN'S EQUALITY



of the economy to the delivery of social services through the not-for-profit or private sector provides new challenges for women. The inclusion of a session on social enterprise highlighted this change and also linked into the theme of opportunity for women entrepreneurs.

The Outcome Statement from the Forum incorporated specific recommendations that provide the path for future change required if women are to achieve equality through the opportunity to *'be all that you can'*. While the Forum recognised the need for women to take and develop the opportunities available, those opportunities often require changes in policy, laws and resource allocation that require commitment from political leaders and in particular Heads of Government.

The Minister Helena Dalli from Malta presented the Outcome Statement to the Commonwealth Foreign Ministers' meeting. She noted that the Forum had stressed the importance of women's economic, social and political empowerment and the need to leave no women behind, including women with disabilities

and women with different choices.

I noted the contribution of women with disabilities and LBT women was apparent in the various sessions that emphasized the inclusive nature of the Forum. Minister Dalli also added that the Forum reinforced the need to strengthen women's access, participation and leadership in education, health, employment, technology, political and economic decision-making and the judiciary.

Finally her presentation called for the establishment of an independent Technical Working Group on gender equality and women's empowerment in line with the targets set by the Sustainable Development Goals and the 2030 Agenda for Sustainable Development and to report the progress at subsequent CHOGM, together with the Commonwealth Women's Forum to be a permanent forum preceding future CHOGM. As noted this recommendation has been accepted by CHOGM so there will be a continuing opportunity for women of the Commonwealth to meet to access what progress is made and what still needs to be

addressed.

The establishment of an independent Tactical Working will be essential to sustain both the work of the 10WAMM and the Gender Plan of Action Monitoring Group. The Outcome document will also inform the current End of Term Review of the Commonwealth Plan of Action for Gender Equality 2005-2015. What was impressive about the Forum for me as a participant was the sustained work from the Commonwealth Gender Section and CPA-UK to develop and promote a long term strategy for change through the Commonwealth Secretariat and its constituent members. I have learnt over a long period of political participation within my own country that it is essential that women are organised and persistent in pursuit their goals. It is also essential that women engage those who have the power to make the decisions, hence the need for commitment from the Commonwealth Heads of Government. That commitment has to be expressed not only aspirationally but practically through the allocation of adequate resources to promote the interests of women

and the inclusion of women in all levels of decision-making.

The Outcome statement from the Women's Forum succinctly reflected the general and specific issues that arose in all the sessions. Overall the Outcome Statement reflected the urgent need for women to become part of main stream decision-making. This was reflected in the statement that the Women's Forum be acknowledged as a platform *"(i) to transform the mainstream processes with an effective monitoring process to be observed by member states and (ii) to ensure commitments to gender equality and women and girls empowerment takes centre stage and remains essential dimensions of sustainment development, and high on the agenda of Heads of Government."*

The Outcome Statement also recognised the changing nature of economic policies on the agenda of equality for women. The emphasis on women having financial literacy and independence was recognition of the essential pre-conditions of women's empowerment. While education and health remain essential pre-conditions



to equality so does financial independence. The path to this independence will vary but include employment and entrepreneurial opportunities. The fact that many poor households are headed by women reflects the urgency to address the economic opportunities for women. The development of appropriate policies and allocation of resources to ensure women have financial independence depends on accurate current data and the participation and advocacy of civil society women's organisation.

The emphasis on women's entrepreneurship was reflected throughout the statement. The lack of progress in traditional corporate leadership positions was observed with concern by the participants. There was a call to strengthen systems to increase representation with a minimum of 30% and target timelines to meet a target of

“Overall the Women’s Forum provided an invaluable opportunity not only for women of the Commonwealth but for all the countries of the Commonwealth, in particular, the Heads of Governments and Ministers who have the authority and opportunity to make changes.”

50% of women in decision-making at all levels through voluntary or regulatory measures that were appropriate for the situation. This slow progress in the corporate sector has however highlighted the need for women to be supported to provide their own economic and financial opportunities. This approach is reflected in the outcomes from the media, technology and social development sessions. Overall the Outcome Statement reflects the frustration of women to get on and develop their own skills and opportunities but need the support of political and corporate decision makers to remove the unnecessary constraints on women to ‘be all that you can’.

The Outcome Statement however also reflected the sobering reality for many women who are subjected to gender-based violence. It is worth recording in full the statement relating to gender-based violence because it identifies the need to address this issue to enable any progress for to

be made by women to take control of their own lives for their own benefit and for the sustainable development of their communities. The discussion on gender-based violence *“underscored the need to address the wide spectrum and the root causes of power and control of sexual and gender-based violence (such as sexual and cyber harassment, stalking, rape, prostitution, trafficking, pornography, Female Genital Mutilation, domestic violence, forced and early marriage), as it continues to undermine the health, dignity, security and autonomy of its victims, yet it remains shrouded in a culture of silence. Noted the increasing rife social taboos and endemic cultural practices, which allows child marriages, female genital mutilation/cutting, sexual violence and transmission of diseases on women and girls in the Commonwealth.”*

Overall the Women's Forum provided an invaluable opportunity not only for women of the Commonwealth but

for all the countries of the Commonwealth, in particular, the Heads of Governments and Ministers who have the authority and opportunity to make changes. The Commonwealth is a unique organisation that through its commitment to the values of the rule of law has a real opportunity to provide a global example of best practice to enable women to fully develop their potential, not only for their own wellbeing and that of their families, but their communities. The fact that the Heads of Government have agreed to the Women's Forum to be held before each CHOGM, is a significant step on the path to full equality for the women and girls of the Commonwealth. While still much is to be done on a country level, the leadership of the Commonwealth Secretariat and the Commonwealth Parliamentary Association will provide the support for member states to progress the matters raised in the Outcome statement.





THE ROLE OF POLITICAL PARTIES IN PROMOTING WOMEN'S REPRESENTATION

Report from the Commonwealth Women's Forum



Hon. Fiona Mactaggart MP is a UK Member of Parliament for the Labour Party. She was the founder of the All-Party Parliamentary Group (APPG) on Prostitution and the Global Sex Trade; Co-Chair of the APPG on Human Trafficking/Modern Day Slavery. Fiona served as a Home Office Minister and on various Committees (Health; Children, Schools and Families; Public Accounts; Public Administration). She was also Shadow Minister for Women and Equalities.

I was invited to speak at one of the Workshops at the first ever Commonwealth Women's Forum held in Malta in advance of the Commonwealth Heads of Government Meeting last November.

There was a really positive atmosphere throughout the event which brought a diverse group of women together from across the Commonwealth because they believe in gender equality, women's empowerment, and speeding up progress in achieving equality for Commonwealth women.

What was also great is that the Women's Forum preceded the election of the first ever woman Secretary-General of the Commonwealth, a wonderful member of our own House of Lords, who I worked with when we were both government ministers at the Home Office. Two key issues where I think Baroness Scotland and I made a real difference then is in improving awareness of and action to prevent violence against women and also commissioning Baroness Corston's report on vulnerable women in the justice system.

I was speaking at the Commonwealth Women's Forum on a panel discussing ways to address the inequality of representation of women in politics, focusing on the role of

political parties. As I mentioned during my presentation I felt like a fraud speaking on women's political representation when so many other Commonwealth countries are doing much better than the UK. However, the UK Labour Party has been a world leader in addressing the issue of women's representation in Parliament and without its policy on All Women's Shortlists, the UK would be dwindling towards the bottom of the world rankings for women's representation in parliament. With the First Past the Post election system, the pioneers within the party recognised that women needed to be selected for safe Labour seats to address the entrenched gender bias at constituency level. The increase in women MPs following the implementation of the All Women's Shortlist policy, has been a positive force for change recognised not just by Labour supporters, but by the other parties too. Although other political parties in the UK have not been as committed to gender equality as the Labour Party, and women's representation is asymmetrical with Labour women significantly outnumbering those from other parties, they too have come up with other mechanisms to ensure that they too benefit from more women in the party and in parliament.

I was selected for my

constituency of Slough in 1995 and without All Women's Shortlists, I would not have been successful. All Women's Shortlists were not popular and the Slough Labour Party picketed Labour's National Executive Committee (NEC) demanding that they be allowed to choose a male candidate; but the NEC stuck to its guns and insisted on the policy going through. I believe structural mechanisms to ensure the election of women are essential to address the appalling gender imbalances which have lasted too long – and waiting for a gradual increase is no longer acceptable. Democracy is flawed if the voice of half the population is not fully represented. All Women's Shortlists worked in the UK for the electoral system we have in place, but quotas are common elsewhere and examples from other countries include increased state media opportunities for parties fielding good levels of women candidates.

Political Parties are important agents for change and the establishment of the Labour Women's Network in 1988 – which is still going – has made a huge contribution to more women being elected to public office by helping candidates to prepare leaflets, practice speeches and provide inspirational role models. Having women representatives at the heart of a political party can



help to attract more votes. But how do you win the support so your party wants and does things to increase women's representation? Women who achieve positive change do not necessarily take credit or are recognised for it; however there are so many examples of lives being improved through the actions of inspirational and dedicated women, from equal pay to state-funded childcare (examples from the UK), but these stories need to be told and the qualitative outcomes of women's political empowerment recognised.

Political parties also need to improve the supply of women who want to be in parliament. There are some women who believe they could make a positive contribution but do not do anything about it; and others who have the talent but have not considered a career in politics. Political parties need to find these women and make sure that they get everything they need to embark on the journey, such as mentoring, training and all other kinds of support. Those of us who have been elected have a duty to invite other women to join us: men don't wait to be asked, but women usually need to hear that someone else thinks they would be a good elected representative.

101 Labour women were elected in 1997, dubbed 'Blair's Babes' in the UK tabloid media; but in spite of this sexist trivialisation of the significance of that achievement, many women in the country pinned their hopes on that photo of us all with Prime Minister Tony Blair, thinking 'all those women will sort it out'. But we did not specify what difference we would make or sort everything out, and many women were disappointed. Political parties need to be clearer about what difference women do and will make as it is not always in plain view. In that Parliament, the Labour Party created the first



ever childcare strategy, and shifted many government reliefs and benefits from the man's wallet to the woman's purse. It is not just about more women, it is about what they do. I spoke to the Clerk of the Defence Committee about the difference that having women on the Committee for the first time since it was established and his response was enlightening. 'We used to talk about how big the bombs were...now we also talk about the families of people who fight'. Women bring to politics a different mind-set. We make it more human and we must not forget how powerful that is. Political parties should recognise that this is a way of winning votes and find ways of communicating that you get 'value added politics' when women are part of it. And it also takes all kinds of women. In the old days it was women like me who went into politics – what I call 'battle-axes' – made that way by the experience of battling circumstances and situations dominated by men. I would like to think things are different now. But things have not changed enough, and unfortunately being in politics still requires a thick

skin and certain 'battle-axe' characteristics for women. But just as you should not put up with harsh words, you should not put up with warm ones either – in other words being fobbed off. It happens in all parties, but you have to be aware and be prepared to look and act beyond the rhetoric and think through how you are going to deliver.

Political parties should also play a role in ensuring that parliaments are places women, and men, want to work. The UK Parliament has lost a number of talented women because the hours, atmosphere and traditions are not conducive to the lives of working families. We accept that nobody goes into parliament thinking it is going to be easy, but there is much more that institutions can do to help – just as any responsible employer recognises. Improvements in the UK Parliament have included the opening of an onsite nursery and some changes to the sitting hours, but there is much more to be done. Professor Sarah Childs from the University of Bristol who was with us at the Commonwealth Women's Forum is currently undertaking a project in the UK Parliament to come up

with recommendations to make it more gender sensitive – using the framework established by the Inter-Parliamentary Union. I am very much looking forward to the publication of her findings; and furthermore to see if the recommendations are accepted by the powers that be. Perhaps the chances have improved following the recent appointment of two female external members to the previously all male UK Parliamentary Commission.

The biggest difference I have noticed between men and women in my professional life is that men think they are qualified to do things, whereas women need to be invited. Women need to be told 'Come in, join us, have a go'. Which is why most women do not even think about becoming public representatives until one of our sisters or brothers invites them to have a go. As I said at the Commonwealth Women's Forum, and I will say to those reading this article – men and women – 'give love to our sisters and invite one of them who you think has the talent to have a go at elected office'.



CREATING A MORE PROSPEROUS COMMONWEALTH IN BUSINESS

Report from the Commonwealth Business Forum



Lord Jonathan Marland is the Chairman of the Commonwealth Enterprise and Investment Council. His various roles have included Prime Minister's Trade Envoy; Chairman of Business Ambassador Network; Minister for Energy & Climate Change and later for Business. He founded Jardine Lloyd Thompson plc, a multinational insurance business and is Chairman of Tickets for Troops and President of The Commonwealth Youth Orchestra and Choir amongst many other roles.

The Commonwealth Business Forum concluded with a call to double intra-Commonwealth trade to US\$1 trillion before 2020 and for Commonwealth Governments to support the development of a Commonwealth Green Finance Facility that will encourage private sector investment into projects that help implement the Sustainable Development Goals (SDGs) and address the impacts of Climate Change. The Global Goals Commonwealth Sustainable Business Challenge was also launched to encourage businesses to engage with and contribute towards the SDGs.

This was the first Business Forum to be organised by the Commonwealth Enterprise and Investment Council (CWEIC). Established in July 2014, with the intention of creating an organisation that was better able to deliver on the economic potential of the Commonwealth by adopting a clear agenda for *"Creating a More Prosperous Commonwealth"* with a strong culture of delivery for both member countries and Commonwealth businesses. The Commonwealth Business Forum was a clear manifestation of our intent in this regard.

The Business Forum was addressed by 15 Heads of Government, 180 Government and private sector leaders and attended by more than 1,300 delegates from 75 countries. HRH The Prince of Wales also addressed the Business Forum ahead of the Paris COP21. The Business Forum

continues to be a growing feature of the Commonwealth Heads of Government Meeting, reflecting the clear priorities of Commonwealth member countries of trade, investment, growth, employment and private sector led development.

The Business Forum identified a number of areas where the Commonwealth can increase trade and investment, and 'Add Global Value' across our six priority themes of financial services, technology, infrastructure, healthcare, tourism and sustainability and launched five new initiatives to increase Commonwealth trade and investment.

The Commonwealth and the Global Economy

The purpose of the Commonwealth Business Forum is not to forecast or make predictions about future economic performance, but it is clear that the global economy faces considerable macro-economic challenges from the worsening global security situation, the growing threat of extremism, unprecedented migration and climate change.

The CWIEC welcomed the focus on these interrelated issues by the Heads of Government and believe that they are all areas in which the Commonwealth can play a significant role. The role of Commonwealth Parliamentarians in this endeavour will be essential. The private sector stands ready to assist. Improved economic performance, prosperity, entrepreneurship and employment

opportunities will be a vital part of any solution to these challenges.

Despite the difficult economic conditions Commonwealth countries continue to perform better than the global average, reflecting the advantages underpinned by the Commonwealth values of democracy, human rights and the rule of law, as well as shared legal systems and the English Language. However, stagnating global trade, increasing dependence on the performance of the Chinese economy and the collapse in commodity prices are substantial risks to many Commonwealth countries, with a number facing increasingly unsustainable debt burdens.

Sound economic governance and strategies for economic growth have never been more important and the Commonwealth Business Forum called for enhanced public private sector dialogue in all member countries to ensure continued economic prosperity and a focus on facilitating trade by improving the business environment in member countries – not least by tackling the pervasive challenge of corruption.

The Business Forum welcomed the finding that trade costs are on average 19% lower between Commonwealth countries. There is significant opportunity to increase intra-Commonwealth trade and investment and current calculations predict that US\$502bn intra Commonwealth trade gains could be achieved if all Commonwealth countries were



to reach UK and Singaporean levels of trade facilitation. The Business Forum also welcomed the suggestion of a standalone meeting of Commonwealth Trade Ministers to focus on these issues.

The Commonwealth Business Forum focused on the following themes of relevance to all Commonwealth countries:

- **Financial Services:** A Commonwealth wide financial services programme, in partnership with the City of London Corporation and corporate partners, was launched to focus on the development of financial centres, skills development, innovation in financial services, Islamic Finance and access to finance.
- **Technology:** Recognising the importance of technology as a driver of future economic growth and prosperity, a CWIEC technology programme was launched, in partnership with Tech City UK, to establish the ecosystem for technology based companies in member countries to flourish with an initial focus on the important areas of EdTech, FinTech, Smart Cities, e-Government, Open Data and Innovation.
- **Infrastructure:** The Business Forum made considerable progress towards identifying an agenda for helping countries to plan, access funding and build major infrastructure projects – vital for future economic development.
- **Healthcare:** The Business Forum saw the launch of the Commonwealth Healthcare Business Group which will bring together complementary public, private and third sector expertise to help facilitate Commonwealth Governments in improving health provision and outcomes.
- **Tourism:** Tourism was identified as a key driver

of economic growth in all Commonwealth countries. Discussions focused on adding value in tourism and also the importance of being able to measure the impact of tourism.

- **Sustainability:** Discussions focused on the private sector's role in delivering the Sustainable Development Goals and facilitating finance for sustainable infrastructure and investment projects. There was a strong focus on The Blue Economy and infrastructure for Island States at the Forum.
- **Maritime:** For the first time a special session was held on the 'The Maritime Commonwealth'.

Outcomes

The Commonwealth Business Forum saw the launch of a number of major projects and initiatives including:

- **Commonwealth Green Finance Facility:** The Facility will improve the bankability of green projects in Commonwealth countries by providing risk cover and credit enhancement in particular for the Island States. It would be capitalised initially through sovereign contributions and support and then subsequently by issuing 'Green Bonds' in order to attract the participation of institutional investors. Its initial size would be \$1 billion, with further capitalisation over time.
- **The Global Goals Commonwealth Sustainable Business Challenge:** The Challenge aims to encourage all companies across the Commonwealth and beyond to consider how they can engage with the Sustainable Development Goals (SDGs) and how they build them into their strategy and the way they do business.
- **Commonwealth Trade Initiative:** The Business



Forum welcomed a presentation on the Commonwealth Trade Initiative, an online business collaboration platform launched with the support of AMPP Group, and recognised its potential for maintaining and creating new business connections between Business Forums.

- **Commonwealth First:** The CWEIC announced it was launching a major new programme with the support of Royal Mail to encourage SMEs to leverage the Commonwealth network when starting their export journey. The programme will be initially piloted with 100 specially selected UK SMEs over a three year period. In due course it is hoped the programme will be established in other Commonwealth countries.

A major feature of the Commonwealth Business Forum is the strong opportunity for networking and trade and investment deals. More than 300 pre-arranged one to one meetings were held at the Forum with countless other interactions taking place, as well as 17 country and regional investment windows held during the Forum.

Following the Commonwealth Business Forum, a number of major priorities were identified and the CWEIC will be helping Commonwealth countries

to improve the business environment, through a focus on public private sector dialogue, accreditation and standards, improved corporate governance and an anti-corruption programme. One of the key challenges faced by business leaders in travelling across the Commonwealth was highlighted and the CWEIC expressed its strong desire for political leadership to allow business people to travel and work more easily within the Commonwealth and the possibility of establishing an APEC style Business Travel Card for the Commonwealth.

The Commonwealth Business Forum was a key opportunity for collaboration within the Commonwealth to focus on developing intra-Commonwealth trade and investment and on youth entrepreneurship. Over the next two years, the CWEIC will be establishing regional offices across the Commonwealth. An on the ground presence will help us be more relevant and do more for both our member companies and supporting Governments and we look forward to reconvening the Commonwealth Business Forum for the 2018 Commonwealth Heads of Government Meeting in London.

The Commonwealth Business Forum 2015 took place from 24 to 26 November 2015 in Malta. Commonwealth Enterprise and Investment Council www.cweic.org



ENGAGING WITH CIVIL SOCIETY IN THE COMMONWEALTH

Report from the Commonwealth
People's Forum



Vijay Krishnarayan

is the Director of the Commonwealth Foundation. He has supported civil society organisations in the Commonwealth over the last 25 years. A land-use planner by training, he has a special interest in the relationship between development and the environment. Before joining the Commonwealth Foundation in 2006, he spent over a decade in the Caribbean, most notably as Managing Partner for the Caribbean Natural Resources Institute (CANARI), one of the region's sustainable development think tanks.

Commonwealth Foundation colleagues travelled back from Malta last November quietly happy with the job that we had done together with our Maltese partners to bring civil society organisations together on the subject of resilience. We saw nearly 350 delegates from 44 countries immersed in 19 sessions getting under the skin of the concept of resilience over three days at the Commonwealth People's Forum (CPF 2015).

An initial sense of having done something good was borne out as the results from the delegate survey came in. They scored the People's Forum highly – particularly as a space for fellowship and learning but with the benefit of a few months distance it is a little easier to appreciate the significance of the gathering and start to think about the implications for the future.

The People's Forum's theme was '*What Makes Societies Resilient?*' and it struck a chord with many in civil society. With 'resilience' being invoked at every opportunity and in every development arena, CPF 2015 aimed to provide civil society with an opportunity to define the term based on the realities they witness. The development discussion on resilience to date has been confined to economics and the environment but the Forum heard that the concept

has much wider application. The theme also provided an opportunity to acknowledge the leading role that small states have had in making the case for resilience, using the Commonwealth as a platform.

The complexity of the challenges and the consequent need for sophisticated strategies was reflected in the outcome statement – *The Malta Declaration on Governance for Resilience*. It provided analysis and recommendations as well as an annotated record of the proceedings. Credit is due here to the team of session producers, chairs, rapporteurs and the Chief Rapporteur. Together they produced a focussed document that makes an important contribution to the continuing global discussion on the inter-relationship between governance and development. It is already being cited (either as a whole or its specific sections) as an agenda for dialogue by civil society organisations.

In delivering the People's Forum, there were a number of successes and firsts, which are worth recounting. The most significant of these was the space made for policy dialogues. For many years civil society organisations have been asking for room to engage directly with ministers and government policy makers. This call has been loud when it comes to the biennial Heads of Government Meeting.

While that issue remains on the agenda, the Foundation has sought to create new spaces where dialogue can take place. In Malta policy forums were set up, which brought civil society and government representatives together. The agendas for these interactions were designed by civil society organisations. These constructive engagements

"In delivering the People's Forum, there were a number of successes and firsts, which are worth recounting. The most significant of these was the space made for policy dialogues. For many years civil society organisations have been asking for room to engage directly with ministers and government policy makers."



focussed on transformative education and Lesbian, Gay, Bisexual, Transgender and Inter-sex (LGBTI) rights and resulted in policy recommendations that were presented to Ministers. In turn this meant that the set piece dialogue between civil society delegates and Foreign Ministers was much more focussed and constructive than they have been in the past.

There was also a new emphasis on hearing non-Commonwealth perspectives. While encouraging a Commonwealth audience and acknowledging the emphasis delegates placed on learning we brought new perspectives that had not been heard in a Commonwealth setting. For example colleagues from Latin America gave insights on a colonialism that resonated with Commonwealth listeners and yet added something new. These

voices helped bring substance and added a new depth throughout the agenda.

The question time assembly that was held between the three candidates vying to become the next Secretary-General of the Commonwealth and civil society delegates was also a highlight. The idea was warmly embraced by the Speaker of the Maltese House of Representatives who graciously hosted and chaired the session on the floor of Malta's Parliament. Delegates welcomed the opportunity to find out more about the candidates' vision for the Commonwealth and how each of them saw civil society. This was a first and demonstrated that the Commonwealth can respond to the need to include civil society in its political processes. It must stay true to the Commonwealth Charter's vision of civil society as partners

in promoting and supporting Commonwealth Principles and Values.

Reflecting on the Commonwealth People's Forum as a whole, if there was one overarching message it was on the need for equitable development. A consistent refrain at the CPF echoed the commitment behind the Sustainable Development Goals to leave no one behind. The People's Forum understood the ways in which for example women, migrants, indigenous people and LGBTI people are not heard or included in policy discussions that have a direct bearing on their lives. The Heads of Governments' 2015 communiqué is encouraging as is the designation of the Commonwealth theme for 2016 as 'An Inclusive Commonwealth' but civil society will continue to ask for and expect governance

that delivers development and dignity for all.

Any objective observer at the Commonwealth People's Forum in Malta could begin to perceive that reform of the Commonwealth's ways and means is underway. These changes are not waiting for a report or an expert panel but are being driven by member states that want to see the Commonwealth add value to democracy and development and by civil society organisations that subscribe to its principles. The Commonwealth Foundation is a willing partner. We look forward to working with our member states to make change happen and to supporting civil society organisations putting life in to a Commonwealth of the People.





SPOTLIGHT ON YOUTH-LED RESPONSES TO NATIONAL AND GLOBAL CHALLENGES

Report from the Commonwealth Youth Forum



Katherine Ellis is Director of Youth Affairs at the Commonwealth Secretariat. She leads a team with responsibility for supporting the Commonwealth's 53 members on the social, political and economic empowerment of young people aged 15-29 years. The Commonwealth's youth development work includes youth policy, youth networks and the use of sport for development and peace.

"At every Commonwealth summit, the Youth Forum brings immense dynamism and energy. It's a hive of activity buzzing with ideas and ambition... young people are the DNA of the Commonwealth" – Kamalesh Sharma, outgoing Commonwealth Secretary-General

The curtains have closed on the 10th Commonwealth Youth Forum (CYF) in Malta, held under the theme *Adding Global Value... #WhatNext?*

During the Youth Forum, held from 21-25 November 2015, 200 young people from across the Commonwealth engaged in substantive debate on issues of economic, environmental, social and political development, culminating in a call for action that encapsulated their concerns, priorities and recommendations.

As the first major gathering of Commonwealth youth leaders since the adoption of the Sustainable Development Goals, CYF was an opportune moment for young people to come together to discuss and find consensus on key priorities for themselves and the societies in which they live.

The Youth Forum is always a highlight of the CHOGM activities – at no other time in the Commonwealth calendar are the voices of our young people heard so clearly. At the end of each staging, I walk away more inspired by the inventiveness and ingenuity on display. This CYF was no different, and will be remembered as an impressive showcase of

the ideas and solutions that this generation can offer.

Delegates called for governments to prioritise youth employment opportunities, and to empower young people to partner and lead in processes of peace-building and climate change adaptation. They also developed an action plan for themselves, containing concrete initiatives that they will lead, individually and collectively, on return to their home countries.

Issues of inclusion and social cohesion weighed heavily on the minds of participants, and this concern was reflected in several of their policy recommendations. In particular, they urged governments to facilitate an enabling environment in which youth actors and youth-led organisations were supported as partners in initiatives aimed at countering violent extremism.

They also urged authorities to recognise the existence of young people's human rights, by introducing programmes and policies that provide social protection to all young people, especially those from marginalised backgrounds.

On economic matters, high levels of youth unemployment and a lack of decent work opportunities for young people were forefront in delegates' minds. They noted that under-employment and unfair working conditions could lead to social exclusion and marginalisation, and acknowledged the enormous contribution of employed and entrepreneurial

young people to economic growth across the Commonwealth.

Accordingly, their declaration stressed the importance of expanding access to entrepreneurial training, technical and vocational training, and technology. Other key recommendations were the adoption of national youth employment plans, the development of programmes to facilitate easier access to start-up finance for aspiring entrepreneurs, and the establishment of national and regional youth innovation centres.

The majority of Commonwealth countries are Small Island developing states, and for them, climate change is perhaps the most fundamentally dangerous threat that they face. For this reason, and with COP21 in Paris immediately succeeding the Forum, the challenge of climate change and environmental sustainability received extensive discussion during CYF.

Young people called on leaders to commit to achieving a 100% renewable energy future with sustainable energy access for all, and to implement or enforce legislation and policies relating to climate change. Recognising the inherent link between climate mitigation strategies and youth employment, youth leaders also asked that support be given to young entrepreneurs to create climate-smart social enterprises and to access opportunities in the 'Blue Economy'.

Despite the many strides



made in the education sector, there remain obstacles in regards to access and quality of education. Additionally, many young people are not acquiring the relevant skills they need for the changing labour market of the future, and transitions from education to full-time work are becoming more challenging.

Consequently, a plea was made for member states to extend access to free universal early childhood, primary, secondary and tertiary education of the highest quality. Participants also appealed to governments to prioritise gender responsive policies, and to create and/or enforce legislation for the treatment and support of mental health issues among adolescents and young people.

One clear message that resonated at CYF is that young people are ready and able to lead change on the challenges that affect them. It is therefore imperative that they are adequately resourced and allowed opportunities to contribute, in order to fulfil their potential as assets to national development.

In the Commonwealth, the meaningful inclusion of young people is not just a talking point – it is something that we promote at all stages of our work. To us, empowerment means creating and supporting enabling conditions, under which young people can act on their own behalf, on their own terms, rather than at the direction of others.

The Youth Forum is only

one of our institutionalised platforms for youth leaders to access decision-makers at the highest levels. There is the Youth Dialogue with Heads of Government at CHOGM, Youth Leaders Forums at Youth and Educations Ministers Meetings, and inclusion in official delegations to key global and regional meetings.

Young people deserve a seat at the proverbial table, and the recognition and resources that this presupposes. A large part of our work focuses on supporting them to design and drive youth-led initiatives. We understand that global development goals can only be achieved by utilising the creative power and capabilities of our young people.

In light of this, we have helped youth leaders in Asia, Africa, the Caribbean and Americas, the Pacific and Europe form regional and global connections, build knowledge and capacity, and unite and amplify their voices through the establishment of multiple youth networks on themes such as entrepreneurship (Commonwealth Alliance of Young Entrepreneurs), education and students' rights (Commonwealth Students Association), climate change (Commonwealth Youth Climate Change Network), and democracy and participation (Commonwealth Youth Council).

The Council (also known as the CYC) was first established in 2013, and is tangible proof of our

commitment to promoting youth engagement and empowerment. A coalition of national youth councils and other youth-led civil society bodies, the CYC is the official representative voice of the 1.2 billion young people in the Commonwealth.

It works to mobilise the voices of young people and advocates their integration into the development work of the Commonwealth at national, regional, and pan-Commonwealth levels. It also provides a sustainable platform for unified engagement with decision-makers and youth-led development initiatives.

In just two short years, the CYC has become a trusted partner of the Commonwealth Secretariat and other organisations with a focus on youth development. It has become a leading voice for young people's interests globally, helping to ensure that their aspirations are represented and heard, and that practical action is taken to meet their needs.

The CYC, and the other Commonwealth youth networks, are an invaluable resource that must be tapped by policy-makers and decision-makers. These networks are already driving significant projects, such as climate change recommendations to CHOGM and COP21, and legal support to national students associations.

These young activists are leading real change in their communities, regions, and even on the international stage. Their technical expertise, combined with their youthful creativity and energy, provide a refreshing perspective and approach to doing things. We would be wise to recognise them, and the millions of outstanding young people in the Commonwealth, as the vital and valued investment that they are.

For over 40 years, the Commonwealth has had a dedicated focus on youth

development, which has given us a significant position in this global space. We remain one of the few international organisations that convene summits such as CYF, and we have been a leader in ensuring authentic youth participation with Ministers and Heads of Government in Commonwealth meetings.

At the macro level, our work is aimed at shifting the mind-sets of decision-makers who can help effect the systemic change that will create permanent, self-sustaining mechanisms for youth development. With that in mind, the 2015 Youth Forum may possibly be remembered as a pivotal moment in the Commonwealth youth development timeline.

At the concluding press conference of CHOGM, Kenyan President Uhuru Kenyatta highlighted the Heads' participation in the CHOGM Youth Dialogue, focused on engaging young people and increasing youth participation in the Commonwealth. In that same interview, Ghanaian President John Dramani Mahama revealed that during their retreat, Heads of Government had discussed the importance of increasing the involvement of young people in decision-making and national development.

For so long, we have heard the rhetoric about young people being the leaders of tomorrow. However, there now seems to be growing awareness of them as active leaders of today, who are important drivers of development, democracy and peace. At CYF, youth leaders pledged their support as stakeholders for the economic, environmental, social and political development of our countries and the Commonwealth as a whole. A prosperous Commonwealth will be one in which they are included as true partners in development, able to advance shared values and fulfil their potential as change-makers.



COMMONWEALTH YOUTH PARLIAMENT CYP7: NORTHERN TERRITORY STYLE

Welcoming 50 Youth Parliamentarians from 27 countries
to the 7th Commonwealth Youth Parliament



Hon. Kezia Purick
MLA is the Speaker
of the Legislative
Assembly of the
Northern Territory,
Australia. Previously
she was head of the
Northern Territory's
resource industry
group. She was first
elected to Parliament
in 2008 and re-elected
in 2012 when she
was also elected as
Speaker. Kezia Purick
has attended CPA
conferences in Kenya,
Samoa, New Zealand
and Australia and is
currently on the CPA
Executive Committee
as a Regional
Representative for the
Australia Region.

The seventh Commonwealth Youth Parliament (CYP7) commenced in Darwin, in the Northern Territory of Australia on a hot steamy tropical Monday on the 2nd November 2015 with delegates from Australia, Canada, India, Asia, the Pacific, Africa, South America, the Caribbean and the United Kingdom coming together to form the Commonwealth Youth Parliament as it convened in Australia for only the second time.

The Northern Territory was very pleased to hold this event after nominating for and being chosen as the host parliament for CYP7. Young people aged 18 to 28 met as youth parliamentarians, debated legislation, experienced committee life, got a close look at politics and met sitting members of Commonwealth Parliaments.

As Speaker of the Legislative Assembly in the Northern Territory, I was privileged to welcome the best from around the Commonwealth of Nations to take part in this event in Darwin as they engaged in a very busy and rewarding programme, one which was full of firsts.

We commenced with an informal welcome for all youth parliamentarians, mentors, colleagues and friends in the

Members and Guests Lounge at Parliament House on Sunday 1 November before the youth parliamentarians commenced in earnest for the week the next morning.

It was an exciting time for youth parliamentarians and for us welcoming young people from all corners of the Commonwealth. They made good use of our parliamentary chamber for their debates and it was a terrific opportunity for my home Parliament to show off our facilities, our city and the considerable abilities of a small remote jurisdiction all at the same time.

Day One: Speech from the Throne

The first day commenced with the inaugural briefing and familiarisation for the youth parliamentarians followed by the Acting Secretary-General of the Commonwealth Parliamentary Association, Mr Joe Omorodian's enthusiastic welcome to all delegates where he outlined the benefits and goals of the Youth Parliament Programme. This was followed by a presentation and question and answer session on the foundations of Westminster by Mr Michael Tatham, the Clerk of the Northern Territory Assembly.

The session of CYP7 was then officially opened by the

Administrator of the Northern Territory, His Honour Mr John Hardy OAM. His Honour represents the Crown in our jurisdiction on behalf of the Governor-General of Australia. His Honour commenced the session with the usual Speech from the Throne outlining the course of his government's agenda for the sittings of the 2015 Youth Parliament.

This procedure emulates to some extent the formalities of Westminster tradition where the sovereign attends to open each new session of Parliament, which in the Northern Territory Assembly occurs once every four years when the Assembly convenes for the first time after an election.

His Honour said (in part): *"I welcome all of the Members of this parliament to the Legislative Assembly to conduct your business over the coming days. This seventh Commonwealth Youth Parliament - known as CYP7 - is a collaboration by all of its Members from around the Commonwealth. You have been drawn together in this parliament to consider important matters and pass laws for the peace, order and good government of this jurisdiction. My Government will be focusing on the wellbeing of all to ensure access and equity is a hallmark of their exercise of executive power.... In my*



Government's deliberations, the views and long-term interests of Indigenous people will be a key consideration. Progress will be made in the key areas of law and order, the economy, business, education, and health, but this is only the beginning. My government understands the pressure young people are under from the high cost of living and the high cost of housing. My government will introduce an innovative approach to secure meaningful employment opportunities. In order to achieve these goals my Government will introduce legislation which will implement a Charter of Human Rights and Responsibilities in this jurisdiction for the first time. The Charter will be underpinned by legislation which shall require consideration of measures to ensure the wellbeing of youth and the preservation of dignity. My Government will work to reduce and eventually eliminate discrimination which impacts upon participation in work, sport, social and community life and access to services by our citizens... In conclusion, honourable members, you have been tasked over the next four days to deliver by representing the best interests of all. I charge

you to take on this challenge and discharge your accountabilities transparently, honestly, and with integrity. Speaker and honourable members, I wish you well over the next four days and will now leave you to your important deliberations."

Prior to their arrival in Darwin, the youth parliamentarians had self-nominated to be either in the Conservative Party, the Progressive Party or to be independent members.

On the basis of their nominations, the Parliament commenced with a Conservative Government with 24 members, a Progressive Party Opposition with 22 members and 4 independent members.

Day one was a day of settling in and a few nerves for some of the Youth Parliamentarians, but these were soon overcome as the day progressed and immediately after the Speech from the Throne the Assembly adjourned in order to undertake further information and education workshops to prepare for day two.

This first full day of CYP7 events was followed by a welcome from the Leader of Government Business in the Northern Territory Legislative

Assembly, Hon. John Elferink MLA, on behalf of the Northern Territory Government which was held at a local venue called Crocosaurus Cove where youth parliamentarians got up close and personal with live local estuarine (saltwater) and freshwater crocodiles.

Day Two: Mentors and Youth Parliamentarians at Work

Day two commenced with a session on the operation of Committees followed by a Scrutiny Committee hearing into the *Charter of Human Rights Bill* which was being proposed in the Assembly for debate and passage.

The Bill had been drafted by the Northern Territory Parliamentary Counsel on instruction that it have some aspects which might lead to questions and accommodate amendments being moved and encourage broad debate on the policy proposal underpinning the Bill. The intent was to have these matters focused on in the Committee hearings and this eventuated.

Youth committee members convened in the Assembly's committee rooms and examined witnesses who my parliamentary

Above: Participants, mentors and resource people for the 7th Commonwealth Youth Parliament at the Legislative Assembly of the Northern Territory, Australia.

officers had sourced from the Darwin professional community to comment on the proposed legislation.

A senior lecturer in law and specialist in human rights from Charles Darwin University, Mr Jeswyn Yogaratnam sharply critiqued the legislation as being inadequate. A senior policy officer from the Department of Attorney General and Justice, Ms Ros Chenowith provided a detailed policy briefing on the drafting and content and how the draft Bill was designed to meet the Government's intentions. Two experienced solicitors, Ms Emma Farnell and Mr Dominic Gomez from Ward Kellar lawyers, one of Darwin's large law firms, provided input from the point of view of local legal practitioners.

The Law Society of the Northern Territory provided welcome assistance to my officers identifying and sourcing these witnesses and the value they added to the committee



hearings was very beneficial in providing real life witness examination experience for the scrutiny committee process relating to a Bill for debate.

During the afternoon of day two, both the youth government and youth opposition debated motions and a former Speaker of the Legislative Assembly took the Chair to provide guidance during these sessions. The Speaker from 2005 to 2012, Hon. Jane Aagaard gave the youth parliamentarians the benefit of her experience and yet another perspective for youth parliamentarians to interact with an experienced former parliamentarian.

One of the great experiences of a Youth Parliament is the nuance and discovery that comes with each new jurisdiction hosting the event.

The participation of mentors and advisers such as a former Northern Territory Assembly Speaker, serving Members of the Northern Territory Assembly, the Clerk and senior officers of the Assembly and our team of valued mentors meant we had a rich variety of divergent experience coming from the same Westminster foundations.

Mr Gavin Shuker MP from the House of Commons; Mr Drew Smith MSP from the Parliament of Scotland; Hon Akierra Missick, Deputy Premier of Turks and Caicos; Mr Gareth Ward MP from the New South Wales Legislative Assembly; Hon. Don Harwin MLA, President of the New South Wales Legislative Council;

Ms Rebecca White MP from the Tasmanian House of Assembly; Ms Lauren Moss MLA, a Member of the Northern Territory Legislative Assembly; and Ms Susan Sourial, Committee Clerk of the Legislative Assembly of British Columbia were all in attendance working hard day and night.

They collaborated with and guided the youth parliamentarians and coached them on procedure and tactical matters over the life of CYP7 and their efforts were much appreciated by all.

Their invaluable contributions brought to the experience a range of differing backgrounds leading to lots of healthy and engaging debate and questioning for many participants about how and why things within Westminster settings are done in similar, but also in different ways.

Many of the youth parliamentarians also brought divergent local experiences from their home jurisdictions and enthusiastically compared, questioned and considered the procedures at play as we used the then existing Northern Territory Assembly Standing Orders as the basis for our CYP7 procedure.

This enthusiasm led to some amusing moments where Youth Parliamentarians cited infrequently used Standing Orders which were not upheld by the Chair by virtue of local practice and convention where these have been liberally interpreted and read down over

many years.

This was another valuable experience where learning how convention and day to day practice and procedures develop and influence the way that parliament works in each jurisdiction came to the fore.

The second evening of events included an official welcome function at Government House overlooking Darwin Harbour where the Youth Chief Minister thanked His Honour the Administrator of the Northern Territory on behalf of the youth parliamentarians for his hospitality.

Day Three - A Change of Government

By day three the youth parliamentarians were ready to debate the *Charter of Human Rights Bill*, but before that occurred, a majority of the youth parliamentarians sought an unscheduled special morning sitting to consider a motion of no confidence in the government.

I started out above saying that there were many 'firsts' at CYP7, and apart from being in touch with local crocodiles, another first was that a CYP government was defeated on the floor of the House.

As the result of the prior self-nominating process, the Conservatives had the most members of a single party but were in minority government with independent members holding the balance of power.

It was reported that overnight on Tuesday evening some old fashioned political horse-trading took place amongst some of the youth parliamentarians and in the spirit of political manoeuvring inherent in Westminster style parliaments, particularly in Australia in recent years, the dynamic on Wednesday morning had changed.

The Northern Territory Assembly's Clerk assumed the Chair as Acting Speaker and

presided over a sometimes emotional debate which resulted in the defeat of the Conservative Government on a motion of no confidence and the formation of a new government. The result led to a walkout by the now new opposition members.

In the normal course of events, the Assembly in the Northern Territory would be in hiatus in a 'no confidence period' where either party or any grouping could seek to form a government on the floor for a period of eight days before the Administrator would consider the option of calling an election, however given the nature of the timeframe for CYP7, it was accepted that the numbers had changed and the government had as well.

My Clerk and his officers have received some interesting feedback concerning this aspect of the proceedings with some delegates expressing disappointment that 'politics' got in the way of being parliamentarians.

I take the view however, that this display of tactics are a part of the learning experience of being a parliamentarian and that disappointment is inherent to parliamentary practice. The Westminster experience is characterised by members acting in a political manner and in fact, this was a very valuable experience for the CYP7 participants all round.

The Clerk briefed me on these matters before the afternoon when it was my turn to assume the Chair as Speaker of the Youth Parliament. I was a little fearful that the morning's acrimony and disappointment might manifest itself in the afternoon proceedings but to the credit of all youth parliamentarians they proceeded with a mature and intelligent debate and I was delighted at the level of order and good procedural practice I witnessed





and was thankful for a very civilised parliament.

While I was in the Chair the youth parliament considered the *Charter of Human Rights Bill* during debate and on the following day amendments were proposed during a committee of the whole stage.

A very interesting aspect of the debate was that the government was promoting the passage of a bill that had been introduced by the previous government when the now government members were in opposition. This resulted in some interesting matters being raised by members, however the bill passed the following day after reasoned amendments were made and the youth parliamentarians provided compelling reasons for their positions in both the debate and the detailed scrutiny process.

By mid-week the youth parliamentarians were hungry for the Secretary-General's official dinner which was hosted on Wednesday evening by our colleagues from the CPA Secretariat and held in our dining room at Parliament House.

A fun night was had where youth parliamentarians rebuilt some of the fractured relationships which had emerged during the more heated political machinations of the earlier proceedings in the day.

Day Four - Question Time and the Media

By day four, delegates were ready for Question Time before returning to conclude the third reading debate on the bill.

Question Time was characterised by matters which will be familiar for many readers of *The Parliamentarian* as many of these issues are raised from time to time and sometimes daily as we go about our normal business of representing constituents.

The matters raised were:



population turnover; high cost of living; indigenous literacy rates, road traffic caused by a lack of infrastructure; backlogs of cases in the judicial system; carbon emissions, remote location education; marriage equality; transgender discrimination; healthcare; mental illness and indigenous health matters.

Points of order were raised concerning relevance or lack thereof and the use of disorderly words. The transcripts for the proceedings of CYP7 may be found at the Northern Territory Parliament website.

During the course of the week, the youth parliamentarians were made available for media interviews with local journalists attending some of the early sessions and the Darwin radio station from the Australian Broadcasting Corporation (ABC) conducted a live interview with the Youth Chief Minister and Youth Leader of the Opposition in their studio midway through the week to give listeners an update on how CYP7 was proceeding.

On the final afternoon of the CYP7 programme, we invited a local representative of the media, Ms Alyssa Betts a senior reporter for ABC television and a former journalist for the daily newspaper

the *Northern Territory News* and Ms Lorelei Fong Lim, the Media Advisor to the Northern Territory Minister for the Environment, Sport, Recreation and the Arts to participate on a panel to discuss parliamentarians, politicians and the media.

This session was very well received and we were very privileged for a senior ministerial staff member and a senior practising journalist to spend so much time with the youth parliamentarians providing candid views and stories of experiences thus allowing the youth parliamentarians to make excellent use of the session.

CYP7 was a very fulfilling experience, not just for the youth parliamentarians but also for the mentors, our invited guests from the media, academia, the legal community and the Northern Territory Government who assisted with the programme and also for the Clerk; his Deputy Clerk, Ms Marianne Conaty; the First Clerk Assistant, Mr Russell Keith and the Northern Territory Legislative Assembly's Serjeant at Arms, Mr Ben Harris who worked closely with his colleague officers of the Northern Territory Legislative Assembly and our colleagues at the CPA Secretariat in the UK,

Above: Participants at the 7th Commonwealth Youth Parliament in the chamber of the Legislative Assembly of the Northern Territory, Australia.

especially Ms Arlene Bussette, to bring together a rich and rewarding event.

While we are a small parliament of only 25 members, with the help of the CPA Secretariat and so many others, we welcomed and watched flourish a truly dynamic group of young dedicated people.

My thanks to all our mentors for their dedication and hard work in ensuring that participation was at a constantly high level and providing tips and pointers on debate, political matters, and parliamentary procedure. Of course I must thank the youth parliamentarians themselves who brought so much energy and intelligence along with their enthusiasm.

I hope our experience in the Northern Territory of Australia will encourage other jurisdictions to host future Commonwealth Youth Parliaments as I can guarantee an overwhelmingly positive experience will be had by all. Just let me know, and I will be happy to help.



CO-OPERATION BETWEEN SMALL JURISDICTIONS: THE EXPERIENCE OF THE ISLE OF MAN



Hon. Clare Christian MLC was elected President of Tynwald in July 2011 having served as a Member of the House of Keys from 1980 to 1986 and a Member of the Legislative Council from 1993 to 2011. She is a former CPA Isle of Man Branch Executive Committee Chairman, a former CPA Regional Representative and a Trustee of the CPA Working Capital and Conference Assistance funds.

Thirty-two years ago as a new member of the Executive Committee of the Isle of Man Branch of the CPA, I was privileged to have the opportunity to take part in the 30th Commonwealth Parliamentary Conference, which was hosted by the Isle of Man in 1984. This was a memorable experience in many ways, not least because it incorporated the fourth Small Branches conference.

At that time the event was known as the Conference of Members from Small Countries, with “small” being defined as having a population of 250,000 or fewer. Today the population threshold is 500,000 and the event is known as the Conference of Small Branches. This name is more appropriate because not all Small Branches represent “countries”. Some represent subnational legislatures, a category which has been admitted ever since the inaugural event in Fiji in 1981.

The Isle of Man

The Isle of Man is both a small Branch of the CPA and a small country, with a census population in March 2011 of 85,716. Lying mid-way between Great Britain and Ireland, it is not and never has been part of the United Kingdom.

Since 1765 it has been

a dependency of the British Crown and relies on the United Kingdom for foreign affairs and defence. Internally, however, it retains its own unique system of government based on the world’s oldest parliament in continuous operation, known as Tynwald.

Tynwald has 35 members in total and is made up of two Branches: the 24-strong House of Keys, which has been directly elected since 1866; and the 11-strong Legislative Council, most of whose Members are today indirectly elected by the House of Keys.

Readers from other small Branches will be only too aware that political life in a small jurisdiction has many advantages, but also many challenges.

Throughout my political career I have taken great strength from the opportunity to share experiences, both positive and negative, with colleagues from other small Branches. Important frameworks for such discussions have been provided by the annual Small Branches Conference and by the annual regional conference of the British Islands and Mediterranean Region of the CPA.

Political support

What has been particularly

pleasing in recent years is the extent to which we have been able to build on contacts made at conferences to develop stronger links between small jurisdictions – links which have gone beyond dialogue and grown into different forms of practical support for one another’s parliamentary systems. Where economic and environmental matters are concerned, it is a fact of life for many small jurisdictions that our relationship with a larger neighbour is a predominant concern. Within the sphere of parliamentary practice and procedure, however, the same is not the case. On paper there may be much to learn about the parliaments of the United Kingdom and other large jurisdictions, but in practice there is a limit to how much of that learning we can successfully apply on a smaller scale. When we look to jurisdictions of our own size, by contrast, we are much more likely to find ideas which will be of direct use back home.

Perhaps the most high profile form of support which we can give or receive, which goes to the heart of the democratic process, is assistance with the process of elections. In June 2015 it was therefore with particular pride that a Manx politician, the Speaker of the House of Keys, Hon. Steve Rodan SHK led an Election Observation Mission (EOM) to



the British Virgin Islands (UK) organised by the British Islands and Mediterranean Region of the CPA. This followed a previous Election Observer Mission to the British Virgin Islands in November 2010 on which another Manx politician, Mr Alex Downie OBE MLC, had served.

After an election, the real work of a Parliamentarian begins, with elected members often receiving precious little support or training. In a small jurisdiction the difficulty of *“hitting the ground running”* is likely to be exacerbated by a lack of support structures and mechanisms, and a scarcity of resources such as parliamentary or political staff. For that reason I was pleased that the Isle of Man was able to support a post-election seminar run after the July 2013 election in St Helena with the aim of strengthening and promoting good governance through providing a framework from which newly elected members could work. Our representative was Mr Tim Crookall, who was at that time a Member of the House of Keys and who has since become a Member of the Legislative Council.

Another post-election initiative was a visit by Hon. Shirley Osborne, Speaker, and Mrs Judith Baker, Clerk, from the Legislative Assembly of Montserrat, who we welcomed to the Isle of Man in September 2015. They came to us as part of a week-long programme organised by the British Islands and Mediterranean Region which also included time at Westminster. We were glad to be able to work with our regional secretariat and to be able to arrange a balanced and co-ordinated overall programme which included both Westminster and the Isle of Man. This is an approach which I would very much like to see more of in the future. There is no reason why visits from small Commonwealth parliaments to Westminster should not include a visit to the Isle of Man as a matter of course.

Training and development of officers

It is not only politicians who have much to learn from one another, but also officers. For example, many small Commonwealth jurisdictions have in recent years

and decades sought to develop the financial sector of their economy.

Since 2009 the Isle of Man has led the way in bringing together, under the auspices of the Small Countries Financial Management Programme, officials from finance ministries, central banks, and regulatory bodies in small developing countries for a two-week executive education programme designed to stimulate fresh approaches to the challenges they and their countries face.

The Small Countries Financial Management Programme is primarily aimed at those working within executive government (although the legislature and the judiciary also have an important part to play in financial management). On the parliamentary side too, officers can also learn from international exchange programmes. In recent years we have hosted multilateral conferences for British and Irish clerks, official reporters and researchers and librarians; and we have welcomed bilateral visits of officers from Denmark, the Falkland Islands, Guernsey,

Above: Hon. Clare Christian MLC, President of Tynwald, and Hon. Steve Rodan SHK, Speaker of the House of Keys, with Mr Joe Omorodion on behalf of the CPA Secretariat, welcome delegates to the CPA Small Branches Committee Workshop, Douglas, Isle of Man, in August 2015. Photo credit: Paul Dougherty, Tynwald Seneschal.

Jersey, Northwest Territories, Scotland, Tristan da Cunha, Turks and Caicos and the UK Parliament at Westminster.

Our training programme for parliamentary staff has been particularly successful for parliamentary personnel from small and developing jurisdictions. It can be tailored to meet the needs of the individuals attending and combines both theoretical instruction and practical experience of working in a parliamentary setting. Delegates normally spend between two and five working days with our office. For longer programmes we are usually able to arrange one or more days for cultural activities.

Thanks to the benefits of modern technology small



CO-OPERATION BETWEEN SMALL JURISDICTIONS: THE EXPERIENCE OF THE ISLE OF MAN



Above: Mrs Ellen Callister, Head of Hansard in the Office of the Clerk of Tynwald, operates the voice recognition system in the Legislative Council Chamber, Isle of Man. Photo credit: Paul Dougherty, Tynwald Seneschal

jurisdictions today can even provide parliamentary services directly to one another. The foremost example of this is the network of international co-operation which we have built up in the field of parliamentary reporting, also known as *Hansard* services. The Speaker of the House of Keys, Hon. Steve Rodan SHK wrote in *The Parliamentarian* in 2008 about the pioneering voice recognition system which is used in the production of official reports of Manx parliamentary proceedings. Since then we have extended our *Hansard* operation by undertaking work for the legislatures of Alderney, Gibraltar, Guernsey and Sark, with discussions also underway with a number of other jurisdictions. These developments, which have brought tangible benefits to all concerned, would most certainly not have taken place, had it not been for the opportunities afforded by the CPA for the

sharing of information between jurisdictions.

Parliamentary Committees

In August 2015, the Isle of Man Branch of the CPA was delighted to have the opportunity to collaborate with the CPA Secretariat in the organisation of a Small Branches Committee Workshop, with participants from Bermuda, the Cayman

Islands, the Cook Islands, Guernsey, Jersey, Maldives, Northern Territory, Northwest Territories, Prince Edward Island, the Seychelles and Tasmania as well as from the Isle of Man itself. This workshop built on the Small Branches Conference but also allowed us to focus in more depth on the particular issue of committee work.

The system of parliamentary committees in the Isle of Man has come a long way in recent years and the same will be true of many other Small Branches. Nevertheless there remain considerable challenges in operating an effective Public Accounts Committee and other parliamentary committees. Some of these challenges are universal but others are, and always have been, unique to small jurisdictions.

Indeed, if I may end where I began, at the Fourth Small Branches Conference in the Isle of Man in 1984, the second session on that occasion was entitled '*The Utilization of*

Parliamentary Committees as a Mechanism for Improving the Efficiency of Small Parliaments'. This may seem like a case of déjà vu but in reality it illustrates one simple truth: that, as the parliaments of small jurisdictions, we have so much to learn from working together. As the oldest parliament in the world in continuous operation (if not, in today's world, the smallest) Tynwald recognises this truth and will always be ready to play its part.

Below: Hon Shirley Osborne, Speaker of the Legislative Assembly of Montserrat and Vice-Chairperson of the CPA (second left) and Mrs Judith Baker, Clerk, visit Tynwald Hill in the Isle of Man with Hon. Steve Rodan, Speaker of the House of Keys (second right) and Dr Jonathan King, Deputy Clerk of Tynwald. Photo credit: Paul Dougherty, Tynwald Seneschal.





Commonwealth 50th anniversary celebrated in stamps from Isle of Man

For the first time in postal history, 27 postal administrations within the Commonwealth have come together to produce a unique stamp sheet to mark the 50th anniversary of the Commonwealth Secretariat and the role of Her Majesty The Queen as Head of the Commonwealth. A framed set of the sheet of stamps was presented by Maxine Cannon of the Isle of Man Post Office to Commonwealth Secretary-General Kamallesh Sharma at the Commonwealth Heads of Government Meeting in Malta.

On receiving the stamp sheet, Mr Sharma stated: *"I am delighted to receive these stamps from the Isle of Man Post Office on behalf of the participating countries which are spread throughout the Commonwealth. The stamp sheet clearly demonstrates the affection they all have for HM The Queen Head of the Commonwealth. These countries are to be congratulated in their efforts to bring this project to fruition in the year we are celebrating the 50th anniversary of the Commonwealth Secretariat. In the year HM The Queen became the longest reigning monarch, Her Majesty remains well respected and long may she remain the Head of the Commonwealth."*

Maxine Cannon, General Manager of Isle of Man Stamps &

Coins, Isle of Man Post Office was the brainchild behind the project. She said: *"It is unprecedented for 27 independent postal administrations to come together and produce a sheet of stamps. The principle of the sheet is that, like the Commonwealth, each participating nation is equal. Participating postal administrations include Kenya, New Zealand, Antigua, Barbados, Tanzania, St Kitts, Tokelau, Turks and Caicos, Ghana, Grenada, Zambia, Tuvalu, Sierra Leone, Falkland Islands, Cook Islands and Tristan de Cunha. It's been a delight to work with our colleagues in all corners of the Commonwealth to bring the stamp sheet, the first of its kind in postal history, to life. It is also an honour that it has been endorsed by the Commonwealth Secretariat"* she added.

The Commonwealth stamp sheet was launched on Friday 27 November at the opening of the Commonwealth Heads of Government Meeting. Visit the Isle of Man Post Office website for further information:

<https://www.iompost.com/stamps-coins/collection/the-50th-anniversary-commonwealth-secretariat-sheet/>





THE FIGHT AGAINST CORRUPTION: THE ROLE FOR PARLIAMENT



Paul Foster-Bell MP is a New Zealand National Party List Member of Parliament based in Wellington Central, currently serves as Deputy Chair of the Education and Science Select Committee and is a Pacific Regional Representative on the Executive Committee of the Commonwealth Parliamentary Association (CPA).

New Zealand proudly stands as one of the least corrupt countries in the world. Independent corruption watchdog Transparency International ranked New Zealand, in their *Corruption Perceptions Index*, as the fourth least corrupt country last year (a slight drop of two positions from 2015 - when New Zealand was second placed with a rating of 91, Denmark having achieved a score of 92). We were placed first equal in 2014, again alongside Denmark. But despite being rated as the least corrupt Commonwealth country for a number of years, there still remains work to be done.

Showing leadership

Leadership from the top levels is required to ensure corruption is rooted out. In our local context, Transparency International's New Zealand branch boasts former Kiwi Parliamentarian, Minister of Foreign Affairs, Deputy Prime Minister and Commonwealth Secretary-General Sir Don McKinnon as its patron.

Our former Governor-General, Sir Anand Satyanand, sits on the board of the international body. We are also currently looking to re-start a Global Organisation of Parliamentarians Against Corruption (GOPAC) branch

in New Zealand to ensure we retain focus on these important issues. And the Government has taken a number of steps to reduce the possibility of corruption infiltrating our systems.

A notable recent success was the passing of anti-match fixing legislation. Our sporting culture of fair play has stood New Zealand teams in good stead. The world champion All Blacks in rugby union and the Black Caps, our national cricketing team, are both regarded as being honourable and decent, as well as highly successful in their respective codes.

In the wake of the FIFA corruption scandal, and allegations of cricket match-fixing levelled in courts in London, it is positive that we are now one of only three countries to have passed legislation to bring in penalties specifically designed to target corruption in sports at all levels. This helps cement the positive perception of our teams and their players.

Similarly, New Zealand has been recognised as having the least corrupt defence force in the Asia-Pacific Region. A 76-question government defence anti-corruption index in late 2015 showed the New Zealand Defence Force (NZDF) leading our region.

This index gave the NZDF very high marks for strong integrity systems across every risk area: personnel, procurement, operations, political and finance. The NZDF received an 'A' rating for being non-corrupt, with the only other defence force to achieve this high rating being that of the United Kingdom. Given defence forms a much larger proportion of government spending for many Commonwealth states than it does for New Zealand, this area could present particular opportunities for reduction in corruption for those willing to address bribery in military procurement in particular.

Another area where New Zealand perhaps lagged behind, but has recently caught up, was the ratification of the United Nations Convention Against Corruption, after twelve years of consideration. Finally joining 177 other signatories to the agreement, New Zealand has now made a legally binding global commitment to address corruption in both private business and the public sphere.

Omnibus legislation comprising 15 separate bills related to organised crime, money laundering and anti-corruption were passed by the New Zealand Parliament in November 2015, with cross-party support. This legislation



strengthened the law to combat organised crime and corruption, both domestically and with New Zealand firms operating overseas. Earlier in the year, New Zealand significantly improved its ranking in the Organisation for Economic Co-operation and Development (OECD) Exporting Corruption review. This is largely attributable to building systems allowing greater evidence of detection, investigation and enforcement of anti-corruption measures by our Serious Fraud Office and the New Zealand Police.

It is fair to say we have been very active in recent years in addressing the full gamut of financial corruption issues. Legislation passed by parliaments does much to set the framework for eliminating corruption, especially the laws governing our public sector agencies. The way we, as Parliamentarians, make

these laws to maintain the transparency, probity and accountability in the public sector is a key determinant in our countries' successes, or failures, at combating corruption.

A trusted public sector

According to successive Transparency International indices over the past two decades, New Zealand has long boasted one of the world's most politically neutral, publically trusted and incorrupt public services. The bases of this strong track record are legislative, and over a century old. But this has not happened by accident – rather, through generations of progressive legislative reform and consistent politically-driven change.

Throughout the 1890s, our longest-serving premier Richard Seddon shamelessly awarded public sector positions to supporters, even making illiterate men 'temporary

clerks'. In 1912, William Massey's conservative Reform Government, which had just been elected to office, lived up to its name and introduced the *Public Service Act* as one of its very first reforms. This law ended political patronage in public sector appointments, introduced promotion based on merit, brought greater accountability for the efficient use of public money, strictly separated administrative and political functions and appointed an independent Public Service Commissioner.

Over the decades since there have been further advances. In 1982, Sir Robert Muldoon's National Government – not otherwise known for its liberalism – introduced the *Official Information Act*. This predates the equivalent UK legislation – the *Freedom of Information Act 2000* – by eighteen years and achieves similar outcomes. To be fair to

Above: The Parliament building in Wellington, New Zealand.

our Australian cousins, their freedom of information regime was introduced in the same year as ours.

The net effect of this ongoing legislative change has been movement towards a state which spends taxpayers' money more efficiently; is staffed by upstanding citizens who have the public good at heart; officials who behave more as the neutral servants of the government of the day; government which is more transparent in the way it acts (within the constraints imposed by the need for personal privacy, commercial confidentiality and national security); and is largely free of corrupt practices. It is therefore more trusted by the public it serves.



THE FIGHT AGAINST CORRUPTION: THE ROLE FOR PARLIAMENT

Free elections

In the 50th Parliament, I served as Deputy Chair of the Justice and Electoral Select Committee. A significant set of responsibilities that Committee is charged with after each general election is to review the electoral law and processes, identify flaws and suggest improvements.

There are some fundamental conditions for free and fair elections. Elections should ideally be incapable of being rigged. Campaign financing and spending rules should provide a level playing field for a contest of ideas rather than of bank balances. Policy outcomes must not be able to be bought by companies or lobby groups. And the integrity of the vote counting and voter registration administrative systems is paramount. The ability to elect, or remove, a government is a key factor in being perceived as an

incorrupt country: and it is right and proper that the rules are regularly checked to ensure they are up to the job.

Striking the right balance with our proposals for amendments to electoral law was not always easy. For instance, we have long enjoyed a high-trust system where it is very easy for voters to cast their ballot. There has never been a requirement in New Zealand for voters to carry passports or other such identity documents to voting booths. At the same time, concerns existed as to the possibility of (admittedly very low-level) voter fraud by impersonation beginning to undermine trust in the electoral system. So, we achieved cross-party agreement that, unless they suffered a disability or a language issue which precluded it, voters presenting without an EasyVote registration card would at least have to point to

their names in the electoral roll and verbally identify themselves as being that person to the returning officer.

Those casting 'special votes' outside their home constituencies have to sign statutory declarations swearing they are who they say they are. And electronic voting systems, which have proved easily rigged in other jurisdictions and do nothing to promote turn-out, have been avoided. The resulting amendments, in the *Electoral Amendment Act 2014*, were largely uncontroversial – and incorporated such updates as including loans to political parties (and any interest write-offs that may be given on such loans) as donations within the campaign finance regime.

An impartial and non-conflicted judiciary

Another significant issue which

was dealt with by the Justice and Electoral Committee was a complete rewrite of the *Judicature Act 1908*, which puts in place the fundamental underpinnings of New Zealand's court system. There was far too much content in the over 1,200 pages of legislation which the Committee extensively re-drafted to cover at length here, but a key point around corruption should be noted. The Committee felt it important to avoid any perception of political interference in judicial decisions, so the rules that govern the appointment, terms of service, remuneration, retirement and removal of judges on any court bench were very carefully considered.

We also focused on the judicial disclosure of pecuniary interests regime. There was no clear cut answer here: on one hand, it is important to keep the





“Academic research has demonstrated that high levels of corruption are damaging to economic growth irrespective of the type of government – be it an authoritarian one-party state, or a liberal democracy.”

home addresses and business ownerships of judges confidential given they could be the targets of threats from the criminals they convict. On the other hand, it was important that a disclosure regime was put in place to prevent conflicts of interest – e.g. judges ruling in cases where they might have a commercial interest.

Ultimately, we settled on a regime where the interests are disclosed to the chief judge of each bench to then decide where recusal is necessary, rather than creating a public register of interests of the kind we have for Members of Parliament. This still leaves open the question of to whom the Chief Justice herself should disclose interests. This is an area which I have no doubts the New Zealand Parliament will re-open in the future as requiring further fine-tuning.

Whilst the revision of judicature legislation may seem arcane, it was certainly a factor that contributed positively to New Zealand's overall score on the Corruption Perceptions Index. The message that I have taken from the overall index rating, where New Zealand's score fell by three points last year, is the importance of Parliamentarians keeping up the good work to ensure transparency and public accountability remain strong across the entire system of government.

More than just a moral value

Academic research has demonstrated that high levels of corruption are damaging to economic growth irrespective of the type of government – be it an authoritarian one-party state, or a liberal democracy. We in Commonwealth countries are fortunate to have inherited a tradition of more democratic and more transparent government than many of the alternative systems which can be seen around the world.

Corruption – *the abuse of public office for private gain* – can form as much of a brake on the economic motors of developing economies as state subsidies to inefficient industries, unsustainable environmental practices or trade protectionism. Obsolete legislation requires updating, and attitudes have to shift in a concerted effort to oppose corruption, not simply because it is morally wrong. Reduced corruption levels pay material economic dividends.

Gains come in the form of better credit ratings from

international agencies, therefore lower debt servicing costs for governments and better mortgage rates for the citizens. Aid donors are more likely to support projects in a country which they perceive as less corrupt. Foreign direct investment, which creates jobs and valuable tax revenues for public infrastructure and social services, seeks out financially sound environments free of corrupt practices. And businesses generally operate more effectively in an environment where they can invest a greater proportion of their revenues into capital equipment, research and development, and higher salaries for skilled staff rather than paying bribes and back-handers.

It is paramount that we all work hard across the Commonwealth to place the public good ahead of individual greed and stamp out corrupt practices. Parliamentarians have a major part to play in this work.

The Commonwealth Parliamentary Association (CPA) produces a number of toolkits and booklets for Parliamentarians and Parliamentary staff including the *Recommended Benchmarks for Codes of Conduct for Members of Parliament*.

Please contact hq.sec@cpahq.org for further information or visit www.cpahq.org to download a copy.



CPA COMMONWEALTH
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**Recommended Benchmarks for
Codes of Conduct
applying to
Members of Parliament**



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AUSTRALIA'S LEAD IN THE TRAINING OF ELECTION OFFICIALS IN THE COMMONWEALTH



Hon. Alexander Downer, AC is the Australian High Commissioner to the United Kingdom. Mr Downer has had a long and distinguished political career in Australia and is a former Parliamentarian. He was until recently the United Nations Special Adviser to the Secretary-General on Cyprus. Elected to the Federal Parliament in 1984 (Liberal member for Mayo in South Australia), he served as Australia's Minister for Foreign Affairs (1996-2007), making him Australia's longest-serving Foreign Minister.

The establishment of a 'Commonwealth Electoral Network' (CEN) bears testimony to the recognition by Commonwealth member states that no election could be held - and no Parliamentarian elected - were it not for the dedication and commitment of hundreds, if not thousands, of election officials. These men and women work to ensure that voters are registered, ballots are printed, and results are tallied and declared. It is on this premise that CEN was created in 2010 to act as a practical, accessible and engaging network for election management professionals across the Commonwealth.

Following its formation, CEN's Steering Committee very soon identified the need for continuous training to raise cadres of young election professionals as key to the Commonwealth Electoral Network's future success. Encouraged by Canberra's commitment to the advancement of democratic governance across the globe, CEN's Steering Committee and the Commonwealth Secretariat jointly approached Australia in 2010 requesting support for a program aimed at training junior Commonwealth election professionals. The result of these consultations was the creation of the Commonwealth Junior Election Professionals

(JEP) Initiative, announced at the 2011 Commonwealth Heads of Government Meeting (CHOGM) in Perth. The Australian government committed a grant of A\$900,000 to the initiative for the staging of comprehensive training programmes for an initial three year pilot phase.

Since the official launch of its training programmes in June 2013, the JEP initiative has drawn on the Commonwealth's strengths in terms of both its world class expertise in elections issues as well as its ability to connect and bring together the experience and diversity of the family of Commonwealth election management bodies (EMBs).

Results based management, sustainability and a strong gender focus were built into the initiative's design from the outset, ensuring that its impact would be measurable and lasting. The JEP methodology and training programmes have proven to be particularly effective in addressing the principle-based aspects of electoral management – i.e. issues relating to public participation, incumbency and international standards. These are identified by participants as the areas in which they are least confident prior to training.

Pre- and post-training responses submitted by participants clearly demonstrate

the impact of the intervention. When canvassed, 100% of the trainees agreed that they have learned and benefited from the training programme, 85% stated that participation had increased their skills, knowledge and effectiveness as electoral administrators, 77% indicated that they have stayed in touch with their fellow trainees, and 43% of participants reported that their EMBs were doing things differently as a result of their recommendations.

Training programmes undertaken with Australia's financial support during the initial phase of the initiative have also played a significant role in helping to strengthen the culture and institutions of democracy in Commonwealth member countries. To date five regional training workshops have been

"Since its inception the initiative recognised the importance which Commonwealth member states collectively and individually attach to free and fair elections as a cornerstone of democracy."



Left: Participants in the Commonwealth Junior Election Professionals (JEP) Initiative. Images: Commonwealth Secretariat.

hosted under the auspices of the JEP in Africa, Asia (twice in India), the Caribbean and the Pacific. Almost 90 junior election professionals have completed JEP training programmes, including 39 men and 49 women, from 42 national EMBs in Commonwealth member states.

Based on these successes, Australia has decided to continue with the initiative for a second three year phase. The announcement by Prime Minister Malcolm Turnbull on 28 November 2015 at CHOGM in Malta confirmed Australia's willingness to provide an additional grant of AUD\$ 1 million to support the initiative's second phase.

Since its inception the initiative recognised the importance which Commonwealth member states collectively and individually attach to free and fair elections as a cornerstone of democracy. During the second phase it will therefore remain the initiative's principal aim to continue to meet and support stable and effective electoral processes that will regularly culminate in successful democratic elections.

It is widely recognised that the successful planning and conduct of any electoral process is dependent on sustained preparation between elections. In this regard EMBs are considered

not only as vital partners in advancing the success rate of democratic processes, but also as custodians of the Commonwealth's fundamental democratic values and beliefs.

Training programmes have in the past exposed significant variances in the needs and requirements that exist across the Commonwealth permanent EMBs on the one hand, and non-permanent and micro-EMBs on the other. Building on the lessons learned during the first phase, the JEP initiative phase two will consequently continue to implement a model of regional, principles-based capacity building events targeting these two distinct groups.

Some of the unique challenges faced by non-permanent and micro-EMBs in the Commonwealth Pacific and Caribbean regions reside in their difficulties accessing and applying best practice principles. With this in mind, phase two will continue to build and adapt training

interventions to equip those junior election professionals, deployed in the absence of a permanent EMB, with an understanding of the principles of effective electoral administration.

Delivery of the JEP training initiative has also demonstrated the large degree of convergence between the challenges faced by Commonwealth permanent EMBs. The training programmes being developed for this target group during the next phase will consolidate the successful 'principles-based' training approach that has already been established while providing more in-depth treatment of topics such as political party and campaign financing, managing the power of incumbency, and

with EMBs put it in a unique position to consult and jointly identify the key training needs of Commonwealth junior election professionals. The Secretariat will accordingly continue to lead in the planning and implementation of the next phase of the initiative in close consultation and cooperation with regional and other bodies already active in this field.

Australia is proud to remain associated with the JEP initiative and will continue to support the evolution of its second phase to consolidate the gains already achieved and to expand the reach and depth of this important network of young professionals in the Commonwealth.





REACHING OUT AT CHOGM 2015: LAUNCHING THE COMMONWEALTH INITIATIVE ON FREEDOM OF RELIGION OR BELIEF



Baroness Elizabeth Berridge is a Member of the UK Parliament's Upper House and Co-Director of the Commonwealth Initiative for Freedom of Religion or Belief. She Co-Chairs the All-Party Parliamentary Group for International Freedom of Religion or Belief and sits on the Select Committee for Social Mobility and the Ecclesiastical Committee. Additionally, she is a member of the International Panel of Parliamentarians for Freedom of Religion or Belief.

'Pack an umbrella' was top of the list as I prepared to go to Malta along with a resolve to meet and discuss CIfORB with as many Commonwealth Parliamentarians and human rights contacts, as possible in the meetings and corridors of the Commonwealth Heads of Government Meeting (CHOGM).

I had visited Malta once before for a week's holiday in November and spent a happy but very wet week playing canasta and watching DVDs, so besides unpredictable weather and the stunning, 'history rich' Maltese landscape I was not sure what to expect from my first 'CHOGM' and in fact my first contact with any form of multi-lateral meeting since joining the UK House of Lords in January 2011.

Although we had only just begun work, attending CHOGM was vital to see what the vision would be under the next Secretary-General. I was so glad that I went as it was a rich experience particularly in my role as co-project director of the Commonwealth Initiative on Freedom of Religion or Belief which is my main Commonwealth connection, so if I had had the time to send postcards home from Malta these would have been the themes.

The reason for the journey... CIfORB

CIfORB stands for the Commonwealth Initiative for Freedom of Religion or Belief and is based in the Edward Cadbury Centre for the Public Understanding of Religion at the University of Birmingham. The initiative seeks to empower Parliamentarians to promote and protect freedom of religion or belief through research, education and advocacy. With the focus of the Commonwealth this year on being 'an inclusive Commonwealth', it seems an opportune time to start this venture. The University of Birmingham was a deliberate choice as Birmingham also exhibits the multi-religious diversity of the Commonwealth partly as much of its migration is Commonwealth Diaspora.

Much of the Commonwealth has a great story to tell in terms of the human right, freedom of religion or belief; countries that are richly diverse religiously such as Trinidad, Guyana, Mauritius, Botswana, and Ghana have produced peaceful societies where there is not only freedom of worship but good inter religious relations. CIfORB wants to learn why such countries are successful, what role the Parliamentarians have played and looks to build relationships with

Parliamentarians in countries where freedom of religion or belief is under strain. This is part of what I see as the often quoted '*untapped potential*' of the Commonwealth to be; a nimble, '*bureaucracy light*' network of countries that are all democracies, sharing a common language and legal system which is an ideal forum to build parliamentary relations to bring solutions for the Commonwealth people.

Lack of Faith

This was one of the most surprising aspects for a network like the Commonwealth that is so full of great NGO activity. I did not bump into one religious leader nor an ostensibly faith-based NGO in Malta at CHOGM 2015, many of who are delivering education, health care and human rights advocacy training in Commonwealth countries. The only part of the world that became less religious in the 20th century was Western Europe and, of the three European countries in the Commonwealth, only the UK probably represents that trend. Cyprus is still a heavily Greek Orthodox country and the Maltese Catholic churches seemed to be key parts of the community, not only tourist attractions. The religious diversity of the Commonwealth



with Buddhist, Hindu, Muslim and Christian majority countries was another key reason to base an initiative on freedom of religion or belief in the Commonwealth. Although we live in a world where the headlines seem to be full of references to religion, often inaccurate, this absence of engagement with religion is common amongst most multi-lateral organisations. Here is therefore, yet another opportunity for this nimble network of the Commonwealth to lead the way in how to engage with religious communities and their leaders.

Everyone was there and on tender hooks

There is only so much you can learn about the Commonwealth I have concluded in hindsight, without going to a CHOGM. With four fora in the run up to the actual CHOGM, everyone from the organisations we wanted to connect with had someone there; the Commonwealth

Human Rights Initiative, the Roundtable, the Commonwealth Fora of National Human Rights Institutions, the Commonwealth of Learning, etc. so it was easy to connect with them. Apparently much of the history of the Commonwealth is a feeling that this is a crucial time for the network but it really did feel this way in Malta. The selection of the new Secretary-General meant that everyone was on tender hooks and the Peoples' Forum along with the Maltese Parliament ran an excellent hustings with the three candidates outlining their vision for the future. I was struck at how active the NGOs were in their engagement in this election and how many of their concerns were about Human Rights. As Baroness Scotland, the candidate from Dominica is also a colleague from the House of Lords and so I was overjoyed for her personally when she was elected. The time, energy and dedication that she put

into her campaign bodes well for the future leadership of the Commonwealth.

Connecting Parliamentarians through CHOGM

It is only a matter of weeks for any new Parliamentarian in the UK Parliament, before the CPA UK branch introduce themselves to you and seek to involve you in their busy programme of events. I was heartened at how often Commonwealth colleagues were in London and how much they told me they saw the UK as the *'Mother of Parliaments.'* So it was as a guest of CPA UK that I took part in the Commonwealth Women's Forum which was held for first time at CHOGM 2015. Although there were a few fellow Parliamentarians who were there and the whole of CHOGM operationally was being held together by the indomitable Phyllis Muscat, I did wonder whether there was a need to specifically bring together female Parliamentarians alongside or as part of the Women's Forum. There is much we can learn from each other and despite a number of busy networks, there is more to be done to connect Parliamentarians into the CHOGM Forums.

Most of the CPA UK events I have attended have been bi-lateral and I do hope the new, energetic CPA Secretary-General will look to bring Parliamentarians together when the UK hosts the next CHOGM in early 2018. As one of the distinctive characteristics of the Commonwealth is that the members are all democracies, this would surely be useful.

From civil society to business

From the energy of the Women's Forum, I then made my way as a delegate at the revitalised Commonwealth Business Forum under the leadership of the new Commonwealth Business and Enterprise Forum. This is

run by another UK Parliament colleague, Lord Marland and the first session was packed with over 1,000 delegates. This had a completely different feel to the other forum, with greater participation of Heads of State on the platform over the three days and many businesses and organisations in the Exhibition Space. The specialised workshops that followed the opening session were also well attended. For a human rights initiative like CIfORB which forms part of the background for the peace and rule of law that business needs to prosper, this was a great opportunity to see how much could be understood of the importance of connecting CIfORB with key business leaders.

Looking forward to the next CHOGM

It was sad to learn that the devastation in Vanuatu from the hurricane will mean that CHOGM will not be held there in 2017 after seeing how much profile hosting CHOGM can give to a nation. So with the UK hosting CHOGM in 2018, it will be an opportunity for CIfORB to seize the momentum and ensure wide ranging discussions on religious freedom are given the appropriate platform and that leaders in faith, business, society and politicians all contribute.

The UK will be able to carry on the momentum from Malta especially for the Business and Women's Fora and as the UK Government has begun a radical programme of devolution to local regions, I hope there is stiff competition to be the host city for CHOGM 2018.

For more information on the Commonwealth Initiative on Freedom of Religion or Belief visit www.ciforb.org



Commonwealth Women Parliamentarians (CWP) News and Regional Strengthening Activities



New Zealand and Solomon Islands Women Parliamentarians meet to promote dialogue on gender related issues

The Commonwealth Women Parliamentarians New Zealand (CWP NZ) Branch sought out opportunities for Members to discuss and act on gender-related and other issues in New Zealand and the Pacific Region. The CWP NZ Co-Chairs Jo Hayes MP and Louisa Wall MP and Pacific Regional Chair, Poto Williams MP were delighted to meet with Solomon Islands' Ministers Hon. Freda Tuki Soriocomua, Minister of Women, Youth & Children's Affairs, Hon. John Dean Kuku, Minister of Public Service, accompanied by Her Excellency Mrs Joy Kere, High

Commissioner to New Zealand (image above).

The visit of Minister Tuki and Minister Kuku took place under the New Zealand emerging leaders' programme of the Pacific Partnership Fund. The principal objective of the programme is to build the capacity of emerging Pacific leaders. Minister Tuki is the sole female member of a 50 seat Parliament. Her visit provided an important chance to build relationships with New Zealand Parliamentarians and is part of a wider effort to support effective governance and capacity building in the Solomon Islands.

Minister Tuki shared experiences around family violence and child safety legislation. Violence is seen an indicator of the status of women and girls, and its eradication key

to improving their lives. Ways to improve women's representation in local and central government was explored, including leveraging existing women leaders in non-governmental organisations, rural and community groups, small business, and in sports. It was agreed that it was not simply a matter of increasing the number of women candidates, but ensuring they were able to succeed in their roles once elected.

The CWP NZ will mark International Women's Day on 8 March and continue its work to promote women's representation in partnership with parliaments in the Pacific Region.

CWP Pacific meeting between New Zealand and Tuvalu discusses womens' representation

Commonwealth Women Parliamentarians (CWP) Pacific Region Steering Committee Member Hon. Munoko Poto Williams MP from the New Zealand Parliament met with Dr Puakena Boreham, the only female MP in the Parliament of Tuvalu (below left) and they spoke about how mentoring and connections between women members in the Pacific can enhance performance and confidence in the House and its committees.

Women Parliamentarians discuss policy and legislative developments for empowering women

Members and representatives of the Commonwealth Women Parliamentarians International Steering Committee - Hon. Meenakshi Lekhi MP (India); Lisa Dempster MHA (Canada); Hon. Catherine Cusack MLC (Australia); Patricia Ferguson MSP and Roberta Blackman- Woods MP (UK) - attended the CWP Women Parliamentarians British Islands and Mediterranean Region (BIMR) Conference which took place in Guernsey (below right).

The theme of the annual conference was *"Influencing Policy and Legislation for the Empowerment of Women"*.

Presentations were delivered by a range of high-profile academics, a medical professional, as well as Parliamentarians from the BIMR as well as other Commonwealth nations such as Australia and Canada.

Delegates discussed a range of key topics including employment, health and education policies for females, the gender pay gap, gender budgeting, and health disparities and inequalities for both men and women.



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THIRD READING: QUÉBEC, CANADA

Between September and December 2015, the National Assembly of Québec passed 17 public bills, including 12 unanimously. The following is an overview of the new legislation pertaining to various fields of State intervention.

Transition Allowance for Members

The National Assembly unanimously passed Bill 78, *An Act to regulate the granting of transition allowances to Members who resign during their term of office*. Under the Act, a Member who resigns during his or her term of office may receive a transition allowance only if the Ethics Commissioner, who is responsible for the administration of the Code of ethics and conduct of the Members of the National Assembly, determines that the resignation is due to a serious family matter or a major health issue affecting the Member or a member of his or her immediate family. If an allowance is granted, it may be reduced by an amount equal to other sources of income the Member receives. The Act is based on one of the recommendations framed in the report of the independent advisory committee chaired by **Claire L'Heureux-Dubé**, a retired Supreme Court justice. The Committee was established by the Office of the National Assembly in 2013 to make proposals on the employment conditions of Members of the National Assembly.

In its report tabled on 29 November 2013, the Committee recommended various legislative and regulatory amendments relating to the indemnities and allowances, accommodation expenses and pension and insurance plans of the Members of the National Assembly. The Committee also stated that its recommendations form a coherent whole and that it would be inappropriate to retain only certain elements.

Section 5 makes the coming into force of the measures in the Act retroactive to 12 November 2015, the date on which the bill was tabled in the National Assembly. On the same day, a second bill was tabled to give effect to the other recommendations in the L'Heureux-Dubé report, including that advocating the creation of a permanent independent Committee mandated to

periodically review the employment conditions of the Members of the National Assembly.

Justice

On 18 November 2015, the National Assembly passed Bill 51, *An Act mainly to make the administration of justice more efficient and fines for minors more deterrent*. The Act amends certain legislative provisions that are under the responsibility of the Minister of Justice and other provisions relating to traffic or toll offences.

The Act amends the Courts of Justice Act to facilitate access to justice by enabling the Québec Court of Appeal to hold legal proceedings outside the two larger urban centres (Québec City and Montréal) and thus bring them closer to parties and prosecutors living in other areas. Consequently, a decision rendered in a trial held in a rural community may be appealed in the same place, thus eliminating the need for parties and third persons to travel.

Under an amendment to the Code of Civil Procedure, the Court may exceptionally exempt a party, given its financial situation, from paying the costs prescribed for each hearing day required to try the merits of a case.

Other measures are intended to modernize the administration of justice, in particular, by adapting practices to new technologies. Amendments to the Code of Penal Procedure make the special trial by default procedure applicable to offences evidenced by an automated camera system in penal proceedings deemed uncontested by the defendant.

Lastly, an important aspect of the Act is intended to make the fines imposed on offenders under 18 years of age more deterrent. Consequently, the maximum limit on fines that may be imposed on minors who contravene the Highway Safety Code or the Act respecting off-highway vehicles is raised from \$100 to \$750.

Tobacco control

Bill 44, *An Act to bolster tobacco control*, was passed unanimously on 26 November 2015.

The Act restricts tobacco use both in enclosed spaces and outdoors. It prohibits smoking in motor vehicles in which a minor under 16 years of age is present, in outdoor play areas intended for children, on the grounds of vacation camps and at skating rinks that are used by minors, and on restaurant and bar terraces. It also prohibits smoking within a nine-metre radius from any door, air vent or window communicating with enclosed spaces to which the public has admittance.

Under the Act, the restrictions applicable to tobacco products are applied to electronic cigarettes. However, the operator of a specialized retail outlet for electronic cigarettes may display such cigarettes subject to certain conditions, including the condition that they be visible only from the inside of the retail outlet.

Lastly, the retail sale or distribution of tobacco products having a flavour or aroma other than that of tobacco, such as menthol cigarettes, is prohibited.

Tourist accommodation

Bill 67, *An Act mainly to improve the regulation of tourist accommodation and to define a new system of governance as regards international promotion*, was passed unanimously on 1 December 2015. The Act is intended to eliminate illegal accommodation operated by persons who use Internet platforms to provide services without a permit or classification. On receipt of an application for a classification certificate, the Minister of Tourism must verify with the municipality concerned to ensure that the intended use is in conformity with its zoning by-laws. The Minister may entrust certain ministerial powers of inspection to recognized bodies for classification purposes. Under the Act, any person who operates a tourist accommodation establishment without a classification certificate is liable, for a first offence, to a fine of \$2,500 to \$25,000 in the case of a natural person and \$5,000 to \$50,000 in other cases. Those amounts may be doubled for a second offence and tripled if the illegal accommodation activities do not cease.

Animal protection

Bill 54, *An Act to improve the legal situation of animals*, was passed unanimously on 4 December 2015. It amends the Civil Code of Québec to explicitly provide that animals are sentient beings and not things.

The *Animal Welfare and Safety Act* is enacted, its purpose being to establish various rules to provide proper protection for domestic animals and certain wild animals. To that end, the owner or custodian of an animal must ensure that the animal receives care that is consistent with its biological needs. As such, that person must ensure that the animal has access to drinking water and food of acceptable quality in sufficient quantity. The animal must be kept in a suitable place that is sanitary and clean with sufficient space and lighting. The new Act also prohibits a series of acts, such as abandoning an animal or training it to fight.

The Act requires veterinary surgeons and agrologists to report cases of animal abuse or mistreatment. In addition, the Act grants immunity to any person who, having reasonable cause to believe that an animal's welfare or safety is compromised, reports the situation in good faith.

The Act also includes a series of measures to fight what are commonly called “puppy mills”. Consequently, any person or enterprise that is the custodian of 15 or more cats, dogs or equines must hold a permit issued by the Minister of Agriculture, Fisheries and Food.

In addition, the Act introduces measures for providing assistance to animals in distress, such as powers relating to inspections, orders, seizures and confiscations.

Lastly, the Act determines the penal provisions applicable when its provisions are contravened. In the case of a natural person, a fine of up to \$62,500 may be imposed, depending on the severity of the offence. The fine may be doubled in the case of a second offence and even tripled for a subsequent offence. For subsequent offences, a maximum term of imprisonment of 18 months may be imposed.

The Act is based on Canadian legislation

that received top ranking from the Animal Legal Defense Fund, specifically, legislation passed by Manitoba, Ontario and British Columbia.

Health

On 10 November 2015, the National Assembly passed Bill 20, *An Act to enact An Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation*.

It enacts the Act to promote access to family medicine and specialized medicine services, which introduces certain obligations applicable to the practice of physicians who participate in the Québec Health Insurance Plan. General practitioners must provide medical care to a minimum caseload of patients and make themselves available to insured persons by means of an appointment system set up in accordance with the Act. Medical specialists are required to offer medical consultations, elsewhere than in the emergency department of an institution, to patients who are not users admitted to a centre operated by an institution. If a physician fails to fulfil these obligations, his or her remuneration will be reduced by the

Régie de l'assurance maladie du Québec. In addition, requirements are introduced to ensure continuity of care for patients. Lastly, an information system designed to allow patients to find a physician who agrees to provide medical care to them is set up.

This Act also amends the Act respecting clinical and research activities relating to assisted procreation to add various provisions applicable to such activities. Research projects concerning such activities must be approved and monitored by the research ethics committee established by the Minister of Health and Social Services. The Collège des médecins du Québec is required to draw up guidelines on assisted procreation and ensure that they are followed. Furthermore, assisted procreation activities must, in some cases, be preceded by a positive psychosocial assessment of the parties to the parental project.

The Health Insurance Act is amended as well to provide that assisted procreation activities, with the exception of artificial insemination services, will no longer be covered under the public health insurance plan, but that fertility preservation services will be added to that coverage.



NEW GOVERNMENT SWORN IN

Government sworn in

On 4 November 2015, Rt. Hon. Justin Trudeau MP, Canada's 23rd Prime Minister, was sworn in, along with his 30-member cabinet. The cabinet was smaller than the previous one, which had 39 members—26 ministers and 13 ministers of state.

For the first time ever, there are an equal number of women and men in cabinet. The cabinet also includes 18 first-time MPs, some of whom were appointed to key portfolios for example, Hon. William Morneau MP, a business leader, became Minister of Finance; Hon. Jody Wilson-Raybould MP, a lawyer and First Nations leader, was named Minister of Justice and Attorney General of Canada; Hon. Catherine McKenna MP, a lawyer with extensive international experience, was appointed Minister of Environment and Climate Change; and Hon. Harjit Singh Sajjan MP, a retired lieutenant-colonel, became Minister of National Defence.

At the same time, a number of former ministers were named to cabinet, including: Hon. Ralph Goodale MP (Minister of

Public Safety and Emergency Preparedness), Hon. Lawrence MacAulay MP (Minister of Agriculture and Agri-Food); Hon. Stéphane Dion MP, (Minister of Foreign Affairs); Hon. John McCallum MP, (Minister of Immigration, Refugees and Citizenship); and Hon. Carolyn Bennett MP, (Minister of Indigenous and Northern Affairs).

Interim Conservative Leader

On 5 November, the Conservative Party caucus chose Hon. Rona Ambrose MP, as interim leader. First elected in 2004, Ms. Ambrose held a number of cabinet portfolios, including the environment, intergovernmental affairs and health.

The Conservative Party created a committee to organize and set rules for the leadership race. In January, the committee decided the leadership election would be held on 27 May 2017.

Opening of Parliament

Canada's 42nd Parliament was opened on 3 December. At the outset, Liberal Senator Hon. George Furey was appointed Speaker of the Senate to replace Conservative Senator Hon. Leo Housakos.

In the House of Commons, the Speaker was elected by preferential ballot for the first time. MPs ranked their choices among the four candidates by order of preference. If no candidate received a majority, the one with the fewest first preferences was eliminated; the second preferences were then re-allocated until one

candidate achieved a majority of the vote.

The process resulted in the election as Speaker of Hon. Geoff Regan MP, who represents Halifax West, Nova Scotia. He was first elected to the House of Commons in 2000.

On 4 December, Governor-General His Excellency Rt. Hon. David Johnston read the Speech from the Throne. The Speech emphasized the government's commitment to growth for the middle classes, open and transparent government, a clean environment, a strong economy, strength in diversity and greater security.

Following the opening, Parliament sat for a week. The government introduced legislation to amend the Income Tax Act by reducing the tax rate for the middle-class and increasing it for the wealthy. Parliament also adopted a bill granting money for the federal public administration.

Committees of the House of Commons were not established before Parliament adjourned for the Christmas break. The government tried to establish the Finance Committee so that it could conduct pre-budget consultations during the break, but did not receive the necessary unanimous consent.

The House did agree, however, to set up a Special Joint Committee of the Senate and the House of Commons to examine the Supreme Court's ruling on physician-assisted suicide. In February 2015, the Court struck down the laws prohibiting assisted suicide in certain circumstances and gave Parliament one year to enact new legislation. The

government asked the Court for a six-month extension, but in January 2016, the Court granted a four-month extension.

Parliament resumed sitting in late January, and on 3 February, the House of Commons adopted a New Democratic Party (NDP) motion on pay equity. Among its provisions was the establishment of a special committee to "conduct hearings on the matter of pay equity and to propose a plan to adopt a proactive federal pay equity regime."

In terms of legislation, the government introduced a couple of bills that would revoke changes the previous government had made regarding collective bargaining with public service unions.

Effect of the Reform Act, 2014

Under the Reform Act, 2014, when party caucuses held their first meetings following the general election, they had to decide whether to give caucus members the power to trigger a vote on holding a leadership review, electing and reviewing the caucus chair, expelling or readmitting a caucus member, or electing an interim leader. The Conservative Party caucus decided against allowing caucus members to trigger a vote on holding a leadership review. The caucus did vote to give caucus members the power to elect the caucus chair and to expel or readmit a caucus member.

The Liberal Party caucus decided to refer the issue to its next biannual convention. The NDP caucus deferred the issue to a future caucus meeting.



Rt. Hon. Justin Trudeau, MP
Prime Minister of Canada

The Senate

Under Canada's Constitution, senators are appointed by the Governor-General on the advice of the Prime Minister. During the election campaign, the Liberal Party promised to create a non-partisan, merit-based process for appointing senators. Accordingly, on 3 December Minister of Democratic Institutions, **Hon. Maryam Monsef MP**, and Leader of the Government in the House of Commons **Hon. Dominic LeBlanc MP**, announced the establishment of an Independent Advisory Board on Senate Appointments to advise the Prime Minister on appointments to the Senate. The Prime Minister will appoint the Board's five members, two of whom will be from the province or territory that has Senate vacancies to be filled.

When evaluating candidates, the Board will take into account gender balance, minority representation, non-partisanship, knowledge of the legislative process and the Constitution, and personal integrity. The first appointments will fill Senate vacancies for Manitoba, Ontario and Quebec.

The new process was criticized by the Premier of British Columbia, **Christy Clark, MLA**, who said the process would give legitimacy to the un-elected upper house in which her province is under represented.

Meanwhile, in late 2015 **Senators Hon. John D. Wallace** and **Hon. Jacques Demers** left the Conservative Party caucus to sit as independents, and in February **Senator Hon. Pierrette Ringuette** left

the Liberal caucus to sit as an independent. Also in February, **Senator Hon. Maria Chaput** resigned due to health reasons and **Senator Hon. Irving Gerstein** retired, bringing the number of vacancies in the 105-seat chamber to 24.

Two years ago, Liberal Leader Justin Trudeau expelled senators from the Liberal Party parliamentary caucus. As a result, there was a certain amount of confusion about who represents the government in the Senate. In December, the Senate adopted a motion to allow cabinet ministers—none of whom is a senator—to take part in Senate question period. On 3 February, the Minister of Fisheries, Oceans and the Canadian Coast Guard, **Hon. Hunter Tootoo MP**, appeared in the Senate chamber to answer questions.

E-Petitions

With the opening of a new Parliament, Canadians are now able to submit petitions electronically. Using the e-petitions website, they may select an MP to sponsor their petition. Once they have a sponsor and the Clerk of Petitions has certified that the petition meets the rules, the petition is published on the website and opened for public signatures. If it receives 500 signatures within 120 days, the government must respond to the petition within 45 calendar days.

The first e-petition was sponsored by **Kennedy Stewart MP**, whose private member's motion in the last Parliament led to their adoption.



THIRD READING: BRITISH COLUMBIA, CANADA

Provincial Immigration Programmes Act

The Provincial Immigration Programmes Act improves the transparency and administrative efficiency of provincial immigration programmes. The legislation authorizes the designation of a Director of Provincial Immigration Programmes, and sets out that official's powers and duties in supporting immigration programmes, including the existing provincial nominee programme. The legislation also strengthens the province's ability to collaborate with the federal government on immigration matters and selection programmes that could be developed in future federal-provincial agreements and discussions, and enables the director, with the prior approval of the minister responsible for the Act, to enter into new information-sharing agreements with the federal government in order to facilitate immigration into the province.

During Second Reading debate, **Hon. Shirley Bond**, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour, indicated that with *"fewer young people entering the workforce than older people leaving it ... British Columbia needs to look, today and in the future, at how we will provide the workers that will be necessary for the economic growth we anticipate."* To this end, the legislation will provide *"a legislative foundation for the administration of provincial immigration programmes."*

The Opposition critic for Immigration and Temporary Foreign Workers, **Mable Elmore, MLA**, noted the legislation's positive steps with respect to programme administration, and called for action *"to regulate recruiters, to bring an end to the charging of exorbitant recruitment fees, to also register employers to provide that accountability and ... ensure that there's a proactive system in place"* to protect immigrant workers' rights.

The Provincial Immigration Programmes Act received Third Reading on 4 November 2015.

Workers Compensation Amendment Act (No. 2), 2015

The Workers Compensation Amendment Act (No. 2), 2015 implements government's response to recommendations of a coroner's inquest into tragic accidents that occurred in the Prince George and Burns Lake sawmills in 2012.

The statutory changes make workplaces safer through: strengthened reporting by employers of workplace fires or explosions; increased employer investigation reports of workplace accidents; enhanced worker and employer representation in employer accident investigations; a role for workplace health and safety committees to provide advice to the employer on equipment and machinery changes that may affect health and safety; and greater support for workplace health and safety committees in resolving disagreements over health and safety matters.

Hon. Shirley Bond, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour, told the Legislature that the coroner's *"recommendations were very thoughtful, and in fact, they ... will further the safety of workers in this province and help prevent accidents like those that occurred"* in 2012.

Shane Simpson, MLA, Opposition critic for Economic Development, Jobs, Labour and Skills, while supporting the legislative provisions, urged government to empower workers and give them *"a greater say and influence on health- and safety-related issues, using the joint health and safety committee as the vehicle to do that."*

The Workers Compensation Amendment Act (No. 2), 2015 received Third Reading on 5 November 2015.

Electoral Districts Act

The Electoral Districts Act gives effect to the resolution of the Legislative Assembly approving the report of the Electoral Boundaries Commission entitled, *"British Columbia Electoral Boundaries Commission Final Report – September 24, 2015."* The resolution was adopted unanimously on 28 October 2015, and the legislation was introduced later that day.

Under the Electoral Boundaries Commission Act, an independent Electoral Boundaries Commission must be established within one year after every second provincial general election in order to make recommendations on equitable and effective representation across the province. Similar processes exist across Canada, providing independent and regular reviews of electoral districts.

In describing the legislation, **Hon. Suzanne Anton**, Minister of Justice and Attorney General, said the Commission *"had the flexibility to address population growth in the province by proposing up to two additional districts, and it has chosen to exercise that option by proposing a new district in Surrey and one in Richmond–New Westminster."* The two new districts in the rapidly growing region around Vancouver will increase the number of electoral districts from 85 to 87 in conjunction with the next provincial general election in 2017.

The legislation was supported unanimously, and Members on all sides commended the Commission for its work. Debate on the legislation also provided opportunities to discuss the electoral process and matters of specific concern in their districts. **Gary Holman, MLA**, Opposition critic for Democratic Reform, stated that during the 2013 provincial general election, he was *"struck by the civility among the partisan representatives ... It was a lesson to me in democracy – how our democracy in this province has its challenges but, in that particular instance, how well it worked."*

The Electoral Districts Act received Third Reading on 17 November 2015.



THIRD READING: NEW ZEALAND

Passports Amendment Bill (No 2)

The Passports Amendment Bill (No 2) unanimously passed its Third Reading on 15 October 2015, amending the Passports Act 1992. The changes increase the validity period of New Zealand passports from five years to 10 years, increase the validity of refugee travel documents to five years, and extend the electronic management of passport details, allowing passports to be cancelled remotely.

Hon. David Cunliffe MP (Labour) explained that the validity period of New Zealand adult passports was reduced in 2005 to five years *"because in the immediate aftermath of the horrific terrorist attacks on 9/11 it was decided that, based on the technology at the time, it was more secure for New Zealanders both travelling and at home that a five-year passport be introduced, because it was easier to control and its renewability meant that that could be future-proofed."*

Improvements in security technology have justified the return to 10 years' validity, said **Hon. Peter Dunne MP** (Leader, United Future), although *"10 years is the longest validity period recommended by the International Civil Aviation Organization, and there is good reason why New Zealand should not stray from these internationally agreed guidelines."* However, people under the age of 16 will still be required to have a five-year passport, which **Mr David Clendon MP** (Green Party) noted *"is appropriate given the rapid changes in appearance and so on of people of that age."*

Mr Brett Hudson MP (National) said he was *"delighted to also see that we are making a change to increase the validity of refugee travel documents from two years to five years, because that aligns with the residency period for them to then seek permanent residency or citizenship."*

Mr Mark Mitchell MP (National) agreed that *"although they are a small part of our community here in New Zealand, they are an important part."*

Mr Adrian Rurawhe MP (Labour) supported the legislation as being *"all the things that I think every day, ordinary Kiwis will be happy to have as part of their application for a passport and for obtaining a passport."*

Returning Offenders (Management and Information) Bill

The Returning Offenders (Management and Information) Bill was introduced on 17 November 2015, establishing a regime for the identification and management of offenders returning to New Zealand after having been sentenced to more than one year's imprisonment in an overseas jurisdiction. The Bill was considered under urgency because of the imminent arrival of a number of New Zealand-born offenders scheduled for deportation from Australia following a recent law change giving Australian officials the power to cancel the visas of suspected or convicted criminals.

The Minister of Justice, **Hon. Amy Adams MP** (National), explained the intent of the Bill as: *"putting in place the same sort of oversight that offenders would have expected had they been released from a New Zealand prison."* Also speaking in support of the Bill, **Ms Marama Fox MP** (Co-Leader, Māori Party) noted that *"although there are minor offences being caught up in this regime at the lower end of the threshold, we have not excused the fact and the point that there are actually serious offenders who are coming back to New Zealand, and we need to protect our country and our people and our society from the risk of reoffending."*

Opposition Members were critical of the Government's decision to pass the Bill under urgency. **Mr Denis O'Rourke MP** (New Zealand First) stated: *"there are some parts of the bill that if this had been a select committee process rather than what we have got here tonight—a much more restricted process—I would be seeking to improve or change."*

The Green Party abstained from voting, with **Ms Metiria Turei MP** (Co-Leader, Green Party) stating during the Third Reading: *"There is broad agreement on the basic purpose. But the details—the law itself—could have been much better if the process had been more collaborative."*

Ms Jacinda Ardern MP (Labour) raised the issue of the returning offenders' lack of connection to New Zealand, noting that *"for a large chunk of individuals, they are not returning home. They are being moved to an entirely new country, and that makes the job for New Zealand that much more difficult because the key to reintegrating an offender is their connection to community, their connection to a place to reside, their ability to work, and so on."* **Mr David Shearer MP** (Labour) also criticised the Bill's lack of support for deportees, stating: *"There is no plan in place to make sure that those people are reintegrated properly so they do not reoffend."*

Members also raised concerns about the nature of offending, with **Ms Catherine Delahunty MP** (Green Party) saying: *"some people, after they have served their time, do not deserve to be called an offender for the rest of their lives. I think with regard to the distinction in the law here around criminals and offenders, I would prefer to see language that makes it clear what we are actually talking about."*

The Bill passed its Third Reading with 107 votes in favour and 14 abstentions.



NEW ZEALAND FLAG REFERENDUM LEGISLATION

New Zealand Flag Referendums Legislation Passed

In August 2015, the New Zealand Flag Referendums Act came into force, allowing for two postal referendums to take place on the future of New Zealand's national flag, which has been in use since 1902.

The first referendum, held between 20 November 2015 and 11 December 2015, was, initially, to require voters to rank four alternative designs; however, following the release of the final shortlist on 1 September 2015, support for a fifth design, dubbed 'Red Peak', grew on

Below: The current New Zealand flag which became New Zealand's national flag in 1902.

social media and a petition was presented to Parliament, calling for its inclusion in the first referendum.

The New Zealand Flag Referendums Amendment Bill was introduced on behalf of the Deputy Prime Minister, **Hon. Bill English MP** (National), on 23 September 2015 by **Hon. Gerry Brownlee MP** (National), who acknowledged that the Bill to include 'Red Peak' as a fifth option in the first referendum was "introduced to the House by the government but, significantly, it was constructed by Gareth Hughes and a team from the Green Party."

Mr Gareth Hughes MP (Green Party) said the government Bill, which he had unsuccessfully attempted to introduce as a Member's Bill the previous day, was proceeding under

urgency "because the clock is ticking - because we are less than six weeks away from the referendum." The Bill passed all stages under urgency on 23 September 2015, by 109 votes to 12.

Mr Jono Naylor MP (National) described the Bill as "a simple, small piece of legislation as a response to a groundswell of public opinion around the country that says: 'Hey, we'd like to include a fifth option.'"

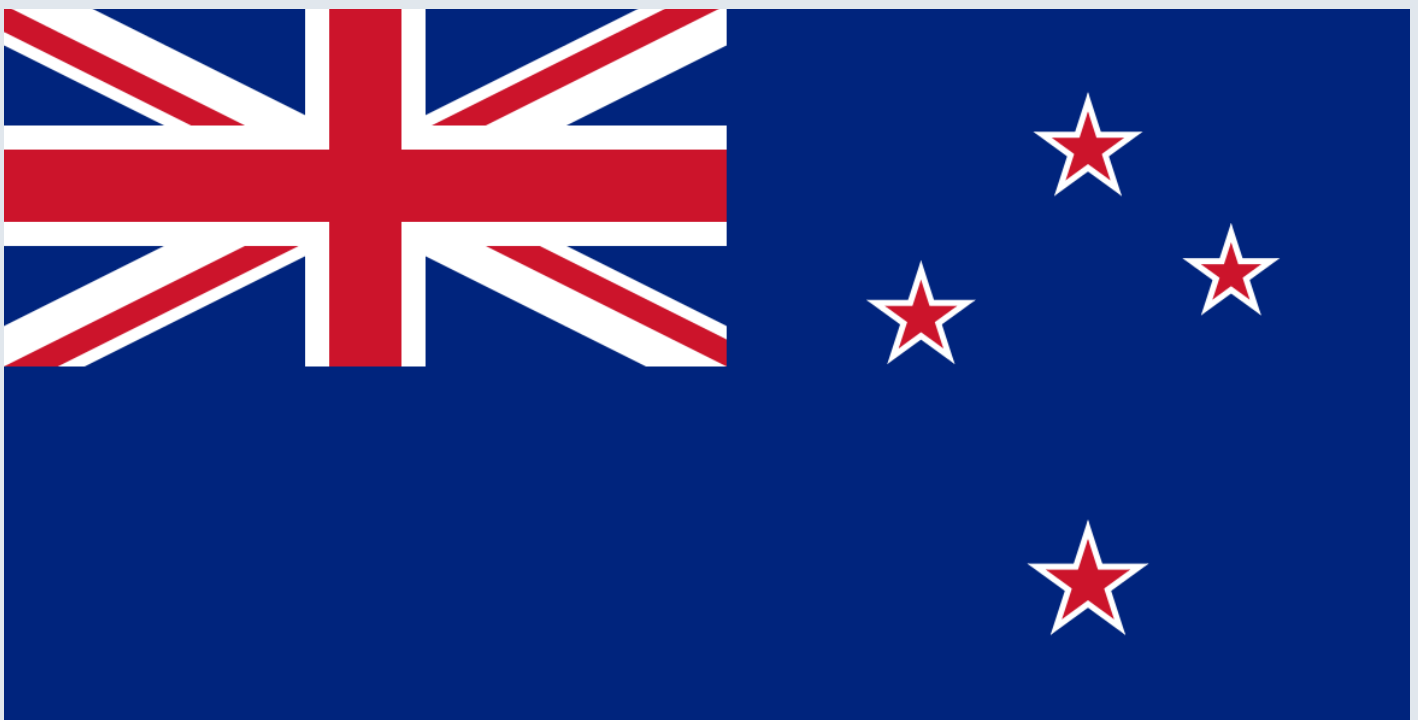
However, **Ms Clare Curran MP** (Labour) expressed concern about the referendum process, saying: "70% of New Zealanders said that they do not want to change the flag and they are not getting the opportunity to vote on that first in the referendum."

Hon. Nick Smith MP (National) explained that New Zealanders "cannot make a

choice as to whether the flag should be changed unless we are clear about what the alternative is, and that is what the process we have set out does."

Also speaking in opposition to the Bill, **Rt Hon. Winston Peters MP** (Leader, New Zealand First) warned: "We will do our utmost in the next few weeks to ensure that New Zealanders have got a chance to go down there and write 'Keep our flag' on the ballot papers, which will mean a majority of informal votes, and this waste of public money will now cease."

The second referendum, scheduled for March 2016, will ask voters to choose between the existing flag and the most popular design from the first referendum.





Above: The alternative New Zealand flag was designed by architect Kyle Lockwood, and features New Zealand icons, the silver fern and the Southern Cross..

Treaty of Waitangi Claims Settlement Legislation

The Minister for Treaty Negotiations, Hon. Christopher Finlayson MP (National), described the reparations under the Treaty of Waitangi contained in the omnibus Te Hiku Claims Settlement Bill as “one of the largest returns of land to Māori ownership through any Treaty settlement.”

Six Bills were divided from the original Bill at the Committee stage, four of these detailing the settlement provisions between the Crown and four Far North iwi [tribes]: Ngāti Kuri, Te Aupouri, Ngāi Takoto, and Te Rarawa.

Cultural redress to the iwi includes the addition of Māori place names as official geographic names for certain areas: Cape Reinga will also be known as *Te Rerenga*

Wairua, and *Te Oneroa-a-Tohe* is the restored name of Ninety Mile Beach.

Furthermore, a new body known as *Te Hiku o Te Ika* Conservation Board has been established, made up of *Te Hiku* tribal representatives and the regional council, to provide Māori governance and protection over the area.

Mr. Finlayson said that the individual settlements were significant and provided each of the iwi an opportunity to determine their future.

“Collectively, however, the settlements are truly unique. The iwis’ decision to join together to negotiate and agree common arrangements across significant redress ... reflects the ancestral network that binds all together, but it also speaks to a great vision. It takes true leadership to work together to that degree.”

Several members paid tribute to a number of key iwi leaders who had passed away during the lengthy course of negotiations.

The other two Bills to be divided from the original Bill were the *Ngāti Kahu Accumulated Rentals Trust*

Bill, which safeguards rental moneys from forest land for the *Ngāti Kahu iwi*, who have not yet reached settlement with the Crown, and the Reserves and Other Lands Disposal Act 1977 Amendment Bill.

The Bills unanimously passed their Third Reading on 8 September 2015.

Speaking in the Third Reading of the *Te Kawerau ā Maki Claims Settlement Bill*, which also passed its Third Reading unopposed on 8 September,

Mr Pita Paraone MP (New Zealand First) stated that *“it reflects, like all claims, the contribution that iwi who settle their Treaty claims make to this nation by accepting a settlement that really does not reflect 100 per cent compensation, to which they are entitled.”*

The Bill gives financial and cultural redress to *Te Kawerau ā Maki*, an iwi that holds customary interests in areas around Auckland.

The financial redress, recognising the losses suffered by the iwi, includes \$6.5 million plus interest

and 86% of Crown-licensed forestry land. The accumulated rentals that come with the forest will provide a cash reserve and will allow other commercial opportunities to be taken up. The iwi is also granted right of first refusal over other Crown-owned properties.

Cultural redress includes the vesting of nine culturally significant sites, including lands on which *Te Kawerau ā Maki* can establish a marae [meeting place] and an *urupā* [cemetery]. Māori names are also returned to several geographical areas.

TURMOIL IN INDIA PARLIAMENT

Demand for Minister's resignation rejected

The fifth Session of the Lok Sabha, the House of the People, commenced on 21 July and concluded on 13 August 2015. The Lok Sabha had a total of 17 sittings. The first sitting of the House was adjourned after paying respect to the memory of a member who had passed away during the inter-session period. A major part the Session was disrupted as the main opposition party kept on pressing its demand for the resignation of a Cabinet Minister.

As soon as the House met the next day on 22 July, the Speaker, Lok Sabha, **Smt. Sumitra Mahajan** informed the House that she had received notices of Adjournment Motion from several MPs and the matters, though important enough, did not warrant interruption of business of the day. She, therefore, disallowed the notices of Adjournment Motion. Many members belonging to the Indian National Congress (INC) came to the well of the House demanding the resignation of the Minister of External Affairs, **Smt. Sushma Swaraj** for her alleged role in facilitating the travel arrangement of an accused in the Indian Premier League (IPL) controversy. The members belonging to the Telangana Rashtra Samiti (TRS) also raised the demand for a separate High Court for Telangana. Due to interruptions, the House was adjourned for some time. When the House re-assembled at 12.00hrs., some members even

displayed flags and placards inside the House. Taking a strong note of this, the Speaker, Lok Sabha, **Smt. Mahajan** made the following observation: *"Maintaining of discipline and decorum in the House is of utmost importance for maintaining the credibility and dignity of Parliament. We have well settled norms of standards to be observed by Members which have been provided for in our Rules of Procedure and Conduct of Business. These are also invariably brought to the notice of all the Hon. Members often through paras in Bulletin Part II. To name a few, Rule 349 provides the norms of etiquettes and standards of rules to be observed by the Members in the House. Rule 351 refers to the mode of addressing the House and Rule 352 provides rules to be observed by Members while speaking in the House. Further, as per Rule 350, only the Member called by the Speaker is entitled to speak while Rule 361 lays down the procedure when the Speaker rises. I have been drawing the attention of the Members to these provisions from time to time. I am, however, pained that none of the norms of etiquettes and standards are being observed by the Members. I have always provided adequate opportunity to all sections of the House to raise matters of topical interest provided the Members give proper notice and seek to raise these matters within the parameter of the rules and accepted norms of behaviour. I would also like to emphatically stress here that in the event of*

disorderly conducts, I would be constrained to initiate appropriate disciplinary action against the erring Members. I hope that all the Members would adhere to the set norms of etiquettes, standards of behaviour with regard to discipline and decorum in the House.

I request all the Members who are displaying placards and other exhibits to immediately refrain from doing so."

On 27 July, the Speaker observed that despite her repeated requests some members kept on displaying placards inside the House which also encroached upon the rights of other members. She said it was totally improper to display placards in front of the Speaker. The Speaker named a member, **Shri Adhir Ranjan Chowdhury** (INC), for having disregarded the authority of the Chair in abuse of the rules of the House by wilfully obstructing the business of the House.

Thereafter, **Shri Arjun Ram Meghwal** (BJP) moved a motion for suspension of **Shri Chowdhury** from the service of the House for the remainder of the Session. After submissions made by some members, the Speaker observed that **Shri Chowdhury** shall withdraw from the House only for the day. The motion was, thereafter, withdrawn by leave of the House.

The Speaker convened a meeting of the leaders of parties on 30 July to end the deadlock. However, the stalemate persisted. On 3 August, the Speaker named 25 members following which

they stood automatically suspended from the service of the House for five consecutive sittings of the House under Rule 374A of the Rules of Procedure and Conduct of Business in Lok Sabha.

On 6 August, the Minister of External Affairs, **Smt. Sushma Swaraj**, made a statement regarding her alleged role on the issue of a request made to the British Government for issuing travel document **Lalit Modi**, a former IPL chief. In her statement in Lok Sabha, **Smt. Sushma Swaraj** forcefully refuted the allegation that she had made a request or recommendation to the British Government to grant travel documents to **Lalit Modi**. She quoted the reply given by the Ministry of Home Affairs of Britain in response to a request sent by an Indian Newspaper, which stated that *"The UK Home Departmentclaimed that travel documents issued to former IPL boss, Lalit Modi, to travel to Portugal to assist his ailing wife was determined in accordance with the appropriate rules."*

The Minister said the first sentence of the oral message she got sent was that *"if the British Government chooses to give travel documents to Lalit Modi that will not spoil our bilateral relations."* If the British Government was in favour of issuing travel documents to **Lalit Modi** then it was purely their decision and she had no role in that process. The message was conveyed by her purely on the basis of humanitarian ground, because of the serious medical condition of the wife of **Lalit Modi** under

treatment at a hospital in Portugal.

The Lok Sabha discussed an adjournment motion on 12 August, regarding the *“action taken by the government on the reported involvement and admission of the Union Minister and related acts and actions in assisting a fugitive and stand taken by the Government in this regard.”*

Moving the motion, the leader of the INC in Lok Sabha, **Shri Mallikarjun Kharge** said it would have been better had his proposal for an adjournment motion been accepted four weeks ago. He charged that the Minister of External Affairs had supported a fugitive and helped that person even after knowing everything about him. The Minister helped a person who had failed to appear before the Enforcement Directorate even after being asked frequently following which his passport was cancelled. Many cases of economic offence were pending against Lalit Modi. Asking the British Government to provide travel document to Lalit Modi even on humanitarian grounds was against the law and the Minister must resign. She had said that it would not affect the bilateral ties of the two countries whereas the UPA Government had warned the UK Government that if they gave travel documents, it could impact the bilateral relations. Telling the High Commissioner of the UK that giving travel documents to someone would not impact bilateral relations was nothing but a recommendation. **Shri Kharge** wanted to know who had taken the decision to issue a new passport to Lalit Modi and whether the government of India had

lodged its objection with the UK government for giving visa or residency permit to Lalit Modi. The INC leader demanded the resignation of the Foreign Affairs Minister on moral grounds for her direct or indirect involvement in in the matter.

Intervening in the debate, **Smt. Swaraj** asserted that she had done no wrong. It was never under her consideration to facilitate granting of travel documents to Lalit Modi. What was under her consideration was that if the British Government decided to grant travel documents to Lalit Modi then it would not adversely impact the bilateral relations. Thereupon, she verbally conveyed the message to the British Authorities that it would not adversely impact the bilateral relations and the British Government granted the travel documents to Lalit Modi in accordance with their rules. There was no question of committing a criminal offence as no court had declared Lalit Modi as an absconder or fugitive. **Dr P. Venugopa** (AIADMK) said whosoever was involved in the IPL scam should be punished. The government should take stringent action against Lalit Modi for misusing the travel documents to visit foreign countries and for diverting a lot of ill-gotten money. He hoped that the government would take appropriate action in the future to make the IPL free from controversies and corruption. **Shri Dinesh Trivedi** (AITC) said their party and its leader, **Kumari Mamta Banerjee** had always fought against corruption.

The BJD MP, **Shri Bhartruhari Mahtab** suggested that members should read the report

and action taken by the government on the observations/ recommendations contained in the Thirty-eighth Report (15th Lok Sabha) on the Subject ‘*Tax Assessment/ Exemptions and Related Matters Concerning IPL/ BCCI*’ presented to Parliament by the Standing Committee on Finance on 16 December 2014. It was corruption that would make the body politic democracy weak and here was a case which needed appropriate action from the government side which had just started.

Shri Anandrao Adsul (Shiv Sena) opposing the motion blamed the Congress members for wasting the time of the House. **Shri Thota Narasimham** (TDP) said the allegations leveled against the External Affairs Minister were absolutely baseless. The fact was that when the IPL scam broke out the then UPA government did nothing to stop the individual in question from escaping to Britain. He requested the opposition to let the House to function smoothly so that many pressing issues could be discussed.

Shri A.P. Jithender Reddy (TRS) said it was unfortunate that the image of a sport like cricket which was played and watched by all groups of people passionately was tarnished by some mala fide interests. The sanctity of the sports must be protected and suitable action should be taken against the accused in a time bound manner.

Shri P. Karunakaran (CPI-M) observed that the main issue involved breaking of the standard protocol by the Foreign Minister. He wanted to know whether the decision to tell the British High Commissioner in

New Delhi that if the British Government chose to give travel documents to the then IPL Chief that would not spoil bilateral relations was taken with the knowledge of the Prime Minister and whether it was discussed in the Cabinet.

Shri M. Raja Mohan Reddy (YSR Congress) wanted everything to be investigated thoroughly to decide the case on its merits and not just because somebody had leveled allegations against someone.

Shri Prem Singh Chandumajra (SAD) was of the view that the Foreign Minister had acted legally in the case in question.

Shri Tariq Anwar (INC) argued that morality in public life was a very important thing and whenever such occasions arose one should keep the dignity of the nation utmost in the mind. Whenever such kind of question mark was put on one’s public life, it would be better for the person to exonerate himself or herself of the same.

Shri Bhagwant Mann (APP) said his party had raised its voice against any kind of corruption and the government should take stern action against the offender in this case.

Shri E.T. Mohammad Basheer (IUML) alleged that the government had a soft corner for Lalit Modi and the External Affairs Minister had abused power by helping an economic offender.

Shri Asaduddin Owaisi (AIMIM), while supporting the adjournment motion was surprised that after disrupting the House for so many days, the Congress party ultimately agreed on a discussion and gave the opportunity to the Minister of External Affairs to put forth her views. He said the Prime Minister should

have come to the House and announced his full faith and trust on the Minister.

Smt. Anupriya Patel (Apna Dal) referring to the disruption of proceedings said 40 Members disrupted the Session in such a way that she, as a new member, felt that all the rights in democracy rested with the opposition and the ruling party had nothing. The entire country came to know that the Congress party was opposing merely to oppose and there was no content in their allegations.

Shri Dushyant Chautala (INLD) believed that a number of people were involved in this IPL scam and inquiry should be conducted against them.

Shri N.K. Premachandran (RSP) said the External Affairs Minister must resign at the earliest in order to uphold the principles of democracy.

Shri Chirag Paswan (LJP) said Smt. Sushma Swaraj was a source of inspiration for young politicians like him and she had not done anything wrong in her long political career.

Shri Rahul Gandhi (INC) said several people do humanitarian works but Smt. Sushma Swaraj, the Minister of External Affairs was the first individual in the world who did her humanitarian works in secrecy. He wanted to know as to why Lalit Modi and the black money network were being protected.

The Minister of Finance, Minister of Corporate Affairs and Minister of Information and Broadcasting, **Shri Arun Jaitley**, replying to the debate said after the 2009 IPL cricket tournament held in South Africa, the Enforcement Directorate issued notice on the basis of the assumption that money had been transferred for the tournament without taking permission from the Reserve Bank of India. In spite of the notices, that person did not appear for the investigation and ran away to London. The then UPA Government issued a light blue corner alert to arrest that person.

The case against that person was under the Foreign Exchange Management Act (FEMA) under which the maximum punishment

was fine and penalty. Under FEMA, there was no provision for any red corner alert or for any bailable or non-bailable warrant. Under FEMA, no one could be declared an absconder or a fugitive because one could not be arrested. Later, when the then Finance Minister wrote letters to the Chancellor of the Exchequer in England saying why Lalit Modi was being allowed to stay in England when the Indian government had cancelled Lalit Modi's passport, the Chancellor had replied that the person could not be deported under the British law because there had to be some criminal case for deportation. The Chancellor suggested applying for his extradition under the British Extradition Law. Meanwhile the Delhi High Court delivered a judgement saying that his passport has been wrongly cancelled. Thus, every step taken by the UPA government was taken in the wrong direction.

Sri Jaitley said the government would take all appropriate steps as per law against Lalit Modi. He said the opposition was

responsible for washing out of the entire Session of the House on a non issue. The UPA when in power ran a failed government and when things began to look good in India and there was a new confidence, the opposition wanted to sabotage the Indian growth story. Smt. Sushma Swaraj was only a pretext. The real reason was that the Congress party wanted to prevent important legislations, particularly the constitution amendment on the Goods and Services Tax.

Intervening in the debate, the Minister of Urban Development, Minister of Housing and Urban Poverty Alleviation and Minister of Parliamentary Affairs, **Shri M. Venkaiah Naidu** said the people of the country had given a mandate to Shri Narendra Modi and to the BJP government. He requested the members to argue, discuss, debate and decide and allow the Parliament to function.

At the end of the debate, the Adjournment Motion was negated.



THIRD READING: INDIA

The Regional Rural Banks (Amendment) Bill, 2014

The Regional Rural Banks Act, 1976 provides for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing credit and other facilities for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs. The said Act was amended from time to time and the last amendment was made in the year 2005.

In view of growing business of the Regional Rural Banks and expansion of their role in both qualitative as well as quantitative terms in extending banking services in rural areas, a need was felt by the Government to amend the Regional Rural Banks Act, 1976 to strengthen their capital base and improve their overall capabilities.

The Government accordingly brought forward the Regional Rural Banks (Amendment) Bill, 2014 to further amend the Regional Rural Banks Act, 1976.

Salient features of the Amending Bill:

- In Section 3 of the Principal Act, amendment has been made to provide for the continuance of managerial and financial assistance from Sponsor Banks beyond the first five years of functioning of Regional Rural Banks.
- In Section 5 of the Principal Act, amendment has been made to provide for the enhancement of authorised capital of each Regional Rural Bank from five crore rupees to two thousand crore rupees divided into two hundred crore of fully paid-up shares of ten rupees each.
- In Section 6 of the Principal Act, amendment has been proposed to provide for the issued capital of each Regional Rural Bank to be not less than one crore rupees and shares in all cases to be fully paid-up shares of ten rupees each. In this amendment has also been proposed to make provisions for raising capital by Regional Rural Banks from sources other than the Central Government, the State Government and the Sponsor Bank subject to the conditions:-
 - That in no event the combined shareholding of the Central Government and the Sponsor Bank shall be less than fifty-one per cent;
 - The State Government concerned to be

consulted, if its shareholding is reduced below fifteen per cent; and

- The Central Government to raise or reduce shareholding of the Central Government, concerned State Government and the Sponsor Bank, by notification, with prior consultation with the concerned State Government.
- In Section 9 of Principal Act containing provisions regarding Board of Directors, following amendments have been proposed:
- to make provisions for (i) shareholders to elect directors in view of the proposed provisions for raising private capital by Regional Rural Banks from sources other than the Central Government, the State Government and the Sponsor Bank; (ii) a person not be a director on the Board of more than one Regional Rural Bank; (iii) appointment of an officer of the Central Government on the Board of Regional Rural Banks, if considered necessary.
 - to provide for the term of the Directors nominated by the Central Government on the Board of Directors of the Regional Rural Banks under clause (a) of sub-section (1) of section 9 to be fixed for a period not exceeding three years and eligibility for re-nomination, and the combined tenure of the Central Government nominated Director on the Board of one or more Regional Rural Bank, whether continuously or intermittently, not to exceed six years.

The Bill was passed by Lok Sabha on 22 December 2014 and by Rajya Sabha on 28 April 2015 with amendments. The amendments made by Rajya Sabha were agreed to by Lok Sabha on 5 May 2015. The Bill as passed by both Houses of Parliament was assented to by the President of India on 12 May 2015.

The Payment and Settlement Systems (Amendment) Bill, 2015

The Payment and Settlement Systems Act, 2007 was enacted for the regulation and supervision of payment systems in India and to designate the Reserve Bank of India as the authority for that purpose and for matters connected therewith.

Subsequent to the enactment of this Act, the country had witnessed orderly growth of payment systems, and these payments systems are granted

authorisation on the principles of safety, security, soundness, efficiency and accessibility. After the global financial crisis in 2007-08, several developments took place, driven primarily by the G20, for reforming the Over the Counter derivatives markets. Some of these new initiatives included setting up of Trade Repositories and Legal Entity Identification System.

The Trade Repositories had emerged as a new type of Financial Market Infrastructure and are growing in importance, particularly in the Over the Counter derivatives market. However, there was no specific legal provision in any of the laws administered by the Reserve Bank of India to regulate and supervise the Trade Repositories in India. Therefore, compliance of the Trade Repositories with international norms needed to be ensured by the regulator through appropriate legal powers. In line with the G20 commitment and the global developments, the Reserve Bank of India had designated the Clearing Corporation of India Limited as a Trade Repository.

The global financial crisis in 2007-08 and the resultant difficulties experienced by banks and regulatory agencies to identify the complicated business ventures and to efficiently establish connections between issuers and securities brought forth the need for a standard uniform code to properly attribute Over the Counter derivatives activity to a party or group. Recognising the importance of a global identifier as a key component of necessary improvements in financial data systems, the G20 endorsed the development and maintenance of a global Legal Entity Identifier system. The Legal Entity Identifier is a 20-character unique identity code assigned to entities which are parties to a financial transaction and would be unique across the globe. There was, however, no legal provision under any of the laws administered by the Reserve Bank of India for regulation and oversight of the Legal Entity Identifier issuer. The Reserve Bank of India had selected the Clearing Corporation of India Limited to act as a Local Operating Unit for issuing globally compatible Legal Entity Identifier in India. The use of the Legal Entity Identifier numbers is likely to be mandated for Over the Counter derivative transactions and large borrowers in a phased manner.

Given the markets being served by the Clearing Corporation of India Limited, the participating banks run significant exposures against the said



Corporation, in its role as central counter party. Hence, it was felt necessary to provide a sound and enforceable legal basis for “netting” of banks exposures to said Corporation so that their exposure is reduced significantly. The said Act, though providing for netting protection and settlement finality in the event of insolvency or dissolution of system participants, did not expressly contemplate a situation which may warrant netting on account of insolvency or dissolution of the central counter party itself. The proposed amendments on enforceability of netting in the event of insolvency or dissolution of the system provider would provide finality to the determination of the payment obligations and settlement instructions between a central counter party and system participants in the event of insolvency, dissolution or winding up of a central counter party.

Further, it was felt that these were some legal difficulties in securing the customers’ interest held in escrowed accounts in the event of insolvency or bankruptcy of prepaid instruments, operators, which are required to be addressed.

The Government accordingly brought forward the Payment and Settlement Systems (Amendment) Bill, 2014 proposing amendments to increase transparency and stability of Indian financial markets in line with globally accepted norms.

Core provisions of the Amending Bill

- Sub-section (4) of section 23 of Principal Act to be amended to provide that where by an order of the court, Tribunal or authority, the system participant is declared as insolvent or is dissolved or wound up, such order shall not affect any settlement that has become final and irrevocable prior to such order or immediately thereafter.
- A new sub-section (5) in section 23 of the Principal Act inserted so as to provide that where an order under sub-section (4) of section 23 is made with respect to a “central counter party”, the payment obligations and settlement instructions between the central counter party and the system participants shall be determined by such central counter party in accordance with the gross or netting procedure, as the case may be, approved by the Reserve Bank of India.
- A new sub-section (6) in section 23 of the Principal Act inserted so as to provide that the liquidator or receiver of the central counter party shall not re-open the determination which has become final and irrevocable and after appropriating the collateral provided by system participants towards their settlement obligations, return the excess collaterals to system participants.

- A new section 23A relating to “protection of funds collected from the customers by the payment system providers”, inserted.
- A new section 34A inserted so as to apply the said Act to the designated trade repository and legal entity identifier issuer.

The Amending Bill was passed by Lok Sabha on 9 December 2014 and by Rajya Sabha with amendments on 27 April 2015. The Amendments made by Rajya Sabha were agreed to by Lok Sabha on 5 May 2015. The Bill as passed by both Houses of Parliament was assented to by the President of India on 13 May 2015.

The Repealing and Amending (Second) Bill, 2014

As a periodical measure, enactments which have ceased to be in force or have become obsolete or the retention whereof as separate Act is found unnecessary, are either repealed or in case where formal defects are detected in enactments are corrected.

In furtherance of this endeavour the Government brought forward the Repealing and Amending (Second) Bill, 2014.

Highlights of the Repealing Amending Bill

The following Bills as set out in *First Schedule* of the Amending Bill had been proposed to be amended:-

- The Export-Import Bank of India (Amendment) Act, 1998
- The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998
- The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999
- The Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 2000
- The Small Industries Development Bank of India (Amendment) Act, 2000
- The Food Corporations (Amendment) Act, 2000
- The National Housing Bank (Amendment) Act, 2000
- The Salary, Allowances and Pensions of Members of Parliament (Amendment) Act, 2000
- The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000
- The Major Port Trusts (Amendment) Act, 2000
- The Insecticides (Amendment) Act, 2000
- The Border Security Force (Amendment) Act, 2000
- The State Financial Corporations (Amendment) Act, 2000
- The Multimodal Transportation of Goods (Amendment) Act, 2000
- The National Bank for Agriculture and Rural Development (Amendment) Act, 2000

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- The Chit Funds (Amendment) Act, 2001
 - The Warehousing Corporations (Amendment) Act, 2001
 - The Food Corporations (Amendment) Act, 2001
 - The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001
 - The Inland Waterways Authority of India (Amendment) Act, 2001
 - The Salary, Allowances and Pensions of Members of Parliament (Amendment) Act, 2001
 - The Explosive Substance (Amendment) Act, 2001
 - The Inter-State Water Disputes (Amendment) Act, 2002
 - The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002
 - The Sugar Development Fund (Amendment) Act, 2002
 - The Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002
 - The Salary, Allowances and Pensions of Members of Parliament (Amendment) Act, 2002
 - The General Insurance Business (Nationalization) Amendment Act, 2002
 - The Insurance (Amendment) Act, 2002
 - The Homoeopathy Central Council (Amendment) Act, 2002
 - The Indian Medicine Central Council (Amendment) Act, 2002
 - The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002
 - The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002
 - The Consumer Protection (Amendment) Act, 2002
 - The High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002
 - The Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002
 - The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002
 - The Companies (Second Amendment) Act, 2002
 - The Delhi High Court (Amendment) Act, 2003
 - The Essential Commodities (Amendment) Act, 2003
 - The Sixth Schedule to the Constitution (Amendment) Act, 2003
 - The National Bank for Agriculture and Rural Development (Amendment) Act, 2003
 - The Railways (Second Amendment) Act, 2003
 - The Indian Medicine Central Council (Amendment) Act, 2003
 - The Merchant Shipping (Amendment) Act, 2003
 - The Prevention of Terrorism (Amendment) Act, 2003
 - The Citizenship (Amendment) Act, 2003
 - The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003
 - The Foreigners (Amendment) Act, 2004
 - The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004
 - The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2004
 - The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005
 - The Citizenship (Amendment) Act, 2005
 - The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Act, 2005
 - The Warehousing Corporations (Amendment) Act, 2005
 - The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005
 - The Criminal Law (Amendment) Act, 2005
 - The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006
 - The Contempt of Courts (Amendment) Act, 2006
 - The Reserve Bank of India (Amendment) Act, 2006
 - The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006
 - The Banking Companies (Acquisition and Transfer of Undertakings and Financial Institutions Laws (Amendment) Act, 2006
 - The Essential Commodities (Amendment) Act, 2006
 - The Banking Regulation (Amendment) Act, 2007
 - The National Tax Tribunal (Amendment) Act, 2007
 - The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2007
 - The State Bank of India (Amendment) Act, 2007
 - The Inland Vessels (Amendment) Act, 2007
 - The Merchant Shipping (Amendment) Act, 2007
 - The Sugar Development Fund (Amendment) Act, 2008
 - The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008
 - The Code of Criminal Procedure (Amendment) Act, 2008
 - The Supreme Court (Number of Judges) Amendment Act, 2008
 - The Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009
 - The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009
 - The State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009
 - The State Bank of India (Amendment) Act, 2010
 - The Salary, Allowances and Pensions of Members of Parliament (Amendment) Act, 2010
 - The Code of Criminal Procedure (Amendment) Act, 2010
 - The Indian Medicine Central Council (Amendment) Act, 2010
 - The State Bank of India (Subsidiary Banks) Amendment Act, 2011
 - The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2011
 - The New Delhi Municipal Council (Amendment) Act, 2011
 - The Life Insurance Corporation (Amendment) Act, 2011
 - The Export-Import Bank of India (Amendment) Act, 2011
 - The North-Eastern Areas (Reorganization) and Other Related Laws (Amendment) Act, 2012
 - The Chemical Weapons Convention (Amendment) Act, 2012
 - The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012
 - The Banking Laws (Amendment) Act, 2012
 - The Wakf (Amendment) Act, 2013
- In the following two Bills in the *Second Schedule*, some minor procedural defects had been corrected:
- The Railways (Amendment) Act, 2008 (the words and figure “*Section 2*” had been omitted and instead inserted after brackets).
 - The Indian Maritime University Act, 2008 (In section 2, for the words “*in all Statutes made hereunder*” had been substituted).
- The Repealing and Amending (Second) Bill, was passed by Lok Sabha on 8 December, 2014 and by Rajya Sabha with some amendments on 5 May, 2015. The amendments made by Rajya Sabha were agreed to by Lok Sabha on 7 May, 2015. The Bill as passed by both Houses of Parliament was assented to by the President of India on 7 May, 2015.

MINISTERIAL RESIGNATIONS

Ministers resign

The Prime Minister, Hon. Malcolm Turnbull MP, only months into his prime ministership, has been rocked by the resignation of three senior ministers in quick succession. This comes as the Turnbull Government faces an election later in 2016.

Hon. Jamie Briggs MP, Minister for Cities and the Built Environment, resigned after an Australian female public servant complained about his behaviour at a Hong Kong street bar during an official trip in November. It is alleged that the behaviour involved a hug, a comment about her eyes and kiss as they were departing the bar.

On 29 December, the Prime Minister announced that Mr Briggs had resigned. The Prime Minister noted that “as Mr Briggs has noted in his public statement, Ministers are expected to uphold high standards of behaviour as set out in the Ministerial Standards. On this occasion his conduct fell short of that standard. After being invited to reflect on his position, he offered his resignation which I have accepted.”

Mr Briggs in his letter of resignation commented that his decision to resign “has been made after careful

reflection about certain matters that occurred during an official visit to Hong Kong in late November of this year.”

Mr Briggs further stated that “at the conclusion of the official programme for the day, my Chief of Staff and I went for dinner and we invited several other officials of which one female public servant agreed to attend. At the conclusion of the dinner (which I paid for personally) we went to a popular and as it transpired very crowded bar for drinks during which we interacted between the three of us and with others in what I believed, at the time, was an informal manner. At the conclusion of the evening, the public servant left to return home and my Chief of Staff and I returned to our hotel together. At no point was it my intention to act inappropriately and I’m obliged to note for the record that nothing illegal has been alleged or did in fact occur.”

Mr Briggs noted that “however, in the days following the evening the public servant raised a concern about the appropriateness of my behaviour towards her at the venue. I have apologised directly to her but after careful reflection about the concerns she raised and the fact that I was at a bar, late at night while on an overseas visit, I have concluded that this behaviour has not met the particularly high standards required of Ministers. Therefore the proper course for me is to resign. This was an error of professional judgement.”

Hon. Malcolm Brough MP, resigned as Special Minister of State as a result of a continuing Australian Federal Police (AFP) inquiry into his alleged involvement

in the unauthorised access to diary extracts of the former Speaker, **Hon. Peter Slipper** by the former Speaker’s staff member, Mr James Ashby.

On 18 November, Mr Brough stated that “I can confirm reports that the AFP visited me on Tuesday requesting any documentation relating to allegations involving the disclosure of diary notes of Mr Slipper.” Mr Brough further stated that “I can also confirm that I provided the exact same material to the AFP as I previously provided to the Federal Court.”

During question time in the House of Representatives, Mr Brough received a series of ongoing questions about this matter from the Shadow Attorney-General, **Hon. Mark Dreyfus MP**. In rebutting these questions, Mr Brough referred Mr Dreyfuss to remarks he made in his statement on 18 November. On 29 December the Prime Minister confirmed in a statement that “Mr Brough and I have agreed that he will stand aside as Special Minister of State and Minister for Defence Materiel and Science pending the completion of inquiries by the police.” The Prime Minister noted that “in offering to stand aside Mr Brough has done the right thing, recognising the importance of the Government maintaining an unwavering focus on jobs, economic growth and national security.”

On 13 February Mr Turnbull advised that “Mal Brough informed me earlier today that he did not wish to be considered for a position in the new executive line up given the fact that the police investigations are continuing

and will continue at least for some months, as he understands.”

Hon. Stuart Robert MP, resigned as Minister for Veterans’ Affairs and Minister for Human Services for breaching ministerial rules. In 2014 Mr Robert while a Minister, but in a personal capacity, travelled to China to help close a mining deal between Nimrod Resources run by his friend and Liberal Party donor Mr Paul Marks and the Chinese government-owned company Minmetals.

On 9 February when questioned over this matter during question time, Mr Robert stated that “I thank the member for his question regarding a visit I undertook overseas in a personal capacity in 2014. Can I say to the House: I am confident I have not acted inappropriately and, as the Prime Minister said yesterday, this matter has been referred to the highest public servant in the land, Dr Martin Parkinson PSM, for review and I, of course, will fully assist the secretary in his review.”

On 12 February, the Prime Minister announced that Mr Robert’s actions were inconsistent with ministerial standards and that he would be standing down. Mr Turnbull stated that “in the course of assisting the investigation, Mr Robert advised Dr Parkinson that on checking his records he had become aware that shares in Metallum Holdings Pty Ltd, a company in which Mr Marks was also a shareholder, had been allocated to his trustee some time before the visit to Beijing. He told Dr Parkinson that this had been done without his knowledge. He further advised Dr Parkinson that he believed Metallum Holdings



Hon. Malcolm Turnbull MP
Prime Minister

Pty Ltd had an interest in Nimrod Resources. Mr Robert recognised that this connection would create the impression that at the time he went to Beijing he had something personally to gain from the Nimrod Resources project."

Mr Turnbull advised that "as a result, Mr Robert has asked me not to consider him in the pending reshuffle of the ministry. I thank him for his service as a minister and for his candid co-operation with Dr Parkinson in his inquiry." Mr Turnbull noted that "Dr Parkinson concluded that Mr Robert had acted inconsistently with the Statement of Ministerial Standards, although he accepts that Mr Robert may not have intended to do so. He also notes that Mr Robert appears not to have received any financial benefit and that the conduct in question did not directly relate to Mr Robert's Ministerial duties."

The Leader of the Opposition, **Hon. Bill Shorten MP**, commented that "Malcolm Turnbull is too arrogant to answer questions in the Parliament on the Stuart Robert scandal, too arrogant to face the media, too arrogant to be accountable to the Australian people. I do not believe that Mr Turnbull's Liberals understand what Stuart Robert has done wrong, even now. The new Deputy Prime Minister, Barnaby Joyce, has said, and I quote, 'what was the crime?' Foreign Minister Julie Bishop has said and I quote, 'it's perfectly acceptable.' Treasurer Scott Morrison, a Stuart Robert ally has said that it was a 'beat-up'. Even today in Mr Turnbull's media statement, he has not actually said that Stuart Robert has done the wrong thing."

This matter has not concluded as the Shadow

Attorney-General, **Hon. Mark Dreyfus MP**, has referred Mr Robert's action to the Australian Federal Police for further investigation.

Prime Minister Turnbull announces new Ministry

The Prime Minister, **Hon. Malcolm Turnbull MP**, has been forced to revise his ministerial line-up due to a number of Ministers being forced to resign and others announcing their retirement in the lead up to the election later in 2016.

On 13 February, the Prime Minister announced his new Ministry. Mr Turnbull stated that "the new ministerial line up that I'm announcing today is a dynamic team which combines youth, new talent, experience, continuity and a real sense of innovation and enterprise. It's a team that's focused on Australia's future, focused on the policies that will encourage innovation and enterprise, secure our prosperity as a 21st century economy with a strong social welfare safety net, ensure we remain the nation we want to be, we want to remain, high wages, generous social welfare safety net, advanced technology, jobs for our children and our grandchildren in this the most exciting time in human history."

The Leader of the Opposition, **Hon. Bill Shorten MP**, commented that "I think that the Turnbull Government's in a bit of chaos really. It's bad form to lose 14 ministers in the last six months. We're about two months or three months away from a Budget and we've got a whole lot of L-plate ministers trying to work out how to get the Budget back in the black, how to make big decisions about the future of Australia. This ministerial reshuffle, no amount of camouflage can

disguise what it is: it's a response to the Stuart Robert scandal. Malcolm Turnbull promised a stronger form of government after he rolled Tony Abbott. Everyone in Australia is just wondering when it begins."

Mr Turnbull paid tribute to two senior ministers who announced their retirement. **Hon. Warren Truss MP**, former leader of the Nationals and Deputy Prime Minister will be retiring at the next election and stepping down from the ministry. Similarly, **Hon. Andrew Robb MP**, former Minister for Trade, announced that he also would be retiring at the next election. Mr Turnbull stated that "I want to pay tribute, especially to two towering figures of the Coalition in government and indeed in opposition, who retired during this week, Warren Truss and Andrew Robb. And you know, they have left us and their talents are immense but what it has underlined to me and this has been the hardest part of my work since then, is the enormous talent we have in our party room."

Due to the retirement of Mr Truss, **Hon. Barnaby Joyce MP**, and **Hon. Fiona Nash MP**, were elected as Leader and Deputy Leader respectively of the National Party. Under the Coalition agreement, Mr Joyce becomes Deputy Prime Minister. Mr Joyce retained his portfolio of Agriculture and Water Resources, while Ms Nash becomes Minister for Regional Development, Regional Communications and Rural Health.

Hon. Steven Ciobo MP, takes over from Mr Robb as the Minister for Trade but



the Prime Minister noted that "I'm appointing Andrew Robb as a Special Envoy for Trade between now and the election so that he can support Steven in the transition into the new portfolio and ensure that Andrew's remarkable range of international contacts will be introduced to his successor." **Hon. Darren Chester MP**, will take on Mr Truss's responsibilities for infrastructure and transport.

Senator Hon. Mathias Cormann retains his position as Minister for Finance but also takes on the role of Special Minister of State. **Senator Hon. Scott Ryan** takes on the role of Minister for Vocational Education and Skills. **Hon. Alan Tudge MP** becomes Minister for Human Services, **Mr Dan Tehan MP**, becomes Minister for Defence Material and the Minister for Veterans' Services, and **Mr Craig Laundy MP**, becomes Minister for Multicultural Affairs.

Senator Hon. Concetta Fierravanti-Wells becomes Minister for International Development and the Pacific and **Senator Matt Canavan** becomes Minister for Northern Australia.

Senate Additional Estimates 8 to 12 February 2016

Senate estimates are one of the most effective instruments of the Australian Parliament for scrutinising and holding

the executive to account. Government agencies are called to appear before various Senate Legislation Committees. In addition, parliamentary departments are also scrutinised. The Australian Parliament is supported by four parliamentary departments comprising the Department of Parliamentary Services (DPS), the Parliamentary Budget Office, the Department of the Senate and the Department of the House of Representatives. The Parliamentary Library is part of DPS and the Parliamentary Education Office is part of the Department of the Senate. The Department of the House of Representatives does not appear before Senate Estimates Committees.

During scrutiny of the Department of the Senate, the Clerk of the Senate, **Dr Rosemary Laing**, was scrutinised about the increasing workload of the Committee Office arising from the large number of inquiries. Dr Laing, during her opening statement to the Senate Finance and Public Administration Legislation Committee, commented that “overall, the Senate Committee Office is currently supporting 83 separate inquiries, which is either a record or pretty near it. This number does not include the work of the legislative scrutiny committees or those joint committees whose secretariats are provided by the other side.” Dr Laing noted that “while the number of staff has increased because of temporary funding—for one year—provided in the last budget, the ultimate capacity of committees, measured by the number of senators available to serve on them, has not increased for over three decades and is not likely to for the foreseeable future. Frankly, I wonder where all

this is heading. I conclude by saying that I sincerely hope that the thoroughness and credibility of Senate Committee inquiries, the willingness of witnesses to make submissions and keep coming back to give evidence, and the value of what is unique about Senate Committee inquiries, which are all the product of decades of sustained efforts by senators and staff, will survive the demands currently being placed on the system.”

The Committee Chair, **Senator Cory Bernardi**, commented that “I would like to say that I share your sentiments and concerns about Senate inquiries. I wonder if you have any information, or whether you can provide it on notice, about senators who have supported the initiation of an inquiry—either sponsoring the inquiry or as a party to the motion—but who have then failed to participate in that inquiry?”

Dr Laing responded that there was no information to hand but in any event “it is the Senate that makes decisions. One senator may put up a notice of motion for decision, but it is the Senate that makes the decision.”

Senator Bernardi responded that “indeed that is true, but the inquiry is initiated at the instigation of the people named in the reference. It has been my experience, on some inquiries that I have participated in, that sometimes the people who have initiated the reference do not even turn up to it. It beggars belief that a senator wants to initiate an inquiry and then does not participate in it. It is extraordinary. We have to pick up the load and you guys have to pick up the load as well.”

Dr Laing concluded that “as I said, it is a matter for senators and the Senate, but we will see if we can retrieve anything enlightening.”

Australian Citizenship Amendment (Allegiance to Australia) Act 2015

The legislation provides explicit powers for the cessation of Australian citizenship in specified circumstances where a dual citizen engages in terrorism-related conduct. The Minister for Immigration and Border Protection, **Hon. Peter Dutton MP**, commented that the legislation “implements the commitment made by the Prime Minister, myself and the Australian Government to address the challenges posed by dual citizens who betray Australia by participating in serious terrorism related activities.” Mr Dutton commented that a purpose clause has been inserted into the legislation which “states that, by these amendments, the parliament recognises that Australian citizenship is a common bond, involving reciprocal rights and obligations, and that citizens may, through certain conduct incompatible with the safety and shared values of the Australian community demonstrate that they have severed that bond and renounced their allegiance to Australia.” Mr Dutton noted that “in accordance with Australia’s international law obligations, no-one will lose citizenship under any of these provisions unless they are a national of another country.”

The new section of the legislation provides that a person who is a national or citizen of a country other than Australia renounces their Australian citizenship if they act inconsistently with their allegiance to Australia by engaging in specified conduct including: engaging in international terrorist activities using explosive or lethal devices; engaging in a terrorist act; providing or receiving training connected with preparation for, engagement in, or assistance in a terrorist act; directing the activities of a terrorist organisation; recruiting for a terrorist organisation; financing terrorism; financing a terrorist; and engaging in foreign incursions and recruitment.

Automatic loss of citizenship will be triggered whether the conduct takes place inside or outside Australia. The Minister must give notice that a person has ceased to be an Australian citizen once the Minister becomes aware of the person’s conduct giving rise to that outcome, but this notice does not affect when the loss of citizenship takes place.

In summing up debate on the legislation, Mr Dutton noted the work of the Parliamentary Joint Committee on Intelligence and Security in reviewing the Bill and making recommendations to include additional safeguards in the legislation which the government accepted.

During debate in the Senate, the Shadow Minister for Higher Education, Research, Innovation and Industry, **Senator Hon. Kim Carr**, commented that it “is one of the most controversial items of legislation to have arisen from the current concerns about global terrorism and the potential involvement of Australians.” Senator Carr noted that “this Bill contains many provisions intended to ensure that people cannot easily forfeit their citizenship and the right to call themselves Australian. This is important, particularly given what we have just heard: in respect of this Bill, it

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is in a form, which has been introduced to the Senate today, which is vastly different from the original Bill introduced in the other place in June. The Bill we are now presented with was substantially amended in response to the recommendations of the Joint Committee on Intelligence and Security. It is because of those changes, which greatly constrained the power of the Minister for Immigration and Border Protection to deprive a person of citizenship, that Labor is willing to support the Bill."

Education Legislation Amendment (Overseas Debt Recovery) Act 2015

The legislation creates an overseas repayment obligation for Australians who have taken advantage of the government's generous income-contingent loans. This includes Higher Education Loan Program (or HELP) loans and trade support loans (TSL). The then Minister for Education and Training, **Hon. Christopher Pyne MP**, commented that the legislation is "about ensuring equity and fairness for all Australians with HELP or TSL debts, and about maintaining the stability and security of our education and training systems."

Mr Pyne noted that "under the current system, Australians overseas are able to make voluntary repayments to the Australian Taxation Office but are not under any legal obligation to repay their debt to the Australian taxpayer." In response to this situation Mr Pyne stated that "now, for the first time, Australians who live and work overseas will be required to pay back the same amount of their HELP or TSL debt as they would if they were living and working in Australia. This is a matter of equity. It is also a matter of sustainability, ensuring the quality of future education in Australia, and being one of the reasonable measures needed to maximise the repayment of debts to the taxpayers while preserving the income contingent nature of our student and trade loans."

The measure will save more than \$25 million from 2015–16 to 2018–19 and more than \$150 million over 10 years in fiscal balance terms. Mr Pyne noted that "the repayment system will uphold the

income-contingent nature of our student loans system—a system that is the envy of the world—by only requiring those who earn above the minimum repayment threshold to make the repayments they would have to make if they were in Australia."

In 2015 HELP and trade support loan debtors in Australia only begin to repay their debt when they earn over \$54,126 per annum, after which borrowers pay four per cent of their income towards their debt. Mr Pyne advised that "under our proposed higher education reforms, there would be a new minimum repayment income threshold of \$50,638 in 2016–17, and the new minimum repayment would be two per cent per year. Australians living overseas would only begin to repay their debts when their income reaches the equivalent amount."

During debate in the Senate, **Senator Helen Polley** noted that Labor would support the legislation commenting that the measures are the "first step towards recovering unpaid HECS [Higher Education Contribution Scheme] debts from Australians living overseas." Senator Polley commented that "we regret, however, that the government has taken so long to introduce this measure, which it foreshadowed shortly after the 2014 budget. There is no mystery about the reason for the delay. For most of the past 18 months the government has been preoccupied with its agenda to deregulate university fees and cut funding for student places."

Senator Robert Simms, Australian Greens, commented that he was "sceptical about the ability of this measure to raise even the pitiful amount of revenue that has

been projected, requiring, as it does, the self-registration of foreign residents and overseas travellers. Even with the punitive regime that this Bill requires, with the tax office potentially hovering over anyone who fails to sign up before going on a backpacking trip around South America or South-East Asia, I have much less hope than the government at the revenue-raising possibilities involved here." Senator Simms concluded that "even if these projections of potential revenue turn out to be correct, the Greens would not support this Bill. Not only is it evidence of a government with distorted priorities but it is poorly crafted and it contains some serious procedural problems that we will seek to amend."

Senator Simms noted that "the first reservation that the Greens have with this Bill is the requirement that those with existing HELP or TSL debt who are intending to travel overseas for more than six months after the commencement of the Bill have only up to seven days to register with the Australian Taxation Office. Failing to comply with this would amount to a failure to comply with the Taxation Administration Act, with a roughly equivalent punishment. Additionally, foreign residents with assessed worldwide income above the repayment threshold must pay an amount equivalent to the repayment that they would make if they were an Australian resident. The government has entirely put the onus on the individual to not only be aware of their responsibilities in this Bill but also assess whether they are in fact over the assessable worldwide income. It is a bit onerous to expect people living overseas to keep up to date with the happenings in Australian politics."



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(2015-2016 to complete the
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(2015-2018)

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